

CHAPTER 394

CORRECTIONS

HOUSE BILL 18-1410

BY REPRESENTATIVE(S) Lee and Herod, Becker K., Buckner, Coleman, Esgar, Exum, Gray, Hamner, Hooton, Jackson, Lontine, Melton, Michaelson Jenet, Pettersen, Roberts, Rosenthal, Salazar, Valdez, Weissman, Winkler, Winter, Young, Duran; also SENATOR(S) Lundberg and Kagan, Priola, Aguilar, Court, Crowder, Fields, Guzman, Jahn, Jones, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Moreno, Tate, Todd, Williams A.

AN ACT**CONCERNING MEASURES TO ADDRESS PRISON POPULATION INCREASES.**

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

SECTION 1. In Colorado Revised Statutes, **add** 17-1-119.7 as follows:

17-1-119.7. Prison population management measures. (1) THE DEPARTMENT SHALL TRACK THE PRISON BED VACANCY RATE IN BOTH CORRECTIONAL FACILITIES AND STATE-FUNDED PRIVATE CONTRACT PRISON BEDS ON A MONTHLY BASIS. IF THE VACANCY RATE FALLS BELOW TWO PERCENT FOR THIRTY CONSECUTIVE DAYS, THE DEPARTMENT SHALL NOTIFY THE GOVERNOR, THE JOINT BUDGET COMMITTEE, THE PAROLE BOARD, EACH ELECTED DISTRICT ATTORNEY, THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT, THE STATE PUBLIC DEFENDER, AND THE OFFICE OF COMMUNITY CORRECTIONS IN THE DEPARTMENT OF PUBLIC SAFETY. THE DEPARTMENT SHALL NOTIFY THE GOVERNOR, THE JOINT BUDGET COMMITTEE, THE PAROLE BOARD, EACH ELECTED DISTRICT ATTORNEY, THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT, THE STATE PUBLIC DEFENDER, AND THE OFFICE OF COMMUNITY CORRECTIONS ONCE THE VACANCY RATE EXCEEDS THREE PERCENT FOR THIRTY CONSECUTIVE DAYS.

(2) (a) IF THE VACANCY RATE IN CORRECTIONAL FACILITIES AND STATE-FUNDED PRIVATE CONTRACT PRISON BEDS FALLS BELOW TWO PERCENT FOR THIRTY CONSECUTIVE DAYS, THE DEPARTMENT MAY:

(I) REQUEST THE OFFICE OF COMMUNITY CORRECTIONS TO PROVIDE THE DEPARTMENT WITH INFORMATION REGARDING THE LOCATION AND NATURE OF ANY UNUTILIZED COMMUNITY CORRECTIONS BEDS. THE OFFICE OF COMMUNITY CORRECTIONS SHALL PROVIDE THE INFORMATION WITHIN SEVENTY-TWO HOURS OF

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

THE REQUEST AND ON A WEEKLY BASIS UNTIL THE OFFICE OF COMMUNITY CORRECTIONS RECEIVES NOTIFICATION THAT THE VACANCY RATE EXCEEDS THREE PERCENT.

(II) REQUEST THAT THE PAROLE BOARD REVIEW A LIST OF INMATES WHO ARE WITHIN NINETY DAYS OF THEIR MANDATORY RELEASE DATE, HAVE AN APPROVED PAROLE PLAN, AND DO NOT REQUIRE FULL BOARD REVIEW OR VICTIM NOTIFICATION PURSUANT TO SECTION 24-4.1-302.5 (1)(j); AND

(III) COORDINATE WITH THE PAROLE BOARD TO REVIEW THE LIST OF INMATES WHO HAVE SATISFIED CONDITIONS FOR CONDITIONAL RELEASE VERIFIED BY THE DEPARTMENT OF CORRECTIONS, DO NOT REQUIRE FULL BOARD REVIEW OR VICTIM NOTIFICATION PURSUANT TO SECTION 24-4.1-302.5 (1)(j), AND HAVE SATISFIED THE CONDITION OR CONDITIONS REQUIRED FOR AN ORDER TO PAROLE.

(b) THE DEPARTMENT MAY UTILIZE ANY, ALL, OR A COMBINATION OF THE MEASURES DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION WHEN THE VACANCY RATE FALLS BELOW TWO PERCENT FOR THIRTY CONSECUTIVE DAYS AND UNTIL THE VACANCY RATE IS ABOVE THREE PERCENT FOR THIRTY CONSECUTIVE DAYS.

SECTION 2. In Colorado Revised Statutes, 17-2-201, **add** (18) as follows:

17-2-201. State board of parole - duties - definitions. (18) (a) THE PAROLE BOARD SHALL CONDUCT A FILE REVIEW FOR EACH INMATE WHO IS LISTED ON THE NOTIFICATIONS PROVIDED TO THE BOARD PURSUANT TO SECTION 17-1-119.7 (2)(a)(II) OR (2)(a)(III) WITHIN TEN DAYS AFTER RECEIVING THE NOTIFICATION. THE PAROLE BOARD MUST EVALUATE THE INMATE'S INSTITUTIONAL BEHAVIOR, PROGRAM PROGRESS, AND APPROPRIATENESS FOR RELEASE.

(b) IF THE PAROLE BOARD GRANTS PAROLE TO AN INMATE ON THE NOTIFICATION LIST PURSUANT TO SECTION 17-1-119.7 (2)(a)(II), IT MAY SET THE RELEASE DATE UP TO THIRTY DAYS PRIOR TO THE INMATE'S MANDATORY RELEASE DATE BUT NOT SOONER THAN FIFTEEN DAYS AFTER THE FILE REVIEW. THE DEPARTMENT SHALL NOTIFY THE INMATE'S PAROLE SPONSOR TO VERIFY HIS OR HER WILLINGNESS AND ABILITY TO SPONSOR THE INMATE ON THE AMENDED RELEASE DATE.

(c) IF THE PAROLE BOARD GRANTS PAROLE TO AN INMATE ON THE NOTIFICATION LIST PURSUANT TO SECTION 17-1-119.7 (2)(a)(III), IT MAY SET THE RELEASE DATE NO SOONER THAN FIFTEEN DAYS AFTER THE FILE REVIEW. THE DEPARTMENT SHALL NOTIFY THE INMATE'S PAROLE SPONSOR TO VERIFY HIS OR HER WILLINGNESS AND ABILITY TO SPONSOR THE INMATE ON THE AMENDED RELEASE DATE.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 2018