

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1179.01 Richard Sweetman x4333

SENATE BILL 16-180

SENATE SPONSORSHIP

Woods and Jahn, Aguilar, Guzman, Kerr, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Scheffel, Steadman, Todd, Ulibarri

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Senate Committees

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Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A SPECIALIZED PROGRAM WITHIN THE DEPARTMENT OF**
102 **CORRECTIONS FOR CERTAIN OFFENDERS WHO WERE CONVICTED**
103 **AS ADULTS FOR OFFENSES THEY COMMITTED AS JUVENILES, AND,**
104 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires the department of corrections (department) to develop and implement a program for offenders who were sentenced to an adult prison for a felony offense committed while the offender was

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 3, 2016

SENATE
Amended 2nd Reading
May 2, 2016

less than 18 years of age and who are determined to be appropriate for placement in the program. An offender serving a sentence for a felony committed while the offender was a juvenile may apply for placement in the program if he or she has served 20 calendar years of his or her sentence and has not been released on parole.

Upon receiving a petition from an eligible offender, the executive director of the department or his or her designee shall review the petition. In determining whether to place an offender in the program, the executive director or his or her designee shall consider certain criteria.

An offender who successfully completes the program may apply to the governor for early parole. The governor may grant early parole to such an offender if, in the governor's opinion, extraordinary mitigating circumstances exist and the offender's release from custody is compatible with the safety and welfare of society. The state board of parole shall make a recommendation to the governor concerning whether early parole should be granted to such an offender.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The United States supreme court has held in several recent
5 decisions regarding the criminal sentencing of juveniles that children are
6 constitutionally different than adults for purposes of sentencing and
7 should be given a meaningful opportunity for release based on
8 demonstrated maturity and rehabilitation;

9 (b) Colorado recognizes that children have not yet reached
10 developmental maturity before the age of eighteen years and therefore
11 have a heightened capacity to change behavior and a greater potential for
12 rehabilitation;

13 (c) Colorado has many offenders currently serving sentences in
14 the department of corrections who committed crimes when they were less
15 than eighteen years old and who no longer present a threat to public
16 safety; and

1 (d) Colorado is committed to research-based best practices in the
2 development and implementation of correctional policies and practices.

3 (2) Now, therefore, Colorado desires to implement a system that
4 allows any offender who committed a serious crime as a juvenile, was
5 treated as an adult by the criminal justice system, and has served more
6 than twenty calendar years of a sentence to the department of corrections,
7 during which he or she has exhibited growth and rehabilitation, the
8 opportunity to further demonstrate rehabilitation and earn early release in
9 a specialized program in a less secure setting without compromising
10 public safety.

11 **SECTION 2.** In Colorado Revised Statutes, **add** article 34 to title
12 17 as follows:

13 **ARTICLE 34**

14 **Specialized Program For Juveniles**

15 **Convicted As Adults**

16 **17-34-101. Juveniles who are convicted as adults in district**
17 **court - eligibility for specialized program placement - petitions.**

18 (1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN OFFENDER
19 SERVING A SENTENCE IN THE DEPARTMENT FOR A FELONY OFFENSE AS A
20 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR
21 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER
22 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION
23 19-2-518, C.R.S., OR PURSUANT TO EITHER OF THESE SECTIONS AS THEY
24 EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT, WITH AMENDMENTS,
25 BY HOUSE BILL 96-1005, AND WHO REMAINS IN THE CUSTODY OF THE
26 DEPARTMENT FOR THAT FELONY OFFENSE MAY PETITION FOR PLACEMENT
27 IN THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,

1 REFERRED TO WITHIN THIS SECTION AS THE "SPECIALIZED PROGRAM" AS
2 FOLLOWS:

3 (I) IF THE FELONY OF WHICH THE PERSON WAS CONVICTED WAS
4 NOT MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102,
5 C.R.S., THEN THE OFFENDER MAY PETITION FOR PLACEMENT IN THE
6 SPECIALIZED PROGRAM AFTER SERVING TWENTY YEARS OF HIS OR HER
7 SENTENCE IF HE OR SHE:

8 (A) HAS NOT BEEN RELEASED ON PAROLE;

9 (B) HAS NOT BEEN CONVICTED OF A SEX OFFENSE, AS DEFINED IN
10 SECTION 16-11.7-102 (3), C.R.S.;

11 (C) IS NOT IN A TREATMENT PROGRAM WITHIN THE DEPARTMENT
12 FOR A SERIOUS MENTAL ILLNESS;

13 (D) IS NOT CONVICTED OF MURDER IN THE FIRST DEGREE AS
14 DESCRIBED IN SECTION 18-3-102 (1) (a), (1) (c), (1) (d), (1) (e), OR (1) (f),
15 C.R.S., WHICH OFFENSE WAS COMMITTED WHILE THE OFFENDER WAS AT
16 LEAST SEVENTEEN YEARS OF AGE;

17 (E) HAS OBTAINED, AT A MINIMUM, A HIGH SCHOOL DIPLOMA OR
18 HAS SUCCESSFULLY PASSED A HIGH SCHOOL EQUIVALENCY EXAMINATION,
19 AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S.;

20 (F) HAS PARTICIPATED IN PROGRAMS OFFERED TO HIM OR HER BY
21 THE DEPARTMENT AND DEMONSTRATED RESPONSIBILITY AND
22 COMMITMENT IN THOSE PROGRAMS;

23 (G) HAS DEMONSTRATED POSITIVE GROWTH AND CHANGE
24 THROUGH INCREASING DEVELOPMENTAL MATURITY AND QUANTIFIABLE
25 GOOD BEHAVIOR DURING THE COURSE OF HIS OR HER INCARCERATION; AND

26 (H) HAS ACCEPTED RESPONSIBILITY FOR THE CRIMINAL BEHAVIOR
27 UNDERLYING THE OFFENSE FOR WHICH HE OR SHE WAS CONVICTED.

1 (II) IF THE FELONY OF WHICH THE PERSON WAS CONVICTED WAS
2 MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102 (1) (b),
3 C.R.S., THEN THE OFFENDER MAY PETITION FOR PLACEMENT IN THE
4 SPECIALIZED PROGRAM AFTER SERVING TWENTY YEARS OF HIS OR HER
5 SENTENCE IF HE OR SHE SATISFIES THE CRITERIA DESCRIBED IN
6 SUB-SUBPARAGRAPHS (A), (B), (C), (D), (E), (F), (G), AND (H) OF
7 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

8 (III) IF THE FELONY OF WHICH THE PERSON WAS CONVICTED WAS
9 MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102,
10 C.R.S., BUT WAS NOT MURDER IN THE FIRST DEGREE, AS DESCRIBED IN
11 SECTION 18-3-102 (1) (b), C.R.S., THEN THE OFFENDER MAY PETITION FOR
12 PLACEMENT IN THE SPECIALIZED PROGRAM AFTER SERVING
13 TWENTY-SEVEN YEARS OF HIS OR HER SENTENCE IF HE OR SHE SATISFIES
14 THE CRITERIA DESCRIBED IN SUB-SUBPARAGRAPHS (A), (B), (C), (D), (E),
15 (F), (G), AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

16 (b) AN OFFENDER WHO IS DESCRIBED IN PARAGRAPH (a) OF THIS
17 SUBSECTION (1) MAY APPLY FOR PLACEMENT IN THE SPECIALIZED
18 PROGRAM NOTWITHSTANDING HIS OR HER SENTENCE OR PAROLE
19 ELIGIBILITY DATE.

20 (2) UPON RECEIVING A PETITION FROM AN OFFENDER DESCRIBED
21 IN SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR OR HIS OR
22 HER DESIGNEE SHALL REVIEW THE PETITION AND DETERMINE WHETHER TO
23 PLACE THE OFFENDER IN THE SPECIALIZED PROGRAM. IN MAKING THIS
24 DETERMINATION, THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE
25 SHALL CONSIDER THE FOLLOWING CRITERIA:

26 (a) THE NATURE OF THE OFFENSE AND THE CIRCUMSTANCES
27 SURROUNDING THE OFFENSE, INCLUDING THE EXTENT OF THE OFFENDER'S

1 PARTICIPATION IN THE CRIMINAL CONDUCT;

2 (b) THE AGE AND MATURITY OF THE OFFENDER AT THE TIME OF THE
3 OFFENSE;

4 (c) THE BEHAVIOR OF THE OFFENDER IN ANY INSTITUTION FOR THE
5 DURATION OF HIS OR HER SENTENCE, INCLUDING CONSIDERATION OF ANY
6 VIOLATIONS OF THE INMATE CODE OF CONDUCT AND DATES OF THE
7 VIOLATIONS OR, IN THE ALTERNATIVE, THE LACK OF ANY SUCH
8 VIOLATIONS;

9 (d) THE ASSESSED RISK AND NEEDS OF THE OFFENDER;

10 (e) THE IMPACT OF THE OFFENSE ON ANY VICTIM AND ANY VICTIM'S
11 IMMEDIATE FAMILY MEMBER; AND

12 (f) ANY OTHER FACTOR DETERMINED TO BE RELEVANT BY THE
13 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IN ASSESSING AND MAKING
14 A DETERMINATION REGARDING THE OFFENDER'S DEMONSTRATED
15 REHABILITATION.

16 (3) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE
17 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE
18 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE
19 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED
20 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT
21 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO
22 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S.

23 (4) (a) IF AFTER REVIEW OF AN OFFENDER'S PETITION, THE
24 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DETERMINES THAT THE
25 OFFENDER IS AN APPROPRIATE CANDIDATE FOR PLACEMENT IN THE
26 SPECIALIZED PROGRAM, THE DEPARTMENT SHALL PLACE THE OFFENDER IN
27 THE SPECIALIZED PROGRAM AS SOON AS PRACTICABLE.

1 (b) ANY VICTIM OR VICTIM'S IMMEDIATE FAMILY MEMBER, AS
2 DEFINED IN SECTION 24-4.1-302 (5) AND (6), C.R.S., HAS THE RIGHT TO BE
3 INFORMED OF THE PLACEMENT OF AN OFFENDER PURSUANT TO SECTIONS
4 24-4.1-302.5 (1) (q) AND 24-4.1-303 (14), C.R.S.

5 (5) IF THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DENIES
6 AN OFFENDER'S PETITION FOR PLACEMENT IN THE SPECIALIZED PROGRAM
7 BASED ON A DETERMINATION THAT THE OFFENDER IS INAPPROPRIATE FOR
8 SUCH PLACEMENT AFTER CONSIDERATION OF THE CRITERIA SET FORTH IN
9 SUBSECTION (2) OF THIS SECTION, THE OFFENDER MAY PETITION THE
10 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE FOR PLACEMENT IN THE
11 SPECIALIZED PROGRAM NOT SOONER THAN THREE YEARS AFTER THE
12 ISSUANCE OF THE DENIAL.

13 (6) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES
14 FOR THE PREPARATION, SUBMISSION, AND REVIEW OF PETITIONS FOR
15 PLACEMENT OF OFFENDERS IN THE SPECIALIZED PROGRAM, AS DESCRIBED
16 IN THIS SECTION.

17 **17-34-102. Specialized program for juveniles convicted as**
18 **adults - report - repeal.** (1) THE DEPARTMENT SHALL DEVELOP AND
19 IMPLEMENT A SPECIALIZED PROGRAM FOR OFFENDERS WHO HAVE BEEN
20 SENTENCED TO AN ADULT PRISON FOR A FELONY OFFENSE COMMITTED
21 WHILE THE OFFENDER WAS LESS THAN EIGHTEEN YEARS OF AGE AS A
22 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR
23 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER
24 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION
25 19-2-518, C.R.S., OR PURSUANT TO EITHER OF THESE SECTIONS AS THEY
26 EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT, WITH AMENDMENTS,
27 BY HOUSE BILL 96-1005, AND WHO ARE DETERMINED TO BE APPROPRIATE

1 FOR PLACEMENT IN THE SPECIALIZED PROGRAM. THE DEPARTMENT SHALL
2 IMPLEMENT THE SPECIALIZED PROGRAM WITHIN OR IN CONJUNCTION WITH
3 A _____ FACILITY OPERATED BY, OR UNDER CONTRACT WITH, THE
4 DEPARTMENT.

5 (2) THE SPECIALIZED PROGRAM MUST INCLUDE COMPONENTS THAT
6 ALLOW AN OFFENDER TO EXPERIENCE _____ PLACEMENT WITH MORE
7 INDEPENDENCE IN DAILY LIFE, WITH ADDITIONAL WORK-RELATED
8 RESPONSIBILITIES AND OTHER PROGRAM COMPONENTS THAT WILL ASSIST
9 AND SUPPORT THE OFFENDER'S SUCCESSFUL REINTEGRATION INTO THE
10 COMMUNITY OF _____ OFFENDERS WHO HAVE NEVER LIVED INDEPENDENTLY
11 OR FUNCTIONED IN THE COMMUNITY AS AN ADULT. THE SPECIALIZED
12 PROGRAM MUST ALSO INCLUDE BEST AND PROMISING PRACTICES IN
13 INDEPENDENT LIVING SKILLS DEVELOPMENT, REENTRY SERVICES FOR
14 LONG-TERM OFFENDERS, AND INTENSIVE SUPERVISION AND MONITORING.

15 (3) THE DEPARTMENT SHALL NOT ALLOW ANY PARTICIPATING
16 OFFENDER TO COMPLETE THE SPECIALIZED PROGRAM IN LESS THAN THREE
17 YEARS.

18 (4) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE
19 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE
20 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE
21 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED
22 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT
23 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO
24 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S. _____

25 (5) (a) THE DEPARTMENT SHALL COMPLETE THE DESIGN OF THE
26 SPECIALIZED PROGRAM ON OR BEFORE AUGUST 10, 2017. THE
27 DEPARTMENT SHALL COMMENCE PLACEMENT OF ELIGIBLE OFFENDERS IN

1 THE SPECIALIZED PROGRAM ON OR BEFORE NOVEMBER 10, 2017. IF THE
2 SPECIALIZED PROGRAM IS NOT OPERATIONAL BY THIS DATE, THE
3 EXECUTIVE DIRECTOR SHALL REPORT TO THE GENERAL ASSEMBLY ON OR
4 BEFORE NOVEMBER 30, 2017, THE REASONS FOR THE DELAY AND THE
5 DATE THAT THE SPECIALIZED PROGRAM WILL BE OPERATIONAL.

6 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE DECEMBER 1,
7 2017.

8 (6) (a) THE DEPARTMENT SHALL INCLUDE IN THE SPECIALIZED
9 PROGRAM RULES OF CONDUCT FOR PROGRAM PARTICIPANTS AND A POLICY
10 WHEREBY PROGRAM PARTICIPANTS WHO FAIL TO COMPLY WITH THE RULES
11 OF CONDUCT ARE TERMINATED FROM PARTICIPATION IN THE SPECIALIZED
12 PROGRAM AND RETURNED TO AN APPROPRIATE PRISON PLACEMENT.

13 (b) AN OFFENDER WHO IS TERMINATED FROM THE SPECIALIZED
14 PROGRAM MAY NOT RE-PETITION FOR PLACEMENT IN THE SPECIALIZED
15 PROGRAM SOONER THAN THREE YEARS FROM THE DATE OF SUCH
16 TERMINATION.

17 (7) NOTWITHSTANDING ANY PROVISION OF LAW, AN OFFENDER
18 WHO SUCCESSFULLY COMPLETES THE SPECIALIZED PROGRAM IS ELIGIBLE
19 TO APPLY FOR EARLY PAROLE PURSUANT TO THE PROVISIONS OF SECTION
20 17-22.5-403 (4.5) OR 17-22.5-403.7.

21 (8) IF AN OFFENDER HAS SERVED AT LEAST TWENTY-FIVE
22 CALENDAR YEARS OF HIS OR HER SENTENCE AND SUCCESSFULLY
23 COMPLETED THE SPECIALIZED PROGRAM, UNLESS REBUTTED BY RELEVANT
24 EVIDENCE, IT IS PRESUMED THAT:

25 (a) THE OFFENDER HAS MET THE FACTUAL BURDEN OF PRESENTING
26 EXTRAORDINARY MITIGATING CIRCUMSTANCES; AND

27 (b) THE OFFENDER'S RELEASE TO EARLY PAROLE IS COMPATIBLE

1 WITH THE SAFETY AND WELFARE OF SOCIETY

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3 (9) ON AND AFTER JANUARY 1, 2018, DURING ITS ANNUAL
4 PRESENTATION BEFORE THE JOINT JUDICIARY COMMITTEE OF THE GENERAL
5 ASSEMBLY, OR ANY SUCCESSOR JOINT COMMITTEE, PURSUANT TO SECTION
6 2-7-203, C.R.S., THE DEPARTMENT SHALL INCLUDE A STATUS REPORT
7 REGARDING THE PROGRESS AND OUTCOMES OF THE SPECIALIZED PROGRAM
8 DEVELOPED AND IMPLEMENTED BY THE DEPARTMENT PURSUANT TO THIS
9 SECTION DURING THE PRECEDING YEAR. THE REPORT, AT A MINIMUM,
10 SHALL INCLUDE:

11 (a) A DESCRIPTION OF THE SPECIALIZED PROGRAM, INCLUDING THE
12 EVIDENCE-BASED AND PROMISING PRACTICES THAT ARE INCLUDED IN THE
13 SPECIALIZED PROGRAM;

14 (b) THE POLICIES AND PROCEDURES DEVELOPED BY THE
15 DEPARTMENT TO DETERMINE WHICH ELIGIBLE OFFENDERS MAY BE PLACED
16 IN THE SPECIALIZED PROGRAM;

17 (c) THE POLICIES AND PROCEDURES DEVELOPED BY THE
18 DEPARTMENT TO ADDRESS THE CONDUCT OF PARTICIPANTS IN THE
19 SPECIALIZED PROGRAM;

20 (d) THE LOCATION OF THE PROGRAM AND THE NUMBER OF BEDS
21 AVAILABLE FOR SPECIALIZED PROGRAM PARTICIPANTS;

22 (e) THE NUMBER OF OFFENDERS SELECTED TO PARTICIPATE IN THE
23 SPECIALIZED PROGRAM; THE NUMBER OF OFFENDERS WHO WERE DENIED
24 PLACEMENT IN THE SPECIALIZED PROGRAM, INCLUDING THE REASONS FOR
25 SUCH DENIALS; AND THE NUMBER OF OFFENDERS WHO WERE REMOVED
26 FROM THE SPECIALIZED PROGRAM AND THE REASONS FOR THEIR REMOVAL;

27 (f) A SUMMARY CONCERNING THE STAFFING OF THE SPECIALIZED

1 PROGRAM;

2 (g) INFORMATION CONCERNING THE BEHAVIOR PATTERNS OF THE
3 OFFENDERS IN THE SPECIALIZED PROGRAM;

4 (h) THE NUMBER OF OFFENDERS WHO SUCCESSFULLY COMPLETED
5 THE SPECIALIZED PROGRAM;

6 (i) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO
7 HAVE BEEN REFERRED TO THE PAROLE BOARD FOR EARLY PAROLE; AND

8 (j) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO
9 WERE GRANTED EARLY PAROLE BY THE GOVERNOR.

10 **SECTION 3.** In Colorado Revised Statutes, 17-22.5-403, **add**
11 (4.5) as follows:

12 **17-22.5-403. Parole eligibility.** (4.5) (a) AFTER CONSIDERING
13 ANY RELEVANT EVIDENCE PRESENTED BY ANY PERSON OR AGENCY AND
14 CONSIDERING THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8),
15 THE GOVERNOR MAY GRANT EARLY PAROLE TO AN OFFENDER TO WHOM
16 SUBSECTION (1) OR (2.5) OF THIS SECTION APPLIES WHEN THE OFFENDER
17 SUCCESSFULLY COMPLETES THE SPECIALIZED PROGRAM DESCRIBED IN
18 SECTION 17-34-102 _____ IF, IN THE GOVERNOR'S OPINION,
19 EXTRAORDINARY MITIGATING CIRCUMSTANCES EXIST AND THE
20 OFFENDER'S RELEASE FROM INSTITUTIONAL CUSTODY IS COMPATIBLE WITH
21 THE SAFETY AND WELFARE OF SOCIETY.

22 (b) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT TO
23 PARAGRAPH (a) OF THIS SUBSECTION (4.5) AFTER HAVING SUCCESSFULLY
24 COMPLETED THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,
25 THE OFFENDER SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S
26 OFFICE WITH NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE
27 BOARD OF PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF

1 PAROLE SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL
2 SUPPORTING DOCUMENTS AND SCHEDULE A HEARING IF THE BOARD
3 CONSIDERS MAKING A RECOMMENDATION FOR EARLY PAROLE, AT WHICH
4 HEARING ANY VICTIM MUST HAVE THE OPPORTUNITY TO BE HEARD,
5 PURSUANT TO SECTION 24-4.1-302.5 (1) (j), C.R.S. NOT LATER THAN
6 NINETY DAYS AFTER RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION
7 FOR EARLY PAROLE, THE STATE BOARD OF PAROLE, AFTER CONSIDERING
8 THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8), SHALL MAKE A
9 RECOMMENDATION TO THE GOVERNOR CONCERNING WHETHER EARLY
10 PAROLE SHOULD BE GRANTED TO THE OFFENDER.

11 (c) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD
12 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES
13 TO IMPLEMENT THIS SUBSECTION (4.5), INCLUDING PROCEDURES FOR
14 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTIONS
15 24-4.1-302.5 (1) (j) AND 24-4.1-303 (14), C.R.S., AND TO THE DISTRICT
16 ATTORNEY'S OFFICE THAT PROSECUTED THE CRIME FOR WHICH THE
17 OFFENDER WAS SENTENCED.

18 **SECTION 4.** In Colorado Revised Statutes, 17-22.5-403.7,
19 **amend** (2); and **add** (6) as follows:

20 **17-22.5-403.7. Parole eligibility - class 1 felony - juvenile**
21 **offender convicted as adult.** (2) AFTER CONSIDERING ANY RELEVANT
22 EVIDENCE PRESENTED BY ANY PERSON OR AGENCY AND CONSIDERING THE
23 PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8), the governor may
24 grant parole to an inmate prior to the inmate's parole eligibility date if, in
25 the governor's opinion, extraordinary mitigating circumstances exist and
26 the inmate's release from institutional custody is compatible with the
27 safety and welfare of society.

1 (6) (a) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT
2 TO THIS SECTION AFTER HAVING SUCCESSFULLY COMPLETED THE
3 SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102, THE OFFENDER
4 SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S OFFICE WITH
5 NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE BOARD OF
6 PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF PAROLE
7 SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL SUPPORTING
8 DOCUMENTS AND SCHEDULE A HEARING IF THE BOARD CONSIDERS MAKING
9 A RECOMMENDATION FOR EARLY PAROLE, AT WHICH HEARING ANY VICTIM
10 MUST HAVE THE OPPORTUNITY TO BE HEARD, PURSUANT TO SECTION
11 24-4.1-302.5 (1) (j), C.R.S. NOT LATER THAN NINETY DAYS AFTER
12 RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION FOR EARLY PAROLE,
13 THE STATE BOARD OF PAROLE, AFTER CONSIDERING THE PRESUMPTIONS
14 SET FORTH IN SECTION 17-34-102 (8), SHALL MAKE A RECOMMENDATION
15 TO THE GOVERNOR CONCERNING WHETHER EARLY PAROLE SHOULD BE
16 GRANTED TO THE OFFENDER.

17 (b) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD
18 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES
19 TO IMPLEMENT THIS SUBSECTION (6), INCLUDING PROCEDURES FOR
20 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTIONS
21 24-4.1-302.5 (1) (j) AND 24-4.1-303 (14), C.R.S., AND TO THE DISTRICT
22 ATTORNEY'S OFFICE THAT PROSECUTED THE CRIME FOR WHICH THE
23 OFFENDER WAS SENTENCED.

24 **SECTION 5.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
25 **(1) (j) as follows:**

26 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
27 **preserve and protect a victim's rights to justice and due process, each**

1 victim of a crime shall have the following rights:

2 (j) The right to be informed, upon written request from the victim,
3 of any proceeding at which any postconviction release from confinement
4 in a secure state correctional facility is being considered for any person
5 convicted of a crime against the victim and the right to be heard at any
6 such proceeding or to provide written information thereto. For purposes
7 of this subsection (1), "proceeding" means reconsideration of sentence,
8 a parole hearing, or commutation of sentence, OR CONSIDERATION FOR
9 PLACEMENT IN THE SPECIALIZED PROGRAM DEVELOPED BY THE
10 DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 17-34-102, C.R.S.

11 **SECTION 6. Appropriation.** For the 2016-17 state fiscal year,
12 \$95,504 is appropriated to the department of corrections. This
13 appropriation is from the general fund and is based on an assumption that
14 the department will require an additional 0.8 FTE. To implement this act,
15 the department may use this appropriation as follows:

16	<u>Inspector General Subprogram</u>	
17	<u>Operating Expenses</u>	<u>\$25</u>
18	<u>Superintendents Subprogram</u>	
19	<u>Personal Services</u>	<u>\$44,071 (0.8 FTE)</u>
20	<u>Operating Expenses</u>	<u>\$5,450</u>
21	<u>Start-up costs</u>	<u>\$45,328</u>
22	<u>Communications Subprogram</u>	
23	<u>Operating Expenses</u>	<u>\$405</u>
24	<u>Training Subprogram</u>	
25	<u>Operating Expenses</u>	<u>\$25</u>
26	<u>Information Systems Subprogram</u>	
27	<u>Operating Expenses</u>	<u>\$200</u>

1 **SECTION 7. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2016 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.