

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0513.01 Conrad Imel x2313

HOUSE BILL 23-1037

HOUSE SPONSORSHIP

Martinez,

SENATE SPONSORSHIP

Gonzales,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AWARDING EARNED TIME TO NONVIOLENT OFFENDERS**
102 **WHO COMPLETE AN ACCREDITED HIGHER EDUCATION**
103 **PROGRAM.**

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>.)

Under existing law, an inmate in the custody of the department of corrections (department) may have earned time deducted from the inmate's sentence for meeting certain statutory requirements. The bill permits an inmate sentenced for a nonviolent felony offense to have earned time deducted from the inmate's sentence for each accredited

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

HOUSE
Amended 2nd Reading
February 17, 2023

degree or other credential awarded by an accredited institution of higher education to the inmate while the inmate is incarcerated, in the following amounts:

- One year of earned time for receiving an associate, baccalaureate, or graduate degree; and
- 6 months of earned time for receiving a certificate or other credential.

The bill requires the general assembly to annually appropriate the savings incurred during the prior state fiscal year as a result of the release of inmates from correctional facilities because of earned time granted for completion of a higher education degree or credential, as follows:

- 50% of the savings to the department of corrections to facilitate inmates enrolling in and completing accredited higher education programs; and
- 50% of the savings to the department of higher education for allocation to institutions of higher education that offer accredited programs in correctional facilities.

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

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

4 **17-22.5-405. Earned time - earned release time - achievement**
5 **earned time - definition.** (3.7) FOR AN INMATE SENTENCED FOR A
6 NONVIOLENT FELONY OFFENSE AS DESCRIBED IN SUBSECTION (5) OF THIS
7 SECTION, IN ADDITION TO THE EARNED TIME DEDUCTED PURSUANT TO
8 SUBSECTION (1) OR (1.5) OF THIS SECTION, EARNED TIME SHALL BE
9 DEDUCTED FROM THE INMATE'S SENTENCE FOR EACH ACCREDITED DEGREE
10 OR OTHER CREDENTIAL AWARDED BY A REGIONALLY ACCREDITED
11 INSTITUTION OF HIGHER EDUCATION TO THE INMATE WHILE THE INMATE IS
12 INCARCERATED OR ON PAROLE AS FOLLOWS:

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

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

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

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

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

11 **17-22.5-108. Appropriation of savings from earned time**
12 **awarded for completing an accredited higher education program -**
13 **budget request requirement.** (1) FOR STATE FISCAL YEAR 2024-25, AND
14 FOR EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY
15 SHALL ANNUALLY APPROPRIATE THE SAVINGS INCURRED DURING THE
16 PRIOR STATE FISCAL YEAR RESULTING FROM THE DEDUCTION OF EARNED
17 TIME PURSUANT TO SECTION 17-22.5-405 (3.7) FOR COMPLETION OF AN
18 ACCREDITED DEGREE, CERTIFICATE, OR OTHER CREDENTIAL PROGRAM AS
19 FOLLOWS:

20 (a) AN AMOUNT EQUAL TO FIFTY PERCENT OF THE SAVINGS TO THE
21 DEPARTMENT OF CORRECTIONS TO FACILITATE INMATES ENROLLING IN
22 AND COMPLETING ACCREDITED HIGHER EDUCATION PROGRAMS; AND

23 (b) AN AMOUNT EQUAL TO FIFTY PERCENT OF THE SAVINGS TO THE
24 DEPARTMENT OF HIGHER EDUCATION CREATED PURSUANT TO SECTION
25 24-1-114 FOR ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION THAT
26 OFFER ACCREDITED DEGREE, CERTIFICATE, OR OTHER CREDENTIAL
27 PROGRAMS IN A CORRECTIONAL FACILITY.

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

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

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