

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 17-1308

BY REPRESENTATIVE(S) Salazar and Sias, Becker K., Coleman, Exum, Gray, Herod, Hooton, Jackson, Kennedy, Lee, Lontine, Melton, Rosenthal, Young, Duran;
also SENATOR(S) Kagan and Cooke, Jahn, Kerr, Moreno, Neville T., Smallwood, Tate.

CONCERNING ALLOWING INDIVIDUALIZED CONDITIONS OF PAROLE.

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) The Colorado commission on criminal and juvenile justice recently studied the parole statutes currently in place in Colorado and recommended certain changes to allow for more individualized parole supervision and more effective use of the resources currently provided for parole supervision;

(b) Current law describes a list of various conditions, many of which have multiple subconditions, that the state board of parole is required to impose on every parolee;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(c) These conditions include requirements that each parolee be tested for drugs and alcohol at specified intervals, not associate with people who have criminal records, and remain within a narrowly defined geographic area;

(d) Many of these statutorily mandated conditions of parole are not evidence-based when applied to all parolees;

(e) Parole conditions that impose substance-testing regimens, association restrictions, and strict geographic boundaries are appropriate for some but not all parolees;

(f) The imposition of unnecessary conditions of parole burdens the state's resources, presents enforcement difficulties, and can be detrimental to the recidivism prospects of individual parolees; and

(g) Individualization of parole conditions allows the state board of parole to allocate more of its limited resources to the highest-risk offenders.

(2) Now, therefore, the general assembly declares that action is required to:

(a) Eliminate the requirement that certain parole conditions apply to all parolees; and

(b) Allow the state board of parole and parole officers to determine which conditions of parole are appropriate for which parolees, in order to better leverage limited resources and address individual offenders' criminogenic needs.

SECTION 2. In Colorado Revised Statutes, 17-2-201, **amend** (5)(c)(I), (5)(f)(I)(B), (5)(f)(I)(D), (5.5)(a), and (5.5)(c)(I); and **repeal** (5)(f)(I)(F) and (5.5)(e) as follows:

17-2-201. State board of parole - definitions. (5) (c) (I) As a condition of ~~every~~ parole, the board shall order that the offender make restitution to the victim or victims of his or her conduct ~~The amount of~~ IF such restitution ~~shall be determined~~ HAS BEEN ORDERED by the court pursuant to article 18.5 of title 16. ~~C.R.S. The board shall fix the manner and time of payment of restitution as a condition of parole. Such~~ THE order

~~shall~~ MUST require the offender to make restitution within the period of time that the offender is on parole as specified by the board. In the event that the defendant does not make full restitution by the date specified by the board, the restitution may be collected as provided for in article 18.5 of title 16. ~~C.R.S.~~

(f) (I) As a condition of every parole, the parolee shall sign a written agreement that contains such parole conditions as deemed appropriate by the board, which conditions shall include but need not be limited to the following:

(B) That the parolee shall establish a residence of record and shall not change it without ~~the knowledge and consent of~~ GIVING PRIOR NOTIFICATION TO his or her community parole officer and that the parolee shall not leave the ~~area or the~~ state without the permission of his or her community parole officer;

(D) That the parolee shall make reports as directed by his or her community parole officer, permit residential visits by the community parole officer, ~~submit to urinalysis or other drug tests;~~ and allow the community parole officer to make searches of his or her person, residence, or vehicle;

(F) ~~That the parolee shall not associate with any other person on parole, on probation, or with a criminal record or with any inmate of a correctional facility without the permission of his or her community parole officer;~~

(5.5) (a) As a condition of parole, the board ~~shall~~ MAY require every parolee at the parolee's own expense to submit to random chemical testing of a biological substance sample from the parolee to determine the presence of drugs or alcohol. ~~Such testing shall take place as follows:~~

~~(I) Immediately upon the parolee's release from incarceration in order to establish a baseline sample;~~

~~(H) Within the first thirty days from the date of parole;~~

~~(HH) On or after sixty-one days but not later than six months from the date of parole; and~~

~~(IV) Annually on or after one year from the date of parole for the duration of parole.~~

(c) (I) IF CHEMICAL TESTING IS REQUIRED AS A CONDITION OF PAROLE, the community parole officer shall be IS responsible for acquiring at random ~~but within the time requirements of paragraph (a) of this subsection (5.5)~~; a biological substance sample from a parolee.

(e) ~~For the purposes of section 17-2-103, a parolee who refuses to submit to chemical testing of a sample of his or her biological substance pursuant to the requirements of this subsection (5.5) is deemed to have tested positive for the presence of drugs.~~

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 (August 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO