

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-1155.01 Michael Dohr x4347

HOUSE BILL 24-1445

HOUSE SPONSORSHIP

Bacon and Armagost,

SENATE SPONSORSHIP

Gardner and Gonzales,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES RELATED TO SUPERVISION CONDITIONS.**

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 requires the state court administrator to annually report on probation and parole supervision fees assessed in the previous year during its "SMART Act" hearing.

Unless inconsistent with another probation condition, the bill requires the court to allow an adult or juvenile on probation to meet with the probation officer through a telephone call or audio-visual communication technology. Furthermore, when scheduling probation meetings, the probation officer is required to schedule, in good faith, a

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

HOUSE
Amended 2nd Reading
April 20, 2024

mutually agreeable time for the meeting that does not conflict with the adult's or juvenile's essential obligations.

Unless inconsistent with another parole condition, the bill requires the parole board to allow an adult or juvenile on parole to report to the parole officer through a telephone call or audio-visual communication technology. Furthermore, when scheduling parole meetings, a parole officer is required to schedule, in good faith, a mutually agreeable time for the meeting that does not conflict with the adult's or juvenile's essential obligations.

The bill eliminates non-payment of probation or parole fees as a grounds for the revocation of probation or parole.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-1-141 as
3 follows:

4 **13-1-141. Probation and parole supervision fee report.** THE
5 STATE COURT ADMINISTRATOR SHALL ANNUALLY REPORT ON PROBATION
6 SUPERVISION FEES ASSESSED IN THE PREVIOUS YEAR DURING ITS
7 "SMART ACT" HEARING, REQUIRED PURSUANT TO SECTION 2-7-203. THE
8 REPORT MUST INCLUDE INFORMATION REGARDING PROBATION
9 SUPERVISION FEES, THE AMOUNT OF THE FEE CHARGED PER MONTH, HOW
10 MANY PEOPLE WERE ASSESSED THE FEE, AND THE TOTAL AMOUNT
11 COLLECTED. PROBATION DEPARTMENTS SHALL PROVIDE THE STATE
12 COURT ADMINISTRATOR WITH ANY INFORMATION REQUESTED BY THE
13 STATE COURT ADMINISTRATOR TO COMPLY WITH THIS SECTION. THE
14 DEPARTMENT OF CORRECTIONS SHALL ANNUALLY REPORT ON PAROLE
15 SUPERVISION FEES ASSESSED IN THE PREVIOUS YEAR DURING ITS "SMART
16 ACT" HEARING REQUIRED PURSUANT TO SECTION 2-7-203. THE REPORT
17 MUST INCLUDE INFORMATION REGARDING PAROLE SUPERVISION FEES, THE
18 AMOUNT OF THE FEE CHARGED PER MONTH, HOW MANY PEOPLE WERE
19 ASSESSED THE FEE, AND THE TOTAL AMOUNT COLLECTED.

1 **SECTION 2.** In Colorado Revised Statutes, 16-11-209, **add** (1.3)
2 as follows:

3 **16-11-209. Duties of probation officers.** (1.3) UNLESS
4 INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE COURT, IN
5 DIRECTING THAT A PERSON ON PROBATION MEET WITH A PROBATION
6 OFFICER, THE PROBATION OFFICER SHALL:

7 (a) SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE PERSON ON
8 PROBATION AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT
9 WITH THE PERSON'S ESSENTIAL OBLIGATIONS, INCLUDING WORK,
10 EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS,
11 AND OTHER PROBATION REQUIREMENTS; AND

12 (b) ALLOW A PERSON ON PROBATION TO MEET WITH THE
13 PROBATION OFFICER THROUGH A TELEPHONE CALL OR AUDIO-VISUAL
14 COMMUNICATION TECHNOLOGY.

15 **SECTION 3.** In Colorado Revised Statutes, 17-2-201, **amend**
16 (5)(b), (5)(f)(I) introductory portion, and (5)(f)(I)(D); and **add** (4.5) and
17 (5)(f)(I)(D.5) as follows:

18 **17-2-201. State board of parole - duties - definitions.** (4.5) THE
19 BOARD MAY GRANT, DENY, DEFER, SUSPEND, REVOKE, OR SPECIFY OR
20 MODIFY THE CONDITIONS OF ANY PAROLE FOR ANY DEFENDANT
21 COMMITTED TO THE DEPARTMENT OF CORRECTIONS IN A MANNER THAT IS
22 IN THE BEST INTERESTS OF THE DEFENDANT AND THE PUBLIC.

23 (5) (b) (I) Conditions imposed for parole may include, but are not
24 limited to, ~~requiring that the offender pay reasonable costs of supervision~~
25 ~~of parole or placing the offender on home detention as defined in section~~
26 18-1.3-106 (1.1). ~~C.R.S.~~

27 (II) THE BOARD SHALL NOT REVOKE PAROLE FOR LACK OF

1 PAYMENT OF PAROLE SUPERVISION FEES.

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

6 (D) That the parolee shall ~~make reports as directed by his or her~~
7 ~~community parole officer~~, permit residential visits by the community
8 parole officer and allow the community parole officer to make searches
9 of ~~his or her~~ THE PAROLEE'S person, residence, or vehicle;

10 (D.5) THAT THE PAROLEE SHALL REPORT AS DIRECTED BY THE
11 COMMUNITY PAROLE OFFICER. UNLESS INCONSISTENT WITH OTHER
12 CONDITIONS IMPOSED BY THE DIVISION OF ADULT PAROLE IN THE
13 DEPARTMENT OF CORRECTIONS, THE DIVISION OF ADULT PAROLE SHALL
14 ALLOW A PAROLEE TO MEET WITH THE COMMUNITY PAROLE OFFICER
15 THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION
16 TECHNOLOGY. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED
17 BY THE DIVISION OF ADULT PAROLE, IN DIRECTING THE PAROLEE TO
18 REPORT TO THE COMMUNITY PAROLE OFFICER, THE COMMUNITY PAROLE
19 OFFICER SHALL SCHEDULE, IN GOOD FAITH, THE MEETING AT MUTUALLY
20 AGREEABLE TIMES WITH THE PAROLEE THAT DO NOT CONFLICT WITH THE
21 PAROLEE'S ESSENTIAL OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB
22 TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER
23 PAROLE REQUIREMENTS.

24 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-204, **amend**
25 (2)(a) introductory portion, (2)(a)(V), and (2)(a)(IX) as follows:

26 **18-1.3-204. Conditions of probation - interstate compact**
27 **probation transfer cash fund - creation.** (2) (a) When granting

1 probation, the court may, as a ~~condition of~~ probation CONDITION, require
2 that the defendant:

3 (V) Pay reasonable costs of the court proceedings or costs of
4 supervision of probation, or both. THE COURT SHALL NOT REQUIRE A
5 DEFENDANT TO PAY PROBATION SUPERVISION FEES IN MORE THAN ONE
6 CASE WHEN THE DEFENDANT IS GRANTED PROBATION IN MULTIPLE CASES.
7 The probation supervision fee ~~shall be~~ IS fifty dollars per month for the
8 length of ordered probation. Notwithstanding the amount specified in this
9 subparagraph ~~(V)~~ SUBSECTION (2)(a)(V), the court may lower OR WAIVE
10 COURT COSTS AND the costs of supervision of probation to ~~an amount the~~
11 ~~defendant will be able to pay~~ FOR AN INDIGENT DEFENDANT. The court
12 shall fix the manner of performance for payment of the fee. If the
13 defendant receives probation services from a private provider, the court
14 shall order the defendant to pay the probation supervision fee directly to
15 the provider. The fee shall be imposed for the length of ordered
16 probation.

17 (IX) ~~Report to~~ MEET WITH a probation officer at reasonable times
18 as directed by the court or the probation officer. UNLESS INCONSISTENT
19 WITH OTHER CONDITIONS IMPOSED BY THE COURT, THE COURT SHALL
20 ALLOW A PERSON ON PROBATION TO MEET WITH A PROBATION OFFICER AT
21 REASONABLE TIMES THROUGH A TELEPHONE CALL OR AUDIO-VISUAL
22 COMMUNICATION TECHNOLOGY. UNLESS INCONSISTENT WITH OTHER
23 CONDITIONS IMPOSED BY THE COURT, IN DIRECTING THAT A PERSON ON
24 PROBATION MEET WITH A PROBATION OFFICER AT REASONABLE TIMES, THE
25 COURT OR THE PROBATION OFFICER SHALL SCHEDULE, IN GOOD FAITH, THE
26 MEETING WITH THE PERSON ON PROBATION AT MUTUALLY AGREEABLE
27 TIMES THAT DO NOT CONFLICT WITH THE PERSON'S ESSENTIAL

1 OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB TRAINING, DEPENDENT
2 CARE, MEDICAL APPOINTMENTS, AND OTHER PROBATION REQUIREMENTS.

3 **SECTION 5.** In Colorado Revised Statutes, 19-2.5-1107, **add**
4 (3)(d) as follows:

5 **19-2.5-1107. Juvenile probation officers - powers and duties.**

6 (3) (d) UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE
7 COURT, IN DIRECTING THAT A JUVENILE UNDER THE JUVENILE PROBATION
8 OFFICER'S SUPERVISION MEET WITH THE JUVENILE PROBATION OFFICER,
9 THE PROBATION OFFICER SHALL:

10 (I) SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE JUVENILE ON
11 PROBATION AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT
12 WITH THE JUVENILE'S ESSENTIAL OBLIGATIONS, INCLUDING WORK,
13 EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS,
14 AND OTHER PROBATION REQUIREMENTS; AND

15 (II) ALLOW A JUVENILE TO MEET WITH THE JUVENILE PROBATION
16 OFFICER THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION
17 TECHNOLOGY.

18 **SECTION 6.** In Colorado Revised Statutes, 19-2.5-1108, **amend**
19 (2)(a)(III) as follows:

20 **19-2.5-1108. Probation - terms - release - revocation -**
21 **graduated responses system - rules - report - definition.**

22 (2) (a) Conditions of probation must be customized to each juvenile
23 based on the guidelines developed by the committee on juvenile justice
24 reform pursuant to section 24-33.5-2402, as it existed prior to its repeal
25 in 2022. The court shall, as minimum conditions of probation, order that
26 the juvenile:

27 (III) ~~Report to~~ MEET WITH a probation officer at reasonable times

1 as directed by the court or probation officer. UNLESS INCONSISTENT WITH
2 OTHER CONDITIONS IMPOSED BY THE COURT, THE COURT SHALL ALLOW A
3 JUVENILE UNDER THE PROBATION OFFICER'S SUPERVISION TO MEET WITH
4 THE PROBATION OFFICER AT REASONABLE TIMES THROUGH A TELEPHONE
5 CALL OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY. UNLESS
6 INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE COURT, IN
7 DIRECTING THAT A JUVENILE MEET WITH A PROBATION OFFICER AT
8 REASONABLE TIMES, THE COURT OR THE PROBATION OFFICER SHALL
9 SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE JUVENILE ON PROBATION
10 AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT WITH THE
11 JUVENILE'S ESSENTIAL OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB
12 TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER
13 PROBATION REQUIREMENTS.

14 **SECTION 7.** In Colorado Revised Statutes, 19-2.5-1201, **amend**
15 (7) as follows:

16 **19-2.5-1201. Juvenile parole board - creation - membership -**
17 **authority - rules.** (7) (a) The board may grant, deny, defer, suspend,
18 revoke, or specify or modify the conditions of any parole for any juvenile
19 committed to the department of human services pursuant to section
20 19-2.5-1103 or 19-2.5-1127 in a manner that is in the best interests of the
21 juvenile and the public. In addition to any other conditions, the board may
22 require, as a condition of parole, any adjudicated juvenile to attend school
23 or an educational program or to work toward the attainment of a high
24 school diploma or the successful completion of a high school equivalency
25 examination, as that term is defined in section 22-33-102 (8.5); except
26 that the board shall not require any such juvenile to attend a school from
27 which the juvenile has been expelled without the prior approval of that

1 school's local board of education. The board shall promulgate rules that
2 establish criteria under which its parole decisions are made. The board
3 has the duties and responsibilities specified in this part 12.

4 (b) UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY
5 THE BOARD, THE BOARD SHALL ALLOW A JUVENILE TO HAVE PERIODIC
6 MEETINGS WITH THE JUVENILE PAROLE OFFICER AT REASONABLE TIMES
7 THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION
8 TECHNOLOGY. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED
9 BY THE BOARD, IN DIRECTING THE JUVENILE TO HAVE PERIODIC MEETINGS
10 WITH A JUVENILE PAROLE OFFICER AT REASONABLE TIMES, THE JUVENILE
11 PAROLE OFFICER SHALL SCHEDULE, IN GOOD FAITH, THE MEETINGS WITH
12 THE JUVENILE ON PAROLE AT MUTUALLY AGREEABLE TIMES THAT DO NOT
13 CONFLICT WITH THE JUVENILE'S ESSENTIAL OBLIGATIONS, INCLUDING
14 WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL
15 APPOINTMENTS, AND OTHER PAROLE REQUIREMENTS.

16 **SECTION 8.** In Colorado Revised Statutes, 19-2.5-1203, **amend**
17 (1) as follows:

18 **19-2.5-1203. Juvenile parole - hearing panels - definition.**

19 (1) **Juvenile parole board - hearing panels authority.** (a) The juvenile
20 parole board, established pursuant to section 19-2.5-1201, may grant,
21 deny, defer, suspend, revoke, or specify or modify the conditions of any
22 parole for any juvenile committed to the department of human services
23 pursuant to sections 19-2.5-1103 and 19-2.5-1127. In addition to any
24 other conditions, the board may require, as a condition of parole, any
25 adjudicated juvenile to attend school or an educational program or to
26 work toward the attainment of a high school diploma or the successful
27 completion of a high school equivalency examination, as that term is

1 defined in section 22-33-102 (8.5); except that the board shall not require
2 any juvenile to attend a school from which the juvenile has been expelled
3 without the prior approval of that school's local board of education. The
4 board may modify any of its decisions, or those of the hearing panel,
5 except an order of discharge.

6 (b) UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY
7 THE BOARD, THE BOARD SHALL ALLOW A JUVENILE TO HAVE PERIODIC
8 MEETINGS WITH A JUVENILE PAROLE OFFICER AT REASONABLE TIMES
9 THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION
10 TECHNOLOGY. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED
11 BY THE BOARD, IN DIRECTING THE JUVENILE TO HAVE PERIODIC MEETINGS
12 WITH A JUVENILE PAROLE OFFICER AT REASONABLE TIMES, THE JUVENILE
13 PAROLE OFFICER SHALL SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE
14 JUVENILE ON PAROLE AT MUTUALLY AGREEABLE TIMES THAT DO NOT
15 CONFLICT WITH THE JUVENILE'S ESSENTIAL OBLIGATIONS, INCLUDING
16 WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL
17 APPOINTMENTS, AND OTHER PAROLE REQUIREMENTS.

18 **SECTION 9.** In Colorado Revised Statutes, 19-2.5-1204, **amend**
19 (2) as follows:

20 **19-2.5-1204. Parole officers - powers - duties.** (2) (a) The
21 juvenile parole officer shall give to each juvenile granted parole a written
22 statement of the conditions of the juvenile's parole, ~~shall~~ explain such
23 conditions fully, and ~~shall~~ aid the juvenile to observe them. The juvenile
24 parole officer shall have periodic ~~conferences~~ MEETINGS with ~~and reports~~
25 ~~from~~ the juvenile. The juvenile parole officer may conduct ~~such~~
26 investigations or other activities as necessary to determine whether the
27 conditions of parole are being met and to accomplish the juvenile's

1 rehabilitation.

2 (b) UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY
3 THE BOARD, IN DIRECTING THAT A JUVENILE ON PAROLE HAVE A PERIODIC
4 MEETING WITH A JUVENILE PAROLE OFFICER, THE JUVENILE PAROLE
5 OFFICER SHALL:

6 (I) SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE JUVENILE ON
7 PAROLE AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT WITH
8 THE JUVENILE'S ESSENTIAL OBLIGATIONS INCLUDING WORK, EDUCATION,
9 JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER
10 PAROLE REQUIREMENTS; AND

11 (II) ALLOW A JUVENILE TO MEET WITH A PAROLE OFFICER
12 THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION
13 TECHNOLOGY.

14 **SECTION 10. Act subject to petition - effective date.** This act
15 takes effect September 1, 2024; except that, if a referendum petition is
16 filed pursuant to section 1 (3) of article V of the state constitution against
17 this act or an item, section, or part of this act within the ninety-day period
18 after final adjournment of the general assembly, then the act, item,
19 section, or part will not take effect unless approved by the people at the
20 general election to be held in November 2024 and, in such case, will take
21 effect on the date of the official declaration of the vote thereon by the
22 governor.