

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-036 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3           **"SECTION 1. Legislative declaration.** (1) The general  
4 assembly finds that:

5           (a) States across the country have enacted prison population  
6 management measures that recognize that overcrowded prison facilities  
7 are a threat to the health and safety of staff and inmates;

8           (b) It is universally recognized that ensuring systematic and  
9 operational efficiencies can effectively manage prison populations  
10 without compromising public safety;

11           (c) In 2018, the Colorado general assembly unanimously adopted  
12 prison population management measures that trigger specific actions  
13 when the department of corrections' prison bed vacancy rate falls below  
14 a specified level for 30 consecutive days;

15           (d) On August 16, 2025, the department of corrections' prison bed  
16 vacancy rate fell to a level that triggered the prison population  
17 management measures for the first time; and

18           (e) The implementation of current prison population management  
19 measures has not made an impact on prison overcrowding in Colorado.  
20 There is limited data available to assess the reasons for this lack of impact  
21 since there is no data reporting required by state law on the  
22 implementation of the mandated prison population management  
23 measures. However, there is clearly the potential for impact because  
24 reliable data indicates that a significant number of inmates are eligible for  
25 placement in the community through community corrections boards, and  
26 roughly 4,600 inmates are past their parole eligibility date.

27           (2) Therefore, the general assembly declares that revising  
28 Colorado's existing prison population management measures is necessary  
29 in order to address operational inefficiencies, obtain necessary data, and  
30 increase transparency and accountability, and that the efficient  
31 management of prison populations is a matter of ongoing concern for  
32 correctional staff and inmates.

33           **SECTION 2.** In Colorado Revised Statutes, **amend** 17-1-119.7  
34 as follows:

35           **17-1-119.7. Prison population management measures -**  
36 **definitions.**

37           (1) (a) The department shall track the prison bed vacancy rate in  
38 both correctional facilities and state-funded private contract prison beds  
39 on a monthly basis. If the PRISON BED vacancy rate falls below ~~three~~ **FOUR**  
40 percent for thirty consecutive days, the department shall, WITHIN

1 FORTY-EIGHT HOURS, notify THE FOLLOWING:

2 (I) The governor;

3 (II) The joint budget committee;

4 (III) THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND

5 THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES;

6 (IV) The parole board AND EACH RELEASE HEARING OFFICER AND

7 ADMINISTRATIVE HEARING OFFICER UNDER CONTRACT WITH THE PAROLE

8 BOARD;

9 (V) THE OFFICE OF COMMUNITY CORRECTIONS IN THE

10 DEPARTMENT OF PUBLIC SAFETY;

11 (VI) EACH COMMUNITY CORRECTIONS BOARD AND COMMUNITY

12 CORRECTIONS PROGRAM, AS THOSE TERMS ARE DEFINED IN SECTION

13 17-27-102;

14 (VII) Each elected district attorney;

15 (VIII) THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN

16 SECTION 21-1-101;

17 (IX) THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN

18 SECTION 21-2-101;

19 (X) The chief judge of each judicial district; ~~the state public~~

20 ~~defender, and the office of community corrections in the department of~~

21 ~~public safety. The department shall notify the governor, the joint budget~~

22 ~~committee, the parole board, each elected district attorney, the chief judge~~

23 ~~of each judicial district, the state public defender, and the office of~~

24 ~~community corrections once the vacancy rate exceeds four percent for~~

25 ~~thirty consecutive days.~~

26 (XI) THE CHIEF PROBATION OFFICER IN EACH JUDICIAL DISTRICT;

27 (XII) THE OFFICE OF THE STATE COURT ADMINISTRATOR; AND

28 (XIII) EACH COUNTY SHERIFF OF COLORADO.

29 (b) IF THE MANDATES REQUIRED PURSUANT TO THIS SECTION ARE

30 IN EFFECT AND THE PRISON BED VACANCY RATE IS FIVE PERCENT OR

31 HIGHER FOR THIRTY CONSECUTIVE DAYS, THE DEPARTMENT SHALL NOTIFY

32 EACH PERSON AND ENTITY LISTED IN SUBSECTION (1)(a) OF THIS SECTION

33 THAT THE MANDATES REQUIRED PURSUANT TO THIS SECTION ARE NO

34 LONGER IN EFFECT.

35 (c) EACH INDIVIDUAL AND ENTITY THAT RECEIVES NOTIFICATION

36 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL ACKNOWLEDGE

37 RECEIPT OF THE NOTIFICATION, IN WRITING, AND CONFIRM COMPLIANCE

38 WITH THE NOTIFICATION REQUIREMENTS DESCRIBED IN SUBSECTION (2)(e)

39 OF THIS SECTION.

40 (d) THE NOTIFICATION TO THE GOVERNOR AND THE PAROLE BOARD

41 MUST BE UPDATED EVERY THIRTY DAYS WHILE THE MANDATES REQUIRED

42 PURSUANT TO THIS SECTION ARE IN EFFECT AND INCLUDE AN ESTIMATE OF

43 THE REDUCTION IN THE INMATE POPULATION NEEDED TO ACHIEVE A

1 PRISON BED VACANCY RATE OF FIVE PERCENT OR HIGHER.

2 (2) (a) If the PRISON BED vacancy rate in correctional facilities and  
3 state-funded private contract prison beds falls below ~~three~~ FOUR percent  
4 for thirty consecutive days, the department shall:

5 (I) (A) Request the office of community corrections to provide the  
6 department with information regarding the location and nature of any  
7 ~~unutilized~~ FUNDED AND AVAILABLE community corrections beds AND ANY  
8 FUNDED BEDS THAT MAY BECOME AVAILABLE WITHIN THIRTY DAYS AFTER  
9 THE REQUEST. The office of community corrections shall provide the  
10 information TO THE DEPARTMENT within seventy-two hours of AFTER the  
11 request and on a weekly basis until the office of community corrections  
12 receives notification FROM THE DEPARTMENT that the ~~vacancy rate~~  
13 ~~exceeds three percent~~ MANDATES REQUIRED BY THIS SECTION ARE NO  
14 LONGER IN EFFECT.

15 (B) REQUEST, IN WRITING, THAT EACH COMMUNITY CORRECTIONS  
16 PROVIDER REVIEW THE STATUTORY CRITERIA FOR EACH TRANSITION  
17 INMATE WHO HAS RESIDED IN THE COMMUNITY CORRECTIONS PROGRAM  
18 OPERATED BY THE PROVIDER FOR MORE THAN ONE HUNDRED EIGHTY DAYS  
19 AND WHO MEETS THE PROGRAM OBJECTIVES FOR AN INTENSIVE  
20 SUPERVISION PROGRAM PURSUANT TO SECTION 17-27.5-101, AND PROVIDE  
21 THE DEPARTMENT WITH A LIST OF INTENSIVE SUPERVISION  
22 PROGRAM-ELIGIBLE TRANSITION INMATES WITH EMPLOYMENT AND  
23 HOUSING OPTIONS. AFTER RECEIVING THE LIST OF TRANSITION INMATES,  
24 THE DEPARTMENT SHALL INVESTIGATE AND APPROVE A RESIDENCE PLAN  
25 FOR EACH TRANSITION INMATE ON THE LIST AND SUBMIT THE APPROVED  
26 RESIDENCE PLAN TO THE RELEVANT COMMUNITY CORRECTIONS BOARD.

27 (C) REQUEST, IN WRITING, THAT THE OFFICE OF COMMUNITY  
28 CORRECTIONS INVESTIGATE EXPANDING THE CAPACITY FOR INMATE  
29 TRANSITION BEDS IN COMMUNITY CORRECTIONS PROGRAMS THAT COULD  
30 BE PROVIDED ON A TEMPORARY OR LONGER-TERM BASIS, INCLUDING THE  
31 POTENTIAL NUMBER OF BEDS. THE OFFICE OF COMMUNITY CORRECTIONS  
32 SHALL PROVIDE THE RESULTS OF THE INVESTIGATION TO THE DEPARTMENT  
33 AND THE JOINT BUDGET COMMITTEE.

34 (D) REQUIRE THAT DEPARTMENT CASE MANAGERS REVIEW THE  
35 ELIGIBILITY OF EACH INMATE FOR COMMUNITY CORRECTIONS PROGRAM  
36 PLACEMENT AND INITIATE A REFERRAL OF AN INMATE WHO IS ELIGIBLE TO  
37 THE RELEVANT COMMUNITY CORRECTIONS BOARD WITHIN SEVEN DAYS  
38 AFTER THE ELIGIBILITY DETERMINATION; AND

39 (E) REQUIRE THAT THE DIVISION OF ADULT PAROLE NOTIFY EACH  
40 COMMUNITY PAROLE OFFICER, IN WRITING, OF THE PRISON BED SHORTAGE  
41 AND REQUEST THAT PAROLE OFFICERS CONSIDER ALTERNATIVE SANCTIONS  
42 FOR TECHNICAL VIOLATIONS OF PAROLE BY A TRANSITION INMATE, IF  
43 LAWFULLY AVAILABLE AND CONSISTENT WITH PUBLIC SAFETY.

1           (II) ~~Request that the parole board review a list of~~ WITHIN FIVE  
2 DAYS AFTER PROVIDING THE NOTIFICATIONS PURSUANT TO SUBSECTION  
3 (1)(a) OF THIS SECTION, AND EVERY THIRTY DAYS THEREAFTER, IDENTIFY  
4 inmates who ~~are within ninety~~ HAVE BEEN ASSESSED TO BE MEDIUM OR  
5 LOWER RISK ON THE VALIDATED RISK ASSESSMENT SCALE DEVELOPED  
6 PURSUANT TO SECTION 17-22.5-404 (2) AND WHO HAVE NO LESS THAN  
7 THIRTY DAYS AND NO MORE THAN ONE HUNDRED EIGHTY days ~~of~~ UNTIL  
8 their mandatory release date ~~have an approved parole plan, and do not~~  
9 ~~require full board review or victim notification pursuant to section~~  
10 ~~24-4.1-302.5 (1)(j);~~ OR STATUTORY DISCHARGE DATE AND FORTHWITH  
11 GRANT EACH INMATE AN ADDITIONAL SIXTY DAYS OF EARNED TIME.  
12 EARNED TIME GRANTED PURSUANT TO THIS SUBSECTION (2)(a)(II) IS IN  
13 ADDITION TO EARNED TIME AWARDED PURSUANT TO, AND IS NOT SUBJECT  
14 TO ANY LIMITATION ON EARNED TIME DESCRIBED IN, SECTION 17-22.5-405.  
15 THE DEPARTMENT SHALL SUBMIT THE LIST OF THE INMATES IDENTIFIED  
16 PURSUANT TO THIS SUBSECTION (2)(a)(II) TO THE PAROLE BOARD TO  
17 ENSURE THE CONDITIONS OF PAROLE HAVE BEEN, OR WILL BE, ORDERED  
18 PRIOR TO THE INMATE'S RELEASE.

19           (III) ~~Coordinate with the parole board to review the~~ WITHIN  
20 FOURTEEN DAYS AFTER PROVIDING THE NOTIFICATION PURSUANT TO  
21 SUBSECTION (1)(a) OF THIS SECTION, CREATE A list of inmates who have  
22 satisfied conditions for conditional release, ~~verified by the department of~~  
23 ~~corrections,~~ ~~do~~ not require full board review or victim notification  
24 pursuant to section 24-4.1-302.5 (1)(j), and have satisfied the condition  
25 or conditions required for an order to parole. ~~and~~ THE DEPARTMENT  
26 SHALL INFORM THE PAROLE BOARD IF A LISTED INMATE HAS SATISFIED THE  
27 CONDITIONS REQUIRED FOR RELEASE. IF A SPECIFIC CONDITION RELATES TO  
28 COMPLETING A PROGRAM AND THE CONDITION HAS NOT BEEN SATISFIED,  
29 THE PAROLE BOARD SHALL DETERMINE WHETHER THE CONDITION CAN BE  
30 SATISFIED AFTER RELEASE AND MANDATED AS A CONDITION OF PAROLE.

31           (IV) (A) WITHIN FOURTEEN DAYS AFTER PROVIDING THE  
32 NOTIFICATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, submit  
33 to the parole board a list of eligible inmates ~~with a favorable parole plan~~  
34 who have been assessed to be medium or lower risk on the validated risk  
35 assessment scale developed pursuant to section 17-22.5-404 (2), OR WHO  
36 HAVE BEEN CLASSIFIED AS MINIMUM OR MINIMUM RESTRICTIVE CUSTODY,  
37 AND WHO ARE PAST THEIR PAROLE ELIGIBILITY DATE. THE PAROLE BOARD  
38 SHALL CONSIDER THE LIST AS AN INDIVIDUAL APPLICATION FOR PAROLE  
39 FOR EACH INMATE ON THE LIST AND REVIEW EACH APPLICATION  
40 CONSISTENT WITH SECTION 17-2-201. Except as provided in subsection  
41 (2)(a)(IV)(B) of this section, the parole board shall conduct a file review  
42 of each inmate on the list and set conditions of release for the inmate  
43 within thirty days after receipt of the list and set a day of release no later

1 than thirty days after conducting the file review.

2 (B) If victim notification is required and a victim wishes to  
3 provide input, the parole board shall schedule a hearing in lieu of a file  
4 review and set conditions of release for the inmate and a date of release  
5 no later than thirty days after conducting the hearing.

6 (C) If additional information is needed, the parole board may table  
7 a decision after the file review or hearing and request additional  
8 information from the department. ~~The parole board may grant or deny~~  
9 ~~parole to an applicant, and, if the decision is to deny parole, it must be~~  
10 ~~based on a majority vote of the full board.~~

11 ~~(D) An inmate is not eligible for release pursuant to this section~~  
12 ~~if he or she is serving a sentence for an offense enumerated in section~~  
13 ~~24-4.1-302 or section 16-22-102 (9) or has had a class I code of penal~~  
14 ~~discipline violation within the previous twelve months from the date of~~  
15 ~~the list or since incarceration, whichever is shorter; has been terminated~~  
16 ~~for lack of progress or declined in writing to participate in programs that~~  
17 ~~have been recommended and made available to the inmate within the~~  
18 ~~previous twelve months or since incarceration, whichever is shorter; has~~  
19 ~~been regressed from community-corrections or revoked from parole~~  
20 ~~within the previous one hundred eighty days; or has a pending felony~~  
21 ~~charge, detainer, or an extraditable warrant.~~

22 ~~(E) An inmate is eligible for release pursuant to this subsection~~  
23 ~~(2)(a)(IV) if the inmate is at or past his or her parole eligibility date and~~  
24 ~~is only serving a sentence for a conviction of a level 3 or level 4 drug~~  
25 ~~felony or a class 3, class 4, class 5, or class 6 nonviolent felony offense.~~

26 (D) IF AN INMATE HAS A PENDING FELONY CHARGE, DETAINER, OR  
27 EXTRADITABLE WARRANT, AND IS OTHERWISE ELIGIBLE FOR RELEASE TO  
28 PAROLE, THE DEPARTMENT SHALL NOTIFY THE LIAISON FOR THE OFFICE OF  
29 STATE PUBLIC DEFENDER, AS DESCRIBED IN SECTION 21-1-104 (6), TO  
30 DETERMINE WHETHER THE LEGAL MATTER CAN BE RESOLVED ON A  
31 FORTHWITH BASIS.

32 (V) (A) WITHIN FOURTEEN DAYS AFTER AN OFFENDER IS  
33 ADMITTED TO THE CUSTODY OF THE DEPARTMENT AS A NEW COURT  
34 COMMITMENT, IF THE OFFENDER IS DETERMINED BY THE DEPARTMENT  
35 DURING ADMISSION TO BE PAST OR WITHIN NINETY DAYS OF THE  
36 OFFENDER'S PAROLE ELIGIBILITY DATE AND THE OFFENDER IS NOT SERVING  
37 A SENTENCE FOR AN OFFENSE ENUMERATED IN SECTION 24-4.1-302 (1) OR  
38 16-22-102 (9), NOTIFY THE SENTENCING COURT AND PROVIDE THE COURT  
39 WITH INFORMATION ON THE OFFENDER'S PAROLE ELIGIBILITY DATE,  
40 MANDATORY RELEASE DATE, AND THE RESULTS OF ANY INTAKE  
41 ASSESSMENTS.

42 (B) IF A SENTENCING COURT RECEIVES NOTICE FROM THE  
43 DEPARTMENT PURSUANT TO SUBSECTION (2)(a)(V)(A) OF THIS SECTION,

1 THE COURT SHALL NOTIFY COUNSEL FOR THE DEFENDANT AND THE  
2 PROSECUTION AND REQUEST THAT THE DEFENDANT FILE A MOTION FOR  
3 RECONSIDERATION, IF THE DEFENDANT CHOOSES TO DO SO, UNLESS THE  
4 PRISON SENTENCE IS THE RESULT OF A STIPULATED PLEA AGREEMENT FOR  
5 AN EXACT NUMBER OF YEARS IN PRISON. IF THE COURT RECEIVES A  
6 MOTION FOR RECONSIDERATION, THE COURT SHALL SCHEDULE A HEARING  
7 ON THE MOTION WITHIN THIRTY-FIVE DAYS AFTER THE FILING OF THE  
8 MOTION AND, AT THE HEARING, MAY IMPOSE AN ALTERNATIVE SENTENCE  
9 EXCEPT A SENTENCE TO JAIL.

10 (b) (I) WHILE THE MEASURES DESCRIBED IN SUBSECTION (2)(a) OF  
11 THIS SECTION ARE IN EFFECT, THE PAROLE BOARD MAY GRANT OR DENY  
12 PAROLE TO AN APPLICANT WHO IS ELIGIBLE FOR PAROLE PURSUANT TO THIS  
13 SECTION, AND, IF THE DECISION IS TO DENY PAROLE, THE DECISION MUST  
14 BE BASED ON A MAJORITY VOTE OF THE FULL PAROLE BOARD.

15 (II) A PAROLE APPLICATION HEARING OR RECONSIDERATION OF  
16 SENTENCING HEARING HELD PURSUANT TO THIS SECTION MUST COMPLY  
17 WITH THE APPLICABLE PROVISIONS SET FORTH IN SECTIONS 24-4.1-302.5  
18 AND 24.4.1-303.

19 (III) AN INMATE IS NOT ELIGIBLE FOR CONSIDERATION OF RELEASE  
20 OR THE AWARD OF ADDITIONAL EARNED TIME PURSUANT TO THIS SECTION  
21 IF THE INMATE IS SERVING A SENTENCE FOR AN OFFENSE ENUMERATED IN  
22 SECTION 24-4.1-302 (1) OR 16-22-102 (9) OR HAS BEEN FOUND GUILTY OF  
23 A CLASS I CODE OF PENAL DISCIPLINE VIOLATION WITHIN THE PREVIOUS  
24 TWELVE MONTHS OR SINCE INCARCERATION, WHICHEVER IS SHORTER.

25 (IV) ACTIONS TAKEN REGARDING PLACEMENT, TRANSFER, OR  
26 OTHER MOVEMENT OF AN INMATE PURSUANT TO THIS SECTION MUST  
27 COMPLY WITH THE APPLICABLE PROVISIONS SET FORTH IN SECTIONS  
28 24-4.1-302.5 AND 24.4.1-303.

29 (V) THE DEPARTMENT MAY REFER AN INMATE RELEASED  
30 PURSUANT TO THIS SECTION WHO MAY BENEFIT FROM COMMUNITY-BASED  
31 SUPPORT SERVICES TO A COMMUNITY-BASED REENTRY PROGRAM THAT  
32 RECEIVES FUNDING FROM THE REENTRY SERVICES GRANT PROGRAM  
33 DESCRIBED IN SECTION 17-33-101 (7) OR OTHER COMMUNITY-BASED  
34 PROGRAMS THAT THE DEPARTMENT CONTRACTS WITH FOR REENTRY  
35 SERVICES TO PROMOTE THE INMATE'S SUCCESSFUL REINTEGRATION.

36 (b) (c) The department may utilize any, all, or a combination of  
37 the measures described in subsection (2)(a) of this section when the  
38 PRISON BED vacancy rate falls below ~~two~~ FOUR percent for thirty  
39 consecutive days and until the vacancy rate is above ~~three~~ FIVE percent for  
40 thirty consecutive days.

41 (d) (I) IF THE MEASURES DESCRIBED IN SUBSECTION (2)(a) OF THIS  
42 SECTION DO NOT RESULT IN ACHIEVING A PRISON BED VACANCY RATE  
43 ABOVE FIVE PERCENT WITHIN ONE HUNDRED TWENTY DAYS AFTER THE

1 NOTIFICATIONS PROVIDED PURSUANT TO SUBSECTION (1)(a) OF THIS  
2 SECTION, THE DEPARTMENT SHALL, WITHIN THIRTY DAYS AFTER THE  
3 DETERMINATION THAT THE MEASURES DO NOT RESULT IN ACHIEVING THE  
4 SPECIFIC RATES, SUBMIT TO THE PAROLE BOARD AND THE GOVERNOR A  
5 LIST OF INMATES WHO ARE SERVING A SENTENCE IN THE DEPARTMENT AND  
6 WHO ARE ELIGIBLE FOR PAROLE, NOTWITHSTANDING ANY OTHER  
7 PROVISION OF LAW; RECOMMENDS FOR TRANSFER TO COMMUNITY  
8 CORRECTIONS FOR RESIDENTIAL OR NONRESIDENTIAL PLACEMENT; OR  
9 RECOMMENDS FOR ANY OTHER FORM OF RELEASE, INCLUDING, BUT NOT  
10 LIMITED TO, COMMUTATION OF THE INMATE'S SENTENCE BY THE  
11 GOVERNOR.

12 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON  
13 RECEIPT OF THE LIST PROVIDED BY THE DEPARTMENT PURSUANT TO  
14 SUBSECTION (2)(d)(I) OF THIS SECTION:

15 (A) THE PAROLE BOARD MAY RELEASE AN INMATE WHO IS NOT  
16 SERVING A SENTENCE FOR AN OFFENSE ENUMERATED IN SECTION  
17 24-4.1-302 (1) OR 16-22-102 (9) NINETY DAYS IN ADVANCE OF THE  
18 INMATE'S CURRENT PAROLE ELIGIBILITY DATE;

19 (B) THE DEPARTMENT MAY REFER THE INMATE FOR PLACEMENT IN  
20 A COMMUNITY CORRECTIONS PROGRAM; AND

21 (C) THE GOVERNOR MAY CONSIDER AND GRANT COMMUTATION OF  
22 THE INMATE'S SENTENCE.

23 (e) IF THE PRISON BED VACANCY RATE FALLS BELOW FOUR  
24 PERCENT FOR THIRTY CONSECUTIVE DAYS AND A NOTIFICATION IS MADE  
25 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND RECEIVED BY:

26 (I) AN ELECTED DISTRICT ATTORNEY, THE ELECTED DISTRICT  
27 ATTORNEY SHALL NOTIFY EACH DEPUTY DISTRICT ATTORNEY ASSIGNED TO  
28 FELONY CASES AND EACH DEPUTY DISTRICT ATTORNEY SERVING ON THE  
29 LOCAL COMMUNITY CORRECTIONS BOARD OF THE PRISON BED SHORTAGE  
30 AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE IN EFFECT;

31 (II) THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE SHALL  
32 NOTIFY EACH ATTORNEY ASSIGNED TO REPRESENT AN INDIVIDUAL  
33 CHARGED WITH A FELONY OFFENSE AND EACH ATTORNEY SERVING ON THE  
34 LOCAL COMMUNITY CORRECTIONS BOARD OF THE CURRENT PRISON BED  
35 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE  
36 IN EFFECT, AND REQUEST THAT EACH ATTORNEY UTILIZE AVAILABLE  
37 RESOURCES TO INVESTIGATE AND ADVOCATE FOR AN ALTERNATIVE TO A  
38 PRISON SENTENCE, IF LAWFULLY AVAILABLE, FOR CASES PENDING  
39 SENTENCING OR RESENTENCING;

40 (III) THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE OFFICE  
41 SHALL NOTIFY EACH ATTORNEY ASSIGNED TO REPRESENT AN INDIVIDUAL  
42 CHARGED WITH A FELONY OFFENSE OF THE CURRENT PRISON BED  
43 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE

1 IN EFFECT, AND REQUEST THAT EACH ATTORNEY UTILIZE AVAILABLE  
2 RESOURCES TO INVESTIGATE AND ADVOCATE FOR AN ALTERNATIVE TO A  
3 PRISON SENTENCE, IF LAWFULLY AVAILABLE, FOR CASES PENDING  
4 SENTENCING OR RESENTENCING;

5 (IV) A CHIEF JUDGE OF A JUDICIAL DISTRICT, THE CHIEF JUDGE  
6 SHALL NOTIFY EACH DISTRICT COURT JUDGE IN THE JUDICIAL DISTRICT  
7 WHO IS ASSIGNED TO FELONY CASES OF THE CURRENT PRISON BED  
8 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE  
9 IN EFFECT; OR

10 (V) A CHIEF PROBATION OFFICER FOR A JUDICIAL DISTRICT, THE  
11 CHIEF PROBATION OFFICER SHALL NOTIFY EACH PROBATION OFFICER WHO  
12 SUPERVISES INDIVIDUALS ON FELONY PROBATION OF THE CURRENT PRISON  
13 BED SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES  
14 ARE IN EFFECT.

15 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
16 REQUIRES:

17 (a) "LOCAL JAIL BACKLOG" MEANS THE INMATES UNDER THE  
18 JURISDICTION OF THE DEPARTMENT WHO ARE BEING HOUSED IN A LOCAL  
19 JAIL ON BEHALF OF THE DEPARTMENT.

20 (b) "OPERATIONAL CAPACITY" MEANS THE NUMBER OF  
21 PERMANENT BEDS AT A PRISON, EXCLUDING NONCAPACITY BEDS SUCH AS  
22 INFIRMARY BEDS AND RESTRICTIVE HOUSING AND TRANSPORT BEDS,  
23 UNLESS OTHERWISE SPECIFIED DUE TO EMERGENCY NEEDS.

24 (c) "PRISON BED VACANCY RATE" MEANS THE PERCENTAGE OF  
25 OPERATIONAL CAPACITY FOR PRISON BEDS THAT IS CURRENTLY UNUSED.  
26 FOR THE PURPOSES OF CALCULATING THE PRISON BED VACANCY RATE, THE  
27 DEPARTMENT SHALL INCLUDE INMATES UNDER THE JURISDICTION OF THE  
28 DEPARTMENT WHO ARE HOUSED IN A LOCAL JAIL PURSUANT TO A LOCAL  
29 JAIL CONTRACT AND THOSE DESIGNATED AS LOCAL JAIL BACKLOG.

30 **SECTION 3.** In Colorado Revised Statutes, 17-1-103, **add** (1)(s)  
31 as follows:

32 **17-1-103. Duties of the executive director.**

33 (1) The duties of the executive director are:

34 (s) TO DEVELOP A COMPREHENSIVE AND ONGOING PRISON  
35 POPULATION MANAGEMENT PLAN TO ENSURE THE SAFETY OF STAFF AND  
36 INMATES AND TO ENSURE THAT THE DEPARTMENT COMPLIES WITH ALL  
37 PRISON POPULATION MANAGEMENT MANDATES REQUIRED BY LAW,  
38 INCLUDING IMPLEMENTING THE PRISON POPULATION MANAGEMENT  
39 MEASURES SET FORTH IN SECTION 17-1-119.7, WHEN NECESSARY.

40 **SECTION 4.** In Colorado Revised Statutes, 17-1-103.3, **amend**  
41 (1)(a)(I); and **add** (1)(a)(III) and (1)(a)(IV) as follows:

42 **17-1-103.3. Reports for budgeting - definition.**

43 (1) (a) No later than the fifth day of each month, the executive

1 director shall report the department's previous month's:  
2 (I) Bed capacity and average daily inmate population by prison  
3 facility, security level, and custody classification; and  
4 (III) CURRENT POPULATION IN THE LOCAL JAIL BACKLOG, AS  
5 DEFINED IN SECTION 17-1-119.7 (3), BY COUNTY; AND  
6 (IV) COMPLIANCE WITH THE PRISON POPULATION MANAGEMENT  
7 MEASURES DESCRIBED IN SECTION 17-1-119.7 IF THE MEASURES ARE IN  
8 EFFECT DURING THE PREVIOUS MONTH, INCLUDING EACH NOTICE SENT BY  
9 THE DEPARTMENT, ACTIONS TAKEN BY THE DEPARTMENT TO COMPLY WITH  
10 THE REQUIRED MEASURES, AND THE DOCUMENTED IMPACT OF  
11 IMPLEMENTING THE REQUIRED MEASURES.

12 **SECTION 5.** In Colorado Revised Statutes, 17-2-201, **add** (3)(i)  
13 as follows:

14 **17-2-201. State board of parole - duties - definitions.**

15 (3) The chairperson, in addition to other provisions of law, has the  
16 following powers and duties:

17 (i) TO ENSURE THAT THE PAROLE BOARD COMPLIES WITH ALL  
18 PRISON POPULATION MANAGEMENT MANDATES REQUIRED BY LAW,  
19 INCLUDING IMPLEMENTING, WHEN NECESSARY, THE PRISON POPULATION  
20 MANAGEMENT MEASURES SET FORTH IN SECTION 17-1-119.7.

21 **SECTION 6.** In Colorado Revised Statutes, 17-27.5-101, **amend**  
22 (1)(b) introductory portion and (1)(b)(II) as follows:

23 **17-27.5-101. Authority to establish intensive supervision**  
24 **programs for parolees and community corrections offenders.**

25 (1) (b) The department ~~shall also be~~ IS authorized to refer for  
26 placement to an intensive supervision program operated under the  
27 jurisdiction of units of local government under contract with and  
28 approved by the department:

29 (II) Any offender who has met program objectives of a residential  
30 community corrections program. ~~and who has not more than one hundred~~  
31 ~~eighty days remaining until such offender's parole eligibility date.~~

32 **SECTION 7. Safety clause.** The general assembly finds,  
33 determines, and declares that this act is necessary for the immediate  
34 preservation of the public peace, health, or safety or for appropriations for  
35 the support and maintenance of the departments of the state and state  
36 institutions."

\*\* \*\*\* \*\* \*\*\* \*\*