

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0941.01 Michael Dohr x4347

HOUSE BILL 18-1409

HOUSE SPONSORSHIP

Lee and Herod,

SENATE SPONSORSHIP

Lundberg and Fields, Priola

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE COMMUNITY CRIME SURVIVORS
102 GRANT PROGRAM, AND, IN CONNECTION THEREWITH, PAYING
103 FOR THE GRANT PROGRAM BY CREATING A PRESUMPTION IN
104 FAVOR OF GRANTING PAROLE TO NONVIOLENT OFFENDERS.

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 creates the community crime survivors grant program (grant program) in the department of public health and environment (department) to provide funding to eligible entities that provide support

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

services to crime survivors and other interventions that are intended to reduce repeat victimization. The department shall administer the grant program in accordance with policies developed by the executive director of the department. The grant program is repealed, effective September 1, 2023. Before such repeal, the department of regulatory agencies shall perform a sunset review of the grant program.

The bill creates a presumption in favor of granting parole to a nonviolent offender who has reached his or her parole eligibility date and who is not disqualified from such presumption by any of several described conditions. The presumption may be overcome and an otherwise eligible inmate's parole may be denied only if, after consideration of the statutory release guidelines, a majority of the members of the state board of parole (board) find that an inmate presents a substantial risk to reoffend.

If the board finds an inmate's parole plan inadequate, it may delay the parole release decision and require the department of corrections to submit within 30 days a revised parole plan developed in conjunction with the inmate.

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

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

4 (a) Victimization, particularly from violent crime, is a recognized
5 public health problem. Unfortunately, victimization is rarely an isolated
6 experience, and people who have been victimized in the past have a
7 higher risk for future victimization.

8 (b) The impacts of victimization can extend significantly beyond
9 the immediate impact of the crime and have long-term negative effects on
10 a victim's physical and mental well-being, personal relationships,
11 productivity, earning potential, and life expectancy;

12 (c) Currently, most victim services are offered by or funded by
13 criminal justice agencies. Although this model has many benefits, it also
14 has limitations that can limit victims' access to services, particularly over
15 the long term.

1 (d) These limitations result in significant gaps in support for crime
2 survivors, particularly those survivors who have been historically
3 underserved, including people of color, men, and young adults; and

4 (e) A community-based, public-health approach can broaden the
5 reach of victim services, particularly in the area of prevention of repeat
6 victimization.

7 (2) Now, therefore, the general assembly declares that:

8 (a) The purpose of this act is to create a five-year pilot program
9 to expand community-based support services for victims and other
10 interventions aimed at reducing repeat victimization;

11 (b) The model devised in this legislation is based on the successful
12 grant program enacted in House Bill 14-1355 to provide
13 community-based reentry services for people leaving prison;

14 (c) In 2018, the department of regulatory affairs submitted its
15 sunset review report and recommended reauthorization of the House Bill
16 14-1355 grant program. The reauthorization is being considered by the
17 general assembly as House Bill 18-1176.

18 (d) Justice reinvestment is a legislative strategy that reinvests
19 savings from criminal justice reforms into strategies that effectively
20 advance community health and safety. Justice reinvestment has been
21 utilized in many states across the country, including Colorado.

22 (e) It is appropriate to implement parole reforms and to reinvest
23 savings from the reforms to fund the community crime survivors grant
24 program created in this act.

25 **SECTION 2.** In Colorado Revised Statutes, **add** part 8 to article
26 20.5 of title 25 as follows:

27 **PART 8**

1 COMMUNITY CRIME SURVIVORS GRANT PROGRAM

2 **25-20.5-801. Community crime survivors grant program -**

3 **created.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, ON AND AFTER
4 JULY 1, 2018, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE
5 COMMUNITY CRIME SURVIVORS GRANT PROGRAM, REFERRED TO IN THIS
6 PART 8 AS THE "GRANT PROGRAM", TO PROVIDE FUNDING TO ELIGIBLE
7 ENTITIES THAT PROVIDE SUPPORT SERVICES TO CRIME SURVIVORS AND
8 OTHER INTERVENTIONS THAT ARE INTENDED TO REDUCE REPEAT
9 VICTIMIZATION. THE DEPARTMENT SHALL ADMINISTER THE GRANT
10 PROGRAM IN ACCORDANCE WITH POLICIES DEVELOPED BY THE EXECUTIVE
11 DIRECTOR OF THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS
12 SECTION.

13 (2) ON OR BEFORE JULY 1, 2018, THE EXECUTIVE DIRECTOR OF THE
14 DEPARTMENT SHALL DEVELOP POLICIES FOR THE ADMINISTRATION OF THE
15 GRANT PROGRAM, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

16 (a) A COMPETITIVE PROCESS FOR THE SELECTION OF A
17 THIRD-PARTY GRANT ADMINISTRATOR; AND

18 (b) THE CONTENT AND TIMING OF STATUS REPORTS PROVIDED BY
19 THE THIRD-PARTY GRANT ADMINISTRATOR TO THE DEPARTMENT.

20 (3) THE THIRD-PARTY GRANT ADMINISTRATOR MUST BE SELECTED
21 ON OR BEFORE SEPTEMBER 2, 2018, AND THE CONTRACT BETWEEN THE
22 DEPARTMENT AND THE THIRD-PARTY GRANT ADMINISTRATOR MUST BE
23 FINALIZED ON OR BEFORE JANUARY 1, 2019. THE THIRD-PARTY GRANT
24 ADMINISTRATOR MUST:

25 (a) BE A NONPROFIT ORGANIZATION IN GOOD STANDING WITH THE
26 SECRETARY OF STATE'S OFFICE;

27 (b) HAVE EXPERIENCE AS A THIRD-PARTY ADMINISTRATOR FOR A

1 STATE, MULTISTATE, OR FEDERAL GRANT PROGRAM;

2 (c) BE CAPABLE OF PROVIDING A UNIFIED CASE MANAGEMENT,
3 FINANCIAL, AND DATA COLLECTION SYSTEM RELATED TO SERVICES AND
4 PAYMENTS RECEIVED UNDER THE GRANT PROGRAM;

5 (d) BE CAPABLE OF PROVIDING TECHNICAL ASSISTANCE AND OTHER
6 ORGANIZATIONAL DEVELOPMENT TO GRANTEEES TO IMPROVE DELIVERY OF
7 SERVICES, FINANCIAL MANAGEMENT, OR DATA COLLECTION; AND

8 (e) HAVE EXPERIENCE AND COMPETENCY IN WORKING IN
9 UNDERSERVED COMMUNITIES, PARTICULARLY COMMUNITIES OF COLOR.

10 (4) IN AWARDING GRANTS FROM THE GRANT PROGRAM EACH
11 FISCAL YEAR, THE DEPARTMENT SHALL RELEASE AS MUCH AS
12 ONE-QUARTER OF THE AMOUNT ANNUALLY APPROPRIATED TO THE GRANT
13 PROGRAM TO THE THIRD-PARTY GRANT ADMINISTRATOR AT THE TIME THE
14 INITIAL CONTRACT IS EXECUTED AND AT THE BEGINNING OF EACH FISCAL
15 YEAR.

16 (5) ON OR BEFORE JANUARY 15, 2019, THE THIRD-PARTY GRANT
17 ADMINISTRATOR SHALL DEVELOP THE FOLLOWING, SUBJECT TO APPROVAL
18 BY THE DEPARTMENT:

19 (a) GRANT GUIDELINES AND ELIGIBILITY CRITERIA FOR
20 APPLICANTS, INCLUDING CRITERIA THAT PRIORITIZE UNDERSERVED CRIME
21 SURVIVORS. INCLUDING PEOPLE OF COLOR, YOUNG ADULTS, AND MEN;

22 (b) A PROCESS AND TIMELINE WHEREBY AN ELIGIBLE ENTITY MAY
23 APPLY FOR A GRANT;

24 (c) A PROCESS FOR DETERMINING THE AMOUNT OF EACH GRANT
25 THAT IS AWARDED; AND

26 (d) PERFORMANCE METRICS AND DATA COLLECTION TO BE
27 REQUIRED OF GRANTEEES.

1 (6) THE GRANT ADMINISTRATOR SHALL MAKE RECOMMENDATIONS
2 TO THE DEPARTMENT ON WHETHER TO AWARD OR DENY A GRANT AND
3 SHALL PROVIDE WRITTEN RATIONALE EACH GRANT CYCLE TO THE
4 DEPARTMENT. AFTER THE REVIEW OF THE RECOMMENDATIONS, THE
5 DEPARTMENT SHALL AWARD OR DENY A GRANT.

6 (7) PERMISSIBLE USES OF GRANT MONEY PROVIDED PURSUANT TO
7 THE GRANT PROGRAM INCLUDE DIRECT SERVICES TO CRIME SURVIVORS,
8 RESTORATIVE JUSTICE, AND OTHER INTERVENTIONS INTENDED TO REDUCE
9 REPEAT VICTIMIZATION.

10 (8) (a) TO BE ELIGIBLE TO RECEIVE A GRANT FROM THE GRANT
11 PROGRAM, AN ENTITY MUST BE:

12 (I) A NONPROFIT ORGANIZATION IN GOOD STANDING AND
13 REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE
14 COLORADO SECRETARY OF STATE'S OFFICE;

15 (II) A SCHOOL;

16 (III) A TRIBAL AGENCY OR PROGRAM; OR

17 (IV) A PROFESSIONAL WHO IS REGULATED BY THE DEPARTMENT OF
18 REGULATORY AGENCIES.

19 (b) A GRANTEE MAY NOT DECLINE TO SERVE A VICTIM BASED
20 UPON:

21 (I) WHETHER THE VICTIM REPORTED THE CRIME TO LAW
22 ENFORCEMENT OR COOPERATED IN ANY PROSECUTION;

23 (II) THE LENGTH OF TIME THAT HAS ELAPSED SINCE THE
24 VICTIMIZATION; OR

25 (III) THE LOCATION OF THE VICTIMIZATION.

26 **25-20.5-802. Repeal of part - sunset review.** THIS PART 8 IS
27 REPEALED, EFFECTIVE SEPTEMBER 1, 2023. BEFORE ITS REPEAL, THE

1 DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE GRANT
2 PROGRAM IN ACCORDANCE WITH SECTION 2-3-1203.

3 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add**
4 (14)(a)(VI) as follows:

5 **2-3-1203. Sunset review of advisory committees - legislative**
6 **declaration - definition - repeal.** (14) (a) The following statutory
7 authorizations for the designated advisory committees are scheduled for
8 repeal on September 1, 2023:

9 (VI) THE COMMUNITY CRIME SURVIVORS GRANT PROGRAM
10 CREATED IN SECTION 25-20.5-801.

11 **SECTION 4.** In Colorado Revised Statutes, **add** 17-22.5-404.8
12 as follows:

13 **17-22.5-404.8. Presumption of parole - nonviolent offenders.**

14 (1) THERE IS A PRESUMPTION IN FAVOR OF GRANTING PAROLE TO AN
15 INMATE AT THE INITIAL OR ANY SUBSEQUENT PAROLE APPLICATION WHO
16 HAS REACHED HIS OR HER PAROLE ELIGIBILITY DATE AND WHO:

17 (a) IS NOT SERVING A SENTENCE FOR A CONVICTION OF ANY CRIME
18 OF VIOLENCE, AS DESCRIBED IN SECTION 18-1.3-406 (2); ANY OFFENSE
19 ENUMERATED IN SECTION 24-4.1-302 (1); A CLASS 2 OR CLASS 3 FELONY;
20 OR ANY CLASS 1 DRUG FELONY;

21 (b) HAS NOT INCURRED A CLASS I CODE OF PENAL DISCIPLINE
22 VIOLATION WITHIN THE PRECEDING THIRTY-SIX MONTHS OR SINCE HIS OR
23 HER ADMISSION TO PRISON IF HE OR SHE HAS BEEN INCARCERATED FOR
24 LESS THAN THIRTY-SIX MONTHS;

25 (c) HAS NOT INCURRED A CLASS II CODE OF PENAL DISCIPLINE
26 VIOLATION WITHIN THE PRECEDING TWELVE MONTHS OR SINCE HIS OR HER
27 ADMISSION TO PRISON IF HE OR SHE HAS BEEN INCARCERATED FOR LESS

1 THAN TWELVE MONTHS;

2 (d) HAS PARTICIPATED IN ALL PROGRAMS THAT HAVE BEEN
3 RECOMMENDED AND MADE AVAILABLE TO HIM OR HER, UNLESS SUCH
4 PROGRAMS MAY BE ORDERED AS A CONDITION OF PAROLE;

5 (e) HAS A PAROLE PLAN APPROVED BY THE DIVISION OF ADULT
6 PAROLE;

7 (f) DOES NOT HAVE A FELONY WARRANT, A DETAINER, OR PENDING
8 CRIMINAL CHARGES IN COLORADO OR ANOTHER STATE OR AN
9 IMMIGRATION DETAINER, UNLESS THE ORDER OF PAROLE IS TO THE
10 CUSTODY OF THE AGENCY ISSUING THE WARRANT, DETAINER, OR CRIMINAL
11 CHARGES; AND

12 (g) IS RECOMMENDED FOR RELEASE BY THE ADMINISTRATIVE
13 RELEASE GUIDELINE INSTRUMENT DESCRIBED IN SECTION 17-22.5-107.

14 (2) IF THE STATE BOARD OF PAROLE FINDS AN INMATE'S PAROLE
15 PLAN INADEQUATE, IT MAY DELAY THE PAROLE RELEASE DECISION AND
16 REQUIRE THE DEPARTMENT TO SUBMIT WITHIN THIRTY DAYS A REVISED
17 PAROLE PLAN DEVELOPED IN CONJUNCTION WITH THE INMATE.

18 (3) THE PRESUMPTION DESCRIBED IN SUBSECTION (1) OF THIS
19 SECTION MAY BE OVERCOME AND AN INMATE'S PAROLE MAY BE DENIED
20 ONLY IF, AFTER CONSIDERATION OF THE STATUTORY RELEASE GUIDELINES
21 DESCRIBED IN SECTION 17-22.5-404, A MAJORITY OF THE MEMBERS OF THE
22 STATE BOARD OF PAROLE FIND THAT AN INMATE PRESENTS A SUBSTANTIAL
23 RISK TO REOFFEND.

24 (4) THE CHAIRPERSON OF THE STATE BOARD OF PAROLE SHALL
25 REPORT TO THE DEPARTMENT, AND THE DEPARTMENT SHALL INCLUDE IN
26 ITS ANNUAL PRESENTATION BEFORE THE COMMITTEES OF REFERENCE
27 PURSUANT TO SECTION 2-7-203, THE NUMBER OF PERSONS WHO WERE

1 CONSIDERED FOR PAROLE BY THE BOARD PURSUANT TO THIS SECTION, THE
2 NUMBER OF SUCH PERSONS WHO WERE GRANTED PAROLE, AND THE
3 NUMBER OF SUCH PERSONS WHO WERE DENIED PAROLE.

4 **SECTION 5.** In Colorado Revised Statutes, 17-2-201, **amend**
5 (4)(a) as follows:

6 **17-2-201. State board of parole - duties - definitions.** (4) The
7 board has the following powers and duties:

8 (a) To meet as often as necessary every month to consider all
9 applications for parole. EXCEPT AS DESCRIBED IN SECTIONS 17-22.5-404.5,
10 17-22.5-404.7, AND 17-22.5-404.8, the board may parole any person who
11 is sentenced or committed to a correctional facility when such person has
12 served his or her minimum sentence, less time allowed for good behavior,
13 and there is a strong and reasonable probability that the person will not
14 thereafter violate the law and that release of such person from
15 institutional custody is compatible with the welfare of society. If the
16 board refuses an application for parole, the board shall reconsider the
17 granting of parole to such person within one year thereafter, or earlier if
18 the board so chooses, and shall continue to reconsider the granting of
19 parole each year thereafter until such person is granted parole or until
20 such person is discharged pursuant to law; except that, if the person
21 applying for parole was convicted of any class 3 sexual offense described
22 in part 4 of article 3 of title 18, ~~C.R.S.~~, a habitual criminal offense as
23 defined in section 18-1.3-801 (2.5), ~~C.R.S.~~, or of any offense subject to
24 the requirements of section 18-1.3-904, ~~C.R.S.~~, the board need only
25 reconsider granting parole to such person once every three years, until the
26 board grants such person parole or until such person is discharged
27 pursuant to law, or if the person applying for parole was convicted of a

1 class 1 or class 2 felony that constitutes a crime of violence, as defined in
2 section 18-1.3-406, ~~C.R.S.~~, the board need only reconsider granting
3 parole to such person once every five years, until the board grants such
4 person parole or until such person is discharged pursuant to law.

5 **SECTION 6. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.