

CHAPTER 213

CORRECTIONS

SENATE BILL 23-157

BY SENATOR(S) Coleman and Baisley, Gonzales, Roberts, Bridges, Buckner, Cutter, Exum, Fields, Ginal, Hansen, Moreno, Priola, Winter F., Zenzinger, Fenberg;
also REPRESENTATIVE(S) Martinez and Sharbini, Bacon, Brown, English, Herod, Jodeh, Lindsay, Mabrey, Ortiz, Story, Velasco, Weissman.

AN ACT

CONCERNING THE CONTINUATION OF THE OFFENDER REENTRY GRANT PROGRAM, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES' 2022 SUNSET REPORT.

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

SECTION 1. In Colorado Revised Statutes, 17-33-101, **amend** (3) and (7)(g); and **add** (9) as follows:

17-33-101. Reentry planning and programs for adult parole - grant program - rules - reports - repeal. (3) On and after July 1, 2014:

(a) The department shall develop and implement initiatives within the department specifically designed to decrease recidivism, enhance public safety, and increase each offender's INCARCERATED PERSON'S chances of achieving success upon his or her THE INCARCERATED PERSON'S release to INTO the community.

(b) THE DEPARTMENT SHALL TRACK THE LONG-TERM RECIDIVISM RATES OF PERSONS WHO WERE FORMERLY INCARCERATED WHO PARTICIPATED IN REENTRY SERVICES AND PROGRAMS. THE DEPARTMENT SHALL PROVIDE DATA ON ALL INDIVIDUALS WHO PARTICIPATE IN REENTRY SERVICES AND PROGRAMS REGARDING:

(I) THE TYPE AND LEVEL OF OFFENSE OF THE CONTROLLING SENTENCE;

(II) LENGTH OF THE CONTROLLING SENTENCE;

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

(III) RISK OF REOFFENSE BASED ON A RISK ASSESSMENT INSTRUMENT VALIDATED FOR INDIVIDUALS ON PAROLE;

(IV) NUMBER OF INDIVIDUALS IN PRISON PAST THE INDIVIDUAL'S PAROLE ELIGIBILITY DATE;

(V) NUMBER OF INDIVIDUALS GRANTED DISCRETIONARY PAROLE AT THE INDIVIDUAL'S FIRST PAROLE APPLICATION HEARING;

(VI) NUMBER OF INDIVIDUALS GRANTED DISCRETIONARY PAROLE AT ANY SUBSEQUENT PAROLE APPLICATION HEARING;

(VII) NUMBER OF INDIVIDUALS RELEASED AT MANDATORY RELEASE DATE;

(VIII) RECIDIVISM AT SIX MONTHS, ONE YEAR, TWO YEARS, AND THREE YEARS FOLLOWING RELEASE, DISAGGREGATED BY WHETHER THE RETURN TO PRISON WAS THE RESULT OF A NEW CONVICTION, INCLUDING THE TYPE AND LEVEL OF OFFENSE, OR ONLY FOR A VIOLATION OF A CONDITION OF RELEASE; AND

(IX) FOR SECTIONS (I) THROUGH (X), THE DATA MUST BE DISAGGREGATED BY RACE AND GENDER.

(c) BEGINNING IN JANUARY 2024, AND EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL PROVIDE TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT WITH THE INFORMATION IN SUBSECTION (3)(b) OF THIS SECTION, DURING THE DEPARTMENT'S PRESENTATION AT HEARINGS HELD PURSUANT TO THE "SMART ACT".

(7)(g) This subsection (7) is repealed, effective September 1, 2023 2028. Before its repeal, the department of regulatory agencies shall review the grant program in accordance with section 24-34-104.

(9) FOR PURPOSES OF THIS SECTION, "RECIDIVISM" MEANS A RETURN TO PRISON IN COLORADO FOR EITHER NEW CRIMINAL ACTIVITY OR A TECHNICAL VIOLATION OF PAROLE, PROBATION OR NON-DEPARTMENTAL COMMUNITY PLACEMENT WITHIN THREE YEARS OF RELEASE.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (24)(a)(VII); and **add** (29)(a)(XVIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.

(24) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2023:

(VII) ~~The grant program to provide funding to eligible community-based organizations that provide reentry services to people on parole or inmates transitioning through community corrections described in section 17-33-101 (7);~~

(29) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2028:

(XVIII) THE GRANT PROGRAM TO PROVIDE FUNDING TO ELIGIBLE COMMUNITY-BASED ORGANIZATIONS THAT PROVIDE REENTRY SERVICES TO PEOPLE ON PAROLE OR INMATES TRANSITIONING THROUGH COMMUNITY CORRECTIONS DESCRIBED IN SECTION 17-33-101 (7);

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

Approved: May 17, 2023