A BILL FOR AN ACT

CONCERNING THE CREATION OF THE COMMUNITY CRIME SURVIVORS GRANT PROGRAM, AND, IN CONNECTION THEREWITH, PAYING FOR THE GRANT PROGRAM BY CREATING A PRESUMPTION IN 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
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 The grant program is repealed, effective September 1, 2023.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.

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

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

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

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

(c) Currently, most victim services are offered by or funded by criminal justice agencies. Although this model has many benefits, it also has limitations that can limit victims' access to services, particularly over the long term.
(d) These limitations result in significant gaps in support for crime survivors, particularly those survivors who have been historically underserved, including people of color, men, and young adults; and

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

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

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

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

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

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

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

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

PART 8
COMMUNITY CRIME SURVIVORS GRANT PROGRAM

25-20.5-801. Community crime survivors grant program - created. (1) Subject to available appropriations, on and after July 1, 2018, the Department shall develop and implement the community crime survivors grant program, referred to in this part 8 as the "grant program", to provide funding to eligible entities that provide support 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 pursuant to subsection (2) of this section.

(2) On or before July 1, 2018, the Executive Director of the Department shall develop policies for the administration of the grant program, including but not limited to the following:

(a) A competitive process for the selection of a third-party grant administrator; and

(b) The content and timing of status reports provided by the third-party grant administrator to the Department.

(3) The third-party grant administrator must be selected on or before September 2, 2018, and the contract between the Department and the third-party grant administrator must be finalized on or before January 1, 2019. The third-party grant administrator must:

(a) Be a nonprofit organization in good standing with the Secretary of State's Office;

(b) Have experience as a third-party administrator for a
STATE, MULTISTATE, OR FEDERAL GRANT PROGRAM;

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

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

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

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

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

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

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

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

(d) PERFORMANCE METRICS AND DATA COLLECTION TO BE
REQUIRED OF GRANTEEES.
(6) The grant administrator shall make recommendations to the department on whether to award or deny a grant and shall provide written rationale each grant cycle to the department. After the review of the recommendations, the department shall award or deny a grant.

(7) Permissible uses of grant money provided pursuant to the grant program include direct services to crime survivors, restorative justice, and other interventions intended to reduce repeat victimization.

(8) (a) To be eligible to receive a grant from the grant program, an entity must be:

(I) A nonprofit organization in good standing and registered with the federal internal revenue service and the Colorado secretary of state’s office;

(II) A school;

(III) A tribal agency or program; or

(IV) A professional who is regulated by the department of regulatory agencies.

(b) A grantee may not decline to serve a victim based upon:

(I) Whether the victim reported the crime to law enforcement or cooperated in any prosecution;

(II) The length of time that has elapsed since the victimization; or

(III) The location of the victimization.

25-20.5-802. Repeal of part - sunset review. This part 8 is repealed, effective September 1, 2023. Before its repeal, the
DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE GRANT PROGRAM IN ACCORDANCE WITH SECTION 2-3-1203.

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

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

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

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


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

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

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

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

(d) Has participated in all programs that have been recommended and made available to him or her, unless such programs may be ordered as a condition of parole;

(e) Has a parole plan approved by the Division of Adult Parole;

(f) Does not have a felony warrant, a detainer, or pending criminal charges in Colorado or another state or an immigration detainer, unless the order of parole is to the custody of the agency issuing the warrant, detainer, or criminal charges; and

(g) Is recommended for release by the Administrative Release Guideline Instrument described in section 17-22.5-107.

(2) If the State Board of Parole finds an inmate's parole plan inadequate, it may delay the parole release decision and require the Department to submit within thirty days a revised parole plan developed in conjunction with the inmate.

(3) The presumption described in subsection (1) of this section may be overcome and an inmate's parole may be denied only if, after consideration of the statutory release guidelines described in section 17-22.5-404, a majority of the members of the State Board of Parole find that an inmate presents a substantial risk to reoffend.

(4) The Chairperson of the State Board of Parole shall report to the Department, and the Department shall include in its annual presentation before the Committees of Reference pursuant to section 2-7-203, the number of persons who were...
CONSIDERED FOR PAROLE BY THE BOARD PURSUANT TO THIS SECTION, THE
NUMBER OF SUCH PERSONS WHO WERE GRANTED PAROLE, AND THE
NUMBER OF SUCH PERSONS WHO WERE DENIED PAROLE.

SECTION 5. In Colorado Revised Statutes, 17-2-201, amend
(4)(a) as follows:
17-2-201. State board of parole - duties - definitions. (4) The
board has the following powers and duties:
(a) To meet as often as necessary every month to consider all
applications for parole. EXCEPT AS DESCRIBED IN SECTIONS 17-22.5-404.5,
17-22.5-404.7, AND 17-22.5-404.8, the board may parole any person who
is sentenced or committed to a correctional facility when such person has
served his or her minimum sentence, less time allowed for good behavior,
and there is a strong and reasonable probability that the person will not
thereafter violate the law and that release of such person from
institutional custody is compatible with the welfare of society. If the
board refuses an application for parole, the board shall reconsider the
granting of parole to such person within one year thereafter, or earlier if
the board so chooses, and shall continue to reconsider the granting of
parole each year thereafter until such person is granted parole or until
such person is discharged pursuant to law; except that, if the person
applying for parole was convicted of any class 3 sexual offense described
in part 4 of article 3 of title 18, C.R.S., a habitual criminal offense as
defined in section 18-1.3-801 (2.5), C.R.S., or of any offense subject to
the requirements of section 18-1.3-904, C.R.S., the board need only
reconsider granting parole to such person once every three years, until the
board grants such person parole or until such person is discharged
pursuant to law, or if the person applying for parole was convicted of a
class 1 or class 2 felony that constitutes a crime of violence, as defined in section 18-1.3-406, C.R.S.; the board need only reconsider granting parole to such person once every five years, until the board grants such person parole or until such person is discharged pursuant to law.

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