

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 17-1150.01 Richard Sweetman x4333

HOUSE BILL 17-1308

HOUSE SPONSORSHIP

Salazar and Sias,

SENATE SPONSORSHIP

Kagan and Cooke,

House Committees
Judiciary

Senate Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING ALLOWING INDIVIDUALIZED CONDITIONS OF PAROLE.**

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>.)

The bill eliminates certain mandatory conditions of parole while preserving the discretion of the state board of parole (board) and parole officers to impose such conditions. Specifically, the bill removes the requirement that:

- ! The board fix the manner and time of payment of restitution as a condition of every parole;
- ! Every parolee obtain the knowledge and consent of his or her community parole officer before changing residence,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 9, 2017

SENATE
2nd Reading Unamended
May 8, 2017

HOUSE
3rd Reading Unamended
May 2, 2017

HOUSE
2nd Reading Unamended
May 1, 2017

- instead requiring a parolee to notify his or her parole officer before any change of residence;
- ! Every parolee submit to urinalysis or other drug tests;
- ! Every parolee 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; and
- ! The board 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.

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

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

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

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

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

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

18 (e) Parole conditions that impose substance-testing regimens,
19 association restrictions, and strict geographic boundaries are appropriate

1 for some but not all parolees;

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

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

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

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

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

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

19 **17-2-201. State board of parole - definitions.** (5) (c) (I) As a
20 condition of every parole, the board shall order that the offender make
21 restitution to the victim or victims of his or her conduct ~~The amount of~~ IF
22 such restitution ~~shall be determined~~ HAS BEEN ORDERED by the court
23 pursuant to article 18.5 of title 16. ~~C.R.S. The board shall fix the manner~~
24 ~~and time of payment of restitution as a condition of parole. Such~~ THE
25 order ~~shall~~ MUST require the offender to make restitution within the
26 period of time that the offender is on parole as specified by the board. In
27 the event that the defendant does not make full restitution by the date

1 specified by the board, the restitution may be collected as provided for in
2 article 18.5 of title 16. ~~C.R.S.~~

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

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

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

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

21 (5.5) (a) As a condition of parole, the board ~~shall~~ MAY require
22 every parolee at the parolee's own expense to submit to random chemical
23 testing of a biological substance sample from the parolee to determine the
24 presence of drugs or alcohol. ~~Such testing shall take place as follows:~~

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

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

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

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

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

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

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2018 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.