

SENATE COMMITTEE OF REFERENCE AMENDMENT
Committee on Judiciary.

SB21-146 be amended as follows:

1 Amend printed bill, page 3, strike lines 15 through 19 and substitute:

2 "(7.4) "SERIOUS IMPAIRMENT THAT LIMITS A PERSON'S ABILITY TO
3 FUNCTION" MEANS A MEDICALLY DIAGNOSED PHYSICAL OR MENTAL
4 CONDITION THAT IS CHRONIC AND LONG TERM IN NATURE AND SEVERELY
5 LIMITS A PERSON'S ABILITY TO INDEPENDENTLY PERFORM ESSENTIAL
6 DAY-TO-DAY ACTIVITIES WITHOUT DAILY INTERVENTION, ATTENTION, OR
7 SUPPORT FROM AN INMATE AIDE OR PROFESSIONAL CAREGIVER.".

8 Page 4, line 2, strike "~~is fifty-five years of age or older and~~" and substitute
9 "is fifty-five years of age or older and".

10 Page 4, strike lines 11 to 17 and substitute:

11 "(II) Who, as determined by a licensed health-care provider who
12 is employed by or under contract with the department OR BY A PRIVATE
13 LICENSED HEALTH-CARE PROVIDER INVOLVED IN PROVIDING PATIENT CARE
14 TO THE INMATE, suffers from a chronic, permanent, terminal, or
15 irreversible physical illness, condition, disease, or a behavioral or mental
16 health disorder that requires costly care or treatment and who is
17 ~~determined by the department or the state board of parole to be~~
18 ~~incapacitated to the extent that he or she is not likely to pose a risk to~~
19 ~~public safety, or INCAPACITATED;~~

20 Page 4, lines 20 and 21, strike "TEN YEARS OR TWENTY-FIVE PERCENT OF
21 THE PERSON'S SENTENCE, WHICHEVER IS SHORTER;" and substitute
22 "TWENTY YEARS OF THE PERSON'S SENTENCE AND WAS NOT CONVICTED OF
23 A CLASS 1 OR CLASS 2 FELONY FOR A CRIME AS DEFINED IN SECTION
24 24-4.1-302 (1), UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION
25 16-22-102 (9), A CRIME THAT INCLUDES DOMESTIC VIOLENCE AS DEFINED
26 IN SECTION 18-6-800.3 (1), OR STALKING AS DESCRIBED IN SECTION
27 18-3-602;".

28 Page 4, line 22, strike "~~determined~~ DIAGNOSED" and substitute
29 "determined".

30 Page 4, line 24, after "EVALUATOR" insert "AS DEFINED IN SECTION
31 16-8.5-101 (3) AND".

32 Page 4, line 25, strike "SERVICES PURSUANT TO SECTION 16-8.5-112," and
33 substitute "SERVICES,".

1 Page 5, line 2, strike "OR WHO" and substitute "INCLUDING A PERSON
2 WHO".

3 Page 5, line 15, strike "offense;" and substitute "offense AND MEETS THE
4 CRITERIA IN SUBSECTION (7.5)(a)(I), (7.5)(a)(II), OR (7.5)(a)(IV) OF THIS
5 SECTION;".

6 Page 5, strike line 21 and substitute "offense AND MEETS THE CRITERIA IN
7 SUBSECTION (7.5)(a)(I), (7.5)(a)(II), OR (7.5)(a)(IV) OF THIS SECTION.".

8 Page 6, line 4, strike "(3)(a), (3)(b), (4)(b), (4)(c)," and substitute "(3),
9 (4)(b),".

10 Page 6, lines 13 and 14, strike "SPECIAL NEEDS OFFENDER MEETS THE
11 CRITERIA FOR SPECIAL NEEDS PAROLE;" and substitute "INMATE IS A
12 SPECIAL NEEDS OFFENDER;".

13 Page 6, strike lines 19 to 27 and substitute:

14 (3)(a) The department is responsible for identifying inmates who
15 ~~meet the eligibility criteria for special needs parole~~ ARE SPECIAL NEEDS
16 OFFENDERS and shall submit a referral to the state board of parole for all
17 ~~eligible inmates~~ SPECIAL NEEDS OFFENDERS. IF NOTIFICATION TO THE
18 DISTRICT ATTORNEY IS REQUIRED PURSUANT TO SUBSECTION (3)(c)(II) OF
19 THIS SECTION, THE INMATE SHALL AUTHORIZE THE DEPARTMENT TO
20 RELEASE THE INFORMATION DESCRIBED IN SUBSECTIONS (3)(b)(I) AND
21 (3)(b)(I.5) OF THIS SECTION TO THE DISTRICT ATTORNEY. AN INMATE OR
22 INMATE LIAISON, IF THE INMATE IS UNABLE TO, MAY ALSO REQUEST THAT
23 THE DEPARTMENT MAKE A DETERMINATION OF WHETHER AN INMATE IS
24 ELIGIBLE FOR SPECIAL NEEDS PAROLE AND THE DEPARTMENT SHALL MAKE
25 A DETERMINATION WITHIN THIRTY DAYS AFTER RECEIVING THE REQUEST,
26 UNLESS A COMPETENCY EVALUATION HAS BEEN REQUESTED. THE
27 DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD OF PAROLE,
28 SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES REGARDING
29 SPECIAL NEEDS PAROLE TO ENSURE THAT:".

30 Page 7, strike line 1.

31 Page 7, lines 6 and 7, strike "MEETS THE ELIGIBILITY REQUIREMENTS
32 DEFINED IN SECTION 17-1-102 (7.5)" and substitute "IS A SPECIAL NEEDS
33 OFFENDER".

1 Page 7, line 18, strike "DECISION;" and substitute "DECISION OR THE
2 CONDITIONS UNDER WHICH THE PAROLE BOARD WOULD CONSIDER A
3 SECOND OR SUBSEQUENT REFERRAL FOR SPECIAL NEEDS PAROLE, IF
4 APPLICABLE; AND".

5 Page 7, line 22, strike "BASIS; AND" and substitute "BASIS.".

6 Page 7, strike lines 23 through 25.

7 Page 8, line 11, strike "RISK" and substitute "CRIMINAL HISTORY; RISK".

8 Page 8, line 15, strike "FACTORS;" and substitute "FACTORS AND ANY
9 ADDITIONAL RELEVANT INFORMATION THAT IS REQUESTED BY THE PAROLE
10 BOARD THAT IS IN THE POSSESSION OF THE DEPARTMENT;".

11 Page 8, line 26, strike "or" and substitute "or AND".

12 Page 9, after line 9 insert:

13 "(c) (I) IF THE DEPARTMENT DETERMINES THE INMATE IS A SPECIAL
14 NEEDS OFFENDER, the department shall provide notification to any victim,
15 as required ~~under~~ PURUSANT TO section 24-4.1-302.5. ~~E.R.S.~~ A victim
16 shall have thirty days after receiving notification to submit a victim
17 impact statement to the department. The department shall include any
18 victim impact statement in the referral to the state board of parole.

19 (II) At the same time that the department completes the
20 notification required by ~~subparagraph (I) of this paragraph (c)~~
21 ~~SUBSECTION (3)(c)(I) OF THIS SECTION, the department shall notify AND~~
22 ~~PROVIDE INFORMATION REQUIRED BY SUBSECTIONS (3)(b)(I) AND~~
23 ~~(3)(b)(I.5) OF THIS SECTION TO the district attorney that prosecuted the~~
24 ~~offender if the offender is serving a sentence for a conviction of a crime~~
25 ~~of violence as described in section 18-1.3-406, E.R.S., or a sex offense~~
26 ~~as listed in section 16-22-102 (9)(j), (9)(k), (9)(l), (9)(n), (9)(o), (9)(p),~~
27 ~~(9)(q), (9)(r), or (9)(s). E.R.S.~~ A district attorney shall have thirty days
28 after receiving notification to submit a response to the department. The
29 department shall include any district attorney response in the referral to
30 the state board of parole.".

31 Page 9, strike lines 21 through 26.

32 Page 10, line 17, after "DECISION" insert "OR RENDER A CONDITIONAL
33 RELEASE DECISION".

1 Page 10, line 19, after the period add "IF THE PAROLE BOARD DENIES
2 PAROLE, IT MAY INFORM THE DEPARTMENT THAT THE INMATE SHOULD NOT
3 BE REFERRED FOR A SECOND OR SUBSEQUENT APPLICATION FOR SPECIAL
4 NEEDS PAROLE UNLESS THE INMATE'S MEDICAL OR MENTAL HEALTH
5 STATUS FURTHER DETERIORATES.".

6 Page 10, line 22, strike "INCLUDE IN ITS" and substitute "PROVIDE A".

7 Page 10, line 23, strike "POPULATION".

8 Page 11, line 9, after "DEFENDER" insert "SHALL BE APPOINTED BY THE
9 COURT TO REPRESENT THE INMATE AND".

10 Page 11, line 17, after the period add "THE PRESENCE OF THE INMATE IS
11 NOT REQUIRED UNLESS THERE IS GOOD CAUSE SHOWN.".

12 Page 11, line 22, strike "may" and substitute "~~may~~ SHALL".

13 Page 11, line 23, strike "department" and substitute "department, IN
14 CONJUNCTION WITH THE DEPARTMENT OF HUMAN SERVICES,".

15 Page 11, line 26, after "COMMITMENT." insert "EVERY ONE HUNDRED
16 EIGHTY DAYS, THE DEPARTMENT SHALL SUBMIT, IN CONJUNCTION WITH
17 THE DEPARTMENT OF HUMAN SERVICES, A REPORT ON THE STATUS AND
18 OUTCOME OF THE RESTORATION SERVICES.".

19 Page 11, line 27, after "take" insert "PHYSICAL" and strike "The" and
20 substitute "~~The~~".

21 Page 12, lines 1 and 2, strike "department of human services is not
22 responsible for conducting the competency evaluation." and substitute
23 "~~department of human services is not responsible for conducting the~~
24 ~~competency evaluation.~~".

25 Page 12, line 2, strike "determines" and substitute "determines, BASED ON
26 THE INFORMATION PROVIDED IN THE REPORTS SUBMITTED TO THE COURT,".

27 Page 12, line 4, strike "may" and substitute "~~may~~ SHALL".

28 Page 12, lines 22 and 23, strike "AND COMPREHENSIVE".

29 Page 14, line 18, strike "INCLUDE IN ITS" and substitute "PROVIDE A".

- 1 Page 14, line 19, strike "POPULATION".
- 2 Page 15, line 16, after "DEFENDER" insert "SHALL BE APPOINTED BY THE
- 3 COURT TO REPRESENT THE INMATE AND".
- 4 Page 15, lines 22 through 24, strike "THE COURT SHALL APPOINT COUNSEL
- 5 TO REPRESENT THE INMATE WITH RESPECT TO THE DETERMINATION OF
- 6 COMPETENCY OF THE INMATE, BUT THE" and substitute "THE".
- 7 Page 17, line 19, strike "AND COMPREHENSIVE".
- 8 Page 19, line 25, after "TIME" insert "AUTHORIZED PURSUANT TO
- 9 SUBSECTION (9) OF THIS SECTION".
- 10 Page 20, strike lines 1 and 2 and substitute "COLORADO, NOT TO EXCEED
- 11 THE MAXIMUM AMOUNT OF ONE HUNDRED TWENTY DAYS. ANY INMATE
- 12 WHO WAS CONVICTED OF A CLASS I CODE OF PENAL DISCIPLINE VIOLATION
- 13 WHILE INCARCERATED DURING THE GOVERNOR'S DECLARED DISASTER
- 14 EMERGENCY DUE TO THE PRESENCE OF THE COVID-19 VIRUS IS NOT
- 15 ELIGIBLE FOR ANY ACHIEVEMENT EARNED TIME PURSUANT TO THIS
- 16 SUBSECTION (10)".
- 17 Page 21, line 27, strike "SCHEDULE" and substitute "CONDUCT".
- 18 Page 22, line 1, strike "WITHIN SIXTY" and substitute "OR THE BOARD MAY
- 19 REVIEW THE APPLICATION AND ISSUE A DECISION WITHOUT A HEARING,
- 20 PURSUANT TO SECTION 17-2-201 (4)(f), WITHIN NINETY" and strike "DAY"
- 21 and substitute "DATE".

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