

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 23-1037

BY REPRESENTATIVE(S) Martinez and Pugliese, Amabile, Armagost, Bacon, Bird, Boesenecker, Daugherty, deGruy Kennedy, Dickson, Duran, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Lieder, Lindsay, Lindstedt, Luck, Lukens, Mabrey, Marshall, McCormick, McLachlan, Michaelson Jenet, Ortiz, Parenti, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Valdez, Velasco, Vigil, Weinberg, Weissman, Willford, Wilson, Winter T., Woodrow, Young, McCluskie, Brown, Lynch; also SENATOR(S) Gonzales, Buckner, Coleman, Cutter, Danielson, Exum, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Moreno, Pelton R., Priola, Rodriguez, Simpson, Winter F., Fenberg.

CONCERNING AWARDING EARNED TIME TO NONVIOLENT OFFENDERS WHO COMPLETE AN ACCREDITED HIGHER EDUCATION PROGRAM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 17-22.5-405, **add** (3.7) and (9)(a.3) as follows:

17-22.5-405. Earned time - earned release time - achievement earned time - definition. (3.7) (a) FOR AN INMATE SENTENCED FOR A NONVIOLENT FELONY OFFENSE AS DESCRIBED IN SUBSECTION (5) OF THIS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION, IN ADDITION TO THE EARNED TIME DEDUCTED PURSUANT TO SUBSECTION (1) OR (1.5) OF THIS SECTION, EARNED TIME SHALL BE DEDUCTED FROM THE INMATE'S SENTENCE FOR EACH ACCREDITED DEGREE OR OTHER CREDENTIAL AWARDED BY A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION DESIGNATED BY THE DEPARTMENT PURSUANT TO SUBSECTION (3.7)(b) OF THIS SECTION TO THE INMATE WHILE THE INMATE IS INCARCERATED OR ON PAROLE AS FOLLOWS:

(I) EIGHTEEN MONTHS OF EARNED TIME FOR A MASTER'S DEGREE AND TWO YEARS OF EARNED TIME FOR A DOCTORAL DEGREE;

(II) ONE YEAR OF EARNED TIME FOR AN ASSOCIATE DEGREE OR A BACCALAUREATE DEGREE; AND

(III) SIX MONTHS OF EARNED TIME FOR A CERTIFICATE OR OTHER CREDENTIAL THAT REQUIRES COMPLETION OF AT LEAST THIRTY CREDIT HOURS FOR AWARD OF THE CERTIFICATE OR CREDENTIAL.

(b) (I) NO LATER THAN SEPTEMBER 30, 2023, THE DEPARTMENT SHALL DESIGNATE UP TO SIX REGIONALLY ACCREDITED INSTITUTIONS OF HIGHER EDUCATION THAT MAY AWARD A DEGREE OR CREDENTIAL TO AN INMATE FOR WHICH EARNED TIME MAY BE DEDUCTED PURSUANT TO THIS SUBSECTION (3.7). THE DEPARTMENT SHALL MAKE THE LIST OF DESIGNATED INSTITUTIONS PUBLICLY AVAILABLE AND AVAILABLE TO INMATES INCARCERATED OR ON PAROLE.

(II) IN ITS PRESENTATION TO THE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203 MADE DURING THE 2028 LEGISLATIVE SESSION, THE DEPARTMENT MAY RECOMMEND A CHANGE IN THE NUMBER OF INSTITUTIONS IT MAY DESIGNATE PURSUANT TO THIS SUBSECTION (3.7)(b).

(9) (a.3) THE DEPARTMENT SHALL NOT AWARD EARNED TIME TO AN OFFENDER PURSUANT TO THIS SUBSECTION (9) FOR COMPLETION OF AN ASSOCIATE, BACCALAUREATE, OR GRADUATE DEGREE OR A CERTIFICATE OR OTHER CREDENTIAL FOR WHICH EARNED TIME IS DEDUCTED PURSUANT TO SUBSECTION (3.7) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, **add** 17-22.5-108 as follows:

17-22.5-108. Appropriation of savings from earned time awarded for completing an accredited higher education program - budget request requirement. (1) FOR STATE FISCAL YEAR 2024-25, AND FOR EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE THE SAVINGS INCURRED DURING THE PRIOR STATE FISCAL YEAR RESULTING FROM THE DEDUCTION OF EARNED TIME PURSUANT TO SECTION 17-22.5-405 (3.7) FOR COMPLETION OF AN ACCREDITED DEGREE, CERTIFICATE, OR OTHER CREDENTIAL PROGRAM TO THE DEPARTMENT OF HIGHER EDUCATION CREATED PURSUANT TO SECTION 24-1-114 FOR ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION THAT OFFER ACCREDITED DEGREE, CERTIFICATE, OR OTHER CREDENTIAL PROGRAMS IN A CORRECTIONAL FACILITY.

(2) BEGINNING WITH ITS ANNUAL BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE FOR STATE FISCAL YEAR 2024-25, AND FOR EACH STATE FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE IN ITS BUDGET REQUEST AN ESTIMATE OF THE SAVINGS ACCRUED DURING THE PRIOR STATE FISCAL YEAR RESULTING FROM THE DEDUCTION OF EARNED TIME PURSUANT TO SECTION 17-22.5-405 (3.7) FOR COMPLETION OF AN ACCREDITED DEGREE, CERTIFICATE, OR OTHER CREDENTIAL PROGRAM.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to a degree, certificate, or other credential awarded on or after the effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO