

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0513.01 Conrad Imel x2313

HOUSE BILL 23-1037

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Judiciary

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.*

SENATE
3rd Reading Unamended
March 17, 2023

SENATE
Amended 2nd Reading
March 16, 2023

HOUSE
3rd Reading Unamended
February 21, 2023

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) (a) 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 DESIGNATED BY THE DEPARTMENT
12 PURSUANT TO SUBSECTION (3.7)(b) OF THIS SECTION TO THE INMATE
13 WHILE THE INMATE IS INCARCERATED OR ON PAROLE AS FOLLOWS:

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

16 (II) ONE YEAR OF EARNED TIME FOR AN ASSOCIATE DEGREE OR A

1 BACCALAUREATE DEGREE; AND

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

5 (b) (I) NO LATER THAN SEPTEMBER 30, 2023, THE DEPARTMENT
6 SHALL DESIGNATE UP TO SIX REGIONALLY ACCREDITED INSTITUTIONS OF
7 HIGHER EDUCATION THAT MAY AWARD A DEGREE OR CREDENTIAL TO AN
8 INMATE FOR WHICH EARNED TIME MAY BE DEDUCTED PURSUANT TO THIS
9 SUBSECTION (3.7). THE DEPARTMENT SHALL MAKE THE LIST OF
10 DESIGNATED INSTITUTIONS PUBLICLY AVAILABLE AND AVAILABLE TO
11 INMATES INCARCERATED OR ON PAROLE.

12 (II) IN ITS PRESENTATION TO THE COMMITTEES OF REFERENCE
13 PURSUANT TO SECTION 2-7-203 MADE DURING THE 2028 LEGISLATIVE
14 SESSION, THE DEPARTMENT MAY RECOMMEND A CHANGE IN THE NUMBER
15 OF INSTITUTIONS IT MAY DESIGNATE PURSUANT TO THIS SUBSECTION
16 (3.7)(b).


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

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

24 **17-22.5-108. Appropriation of savings from earned time**
25 **awarded for completing an accredited higher education program -**
26 **budget request requirement.** (1) FOR STATE FISCAL YEAR 2024-25, AND
27 FOR EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY

1 SHALL ANNUALLY APPROPRIATE THE SAVINGS INCURRED DURING THE
2 PRIOR STATE FISCAL YEAR RESULTING FROM THE DEDUCTION OF EARNED
3 TIME PURSUANT TO SECTION 17-22.5-405 (3.7) FOR COMPLETION OF AN
4 ACCREDITED DEGREE, CERTIFICATE, OR OTHER CREDENTIAL PROGRAM TO
5 THE _____ DEPARTMENT OF HIGHER EDUCATION CREATED PURSUANT TO
6 SECTION 24-1-114 FOR ALLOCATION TO INSTITUTIONS OF HIGHER
7 EDUCATION THAT OFFER ACCREDITED DEGREE, CERTIFICATE, OR OTHER
8 CREDENTIAL PROGRAMS IN A CORRECTIONAL FACILITY.

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

16 

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

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