

CHAPTER 324

CORRECTIONS

SENATE BILL 23-067

BY SENATOR(S) Coleman, Bridges, Buckner, Cutter, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Marchman, Moreno, Pelton B., Priola, Sullivan, Winter F., Fenberg;
also REPRESENTATIVE(S) Bacon and Holtorf, Amabile, Bird, Boesenecker, Daugherty, deGruy Kennedy, Dickson, Duran, English, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Marshall, Martinez, Mauro, McCormick, Ortiz, Sharbini, Sirota, Snyder, Story, Titone, Velasco, Weissman, Willford, McCluskie.

AN ACT

CONCERNING A RECIDIVISM REDUCTION PROGRAM FOR PERSONS SENTENCED TO THE DEPARTMENT OF CORRECTIONS FACILITATED BY PROGRAM PARTICIPANTS IN PARTNERSHIP WITH DEPARTMENT OF CORRECTIONS STAFF, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 17-33-103 as follows:

17-33-103. Pre-release and reentry program development - operation - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FACILITY" MEANS THE STERLING CORRECTIONAL FACILITY.

(b) "PROGRAM" MEANS A PRE-RELEASE AND REENTRY PROGRAM DEVELOPED IN CONSULTATION WITH RESIDENTS PURSUANT TO THIS SECTION.

(c) "PROGRAM DEVELOPER" MEANS THE PERSON DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION ASSIGNED TO DEVELOP AND STUDY STRATEGIES TO IMPLEMENT THE PROGRAM.

(d) "PROGRAM REPORT" MEANS THE REPORT ISSUED BY THE DEPARTMENT PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(e) "RESIDENT" MEANS A PERSON SERVING A TERM OF IMPRISONMENT AT THE FACILITY.

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.

(f) "THIRD-PARTY ORGANIZATION" MEANS AN ORGANIZATION THAT SATISFIES THE QUALIFICATIONS DESCRIBED IN SUBSECTION (2)(d) OF THIS SECTION THAT THE DEPARTMENT CONTRACTS WITH PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2)(a) THE DEPARTMENT SHALL CONTRACT WITH A THIRD-PARTY ORGANIZATION TO DEVELOP AND STUDY STRATEGIES FOR IMPLEMENTING A PRE-RELEASE AND REENTRY PROGRAM THAT IS DESIGNED IN CONSULTATION WITH RESIDENTS. THE GOAL OF THE PROGRAM IS TO BENEFIT PROGRAM PARTICIPANTS, THE FACILITY, AND THE DEPARTMENT BY PROVIDING PROGRAM PARTICIPANTS WITH RESOURCES TO SUPPORT THEIR REHABILITATION AND TO REDUCE RECIDIVISM UPON THEIR RELEASE FROM THE FACILITY.

(b)(I) ON OR BEFORE AUGUST 1, 2023, THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH THE THIRD-PARTY ORGANIZATION TO ASSIGN AN INDIVIDUAL EMPLOYED BY THE THIRD-PARTY ORGANIZATION TO SERVE AS THE PROGRAM DEVELOPER AND CARRY OUT THE DUTIES DESCRIBED IN THIS SECTION. THE PROGRAM DEVELOPER MUST HAVE EXPERIENCE IN MENTAL AND BEHAVIORAL HEALTH, CULTURAL COMPETENCY, AND THE REHABILITATION AND RECIDIVISM OF JUSTICE-INVOLVED INDIVIDUALS. THE CONTRACT MUST REQUIRE THE PROGRAM DEVELOPER TO CARRY OUT THE DUTIES DESCRIBED IN THIS SECTION; EXCEPT THAT THE CONTRACT MUST PERMIT THE THIRD-PARTY ORGANIZATION TO SUBCONTRACT WITH OTHER ORGANIZATIONS THAT HAVE EXPERTISE IN SUBJECT AREAS, SUCH AS BEHAVIORAL HEALTH AND DATA COLLECTION AND ANALYSIS, THAT ARE BENEFICIAL TO THE PROGRAM DEVELOPER IN CARRYING OUT THE DEVELOPER'S DUTIES.

(II) THE DEPARTMENT SHALL ALLOW THE PROGRAM DEVELOPER TO WORK IN THE FACILITY WITH RESIDENTS AND MAY REQUIRE THE PROGRAM DEVELOPER TO MEET THE SAME QUALIFICATIONS AS A PERSON WHO SERVES AS A CORRECTIONAL OFFICER AT THE FACILITY. THE DEPARTMENT MAY PROVIDE AND REQUIRE THE PROGRAM DEVELOPER TO COMPLETE TRAINING NECESSARY FOR THE PROGRAM DEVELOPER TO WORK IN THE FACILITY WITH RESIDENTS.

(III) THE PROGRAM DEVELOPER'S ONLY DUTIES ARE THOSE DESCRIBED IN THIS SECTION RELATED TO DEVELOPING THE PROGRAM, STUDYING IMPLEMENTATION STRATEGIES, AND PREPARING THE PROGRAM REPORT, INCLUDING CONSULTING WITH RESIDENTS TO DESIGN THE PROGRAM AND CONDUCTING THE RESEARCH AND ANALYZING DATA NECESSARY TO PREPARE THE PROGRAM REPORT. THE PROGRAM DEVELOPER SHALL SPEND THE MAJORITY OF THE PROGRAM DEVELOPER'S TIME CONSULTING WITH RESIDENTS TO DESIGN AND STUDY IMPLEMENTATION STRATEGIES FOR THE PROGRAM.

(IV) IN ORDER FOR THE PROGRAM DEVELOPER TO HAVE SUFFICIENT TIME TO DEVELOP THE PROGRAM, STUDY IMPLEMENTATION STRATEGIES, AND PREPARE THE PROGRAM REPORT, THE PROGRAM DEVELOPER SHALL BEGIN WORK NO LATER THAN AUGUST 15, 2023.

(c) THE PROGRAM DEVELOPMENT AND THE IMPLEMENTATION STUDY MUST BE CONDUCTED IN COMPLIANCE WITH ALL DEPARTMENT AND FACILITY RULES, AND THE DEPARTMENT SHALL PRIORITIZE PROGRAM DEVELOPMENT AND THE IMPLEMENTATION STUDY. THE DEPARTMENT SHALL PROVIDE ASSISTANCE TO THE

PROGRAM DEVELOPER, INCLUDING ENSURING ACCESS TO AS MANY RESIDENTS AS POSSIBLE.

(d) A THIRD-PARTY ORGANIZATION THAT CONTRACTS WITH THE DEPARTMENT PURSUANT TO THIS SUBSECTION (2) MUST HAVE PROVEN EXPERIENCE WORKING WITH POPULATIONS THAT ARE OVERREPRESENTED IN THE DEPARTMENT'S RESIDENT POPULATION AND MUST HAVE NOT PREVIOUSLY CONTRACTED WITH THE DEPARTMENT FOR ANY PURPOSE.

(3) (a) THE PROGRAM DEVELOPER SHALL CONSULT WITH RESIDENTS TO DESIGN THE PROGRAM, INCLUDING DEVELOPING PROGRAM CURRICULUM AND METRICS TO MEASURE PROGRAM SUCCESS. THE PROGRAM DEVELOPER SHALL ALSO CONDUCT ANY RESEARCH NECESSARY TO COMPLETE THE PROGRAM REPORT.

(b) THE PROGRAM MUST PROVIDE PARTICIPANTS WITH TRAINING IN SKILLED OR PROFESSIONAL TRADES AND OTHER EMPLOYMENT-FOCUSED ACTIVITIES, EDUCATION IN SKILLS BENEFICIAL TO A PARTICIPANT FOLLOWING RELEASE FROM CONFINEMENT, AND MENTAL AND BEHAVIORAL HEALTH COUNSELING SESSIONS. ADDITIONALLY, THE PROGRAM MUST:

(I) BE DESIGNED IN CONSULTATION WITH RESIDENTS;

(II) INCLUDE A PROCESS FOR DETERMINING ELIGIBILITY FOR RESIDENTS TO PARTICIPATE IN THE PROGRAM;

(III) INCLUDE, AT A MINIMUM, SESSIONS OR INSTRUCTION IN THE FOLLOWING AREAS: GENERAL POSTSECONDARY EDUCATION, ADDICTION RECOVERY, VICTIM AWARENESS, TIME MANAGEMENT, DOMESTIC VIOLENCE PREVENTION, PERSONAL FINANCE, LEADERSHIP, STRATEGIES FOR COPING WITH DIFFICULT SITUATIONS, FAMILY REUNIFICATION UPON RELEASE, FORGIVENESS, AND ALTERNATIVES TO VIOLENCE. THE PROGRAM MUST HAVE CUSTOMIZED CURRICULUM THAT EMPHASIZES DIFFERENT AREAS OF STUDY FOR PARTICIPANTS WHO ARE SCHEDULED FOR RELEASE FROM THE FACILITY WITHIN ONE YEAR AND FOR PARTICIPANTS WHO ARE SCHEDULED FOR RELEASE FROM THE FACILITY IN MORE THAN ONE YEAR.

(IV) WORK WITH PROFESSIONALS FROM OUTSIDE OF THE FACILITY, WHO MAY INCLUDE COLLEGE AND UNIVERSITY PROFESSORS, MENTAL AND BEHAVIORAL HEALTH PROFESSIONALS, SUBSTANCE USE DISORDER PROFESSIONALS, AND SOCIOLOGISTS; AND

(V) PERMIT PROFESSIONALS FROM OUTSIDE THE FACILITY TO VISIT AND WORK WITH PROGRAM PARTICIPANTS IN PERSON AT THE FACILITY.

(c) AS PART OF THE IMPLEMENTATION STUDY, THE PROGRAM DEVELOPER SHALL EVALUATE THE COSTS, CHALLENGES, AND BENEFITS OF:

(I) PROVIDING PROGRAM PARTICIPANTS WITH THE TECHNOLOGY AND TOOLS NECESSARY TO WORK REMOTELY WITH PROFESSIONALS FROM OUTSIDE THE FACILITY;

(II) PRIORITIZING OPERATING THE PROGRAM AND PROGRAM ACTIVITIES WHILE COMPLYING WITH DEPARTMENT AND FACILITY RULES;

(III) PROVIDING FINANCIAL ASSISTANCE TO PROGRAM PARTICIPANTS RELEASED FROM THE FACILITY; AND

(IV) INCENTIVIZING EMPLOYERS WHO EMPLOY PROGRAM PARTICIPANTS UPON RELEASE FROM THE FACILITY.

(4) (a) ON OR BEFORE DECEMBER 31, 2023, THE PROGRAM DEVELOPER SHALL REPORT TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE DEPARTMENT, ABOUT THE DEVELOPMENT OF THE PROGRAM.

(b) THE REPORT MUST MAKE RECOMMENDATIONS FOR IMPLEMENTING AND OPERATING THE PROGRAM AT THE FACILITY, INCLUDING:

(I) STATUTORY CHANGES NECESSARY TO OPERATE THE PROGRAM;

(II) STRATEGIES FOR HIRING AND RETAINING QUALIFIED PROGRAM STAFF;

(III) FUNDING REQUIRED FOR THE PROGRAM; AND

(IV) METHODS TO EVALUATE THE SUCCESS OF THE PROGRAM, INCLUDING THE TYPES OF QUANTITATIVE AND QUALITATIVE DATA THAT SHOULD BE COLLECTED ABOUT THE PROGRAM AND PROGRAM PARTICIPANTS, INCLUDING CAPTURING NARRATIVE EXPERIENCES FROM PARTICIPANTS ABOUT SUBJECTS THAT ARE SUPPORTIVE OF PARTICIPANTS' SOCIAL AND EMOTIONAL HEALTH, SUCH AS LEADERSHIP SKILLS, CONFIDENCE, FEELING OF BELONGING, FEELING OF PURPOSE, COMMUNICATION SKILLS, AND BETTERING INTERPERSONAL RELATIONSHIPS. THE REPORT MUST INCLUDE A RECOMMENDATION FOR THE LENGTH OF A LONGITUDINAL STUDY NECESSARY TO EVALUATE THE BENEFITS TO PROGRAM PARTICIPANTS.

(c) THE REPORT MUST ALSO INCLUDE THE FOLLOWING INFORMATION:

(I) DISAGGREGATED DEMOGRAPHIC INFORMATION ABOUT THE RESIDENTS WHOM THE PROGRAM DEVELOPER CONSULTED WITH DURING DEVELOPMENT OF THE PROGRAM AND INFORMATION ABOUT THE RESIDENTS' SENTENCES TO THE DEPARTMENT, INCLUDING THE OFFENSES FOR WHICH THE RESIDENTS WERE CONVICTED, THE LENGTH OF SENTENCE TO INCARCERATION, THE TIME SERVED, AND THE RESIDENTS' CUSTODY LEVEL;

(II) THE AMOUNT OF TIME THE PROGRAM DEVELOPER SPENT CONSULTING WITH RESIDENTS, ORGANIZED BY THE DEMOGRAPHIC INFORMATION OF THE RESIDENTS WITH WHOM THE PROGRAM DEVELOPER CONSULTED;

(III) THE PERCENTAGE OF RESIDENTS EXPECTED TO BE ELIGIBLE FOR PARTICIPATION IN THE PROGRAM;

(IV) DETAILED INFORMATION ABOUT THE ANTICIPATED PROGRAM SCHEDULE, INCLUDING THE AMOUNT OF TIME ALLOTTED EACH DAY FOR PROGRAM ACTIVITIES AND HOW OFTEN A PARTICIPANT MUST PARTICIPATE IN PROGRAM ACTIVITIES TO ACHIEVE THE INTENDED BENEFITS OF THE PROGRAM;

(V) THE ANTICIPATED BENEFITS FROM THE PROGRAM FOR PARTICIPANTS, INCLUDING BENEFITS TO PARTICIPANTS FOLLOWING RELEASE FROM THE FACILITY, PARTICIPANTS NEARING RELEASE FROM THE FACILITY, AND PARTICIPANTS WHO ARE SERVING AS MENTORS IN THE PROGRAM; AND

(VI) RECOMMENDATIONS FOR ANY OTHER POLICY CHANGES BASED ON INFORMATION LEARNED FROM DEVELOPING THE PROGRAM AND IMPLEMENTATION STUDY.

(d) THE REPORT MAY INCLUDE RECOMMENDATIONS FOR OPERATING THE PROGRAM IN OTHER CORRECTIONAL FACILITIES.

(4.5) IN ITS ANNUAL REPORT BEFORE THE HOUSE AND SENATE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203 MADE DURING THE 2024 LEGISLATIVE SESSION, THE DEPARTMENT SHALL INCLUDE INFORMATION ABOUT THE PROGRAM DEVELOPMENT REQUIRED IN THIS SECTION AND HOW THE DEPARTMENT SPENT ANY MONEY APPROPRIATED TO THE DEPARTMENT FOR THE PROGRAM DEVELOPMENT. THE DEPARTMENT SHALL ALSO MAKE RECOMMENDATIONS FOR STATUTORY CHANGES NECESSARY TO IMPLEMENT THE PROGRAM.

(5) (a) BEGINNING NO LATER THAN SEPTEMBER 1, 2024, AND SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL OPERATE THE PROGRAM DEVELOPED PURSUANT TO THIS SECTION.

(b) (I) BEGINNING WITH ITS ANNUAL REPORT BEFORE THE HOUSE AND SENATE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203 MADE DURING THE 2025 LEGISLATIVE SESSION, AND IN ITS ANNUAL REPORT PURSUANT TO SECTION 2-7-203 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE INFORMATION ABOUT THE OPERATION AND EFFICACY OF THE PROGRAM.

(II) IN ITS REPORT TO THE COMMITTEES OF REFERENCE DURING THE 2029 LEGISLATIVE SESSION, THE DEPARTMENT SHALL MAKE A RECOMMENDATION CONCERNING WHETHER TO CONTINUE THE PROGRAM.

(6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.

SECTION 2. Appropriation. For the 2023-24 state fiscal year, \$100,000 is appropriated to the department of corrections for use by inmate programs. This appropriation is from the general fund. To implement this act, inmate programs may use this appropriation for contract services related to the education subprogram.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 2, 2023