

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

PREAMENDED

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

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.*

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) ONE YEAR OF EARNED TIME FOR AN ASSOCIATE,
14 BACCALAUREATE, OR GRADUATE DEGREE; AND

15 (b) SIX MONTHS OF EARNED TIME FOR A CERTIFICATE OR OTHER
16 CREDENTIAL THAT REQUIRES COMPLETION OF AT LEAST THIRTY CREDIT

1 HOURS FOR AWARD OF THE CERTIFICATE OR CREDENTIAL.

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

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

9 17-22.5-108. Appropriation of savings from earned time
10 awarded for completing an accredited higher education program -
11 budget request requirement. (1) FOR STATE FISCAL YEAR 2024-25, AND
12 FOR EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY
13 SHALL ANNUALLY APPROPRIATE THE SAVINGS INCURRED DURING THE
14 PRIOR STATE FISCAL YEAR RESULTING FROM THE DEDUCTION OF EARNED
15 TIME PURSUANT TO SECTION 17-22.5-405 (3.7) FOR COMPLETION OF AN
16 ACCREDITED DEGREE, CERTIFICATE, OR OTHER CREDENTIAL PROGRAM AS
17 FOLLOWS:

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

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

26 (2) BEGINNING WITH ITS ANNUAL BUDGET REQUEST TO THE JOINT
27 BUDGET COMMITTEE FOR STATE FISCAL YEAR 2024-25, AND FOR EACH

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

6 **SECTION 3. Applicability.** This act applies to a degree,
7 certificate, or other credential awarded on or after the effective date of
8 this act.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.