

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0706.02 Jacob Baus x2173

SENATE BILL 25-155

SENATE SPONSORSHIP

Gonzales J.,

HOUSE SPONSORSHIP

Clifford,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF AN ADVISORY COUNCIL FOR PERSONS
102 WHO ARE INCARCERATED.

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 legislation inside advisory council (council) to identify, examine, and discuss the issues, interests, and needs affecting people who are incarcerated and to formally advise and make recommendations to the general assembly regarding those issues, interests, and needs.

The bill:

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.

1 (5) "REVIEW COMMITTEE" MEANS THE LEGISLATION INSIDE
2 ADVISORY COUNCIL REVIEW COMMITTEE CREATED IN SECTION 2-2- 2407.

3 **2-2-2403. Legislation inside advisory council - creation -**
4 **purpose.** (1) THERE IS CREATED IN THE LEGISLATIVE BRANCH THE
5 LEGISLATION INSIDE ADVISORY COUNCIL.

6 (2) THE INTENT OF THE LEGISLATION INSIDE ADVISORY COUNCIL IS
7 TO PROVIDE PEOPLE WHO ARE INCARCERATED WITH THE OPPORTUNITY TO
8 IDENTIFY, EXAMINE, AND DISCUSS THE ISSUES, INTERESTS, AND NEEDS
9 THAT DIRECTLY AFFECT THEM AND TO HAVE A RECOGNIZED OPINION ON
10 LEGISLATION AND POLICIES THAT AFFECT THEIR LIVES, THEIR FAMILIES'
11 LIVES, THEIR COMMUNITIES, AND THE PUBLIC. THEREFORE, THE PURPOSE
12 OF THE COUNCIL IS TO IDENTIFY, EXAMINE, AND DISCUSS THE ISSUES,
13 INTERESTS, AND NEEDS AFFECTING PEOPLE WHO ARE INCARCERATED AND
14 TO FORMALLY ADVISE AND MAKE RECOMMENDATIONS TO THE GENERAL
15 ASSEMBLY REGARDING THOSE ISSUES, INTERESTS, AND NEEDS.

16 **2-2-2404. Membership - selection - terms - repeal.** (1) THE
17 COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

18 (a) FOUR NONVOTING LEGISLATIVE MEMBERS, TWO OF WHOM ARE
19 MEMBERS OF THE SENATE AND TWO OF WHOM ARE MEMBERS OF THE
20 HOUSE OF REPRESENTATIVES; AND

21 (b) FORTY VOTING NONLEGISLATIVE MEMBERS, ALL OF WHOM
22 MUST BE INCARCERATED IN A CORRECTIONAL FACILITY OR PRIVATE
23 CONTRACT PRISON AT THE TIME OF THEIR APPOINTMENT AND FOR THE
24 DURATION OF THEIR TERM. THE NONLEGISLATIVE MEMBERSHIP DESCRIBED
25 IN THIS SUBSECTION (1)(b) MUST:

26 (I) INCLUDE PEOPLE WHO ARE INCARCERATED IN MEN'S
27 CORRECTIONAL FACILITIES OR PRIVATE CONTRACT PRISONS AND PEOPLE

1 WHO ARE INCARCERATED IN WOMEN'S CORRECTIONAL FACILITIES OR
2 PRIVATE CONTRACT PRISONS;

3 (II) INCLUDE PEOPLE WHO ARE INCARCERATED IN DIFFERENT
4 LEVELS OF SECURITY AT CORRECTIONAL FACILITIES OR PRIVATE CONTRACT
5 PRISONS; AND

6 (III) TO THE EXTENT PRACTICABLE, REFLECT THE DEMOGRAPHIC
7 DIVERSITY OF THE STATE.

8 (2) (a) LEGISLATIVE MEMBERS OF THE COUNCIL ARE APPOINTED AS
9 FOLLOWS:

10 (I) ON OR BEFORE DECEMBER 31, 2025, AND ON OR BEFORE
11 DECEMBER 31 EVERY TWO YEARS THEREAFTER, THE PRESIDENT AND
12 MINORITY LEADER OF THE SENATE SHALL EACH APPOINT ONE MEMBER
13 FROM THE SENATE; AND

14 (II) ON OR BEFORE DECEMBER 31, 2025, AND ON OR BEFORE
15 DECEMBER 31 EVERY TWO YEARS THEREAFTER, THE SPEAKER AND
16 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL EACH
17 APPOINT ONE MEMBER FROM THE HOUSE OF REPRESENTATIVES.

18 (b) NONLEGISLATIVE MEMBERS OF THE COUNCIL ARE APPOINTED
19 AS FOLLOWS:

20 (I) (A) ON OR BEFORE SEPTEMBER 15, 2025, THE DESIGNATED
21 ORGANIZATION SHALL ADOPT AN APPLICATION PROCESS FOR INTERESTED
22 AND ELIGIBLE PEOPLE TO APPLY FOR APPOINTMENT TO THE COUNCIL,
23 INCLUDING THE CONTENT AND AVAILABILITY OF THE APPLICATION FORM,
24 SELECTION CRITERIA, AND AN APPLICATION REVIEW PROCESS.

25 (B) ON OR BEFORE OCTOBER 1, 2025, A PERSON WHO MEETS THE
26 ELIGIBILITY CRITERIA SET FORTH IN THIS SECTION MAY APPLY TO THE
27 DESIGNATED ORGANIZATION FOR APPOINTMENT TO THE COUNCIL. ON OR

1 BEFORE DECEMBER 31, 2025, THE DESIGNATED ORGANIZATION SHALL
2 APPOINT NONLEGISLATIVE MEMBERS TO THE COUNCIL.

3 (C) THIS SUBSECTION (2)(b)(I) IS REPEALED, EFFECTIVE JULY 1,
4 2027.

5 (II) (A) ON OR BEFORE APRIL 1, 2026, THE COUNCIL SHALL ADOPT
6 A POLICY CONCERNING COUNCIL TERMS, INCLUDING TERM DURATION;
7 TERMLIMITS, IF ANY; AND REMOVAL PROCEEDINGS. BY OCTOBER 1, 2026,
8 THE COUNCIL SHALL APPOINT COUNCIL MEMBERSHIP PURSUANT TO THE
9 POLICY. THE COUNCIL MAY AMEND THE POLICY.

10 (B) THE COUNCIL SHALL ADOPT AN APPLICATION PROCESS FOR
11 INTERESTED AND ELIGIBLE PEOPLE TO APPLY FOR APPOINTMENT TO THE
12 COUNCIL, INCLUDING THE CONTENT AND AVAILABILITY OF THE
13 APPLICATION FORM, SELECTION CRITERIA, AND AN APPLICATION REVIEW
14 PROCESS.

15 (III) (A) SUBJECT TO AVAILABLE APPROPRIATIONS, LEGISLATIVE
16 MEMBERS OF THE COUNCIL MUST BE COMPENSATED FOR COUNCIL MEETING
17 ATTENDANCE IN THE SAME MANNER AS PROVIDED IN SECTION 2-2-307 FOR
18 LEGISLATIVE MEMBERS ATTENDING MEETINGS DURING THE LEGISLATIVE
19 INTERIM. ALL EXPENDITURES INCURRED BY THE COUNCIL MUST BE
20 APPROVED BY THE CHAIR OF THE LEGISLATIVE COUNCIL AND PAID FOR BY
21 VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEY
22 ALLOCATED TO THE LEGISLATIVE COUNCIL FOR LEGISLATIVE COMMITTEES
23 FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.

24 (B) NONLEGISLATIVE MEMBERS SERVE WITHOUT COMPENSATION
25 BUT MAY BE REIMBURSED FOR EXPENSES DIRECTLY RELATING TO THEIR
26 SERVICE ON THE COUNCIL.

27 (3) (a) IF A VACANCY OF A LEGISLATIVE MEMBER OCCURS, THE

1 APPOINTING AUTHORITY OF THE VACATED SEAT SHALL PROMPTLY APPOINT
2 A NEW MEMBER TO COMPLETE THE TERM.

3 (b) THE COUNCIL SHALL ADOPT, AND MAY AMEND, A VACANCY
4 POLICY. IF A VACANCY OF A NONLEGISLATIVE MEMBER OCCURS, THE SEAT
5 MUST BE APPOINTED PURSUANT TO THE VACANCY POLICY.

6 (4) THE COUNCIL SHALL ADOPT, AND MAY AMEND, WRITTEN
7 BYLAWS SETTING FORTH A LEADERSHIP STRUCTURE. THE COUNCIL SHALL
8 APPOINT MEMBERS TO SERVE IN ANY LEADERSHIP ROLES AS DESCRIBED IN
9 ITS BYLAWS.

10 **2-2-2405. Duties - meetings - community outreach -**
11 **designation of organization to accept donations - authority to**
12 **contract.** (1) THE COUNCIL SHALL:

13 (a) IDENTIFY, EXAMINE, AND DISCUSS THE ISSUES, INTERESTS, AND
14 NEEDS AFFECTING PEOPLE WHO ARE INCARCERATED; AND

15 (b) MAKE RECOMMENDATIONS FOR LEGISLATION OR ALTERNATIVE
16 POLICY SOLUTIONS REGARDING THOSE ISSUES, INTERESTS, AND NEEDS.

17 (2) (a) ON OR BEFORE SEPTEMBER 1, 2025, THE COUNCIL SHALL,
18 IN CONJUNCTION WITH THE DIRECTOR OF THE LEGISLATIVE COUNCIL, USE
19 A REQUEST FOR PROPOSAL PROCESS TO CONTRACT WITH AND DESIGNATE
20 A NONPROFIT ORGANIZATION TO PROVIDE STAFFING, ADMINISTRATIVE,
21 AND OPERATIONAL ASSISTANCE AND TO SERVE AS THE CUSTODIAN OF
22 MONEY DONATED TO THE COUNCIL THROUGH THE DESIGNATED
23 ORGANIZATION. THE DESIGNATED ORGANIZATION SELECTED FOLLOWING
24 THE 2025 REQUEST FOR PROPOSAL PROCESS SHALL, PURSUANT TO ONE OR
25 MORE CONTRACTS, PROVIDE THE STAFFING, ADMINISTRATIVE,
26 OPERATIONAL, AND CUSTODIAN SERVICES THROUGH JUNE 30, 2030.
27 THEREAFTER, THE COUNCIL SHALL, IN CONJUNCTION WITH THE DIRECTOR

1 OF THE LEGISLATIVE COUNCIL, ON OR BEFORE APRIL 15, 2030, AND ON OR
2 BEFORE EVERY SECOND APRIL 15 THEREAFTER, USE A REQUEST FOR
3 PROPOSAL PROCESS TO CONTRACT WITH AND DESIGNATE A NONPROFIT
4 ORGANIZATION TO PROVIDE STAFFING, ADMINISTRATIVE, OPERATIONAL,
5 AND CUSTODIAN SERVICES. THE TERM OF EACH CONTRACT ENTERED INTO
6 FOR A TERM COMMENCING ON OR AFTER JULY 1, 2030, IS TWO STATE
7 FISCAL YEARS; EXCEPT THAT A CONTRACT MAY BE EXTENDED FOR ONE
8 ADDITIONAL TWO-YEAR TERM. IF A CONTRACT IS EXTENDED, THE REQUEST
9 FOR PROPOSAL FOR THE NEXT CONTRACT MUST BE ISSUED ON OR BEFORE
10 THE APRIL 15 IMMEDIATELY PRECEDING THE EXPIRATION OF THE
11 EXTENSION TERM. THE DESIGNATED ORGANIZATION IS AUTHORIZED TO
12 EXPEND ANY MONEY IT RECEIVES AS IS NECESSARY TO PROVIDE STAFFING,
13 ADMINISTRATIVE, OPERATIONAL, AND CUSTODIAN SERVICES FOR THE
14 COUNCIL. THE DESIGNATED ORGANIZATION AND THE COUNCIL MAY
15 SOLICIT AND ACCEPT MONETARY AND IN-KIND GIFTS, GRANTS, AND
16 DONATIONS USED TO FURTHER THE COUNCIL'S DUTIES AND
17 RESPONSIBILITIES. ANY MONEY DONATED OR AWARDED TO THE
18 DESIGNATED ORGANIZATION FOR THE BENEFIT OF THE COUNCIL IS NOT
19 SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY. ANY MONEY
20 OBTAINED BY THE COUNCIL OR THE DESIGNATED ORGANIZATION, THAT IS
21 UNEXPENDED AND UNENCUMBERED AT THE TIME THE COUNCIL IS
22 DISSOLVED, MUST BE DISTRIBUTED ACCORDING TO APPROPRIATE FEDERAL
23 AND STATE LAWS GOVERNING NONPROFIT ORGANIZATIONS. IF A DIFFERENT
24 NONPROFIT OR PRIVATE ORGANIZATION IS SUBSEQUENTLY DESIGNATED AS
25 THE CUSTODIAN OF DONATED MONEY, ANY MONEY THAT IS UNEXPENDED
26 AND UNENCUMBERED AT THE TIME OF THE CHANGE IN DESIGNATION MUST
27 BE PROMPTLY TRANSFERRED BY THE PREVIOUSLY DESIGNATED

1 ORGANIZATION TO THE NEWLY DESIGNATED ORGANIZATION.

2 (b) THE DESIGNATED ORGANIZATION, ON BEHALF OF THE COUNCIL,
3 MAY PROVIDE OR ACCEPT IN-KIND STAFF SUPPORT FROM NONPROFIT
4 AGENCIES OR PRIVATE ORGANIZATIONS, INCLUDING ITSELF, OR MAY
5 CONTRACT WITH OUTSIDE ENTITIES FOR THE PURPOSE OF PROVIDING STAFF
6 SUPPORT TO ASSIST THE COUNCIL IN CONDUCTING ITS DUTIES AND
7 RESPONSIBILITIES. ANY STAFF SUPPORT PERSONNEL PROVIDED BY THE
8 DESIGNATED ORGANIZATION OR A NONPROFIT AGENCY OR PRIVATE
9 ORGANIZATION, EITHER DONATED OR ENGAGED THROUGH A CONTRACT,
10 ARE NOT CONSIDERED EMPLOYEES OF THE COUNCIL OR THE STATE.

11 (3) (a) THE COUNCIL MUST MEET AT LEAST THREE TIMES PER
12 MONTH. MEETINGS MAY BE HELD THROUGH THE USE OF AUDIO-VISUAL
13 COMMUNICATION TECHNOLOGY.

14 (b) A LEGISLATIVE MEMBER SHALL ATTEND AT LEAST ONE
15 MEETING PER QUARTER.

16 (4) THE COUNCIL MAY DEVELOP RULES AND PROCEDURES TO
17 GOVERN ITS ACTIVITIES.

18 (5) THE COUNCIL SHALL UTILIZE NEWS OUTLETS AND
19 PUBLICATIONS, PUBLIC AWARENESS CAMPAIGNS, AND A WEBSITE TO
20 DEVELOP AND MAINTAIN REGULAR COMMUNICATION CONCERNING ITS
21 ACTIVITIES WITH THE INCARCERATED POPULATION OF THE STATE, THE
22 STATE, AND INTERESTED PARTIES.

23 (6) THE COUNCIL MAY COLLABORATE WITH ANY PERSON OR
24 ENTITY THAT THE COUNCIL DEEMS APPROPRIATE TO ASSIST THE COUNCIL
25 IN PERFORMING ITS DUTIES. A STATE OR LOCAL ENTITY THAT IS
26 REQUESTED TO PROVIDE ASSISTANCE TO THE COUNCIL IN PERFORMING THE
27 COUNCIL'S DUTIES SHALL ASSIST THE COUNCIL TO THE EXTENT THE

1 ASSISTANCE PROVIDED BY THE STATE OR LOCAL ENTITY IS CONSISTENT
2 WITH THE STATE'S OR LOCAL ENTITY'S DUTIES AND LAW.

3 (7) THE COUNCIL IS AUTHORIZED TO CONTRACT WITH THE
4 DESIGNATED ORGANIZATION OR OTHER NONPROFIT FOR THE
5 IMPLEMENTATION OF THIS PART 24. ANY CONTRACT ENTERED INTO BY THE
6 COUNCIL MUST BE SIGNED BY THE CHAIR OF THE REVIEW COMMITTEE AND
7 THE CHAIR OF THE LEGISLATIVE COUNCIL.

8 (8) WITHIN EXISTING RESOURCES, THE DEPARTMENT OF
9 CORRECTIONS SHALL PROVIDE THE COUNCIL OR DESIGNATED
10 ORGANIZATION ANY NECESSARY STAFF SUPPORT, MEETING SPACE, AND
11 AUDIO-VISUAL COMMUNICATION TECHNOLOGY RESOURCES.

12 **2-2-2406. Report.** (1) BEGINNING JANUARY 2027, AND EACH
13 JANUARY THEREAFTER, THE COUNCIL SHALL REPORT, AT A MINIMUM, THE
14 INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO THE
15 JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
16 REPRESENTATIVES, OF THEIR SUCCESSOR COMMITTEES, AS PART OF THE
17 DEPARTMENT OF CORRECTION'S "SMART ACT" PRESENTATION REQUIRED
18 PURSUANT TO PART 2 OF ARTICLE 7 OF THIS TITLE 2.

19 (2) IN ITS REPORT, THE COUNCIL SHALL, AT A MINIMUM, DESCRIBE
20 THE:

21 (a) ISSUES, INTERESTS, AND NEEDS AFFECTING PEOPLE WHO ARE
22 INCARCERATED THAT WERE IDENTIFIED, EXAMINED, AND DISCUSSED BY
23 THE COUNCIL IN THE PRECEDING YEAR;

24 (b) COUNCIL'S RECOMMENDATIONS FOR LEGISLATION OR
25 ALTERNATIVE POLICY SOLUTIONS REGARDING THOSE ISSUES, INTERESTS,
26 AND NEEDS; AND

27 (c) RESULTS FROM THE IMPLEMENTATION OF LEGISLATION OR

1 ALTERNATIVE POLICY SOLUTIONS DEVELOPED PURSUANT TO THIS PART 24.

2 (3) IN ADDITION TO REPORTING TO THE GENERAL ASSEMBLY, THE
3 COUNCIL SHALL SUBMIT ITS REPORT TO THE EXECUTIVE DIRECTOR OF THE
4 DEPARTMENT OF CORRECTIONS, AND ANY OTHER PERSON OR ENTITY THAT
5 THE COUNCIL DEEMS NECESSARY AS AN INTERESTED PARTY.

6 (4) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
7 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
8 SECTION CONTINUES INDEFINITELY.

9 **2-2-2407. Legislation inside advisory council review committee**

10 - **created.** (1) THERE IS CREATED IN THE LEGISLATIVE BRANCH THE
11 LEGISLATION INSIDE ADVISORY COUNCIL REVIEW COMMITTEE TO REVIEW
12 THE COUNCIL'S WORK AND TO RECOMMEND LEGISLATION REGARDING
13 ISSUES AFFECTING PEOPLE WHO ARE INCARCERATED.

14 (2) (a) THE REVIEW COMMITTEE INCLUDES THE FOLLOWING VOTING
15 MEMBERS:

16 (I) THE FOUR LEGISLATIVE MEMBERS OF THE COUNCIL; AND

17 (II) ONE MEMBER OF THE LEGISLATIVE COUNCIL, CREATED IN
18 SECTION 2-3-301, APPOINTED BY THE CHAIR OF THE LEGISLATIVE COUNCIL
19 ON OR BEFORE APRIL 1, 2026, AND ON OR BEFORE APRIL 1 EACH YEAR
20 THEREAFTER.

21 (b) THE REVIEW COMMITTEE INCLUDES FIVE NONVOTING MEMBERS
22 OF THE COUNCIL, APPOINTED BY THE COUNCIL.

23 (3) IN ODD-NUMBERED YEARS, THE PRESIDENT OF THE SENATE
24 SHALL APPOINT THE CHAIR AND THE SPEAKER OF THE HOUSE OF
25 REPRESENTATIVES SHALL APPOINT THE VICE-CHAIR OF THE REVIEW
26 COMMITTEE. IN EVEN-NUMBERED YEARS, THE SPEAKER SHALL APPOINT
27 THE CHAIR AND THE PRESIDENT SHALL APPOINT THE VICE-CHAIR OF THE

1 REVIEW COMMITTEE. THE PRESIDENT AND THE SPEAKER SHALL MAKE THE
2 APPOINTMENTS ON OR BEFORE APRIL 1, 2026, AND ON OR BEFORE APRIL
3 1 OF EACH YEAR THEREAFTER.

4 (4) THE REVIEW COMMITTEE SHALL NOT MEET MORE THAN THREE
5 TIMES DURING EACH INTERIM. A MAJORITY OF VOTING MEMBERS
6 CONSTITUTES A QUORUM.

7 (5) THE REVIEW COMMITTEE MAY NOT TRAVEL UNLESS
8 AUTHORIZED BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE
9 COUNCIL.

10 (6) THE REVIEW COMMITTEE MAY RECOMMEND UP TO A TOTAL OF
11 THREE BILLS DURING EACH INTERIM. LEGISLATION RECOMMENDED BY THE
12 REVIEW COMMITTEE IS TREATED AS LEGISLATION RECOMMENDED BY AN
13 INTERIM COMMITTEE FOR PURPOSES OF APPLICABLE DEADLINES, BILL
14 INTRODUCTION LIMITS, AND ANY OTHER REQUIREMENTS IMPOSED BY THE
15 JOINT RULES OF THE GENERAL ASSEMBLY.

16 (7) VOTING MEMBERS OF THE REVIEW COMMITTEE ARE ENTITLED
17 TO COMPENSATION PURSUANT TO SECTION 2-2-307. SUBJECT TO
18 AVAILABLE FUNDS, NONVOTING MEMBERS OF THE REVIEW COMMITTEE
19 MAY RECEIVE REIMBURSEMENT FOR EXPENSES.

20 (8) THE LEGISLATIVE COUNCIL STAFF AND THE STAFF OF THE
21 OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL ASSIST THE REVIEW
22 COMMITTEE IN CARRYING OUT ITS DUTIES PURSUANT TO THIS SECTION.

23 **SECTION 2. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.