

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0567.01 Michael Dohr x4347

SENATE BILL 21-146

SENATE SPONSORSHIP

Lee,

HOUSE SPONSORSHIP

Bacon,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE PRISON RELEASE OUTCOMES.**

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://leg.colorado.gov>.)

Sections 1 and 2 of the bill change the eligibility criteria for inmates who are eligible for special needs parole. The bill allows an inmate to request that the department of corrections (DOC) determine whether the inmate is eligible for special needs parole. The bill requires the DOC, in consultation with the parole board, to develop policies and procedures related to special needs parole. The bill allows the inmate to include a statement in the referral packet for special needs parole and an opportunity to provide any additional relevant information in the referral

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

packet. The bill requires the parole board to consider the age of the inmate and the DOC's ability to provide adequate medical and behavioral health treatment to the inmate in granting or denying special needs parole. The parole board cannot deny special needs parole based solely on the lack of a recommended parole plan.

Sections 3 through 6 of the bill require the DOC to:

- Develop a recommended parole plan for every inmate prior to release from prison;
- Develop policies and procedures related to prerelease planning; and
- Include in its monthly population report information related to delayed parole decisions.

The bill prohibits the parole board from denying parole based solely on the lack of a recommended parole plan.

The bill requires the office of state public defender to provide liaisons to DOC and the parole board to assist in criminal-related legal matters that would impact successful reentry. The bill requires the DOC or a member of the parole board to suspend a parole hearing if they believe the offender is incompetent to proceed or has a mental health disorder and notify the public defender parole liaison of the situation. In the case of incompetency, the liaison shall file a motion to determine competency with the trial court that imposed the sentence. In the case of a mental health disorder, the liaison shall help the inmate obtain counsel if a civil commitment hearing is warranted.

Sections 7 and 8 of the bill require the DOC to ensure that any inmate who is 65 years of age or older and is being released from prison is enrolled in medicare or health insurance prior to release or upon release, whichever will offer more immediate and comprehensive health care coverage. The DOC shall pay any insurance premiums and penalties for up to 12 months from the start of coverage. The DOC may provide financial assistance for longer than 12 months if the person is still under the jurisdiction of the DOC and would otherwise be uninsured or underinsured without that financial assistance. The bill requires the Colorado commission on the aging to study and make recommendations related to health care for inmates who are 65 years of age or older and being released from prison and provide the report prior to January 1, 2022.

Section 9 of the bill requires the DOC to award one day of earned time for each day that an inmate was incarcerated during a declared disaster emergency that impacted prison operations.

Sections 10 through 12 of the bill make conforming changes to align with the new offense of unauthorized absence. The bill requires the parole board to schedule a parole hearing for an inmate serving a sentence for escape or attempt to escape, the elements of which would now constitute the offense of unauthorized absence.

Section 13 of the bill requires all youthful offender system (YOS) staff to be trained in the first 45 days of employment. The bill repeals the requirement that district attorneys keep records of all juveniles sentenced to the YOS.

The bill requires the DOC to conduct a study with external experts regarding the effectiveness of the YOS and the potential of expanding the system to serve offenders up to age 25 years old.

Section 14 of the bill allows the Colorado state penitentiary II to be used to house inmates to facilitate movement of prisoners during a declared disaster emergency that impacts state prison operations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-1-102, **amend**
3 (7.5); and **add** (6.7) and (7.4) as follows:

4 **17-1-102. Definitions.** As used in this title 17, unless the context
5 otherwise requires:

6 (6.7) "INMATE LIAISON" MEANS AN INMATE'S FAMILY MEMBER OR
7 ATTORNEY, A GOVERNMENT AGENCY, OR A REPRESENTATIVE FROM AN
8 ORGANIZATION WITH EXPERIENCE IN HELPING INMATES APPLY FOR SPECIAL
9 NEEDS PAROLE, HIGH-NEEDS PRERELEASE PLANNING, OR REENTRY. THE
10 ORGANIZATION MUST BE IN GOOD STANDING WITH THE COLORADO
11 SECRETARY OF STATE FOR THE PAST TWELVE CONSECUTIVE MONTHS AND
12 THE ORGANIZATION'S INVOLVEMENT MUST BE AT THE REQUEST OF THE
13 INMATE, OR AN INMATE'S FAMILY MEMBER OR ATTORNEY SHOULD THE
14 INMATE BE UNABLE TO MAKE THE REQUEST.

15 (7.4) "SERIOUS IMPAIRMENT THAT LIMITS A PERSON'S ABILITY TO
16 FUNCTION" MEANS A PHYSICAL OR MENTAL CONDITION THAT IS CHRONIC
17 AND LONG TERM IN NATURE THAT SUBSTANTIALLY LIMITS ONE OR MORE
18 MAJOR LIFE ACTIVITIES OR THE ABILITY TO PERFORM ACTIVITIES OF DAILY
19 LIVING INCLUDING THE ABILITY TO PERFORM BASIC SELF-CARE.

20 (7.5) (a) "Special needs offender" means a person in the custody

1 of the department:

2 (I) ~~Who is fifty-five years of age or older and has been diagnosed~~
3 ~~by a licensed health-care provider who is employed by or under contract~~
4 ~~with the department OR BY A PRIVATE LICENSED HEALTH CARE PROVIDER~~
5 ~~INVOLVED IN PROVIDING PATIENT CARE TO THE INMATE as suffering from~~
6 ~~a chronic infirmity, illness, condition, disease, or behavioral or mental~~
7 ~~health disorder and the department or the state board of parole determines~~
8 ~~that the person is incapacitated to the extent that he or she is not likely to~~
9 ~~pose a risk to public safety~~ THAT CAUSES SERIOUS IMPAIRMENT THAT
10 LIMITS THE PERSON'S ABILITY TO FUNCTION;

11 (II) ~~Who, as determined by a licensed health-care provider who~~
12 ~~is employed by or under contract with the department, suffers from a~~
13 ~~chronic, permanent, terminal, or irreversible physical illness, condition,~~
14 ~~disease, or a behavioral or mental health disorder that requires costly care~~
15 ~~or treatment and who is determined by the department or the state board~~
16 ~~of parole to be incapacitated to the extent that he or she is not likely to~~
17 ~~pose a risk to public safety; or~~

18 (III) ~~(Deleted by amendment, L. 2011, (SB 11-241), ch. 200, p.~~
19 ~~831, § 1, effective May 23, 2011.) WHO IS SIXTY-FOUR YEARS OF AGE OR~~
20 ~~OLDER AND HAS SERVED AT LEAST TEN YEARS OR TWENTY-FIVE PERCENT~~
21 ~~OF THE PERSON'S SENTENCE, WHICHEVER IS SHORTER; OR~~

22 (IV) Who, as ~~determined~~ DIAGNOSED by a licensed health-care
23 provider who is employed by or under contract with the department OR A
24 COMPETENCY EVALUATOR APPROVED BY THE DEPARTMENT OF HUMAN
25 SERVICES PURSUANT TO SECTION 16-8.5-112, on the basis of available
26 evidence, not including evidence resulting from a refusal of the person to
27 accept treatment, IS INCOMPETENT TO PROCEED AND does not have a

1 substantial probability of being restored to competency for the completion
2 of any sentence ~~and is not likely to pose a risk to public safety~~ OR WHO
3 HAS BEEN DIAGNOSED WITH DEMENTIA THAT RENDERS THE PERSON
4 INCOMPETENT TO PROCEED. As used in this subsection (7.5)(a)(IV),
5 "competency" has the same meaning as "competent to proceed", as
6 defined in section 16-8.5-101 (5) AND "INCOMPETENT TO PROCEED" HAS
7 THE SAME MEANING AS DEFINED IN SECTION 16-8.5-101 (12).

8 (b) (I) Notwithstanding ~~the provisions of paragraph (a) of this~~
9 ~~subsection (7.5)~~ SUBSECTION (7.5)(a) OF THIS SECTION, "special needs
10 offender" does not include a person who:

11 ~~(F)~~ (A) Was convicted of a class 1 felony ~~unless the offense was~~
12 ~~committed before July 1, 1990~~; AND SENTENCED TO LIFE WITH THE
13 POSSIBILITY OF PAROLE and the offender has served ~~at least~~ FEWER THAN
14 twenty CALENDAR years in a department of corrections facility for the
15 offense; ~~or~~

16 (B) WAS CONVICTED OF A CLASS 1 FELONY AND SENTENCED TO
17 LIFE WITHOUT PAROLE; OR

18 ~~(H)~~ (C) Was convicted of a class 2 felony crime of violence as
19 described in section 18-1.3-406 ~~C.R.S.~~; and the offender has served fewer
20 than ten CALENDAR years in a department of corrections facility for the
21 offense.

22 ~~(HH)~~ (II) ~~(Deleted by amendment, L. 2011, (SB 11-241), ch. 200,~~
23 ~~p. 831, § 1, effective May 23, 2011.)~~ THIS SUBSECTION (7.5)(b) DOES NOT
24 APPLY TO AN INMATE WHO HAS BEEN DIAGNOSED AS HAVING A TERMINAL
25 ILLNESS WITH AN ANTICIPATED LIFE EXPECTANCY OF TWELVE MONTHS OR
26 LESS BY A LICENSED HEALTH CARE PROVIDER WHO IS EMPLOYED BY OR
27 UNDER CONTRACT WITH THE DEPARTMENT OR BY A PRIVATE LICENSED

1 HEALTH CARE PROVIDER INVOLVED IN PROVIDING PATIENT CARE TO THE
2 INMATE.

3 **SECTION 2.** In Colorado Revised Statutes, 17-22.5-403.5,
4 **amend** (1), (3)(a), (3)(b), (4)(b), (4)(c), (4)(d), (4)(e), (4.5), (5), and (6);
5 and **add** (3)(b.5), (4)(f), and (4)(g) as follows:

6 **17-22.5-403.5. Special needs parole.** (1) Notwithstanding any
7 provision of law to the contrary, a special needs offender, as defined in
8 section 17-1-102 (7.5)(a), may be eligible for parole prior to or after the
9 offender's parole eligibility date pursuant to this section if:

10 (a) ~~The state board of parole determines, based on the special~~
11 ~~needs offender's condition and a medical evaluation, that he or she does~~
12 ~~not constitute a threat to public safety and is not likely to commit an~~
13 ~~offense~~ DEPARTMENT DETERMINES THAT THE SPECIAL NEEDS OFFENDER
14 MEETS THE CRITERIA FOR SPECIAL NEEDS PAROLE; and

15 (b) The state board of parole DETERMINES THAT THE SPECIAL
16 NEEDS OFFENDER IS NOT LIKELY TO POSE A RISK TO PUBLIC SAFETY AND
17 approves a special needs parole plan that ensures appropriate supervision
18 of and continuity of medical care for the special needs offender.

19 (3) (a) The department is responsible for identifying inmates who
20 meet the eligibility criteria for special needs parole and shall submit a
21 referral to the state board of parole for all eligible inmates. AN INMATE OR
22 INMATE LIAISON MAY ALSO REQUEST THAT THE DEPARTMENT MAKE A
23 DETERMINATION OF WHETHER AN INMATE IS ELIGIBLE FOR SPECIAL NEEDS
24 PAROLE AND THE DEPARTMENT SHALL MAKE A DETERMINATION WITHIN
25 THIRTY DAYS AFTER RECEIVING THE REQUEST. THE DEPARTMENT, IN
26 CONSULTATION WITH THE STATE BOARD OF PAROLE, SHALL DEVELOP ANY
27 NECESSARY POLICIES AND PROCEDURES REGARDING SPECIAL NEEDS

1 PAROLE TO ENSURE THAT:

2 (I) ROLES AND RESPONSIBILITIES OF EMPLOYEES AND ANY
3 CONTRACTORS INVOLVED IN SPECIAL NEEDS PAROLE ARE CLEARLY
4 DEFINED, EMPLOYEES AND ANY CONTRACTORS ARE ADEQUATELY
5 TRAINED, AND PERFORMANCE MEASURES ARE DEVELOPED;

6 (II) ANY INMATE WHO MEETS THE ELIGIBILITY REQUIREMENTS
7 DEFINED IN SECTION 17-1-102 (7.5) IS IDENTIFIED IN A TIMELY MANNER AT
8 ANY POINT IN THE INMATE'S TERM OF INCARCERATION;

9 (III) ADEQUATE TRACKING AND QUALITY ASSURANCE PROCESSES
10 ARE IN PLACE SO THAT REFERRALS AND ANY RE-REFERRALS, IF
11 APPLICABLE, ARE COMPLETE AND SUBMITTED TO THE PAROLE BOARD IN A
12 TIMELY MANNER;

13 (IV) FORMAL MECHANISMS ARE IN PLACE TO FACILITATE
14 EFFECTIVE COMMUNICATION BETWEEN THE DEPARTMENT AND THE PAROLE
15 BOARD, INCLUDING BUT NOT LIMITED TO TIMELY RESPONSES FROM THE
16 DEPARTMENT TO REQUESTS FROM THE PAROLE BOARD FOR ADDITIONAL
17 INFORMATION OR FOR A REVISED PAROLE PLAN PRIOR TO THE PAROLE
18 BOARD'S DECISION;

19 (V) DATA COLLECTION AND DATA SHARING BETWEEN THE
20 DEPARTMENT AND THE PAROLE BOARD ARE ADEQUATE TO ACTIVELY
21 MONITOR THE STATUS OF REFERRALS AND PAROLE BOARD DECISIONS ON
22 A REGULAR BASIS; AND

23 (VI) THERE IS A MEANINGFUL INTERNAL APPEAL PROCESS THAT AN
24 INMATE OR INMATE ADVOCATE MAY UTILIZE IF THE DEPARTMENT
25 DETERMINES THAT THE INMATE DOES NOT MEET ELIGIBILITY CRITERIA.

26 (b) ~~The~~ IF AN INMATE MEETS THE ELIGIBILITY REQUIREMENTS
27 PURSUANT TO SECTION 17-1-102, THE DEPARTMENT SHALL SUBMIT A

1 referral TO THE BOARD THAT, IN ADDITION TO THE REQUIREMENTS OF
2 SECTION 17-22.5-404 (4)(a), shall include:

3 (I) A summary of the inmate's medical, ~~or physical, OR MENTAL~~
4 ~~condition, and the risk of reoffense that the inmate poses to society. In~~
5 ~~rendering an opinion regarding the inmate's level of risk of reoffense, the~~
6 ~~department may consider such factors as the inmate's medical or physical~~
7 ~~condition, the severity of any disability or incapacitation, risk assessment~~
8 ~~scores, the nature and severity of the offense for which the inmate is~~
9 ~~currently incarcerated, the inmate's criminal history, institutional conduct,~~
10 ~~and other relevant factors~~ INCLUDING ANY DIAGNOSIS;

11 (I.5) RISK AND NEEDS ASSESSMENT SCORES; INSTITUTIONAL
12 DISCIPLINARY HISTORY; WORK HISTORY; AN INMATE'S PARTICIPATION IN
13 ANY PROGRAMS, TREATMENT, VOCATIONAL TRAINING, OR EDUCATION;
14 AND OTHER RELEVANT INFORMATION REGARDING RISK AND RISK-
15 REDUCTION FACTORS;

16 (II) The details of a special needs parole plan recommended by the
17 department;

18 (III) ~~A recommendation to the parole board that an offender be~~
19 ~~released or not be released as a special needs offender pursuant to the~~
20 ~~provisions of subsection (1) of this section. Prior to making any~~
21 ~~recommendation pursuant to this subparagraph (III), the department shall~~
22 ~~establish objective criteria on which to base a recommendation for parole~~
23 ~~pursuant to the provisions of this section;~~ A STATEMENT BY THE INMATE
24 OR INMATE LIAISON IF THE INMATE IS UNABLE TO SUBMIT A STATEMENT;
25 and

26 (IV) A victim impact statement or response from the district
27 attorney that prosecuted the offender, if received pursuant to ~~paragraph~~

1 ~~(c) of this subsection (3)~~ SUBSECTION (3)(c) OF THIS SECTION.

2 (b.5) THE DEPARTMENT SHALL PROVIDE A COPY OF THE REFERRAL
3 PACKET SUBMITTED TO THE PAROLE BOARD TO THE INMATE OR INMATE
4 LIAISON, EXCEPT FOR THE VICTIM IMPACT STATEMENT AND RESPONSE
5 FROM THE DISTRICT ATTORNEY. THE INMATE OR INMATE LIAISON HAS
6 THIRTY CALENDAR DAYS TO SUBMIT ADDITIONAL HEALTH RECORDS OR
7 OTHER RELEVANT INFORMATION NOT INCLUDED IN THE REFERRAL PACKET
8 TO THE DEPARTMENT FOR SUBMISSION TO THE PAROLE BOARD PRIOR TO
9 THE PAROLE BOARD'S DECISION.

10 (4) (b) The state board of parole shall make a determination of the
11 risk of reoffense that the inmate poses after considering ~~such~~ THE FACTORS
12 IN SECTION 17-22.5-404 (4)(a), AS WELL AS THE NATURE AND SEVERITY OF
13 THE INMATE'S MEDICAL OR PHYSICAL CONDITION, ~~the severity of any disability~~
14 ~~or incapacitation~~ THE AGE OF THE INMATE, THE ABILITY OF THE
15 DEPARTMENT TO ADEQUATELY PROVIDE NECESSARY MEDICAL OR
16 BEHAVIORAL HEALTH TREATMENT, the inmate's risk AND NEEDS
17 assessment scores, the nature and severity of the offense for which the
18 inmate is currently incarcerated, the inmate's criminal history, the inmate's
19 institutional conduct, PROGRAM AND TREATMENT PARTICIPATION, and
20 other relevant RISK AND RISK-REDUCTION factors.

21 (c) The state board of parole may schedule a hearing on the
22 application for special needs parole with the inmate present. ~~or~~ The board
23 may review the application and issue a decision without a hearing,
24 pursuant to section 17-2-201 (4)(f), IF THE INMATE WAIVES THE HEARING
25 OR IS UNABLE TO MEANINGFULLY PARTICIPATE IN THE APPLICATION
26 HEARING DUE TO THE INMATE'S MEDICAL OR MENTAL HEALTH STATE.

27 (d) The state board of parole shall make a determination of

1 whether to grant special needs parole within thirty CALENDAR days after
2 receiving the referral from the department. The PAROLE board may delay
3 the decision in order to request that the department modify the special
4 needs parole plan. ~~If, prior to or during any parole hearing, the board or~~
5 ~~any member of the board has a substantial and good-faith reason to~~
6 ~~believe that the offender is incompetent to proceed, as defined in section~~
7 ~~16-8.5-101 (12), the board shall suspend all proceedings and notify the~~
8 ~~trial court that imposed any active sentence, and the court shall determine~~
9 ~~the competency or incompetency of the defendant pursuant to section~~
10 ~~16-8.5-103. The court shall appoint counsel to represent the offender with~~
11 ~~respect to the determination of competency of the offender, but the~~
12 ~~presence of the offender is not required for any court proceedings unless~~
13 ~~good cause is shown.~~ THE PAROLE BOARD SHALL NOT DENY PAROLE
14 BASED SOLELY ON THE LACK OF A RECOMMENDED PAROLE PLAN. IF THE
15 PAROLE BOARD CONSIDERS AN INMATE TO BE AN APPROPRIATE CANDIDATE
16 FOR RELEASE EXCEPT FOR THE LACK OF A RECOMMENDED PAROLE PLAN,
17 THE PAROLE BOARD SHALL DELAY THE RELEASE HEARING DECISION AND
18 REQUEST THAT THE DEPARTMENT SUBMIT A REVISED PAROLE PLAN WITHIN
19 THIRTY CALENDAR DAYS.

20 (e) ~~A denial of special needs parole by the state board of parole~~
21 ~~shall not affect an inmate's eligibility for any other form of parole or~~
22 ~~release under applicable law.~~ THE DEPARTMENT SHALL INCLUDE IN ITS
23 MONTHLY POPULATION REPORT, BY FACILITY, THE NUMBER OF SPECIAL
24 NEEDS PAROLE APPLICATIONS SUBMITTED TO THE PAROLE BOARD, THE
25 DECISION BY THE PAROLE BOARD, HOW MANY APPLICATIONS ARE PENDING,
26 THE AVERAGE LENGTH OF TIME THE DECISION HAS BEEN PENDING, AND THE
27 GENERAL REASON FOR DELAYING THE DECISION IF THAT IS KNOWN TO THE

1 DEPARTMENT. THE INFORMATION MUST BE PROVIDED BOTH FOR THE
2 REPORTING MONTH AND YEAR TO DATE.

3 (f) IF, PRIOR TO OR DURING ANY PAROLE HEARING, THE
4 DEPARTMENT OR ANY MEMBER OF THE PAROLE BOARD HAS A SUBSTANTIAL
5 AND GOOD-FAITH REASON TO BELIEVE THAT THE OFFENDER IS
6 INCOMPETENT TO PROCEED, AS DEFINED IN SECTION 16-8.5-101 (12), THE
7 PAROLE BOARD SHALL SUSPEND ALL PROCEEDINGS AND NOTIFY THE
8 PUBLIC DEFENDER LIAISON DESCRIBED IN SECTION 21-1-104 (6). THE
9 OFFICE OF STATE PUBLIC DEFENDER SHALL FILE A WRITTEN MOTION WITH
10 THE TRIAL COURT THAT IMPOSED THE SENTENCE TO DETERMINE
11 COMPETENCY. THE MOTION MUST CONTAIN A CERTIFICATE OF COUNSEL
12 STATING THAT THE MOTION IS BASED ON A GOOD-FAITH BELIEF THAT THE
13 INMATE IS INCOMPETENT TO PROCEED. THE MOTION MUST SET FORTH THE
14 SPECIFIC FACTS THAT HAVE FORMED THE BASIS FOR THE MOTION. THE
15 COURT SHALL SEAL THE MOTION. THE COURT SHALL FOLLOW ALL THE
16 RELEVANT PROCEDURES IN ARTICLE 8.5 OF TITLE 16 REGARDING THE
17 DETERMINATION OF COMPETENCY.

18 (g) A DENIAL OF SPECIAL NEEDS PAROLE BY THE STATE BOARD OF
19 PAROLE DOES NOT AFFECT AN INMATE'S ELIGIBILITY FOR ANY OTHER FORM
20 OF PAROLE OR RELEASE UNDER APPLICABLE LAW.

21 (4.5) If an offender is determined to be incompetent to proceed
22 pursuant to subsection (4) of this section, the court may order the
23 department to provide or arrange for the delivery of appropriate
24 restoration services in any setting authorized by law, by an order of the
25 court, or by any other action as provided by law, INCLUDING CIVIL
26 COMMITMENT. Nothing in this section requires the department of human
27 services to take custody of an offender for restoration services. The

1 department of human services is not responsible for conducting the
2 competency evaluation. If the court determines that there is not a
3 substantial probability of the offender being restored to competency, the
4 department may refer the inmate for special needs parole with a special
5 needs parole plan pursuant to ~~the provisions of~~ this section.

6 (5) The PAROLE board may consider the application for special
7 needs parole pursuant to the proceedings set forth in section 17-2-201
8 (4)(f) or 17-2-201 (9)(a). ~~If the department recommends to the state board~~
9 ~~of parole that an offender be released to parole as a special needs offender~~
10 ~~pursuant to the provisions of subsection (1) of this section,~~ The board
11 may deny parole only by a majority vote ~~of the board and only~~ if the
12 board ~~makes a finding~~ FINDS that granting parole would create a threat to
13 public safety and that the offender is likely to commit an offense.

14 (6) The department shall not have any responsibility for the
15 payment of medical care for any offender upon ~~his or her~~ THE OFFENDER'S
16 release; EXCEPT THAT, PRIOR TO OR UPON RELEASE, ANY INMATE WHO IS
17 SIXTY-FIVE YEARS OF AGE OR OLDER AND HAS BEEN APPROVED FOR
18 SPECIAL NEEDS PAROLE MUST BE ENROLLED IN THE MOST APPROPRIATE
19 MEDICAL INSURANCE BENEFIT PLAN INCLUDING MEDICARE, MEDICARE
20 SAVINGS PLAN, VETERAN'S BENEFIT, OR OTHER SAFETY-NET HEALTH
21 INSURANCE, OR AN INDIVIDUAL HEALTH BENEFIT PLAN PRIOR TO OR UPON
22 RELEASE, WHICHEVER WILL OFFER THE MORE IMMEDIATE AND
23 COMPREHENSIVE HEALTH CARE COVERAGE. THE DEPARTMENT SHALL PAY
24 ANY INSURANCE PREMIUMS AND PENALTIES FOR UP TO TWELVE MONTHS
25 FROM THE START OF COVERAGE. THE DEPARTMENT MAY PROVIDE
26 FINANCIAL ASSISTANCE FOR LONGER THAN TWELVE MONTHS IF THE
27 PERSON IS STILL UNDER THE JURISDICTION OF THE DEPARTMENT AND

1 WOULD OTHERWISE BE UNINSURED OR UNDERINSURED WITHOUT THAT
2 FINANCIAL ASSISTANCE.

3 **SECTION 3.** In Colorado Revised Statutes, **add** 17-1-166 as
4 follows:

5 **17-1-166. Department duties - parole plan - report.** (1) THE
6 DEPARTMENT SHALL DEVELOP A RECOMMENDED PAROLE PLAN FOR EVERY
7 INMATE PRIOR TO A PAROLE APPLICATION HEARING OR RELEASE FROM
8 PRISON THAT INCLUDES, AT A MINIMUM, AN APPROVED SPONSOR OR OTHER
9 HOUSING OPTION AND A CONTINUITY OF CARE PLAN IF THE INMATE HAS
10 HIGHER NEEDS FOR MEDICAL OR BEHAVIORAL HEALTH CARE. THE
11 DEPARTMENT SHALL COMPLY WITH THIS SUBSECTION (1) REGARDLESS OF
12 WHETHER THE INMATE CAN PROVIDE THE DEPARTMENT WITH THE NAME OF
13 A POTENTIAL PAROLE SPONSOR. IF THE DEPARTMENT IS UNABLE TO
14 DEVELOP A RECOMMENDED PAROLE PLAN, THE DEPARTMENT SHALL
15 INFORM THE PAROLE BOARD IN WRITING AND INCLUDE A LIST OF OPTIONS
16 THAT HAVE BEEN EXPLORED BUT HAVE BEEN REJECTED BY THE
17 DEPARTMENT.

18 (2) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD
19 OF PAROLE, SHALL DEVELOP NECESSARY POLICIES AND PROCEDURES
20 REGARDING PRERELEASE PLANNING TO ENSURE THAT:

21 (a) ROLES AND RESPONSIBILITIES OF EMPLOYEES AND ANY
22 CONTRACTORS INVOLVED IN PRE-RELEASE PLANNING ARE CLEARLY
23 DEFINED, EMPLOYEES AND ANY CONTRACTORS ARE ADEQUATELY
24 TRAINED, AND PERFORMANCE MEASURES ARE DEVELOPED;

25 (b) ADEQUATE TRACKING AND QUALITY ASSURANCE PROCESSES
26 ARE IN PLACE SO THAT A RECOMMENDED PAROLE PLAN, WHETHER AN
27 IN-STATE OR OUT-OF-STATE PLAN, IS COMPLETED AND SUBMITTED TO THE

1 PAROLE BOARD PRIOR TO THE INITIAL AND ANY SUBSEQUENT PAROLE
2 APPLICATION HEARING;

3 (c) EXPEDITED PROTOCOLS ARE IN PLACE SO THAT AN INMATE'S
4 APPLICATION FOR PAROLE IS SUBMITTED TO THE PAROLE BOARD AT THE
5 EARLIEST POSSIBLE OPPORTUNITY IF THE INMATE IS A NEW ARRIVAL AT
6 DENVER RECEPTION AND DIAGNOSTIC CENTER OR THE CENTRAL
7 TRANSPORT UNIT AND IS PAST OR WITHIN NINETY DAYS OF THE INMATE'S
8 PAROLE ELIGIBILITY DATE;

9 (d) FORMAL MECHANISMS ARE IN PLACE TO FACILITATE EFFECTIVE
10 COMMUNICATION BETWEEN THE DEPARTMENT AND THE PAROLE BOARD,
11 INCLUDING TIMELY RESPONSES FROM THE DEPARTMENT TO PAROLE BOARD
12 REQUESTS FOR ADDITIONAL INFORMATION OR FOR A REVISED PAROLE PLAN
13 PRIOR TO THE PAROLE BOARD'S DECISION; AND

14 (e) DATA COLLECTION AND DATA SHARING BETWEEN THE
15 DEPARTMENT AND THE PAROLE BOARD ARE ADEQUATE TO ACTIVELY
16 MONITOR THE STATUS OF PAROLE APPLICATIONS WHEN THE PAROLE BOARD
17 HAS DELAYED ITS DECISION.

18 (3) THE DEPARTMENT SHALL INCLUDE IN ITS MONTHLY
19 POPULATION REPORT, BY FACILITY, THE NUMBER OF PAROLE APPLICATIONS
20 WHEN THE PAROLE BOARD HAS DELAYED A DECISION, THE AVERAGE
21 LENGTH OF TIME THE PAROLE APPLICATION HAS BEEN PENDING, AND THE
22 GENERAL REASON FOR DELAYING THE DECISION IF THAT INFORMATION IS
23 KNOWN TO THE DEPARTMENT. THE INFORMATION MUST BE PROVIDED
24 BOTH FOR THE REPORTING MONTH AND YEAR TO DATE.

25 **SECTION 4.** In Colorado Revised Statutes, 17-2-201, **add** (20),
26 (21), and (22) as follows:

27 **17-2-201. State board of parole - duties - definitions.** (20) THE

1 PAROLE BOARD OR AN INDIVIDUAL MEMBER OF THE PAROLE BOARD SHALL
2 NOT DENY PAROLE SOLELY BECAUSE THE INMATE DOES NOT HAVE A
3 RECOMMENDED PAROLE PLAN. IF THE PAROLE BOARD CONSIDERS AN
4 INMATE APPROPRIATE FOR RELEASE EXCEPT FOR THE LACK OF A
5 RECOMMENDED PAROLE PLAN, THE PAROLE BOARD SHALL DELAY THE
6 RELEASE HEARING DECISION OR RENDER A CONDITIONAL RELEASE
7 DECISION AND REQUEST THAT THE DEPARTMENT SUBMIT A RECOMMENDED
8 PAROLE PLAN OR ANY OTHER INFORMATION REQUESTED BY THE PAROLE
9 BOARD WITHIN THIRTY CALENDAR DAYS.

10 (21) IF, PRIOR TO OR DURING ANY PAROLE HEARING OR
11 REVOCATION HEARING, THE DEPARTMENT OR ANY MEMBER OF THE PAROLE
12 BOARD HAS A GOOD-FAITH REASON TO BELIEVE THAT THE INMATE IS
13 INCOMPETENT TO PROCEED, AS DEFINED IN SECTION 16-8.5-101 (12), THE
14 BOARD SHALL SUSPEND ALL PROCEEDINGS AND NOTIFY THE PUBLIC
15 DEFENDER LIAISON DESCRIBED IN SECTION 21-1-104 (6). THE OFFICE OF
16 STATE PUBLIC DEFENDER SHALL FILE A WRITTEN MOTION WITH THE TRIAL
17 COURT THAT IMPOSED THE SENTENCE TO DETERMINE COMPETENCY. THE
18 MOTION MUST CONTAIN A CERTIFICATE OF COUNSEL STATING THAT THE
19 MOTION IS BASED ON A GOOD-FAITH BASIS THAT THE INMATE IS
20 INCOMPETENT TO PROCEED. THE MOTION MUST SET FORTH THE SPECIFIC
21 FACTS THAT FORMED THE BASIS FOR THE MOTION. THE COURT SHALL SEAL
22 THE MOTION. THE COURT SHALL APPOINT COUNSEL TO REPRESENT THE
23 INMATE WITH RESPECT TO THE DETERMINATION OF COMPETENCY OF THE
24 INMATE, BUT THE PRESENCE OF THE INMATE IS NOT REQUIRED FOR ANY
25 COURT PROCEEDINGS UNLESS GOOD CAUSE IS SHOWN. THE COURT SHALL
26 FOLLOW ALL THE RELEVANT PROCEDURES AS DESCRIBED IN ARTICLE 8.5 OF
27 TITLE 16 REGARDING THE DETERMINATION OF COMPETENCY.

1 (22) IF, PRIOR TO OR DURING ANY PAROLE APPLICATION HEARING
2 OR REVOCATION HEARING, ANY MEMBER OF THE PAROLE BOARD HAS
3 REASON TO BELIEVE THAT THE INMATE MAY HAVE A MENTAL HEALTH
4 DISORDER AS DEFINED IN SECTION 27-65-102, THE BOARD SHALL SUSPEND
5 ALL PROCEEDINGS AND NOTIFY THE PUBLIC DEFENDER LIAISON DESCRIBED
6 IN SECTION 21-1-104 (6). THE PUBLIC DEFENDER LIAISON SHALL ASSIST
7 THE INMATE IN OBTAINING THE APPOINTMENT OF ANY MANDATED
8 COUNSEL AND PROVIDE THE COURT OF JURISDICTION WITH THE NECESSARY
9 DOCUMENTATION FOR CIVIL COMMITMENT PROCEEDINGS PURSUANT TO
10 ARTICLES 10.5, 65, 67, 92, 93, AND 94 OF TITLE 27.

11 **SECTION 5.** In Colorado Revised Statutes, 17-33-101, **amend**
12 (7)(a) as follows:

13 **17-33-101. Reentry planning and programs for adult parole**
14 **- grant program - rules - reports - repeal.** (7) (a) Subject to
15 appropriations, on and after January 1, 2015, the department shall develop
16 and implement a grant program to provide funding to eligible
17 community-based organizations that provide PRERELEASE AND PAROLE
18 PLANNING SERVICES TO PEOPLE IN PRISON AND reentry services to people
19 on parole or inmates transitioning through community corrections. The
20 department shall administer the grant program in accordance with policies
21 developed by the executive director pursuant to subsection (7)(b) of this
22 section.

23 **SECTION 6.** In Colorado Revised Statutes, 21-1-104, **add** (6) as
24 follows:

25 **21-1-104. Duties of public defender - report.** (6) THE OFFICE OF
26 STATE PUBLIC DEFENDER SHALL PROVIDE ONE OR MORE PUBLIC DEFENDER
27 LIAISONS TO THE DEPARTMENT OF CORRECTIONS AND THE STATE BOARD

1 OF PAROLE TO ASSIST INMATES WITH LEGAL MATTERS RELATED TO
2 DETAINERS, BONDS, HOLDS, COMPETENCY, SPECIAL NEEDS PAROLE
3 APPLICATIONS, COMMUTATION APPLICATIONS, OR OTHER
4 CRIMINAL-RELATED LEGAL MATTERS THAT COULD IMPACT SUCCESSFUL
5 REENTRY. THE OFFICE OF STATE PUBLIC DEFENDER, IN CONSULTATION
6 WITH THE STATE BOARD OF PAROLE AND THE DEPARTMENT OF
7 CORRECTIONS, SHALL DEVELOP ANY NECESSARY POLICIES AND
8 PROCEDURES FOR IMPLEMENTATION OF THIS SUBSECTION (6).

9 **SECTION 7.** In Colorado Revised Statutes, 17-1-113.5, **add**
10 (1)(c), (1)(d), and (6) as follows:

11 **17-1-113.5. Inmates held in correctional facilities - medical**
12 **benefits application assistance - county of residence - rules.**

13 (1) (c) THE DEPARTMENT SHALL ENSURE THAT ANY INMATE WHO IS
14 SIXTY-FIVE YEARS OF AGE OR OLDER AND IS BEING RELEASED FROM PRISON
15 IS ENROLLED IN THE MOST APPROPRIATE MEDICAL INSURANCE BENEFIT
16 PLAN INCLUDING MEDICARE, MEDICARE SAVINGS PLAN, VETERAN'S
17 BENEFIT, OR OTHER SAFETY-NET HEALTH INSURANCE, OR AN INDIVIDUAL
18 HEALTH BENEFIT PLAN PRIOR TO RELEASE OR UPON RELEASE, WHICHEVER
19 WILL OFFER THE MORE IMMEDIATE AND COMPREHENSIVE HEALTH CARE
20 COVERAGE. THE DEPARTMENT SHALL PAY ANY INSURANCE PREMIUMS,
21 PENALTIES, OR OTHER COSTS RELATED TO ENROLLMENT IN HEALTH
22 INSURANCE FOR UP TO TWELVE MONTHS FROM THE START OF COVERAGE.
23 THE DEPARTMENT MAY PROVIDE FINANCIAL ASSISTANCE FOR LONGER
24 THAN TWELVE MONTHS IF THE PERSON IS STILL UNDER THE JURISDICTION
25 OF THE DEPARTMENT AND WHO WOULD OTHERWISE BE UNINSURED OR
26 UNDERINSURED WITHOUT THAT FINANCIAL ASSISTANCE.

27 (d) THE DEPARTMENT SHALL ENSURE THAT AN INMATE WHO IS

1 ELIGIBLE FOR PREMIUM-FREE MEDICARE COVERAGE IS ENROLLED DURING
2 THE INMATE'S INITIAL OPEN ENROLLMENT PERIOD OR DURING REGULAR
3 OPEN ENROLLMENT.

4 (6) IF AN INMATE IS RELEASED FROM CONFINEMENT BUT STILL
5 UNDER CRIMINAL JUSTICE SUPERVISION AND IS ELIGIBLE FOR MEDICAL
6 BENEFITS PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT",
7 ARTICLES 4 TO 6 OF TITLE 25.5, THE SUPERVISING CRIMINAL JUSTICE
8 AGENCY SHALL NOT PLACE ANY RESTRICTION OR MAKE ADDITIONAL
9 REQUIREMENTS A PRECONDITION THAT IN ANY WAY INHIBITS THE INMATE
10 FROM BEING ABLE TO CHOOSE A PROVIDER OR RECEIVE MEDICAL CARE,
11 BEHAVIORAL HEALTH TREATMENT, OR ANY OTHER ASSISTANCE
12 AUTHORIZED UNDER THE MEDICAL BENEFITS.

13 **SECTION 8.** In Colorado Revised Statutes, 26-11-105, **add**
14 (1)(g) as follows:

15 **26-11-105. Duties of commission.** (1) The commission, through
16 its director, shall carry out the following purposes:

17 (g) (I) STUDY AND MAKE RECOMMENDATIONS TO ENSURE THAT
18 PEOPLE WHO ARE RELEASED FROM PRISON THAT ARE SIXTY-FIVE YEARS OF
19 AGE OR OLDER ARE ABLE TO ACCESS HEALTH INSURANCE AFTER RELEASE,
20 INCLUDING:

21 (A) HEALTH INSURANCE OPTIONS THAT MIGHT BE AVAILABLE,
22 INCLUDING MEDICARE, MEDICAID, SOCIAL SECURITY, THE OLD AGE
23 PENSION FUND, OR ANY OTHER POTENTIAL OPTIONS FOR HEALTH CARE
24 INSURANCE, AND ANY ELIGIBILITY CRITERIA THAT MAY UNIQUELY IMPACT
25 A FORMERLY INCARCERATED POPULATION;

26 (B) ENROLLMENT PROCESSES FOR EACH HEALTH INSURANCE
27 OPTION AND THE COST FOR EACH OPTION;

1 (C) PROCESSES THE DEPARTMENT OF CORRECTIONS WOULD NEED
2 TO HAVE IN PLACE, BOTH PRIOR TO RELEASE AND AFTER RELEASE, TO
3 ENSURE PEOPLE SIXTY-FIVE YEARS OF AGE OR OLDER ARE ABLE TO ENROLL
4 IN AFFORDABLE HEALTH INSURANCE UPON RELEASE;

5 (D) POTENTIAL CHALLENGES, GAPS, OR RESOURCES NEEDED TO
6 ENSURE THAT INMATES SIXTY-FIVE YEARS OF AGE OR OLDER HAVE HEALTH
7 INSURANCE UPON RELEASE; AND

8 (E) ANY OTHER RECOMMENDATIONS RELEVANT TO IMPROVING
9 HEALTH CARE ACCESS FOR PEOPLE SIXTY-FIVE YEARS OF AGE OR OLDER
10 AFTER RELEASE FROM PRISON.

11 (II) ON OR BEFORE JANUARY 1, 2022, THE COMMISSION SHALL
12 PROVIDE A REPORT WITH ITS FINDINGS AND RECOMMENDATIONS PURSUANT
13 TO THIS SUBSECTION (1)(g) TO THE JUDICIARY AND HEALTH AND
14 INSURANCE COMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE
15 JUDICIARY AND HEALTH AND HUMAN SERVICES COMMITTEES OF THE
16 SENATE, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT OF HUMAN
17 SERVICES SHALL POST THE REPORT ON THE COLORADO COMMISSION ON
18 AGING'S WEBSITE.

19 **SECTION 9.** In Colorado Revised Statutes, 17-22.5-405, **add**
20 (10) as follows:

21 **17-22.5-405. Earned time - earned release time - achievement**
22 **earned time - definition.** (10) BEGINNING NO LATER THAN THIRTY DAYS
23 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (10), THE DEPARTMENT
24 SHALL AWARD TO EACH INMATE UNDER THE JURISDICTION OF THE
25 DEPARTMENT OF CORRECTIONS ONE DAY OF EARNED TIME FOR EACH DAY
26 THE INMATE WAS INCARCERATED DURING THE GOVERNOR'S DECLARED
27 DISASTER EMERGENCY DUE TO THE PRESENCE OF THE COVID-19 VIRUS IN

1 COLORADO, UP TO THE MAXIMUM AMOUNT OF EARNED TIME PERMITTED
2 UNDER LAW.

3 **SECTION 10.** In Colorado Revised Statutes, 17-27.5-104,
4 **amend** (1), (2), and (3) as follows:

5 **17-27.5-104. Escape from custody - duties of peace officer or**
6 **community parole officer - definitions.** (1) If an offender fails to
7 remain within the extended limits on ~~his or her~~ THE OFFENDER'S
8 confinement as established under the intensive supervision program; or,
9 having been ordered by the parole board, the executive director, or the
10 administrator of the program to return to the correctional institution,
11 neglects or fails to do so; or knowingly removes or tampers with an
12 electronic monitoring device that ~~he or she~~ THE OFFENDER is required to
13 wear as a condition of parole, ~~he or she shall be~~ THE OFFENDER IS deemed
14 to have ~~escaped from custody~~ COMMITTED THE OFFENSE OF
15 UNAUTHORIZED ABSENCE and shall, upon conviction thereof, be punished
16 as provided in ~~section 18-8-208~~ SECTION 18-8-208.2.

17 (2) When a peace officer or community parole officer has
18 probable cause to believe that an offender has committed ~~an escape~~
19 UNAUTHORIZED ABSENCE, as described in subsection (1) of this section
20 and ~~section 18-8-208~~ SECTION 18-8-208.2, by knowingly removing or
21 tampering with an electronic monitoring device that he or she is required
22 to wear as a condition of parole, the officer shall immediately seek a
23 warrant for the offender's arrest or effectuate an immediate arrest if the
24 offender is in the presence of the officer; ~~However,~~ EXCEPT THAT, before
25 an officer arrests an offender pursuant to this subsection (2), the officer,
26 if practicable, shall determine that the notification of removal or
27 tampering was not merely the result of an equipment malfunction.

1 (3) Subsequent to any arrest pursuant to subsection (2) of this
2 section, if a peace officer or community parole officer has probable cause
3 to believe that a person has committed the offense of ~~escape under~~
4 UNAUTHORIZED ABSENCE PURSUANT TO this section, the peace officer or
5 community parole officer shall submit charges to the office of the district
6 attorney for consideration of filing pursuant to section 16-5-205.

7 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-801, **amend**
8 (5) as follows:

9 **18-1.3-801. Punishment for habitual criminals.** (5) A ~~current~~
10 ~~or~~ prior conviction for escape, as described in section 18-8-208 (1), (2),
11 or (3), or attempt to escape, as described in section 18-8-208.1 ~~(1) or (2)~~
12 IN EFFECT PRIOR TO MARCH 6, 2020, WITH AN UNDERLYING FACTUAL
13 BASIS THAT SATISFIES THE ELEMENTS OF UNAUTHORIZED ABSENCE AS
14 DESCRIBED IN SECTION 18-8-208.2, OR ATTEMPT THEREOF, may not be
15 used for the purpose of adjudicating a person an habitual criminal as
16 described in subsection (1.5) or subsection (2) of this section unless the
17 conviction is based on the offender's escape or attempt to escape from a
18 correctional facility, as defined in section 17-1-102, or from physical
19 custody within a county jail; except that, for the purposes of this section,
20 "correctional facility" does not include a community corrections facility,
21 as defined in section 17-27-102 (2.5), or a halfway house, as defined in
22 section 19-1-103 (62).

23 **SECTION 12.** In Colorado Revised Statutes, 17-2-201, **add** (20)
24 as follows:

25 **17-2-201. State board of parole - duties - definitions.**
26 (20) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
27 CONTRARY, THE PAROLE BOARD SHALL SCHEDULE A PAROLE HEARING

1 WITHIN SIXTY DAYS OF THE EFFECTIVE DAY OF THIS SUBSECTION (20) IF A
2 PERSON CURRENTLY INCARCERATED HAS A CONTROLLING SENTENCE FOR
3 A CRIME ENUMERATED IN SUBSECTION (20)(b) OF THIS SECTION.

4 (b) ELIGIBLE OFFENSES ARE ESCAPE, AS DESCRIBED IN SECTION
5 18-8-208, OR ATTEMPT TO ESCAPE, AS DESCRIBED IN SECTION 18-8-208.1,
6 IN EFFECT PRIOR TO MARCH 6, 2020, IF THE UNDERLYING FACTUAL BASIS
7 SATISFIES THE ELEMENTS OF THE CRIME OF UNAUTHORIZED ABSENCE OR
8 ATTEMPTED UNAUTHORIZED ABSENCE, AS DESCRIBED IN SECTION
9 18-8-208.2 (2)(a) OR (2)(b).

10 (c) AN INMATE IS NOT ELIGIBLE FOR EXPEDITED PAROLE
11 CONSIDERATION UNDER THIS SUBSECTION (20) IF:

12 (I) THE INMATE IS NOT CURRENTLY AT OR PAST HIS OR HER PAROLE
13 ELIGIBILITY DATE; OR

14 (II) THE INMATE IS INELIGIBLE FOR RELEASE TO PAROLE PURSUANT
15 TO SUBSECTION (3.7)(a) OF THIS SECTION.

16 (d) THE DEPARTMENT SHALL PROVIDE VICTIM NOTIFICATION AS
17 REQUIRED BY SECTION 24-4.1-303 (14)(d).

18 **SECTION 13.** In Colorado Revised Statutes, 18-1.3-407, **amend**
19 (2)(b), (3.3) introductory portion, (3.3)(c)(I), (3.5), and (11.5)(a)(I);
20 **repeal** (2)(a.5), (11), and (11.5)(c); and **add** (14) as follows:

21 **18-1.3-407. Sentences - youthful offenders - legislative**
22 **declaration - powers and duties of district court - authorization for**
23 **youthful offender system - powers and duties of department of**
24 **corrections - youthful offender system study - report - definitions.**

25 (2) (a.5) ~~During any period of incarceration under the youthful offender~~
26 ~~system, privileges including, but not limited to, televisions, radios, and~~
27 ~~entertainment systems, shall not be available for an offender unless such~~

1 ~~privileges have been earned under a merit system.~~

2 (b) Article 22.5 of title 17, ~~C.R.S.~~, concerning time credits, ~~shall~~
3 ~~not apply~~ APPLIES to any person sentenced to the youthful offender
4 system; except that an offender whose sentence to the youthful offender
5 system is revoked pursuant to subsection (5) of this section may receive
6 one day of credit against the suspended sentence imposed by the court
7 following revocation of the sentence to the youthful offender system for
8 each day the offender served in the youthful offender system, excluding
9 any period of time during which the offender was under community
10 supervision BUT INCLUDING CREDIT FOR PRESENTENCE CONFINEMENT
11 AUTHORIZED PURSUANT TO SECTION 18-1.3-405.

12 (3.3) The youthful offender system consists of the following
13 components, and the department of corrections has the authority
14 described in ~~paragraphs (a) to (d)~~ of this subsection (3.3) in connection
15 with the administration of the components:

16 (c) (I) Phase II, which may be administered during the last three
17 TO SIX months of the period of institutional confinement and during which
18 time the department of corrections is authorized to transfer an offender to
19 a twenty-four-hour custody residential program that serves youthful
20 offenders.

21 (3.5) The executive director of the department of corrections ~~shall~~
22 ~~have~~ OR THE EXECUTIVE DIRECTOR'S DESIGNEE HAS final approval on the
23 hiring and transferring of staff for the youthful offender system. In
24 staffing the youthful offender system, the executive director OR THE
25 EXECUTIVE DIRECTOR'S DESIGNEE shall select persons who are trained in
26 the treatment of youthful offenders or will be trained in the treatment of
27 youthful offenders, ~~prior to working with such population~~, are trained to

1 act as role models and mentors pursuant to ~~paragraph (c) of subsection (3)~~
2 SUBSECTION (3)(c) of this section, and are best equipped to enable the
3 youthful offender system to meet the principles specified in subsection (3)
4 of this section. ALL STAFF MEMBERS MUST BE TRAINED IN THE TREATMENT
5 OF YOUTHFUL OFFENDERS WITHIN FORTY-FIVE DAYS AFTER THEIR FIRST
6 DAY AT THE YOUTHFUL OFFENDER SYSTEM. PRIOR TO RECEIVING THIS
7 TRAINING, A STAFF MEMBER SHALL NOT WORK DIRECTLY WITH JUVENILES
8 AND MUST BE SUPERVISED BY A TRAINED STAFF MEMBER WHEN WORKING
9 WITH ANY YOUNG ADULT OFFENDERS AT THE YOUTHFUL OFFENDER
10 SYSTEM. The executive director OR THE EXECUTIVE DIRECTOR'S DESIGNEE
11 shall make a recommendation to the department of personnel regarding
12 the classification of positions with the youthful offender system, taking
13 into account the level of education and training required for such
14 positions.

15 (11) ~~Any district attorney in the state shall maintain records~~
16 ~~regarding juveniles who are sentenced to the youthful offender system~~
17 ~~and such records shall indicate which juveniles have been filed on as~~
18 ~~adults or are sentenced to the system and the offenses committed by such~~
19 ~~juveniles.~~

20 (11.5) (a) (I) An offender who is sentenced to the youthful
21 offender system shall submit to ~~and pay for~~ collection and a chemical
22 testing of a biological substance sample from the offender to determine
23 the genetic markers thereof.

24 (c) ~~Any moneys received from offenders pursuant to paragraph (a)~~
25 ~~of this subsection (11.5) shall be deposited in the offender identification~~
26 ~~fund created in section 24-33.5-415.6, C.R.S.~~

27 (14) THE DEPARTMENT OF CORRECTIONS SHALL CONSULT WITH

1 ONE OR MORE EXTERNAL EXPERTS TO CONDUCT A STUDY OF THE
2 EFFECTIVENESS OF THE CURRENT YOUTHFUL OFFENDER SYSTEM, AS
3 DESIGNED BY THE ENABLING STATUTE AND AS IMPLEMENTED BY THE
4 DEPARTMENT OF CORRECTIONS. THE DEPARTMENT SHALL CONSIDER ALL
5 RELEVANT RESEARCH ON EFFECTIVE PROGRAMMING FOR YOUNG ADULTS
6 AND ALTERNATIVE MANAGEMENT AND PROGRAM MODELS FOR THE
7 YOUTHFUL OFFENDER SYSTEM. ADDITIONALLY, THE STUDY MUST ASSESS
8 THE POTENTIAL EXPANSION OF THE YOUTHFUL OFFENDER SYSTEM TO
9 SERVE OFFENDERS UP TO THE AGE OF TWENTY-FIVE YEARS WHO COMMIT
10 FELONY OFFENSES, INCLUDING THE OFFENSES WHICH CURRENTLY MAKE A
11 YOUNGER OFFENDER ELIGIBLE FOR YOUTHFUL OFFENDER SENTENCING BY
12 THE COURT, AND HOW THAT EXPANSION COULD BE IMPLEMENTED. THE
13 DEPARTMENT SHALL SEEK ALTERNATIVE FUNDING SOURCES FOR THIS
14 STUDY THROUGH GIFTS, GRANTS, AND DONATIONS OR FUND THE STUDY
15 THROUGH CURRENT APPROPRIATIONS. A REPORT OF FINDINGS MUST BE
16 COMPLETED BY THE EXTERNAL EXPERTS, IN CONJUNCTION WITH THE
17 DEPARTMENT, BY DECEMBER 1, 2021, AND THE REPORT MUST BE MADE
18 AVAILABLE TO THE PUBLIC.

19 **SECTION 14.** In Colorado Revised Statutes, 17-1-104.3, **amend**
20 (1)(b.5) as follows:

21 **17-1-104.3. Correctional facilities - locations - security level -**
22 **report.** (1) (b.5) Not more than six hundred and fifty beds at the
23 Centennial south campus of the Centennial correctional facility may be
24 operated by the department for the purpose of housing inmates who are
25 close custody inmates. At the discretion of the executive director, the
26 department may house inmates of a lower than close custody level ~~for no~~
27 ~~longer than three months from March 6, 2020,~~ in order to facilitate the

1 movement of inmates displaced as a result of prison closure, DURING A
2 DECLARED DISASTER EMERGENCY BY THE GOVERNOR, or if the lower than
3 close custody inmate is voluntarily serving as a mentor peer-support, or
4 in another other leadership role as part of departmental programming with
5 the purpose of progressing close custody inmates to lower security levels.
6 THE UNDERLYING DECLARED DISASTER EMERGENCY MUST IMPACT STATE
7 PRISON OPERATIONS.

8 **SECTION 15. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety.