

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
10.2.17

BILL 12

LLS NO. 18-0254.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

County Courthouse and County Jail Funding and Overcrowding Solutions  
Interim Study Committee

**BILL TOPIC: "Add Member To State Board Of Parole"**

**A BILL FOR AN ACT**

101 **CONCERNING THE MEMBERSHIP OF THE STATE BOARD 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/>.)*

**County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee.** Under current law, the state board of parole (board) has 7 members. The bill increases the membership of the board to 9 members.

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

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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

3           (a) According to the department of corrections, in the 2016-17  
4 fiscal year, a total of three thousand four hundred parole violators were  
5 jailed in Colorado, which sum includes two thousand four hundred  
6 sixty-three technical parole violators, as well as parolees who committed  
7 new crimes;

8           (b) State law requires these parole violators to be held in county  
9 jail until proper action is taken to change their status; and

10           (c) Technical parole violators cannot be sent to a department of  
11 corrections prison until their parole is revoked by the state board of  
12 parole.

13           (2) The general assembly further finds that:

14           (a) The sum of days spent in jail by technical parole violators in  
15 the 2016-17 fiscal year was one hundred seventy-five thousand nine  
16 hundred twenty-three days, with an average length of stay of just less than  
17 seventy-one and one-half days per violator;

18           (b) Technical parole violators remain on parole status and are not  
19 eligible for placement in the department of corrections until their parole  
20 is revoked by the state board of parole;

21           (c) Currently, it takes an average of more than fifty-five days to  
22 revoke the parole of a technical parole violator; and

23           (d) This length of time is excessive because county jails must  
24 absorb the cost of housing these technical parole violators.

25           (3) The general assembly further finds that:

26           (a) Under current law, the state board of parole has only seven  
27 members;

1 (b) The membership of the state board of parole was most recently  
2 expanded on July 1, 1990, and prior to this time the board had only five  
3 members;

4 (c) The limited membership of the state board of parole is a  
5 primary cause of the excessive average period of time that technical  
6 parole violators spend in jails, because the current board has insufficient  
7 members to conduct timely parole revocation hearings; and

8 (d) It is appropriate for the general assembly to expand the  
9 membership of the state board of parole at this time.

10 (4) Now, therefore, to help the state board of parole satisfy its  
11 statutory duties, the general assembly increases the membership of the  
12 board by two members.

13 **SECTION 2.** In Colorado Revised Statutes, 17-2-201, **amend**  
14 (1)(a); and **add** (1)(c.5) as follows:

15 **17-2-201. State board of parole - duties - definitions.**

16 (1) (a) There is hereby created a state board of parole, referred to in this  
17 part 2 as the "board", which shall consist of ~~seven~~ NINE members. The  
18 members of the board shall be appointed by the governor and confirmed  
19 by the senate, and they shall devote their full time to their duties as  
20 members of the board. The members shall be appointed for three-year  
21 terms and may serve consecutive terms. The governor may remove a  
22 board member for incompetency, neglect of duty, malfeasance in office,  
23 continued failure to use the risk assessment guidelines as required by  
24 section 17-22.5-404, or failure to regularly attend meetings as determined  
25 by the governor. Final conviction of a felony during the term of office of  
26 a board member ~~shall automatically result in the disqualification of~~  
27 DISQUALIFIES the member from further service on the board. The board

1 shall be composed of representatives from multidisciplinary areas of  
2 expertise. Two members shall have experience in law enforcement, and  
3 one member shall have experience in offender supervision, including  
4 parole, probation, or community corrections. ~~Four~~ Six members shall  
5 have experience in other relevant fields. Each member of the board shall  
6 have a minimum of five years of experience in a relevant field, and  
7 knowledge of parole laws and guidelines, rehabilitation, correctional  
8 administration, the functioning of the criminal justice system, issues  
9 associated with victims of crime, the duties of parole board members, and  
10 actuarial risk assessment instruments and other offender assessment  
11 instruments used by the board and the department of corrections. A  
12 person who has been convicted of a felony or of a misdemeanor involving  
13 moral turpitude or who has any financial interests which conflict with the  
14 duties of a member of the parole board ~~shall not be eligible~~ IS INELIGIBLE  
15 for appointment.

16 (c.5) THE PAROLE BOARD IN EXISTENCE PRIOR TO JULY 1, 2018, IS  
17 EXPANDED TO NINE MEMBERS ON JULY 1, 2018. THE GOVERNOR SHALL  
18 APPOINT TWO ADDITIONAL MEMBERS TO THE BOARD FOR A TERM OF THREE  
19 YEARS EACH, TO EXPIRE ON JULY 30, 2021. THEREAFTER, THE GOVERNOR  
20 SHALL APPOINT EACH SUCH MEMBER FOR A TERM OF THREE YEARS.

21 **SECTION 3. Effective date.** This act takes effect July 1, 2018.

22 **SECTION 4. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.