

## CHAPTER 15

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**CORRECTIONS**

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**HOUSE BILL 02-1021**

BY REPRESENTATIVE(S) Hefley, Rhodes, Boyd, Cloer, Crane, Fritz, Groff, Grossman, Hoppe, Jahn, Jameson, Lawrence, Mace, Romanoff, Snook, Spence, Tapia, Veiga, Webster, and Williams S.;  
also SENATOR(S) Hernandez.

**AN ACT****CONCERNING THE WAIVER OF PAROLE CONSIDERATION BY INMATES.**

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

**SECTION 1.** 17-2-204 (2), Colorado Revised Statutes, is amended to read:

**17-2-204. Parole may issue - when.** (2) (a) Any inmate who does not wish to be considered for parole shall ~~either sign a waiver witnessed by an institutional supervisory employee or appear before the board and request that his parole not be considered~~ **NO LATER THAN THIRTY DAYS PRIOR TO THE DATE OF THE SCHEDULED PAROLE HEARING. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2), ANY WAIVER SIGNED BY AN INMATE IN ACCORDANCE WITH THIS SUBSECTION (2) SHALL BECOME EFFECTIVE ON THE DATE OF SIGNING AND SHALL REMAIN IN EFFECT FOR SIX MONTHS AFTER THE DATE OF THE SCHEDULED PAROLE HEARING. The inmate may NOT withdraw such waiver and OR submit an application for parole at any time thereafter** DURING THE SIX-MONTH PERIOD.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2), AN INMATE WHO WAIVES PAROLE CONSIDERATION MAY, NO LATER THAN THIRTY DAYS PRIOR TO THE DATE OF THE SCHEDULED PAROLE HEARING, MAKE A WRITTEN REQUEST THAT THE SIX-MONTH WAIVER PERIOD BE SHORTENED TO A LESSER PERIOD OF TIME. SUCH REQUEST SHALL SPECIFICALLY STATE GROUNDS CONSTITUTING SUFFICIENT AND REASONABLE CAUSE AS TO WHY THE SIX-MONTH WAIVER PERIOD SHOULD BE SHORTENED. SUCH REQUEST SHALL ALSO SPECIFICALLY STATE THE LESSER PERIOD OF TIME BEING REQUESTED BY THE INMATE. THE CHAIRPERSON OF THE BOARD, VICE-CHAIRPERSON OF THE BOARD, OR THE DESIGNEE OF EITHER, IN HIS OR HER DISCRETION, SHALL GRANT OR DENY THE INMATE'S REQUEST FOR THE SHORTENED WAIVER PERIOD MADE UNDER THIS PARAGRAPH (b).

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(c) IF THE INMATE'S REQUEST FOR THE SHORTENED WAIVER PERIOD IS MADE AND GRANTED IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (2), THE INMATE MAY NOT, AT ANY TIME PRIOR TO THE DATE OF THE RESCHEDULED PAROLE HEARING, MAKE ANOTHER SUCH REQUEST. IN THE EVENT SUCH INMATE IS NOT PREPARED FOR OR OTHERWISE NOT READY TO PROCEED AT THE RESCHEDULED PAROLE HEARING, THE INMATE SHALL BE DEEMED TO HAVE WAIVED PAROLE CONSIDERATION FOR A PERIOD OF SIX MONTHS FOLLOWING THE DATE OF SUCH HEARING.

**SECTION 2. Effective date - applicability.** This act shall take effect upon passage and shall apply to parole hearings held thirty days or more after the date of passage.

**SECTION 3. 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.

Approved: March 21, 2002