

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0586.02 Owen Hatch x2698

HOUSE BILL 26-1256

HOUSE SPONSORSHIP

Jackson and Mabrey,

SENATE SPONSORSHIP

Cutter,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROCEDURE FOR RELEASING AN INDIVIDUAL FROM**
102 **THE DEPARTMENT OF CORRECTIONS.**

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 requires the department of corrections (department) to furnish an individual being discharged from the department's custody a release allowance of at least \$100, free of any deductions, and a 30-day transit pass if the individual is discharged in a metropolitan area with fixed-route public transit. The department is required to collect data on discharge statistics and issue a report to the general assembly annually.

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.

The department is required to assist offenders nearing release from custody in securing necessary identification documents to ensure each individual leaving the department's custody has a valid state identification card. The department is required to collect data on the process of securing necessary identification documents to issue state identification cards and issue a report to the general assembly annually. The department of public health and environment shall assist the department in securing necessary identification documents.

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

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

4 (a) The first 72 hours after release from incarceration are critical
5 for successful reintegration and public safety;

6 (b) The current amount, \$100, of money provided to individuals
7 upon release from incarceration, known as gate money, has not been
8 increased since 1972 and has lost over 85% of its purchasing power;

9 (c) Colorado should ensure that every individual leaving custody
10 has access to basic resources including food, transportation, and
11 temporary shelter in order to reduce recidivism and promote stability;

12 (d) The department of corrections must maintain transparency and
13 accountability in the administration of all reentry-related funds;

14 (e) Access to government-issued identification is essential for
15 successful reentry, as it enables individuals to secure employment,
16 housing, health care, and benefits;

17 (f) Although Colorado has established an offender identification
18 program through prior legislation, eligibility restrictions and inconsistent
19 implementation continue to force some Coloradans to leave department
20 of corrections custody without valid identification; and

21 (g) The state should ensure that all individuals leaving department

1 of corrections custody are able to verify their identity upon release.

2 **SECTION 2.** In Colorado Revised Statutes, 17-22.5-202, **amend**
3 (1); **repeal** (2); and **add** (6) as follows:

4 **17-22.5-202. Ticket of leave - release - clothes, money,**
5 **transportation - reentry services.**

6 (1) (a) Ten days prior to the date on which ~~any inmate~~ AN
7 INDIVIDUAL confined in a correctional facility is entitled to be ~~discharged~~
8 ~~or to be paroled~~ RELEASED from ~~said~~ THE correctional facility, the
9 executive director or the executive director's designee shall give ~~such~~
10 ~~inmate~~ THE INDIVIDUAL a ticket of leave ~~therefrom, which shall entitle~~
11 THAT ENTITLES the ~~inmate~~ INDIVIDUAL to depart from ~~said~~ THE
12 correctional facility.

13 (b) (I) The executive director or the executive director's designee
14 shall ~~at the same time~~ furnish ~~such inmate~~ THE INDIVIDUAL with suitable
15 clothing and ~~may~~ SHALL furnish transportation, at the expense of the state,
16 from the place ~~at which said~~ THE correctional facility is located to the
17 ~~place of the inmate's~~ INDIVIDUAL'S residence in Colorado, or any other
18 place in Colorado.

19 (II) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
20 DESIGNEE SHALL FURNISH AN INDIVIDUAL BEING RELEASED FROM THE
21 CORRECTIONAL FACILITY IN A METROPOLITAN AREA WITH FIXED-ROUTE
22 PUBLIC TRANSIT WITH A PUBLIC TRANSPORTATION PASS VALID FOR AT
23 LEAST THIRTY DAYS IN THE METROPOLITAN AREA OF THE INDIVIDUAL'S
24 RELEASE, OR AN EQUIVALENT SUBSIDY.

25 (c) (I) The executive director or the executive director's designee
26 shall ~~also~~ furnish to ~~any inmate~~ AN INDIVIDUAL being ~~discharged, other~~
27 ~~than a parolee~~, RELEASED FROM THE CORRECTIONAL FACILITY A RELEASE

1 ALLOWANCE OF one hundred dollars. ~~The executive director or the~~
2 ~~executive director's designee may furnish any inmate being released on~~
3 ~~parole a reasonable sum of money not to exceed one hundred dollars;~~
4 ~~except that, if the executive director or the executive director's designee~~
5 ~~furnishes less than one hundred dollars, the difference between one~~
6 ~~hundred dollars and the amount furnished shall be credited to an account~~
7 ~~for such parolee.~~

8 (II) THE RELEASE ALLOWANCE FURNISHED TO THE INDIVIDUAL
9 BEING RELEASED FROM THE CORRECTIONAL FACILITY MUST NOT BE
10 SUBJECT TO DEDUCTIONS FOR RESTITUTION, FEES, TRANSPORTATION,
11 CLOTHING, OR ANY OTHER EXPENSE INCURRED DURING THE INDIVIDUAL'S
12 INCARCERATION OR RELEASE FROM THE CORRECTIONAL FACILITY.

13 (d) ~~Notwithstanding any other provision of this subsection (1), if~~
14 ~~the inmate has previously been returned to custody in a correctional~~
15 ~~facility after being paroled and before the completion of his or her period~~
16 ~~of parole and previously received such sum of money, the executive~~
17 ~~director or the executive director's designee shall not furnish a sum of~~
18 ~~money to the inmate. The executive director or the executive director's~~
19 ~~designee shall certify any amount so credited to the division of adult~~
20 ~~parole, and any such amount shall be distributed to an inmate in~~
21 ~~accordance with rules promulgated by the department.~~

22 (2) ~~An inmate furnished with a ticket of leave for discharge shall~~
23 ~~be deemed to be fully discharged from the sentence upon which he was~~
24 ~~confined at the end of said ten-day period.~~

25 (6) (a) BY JULY 1, 2027, AND BY EACH JULY 1 THEREAFTER, THE
26 DEPARTMENT SHALL PUBLISH ON ITS WEBSITE A REPORT THAT INCLUDES
27 THE FOLLOWING:

1 (I) THE NUMBER OF INDIVIDUALS RELEASED FROM DEPARTMENT
2 CORRECTIONAL FACILITIES IN THE PRECEDING FISCAL YEAR;

3 (II) THE NUMBER AND PERCENTAGE OF INDIVIDUALS WHO
4 RECEIVED THE RELEASE ALLOWANCE PURSUANT TO SUBSECTION (1) OF
5 THIS SECTION IN THE PRECEDING FISCAL YEAR;

6 (III) THE TOTAL DOLLAR AMOUNT OF RELEASE ALLOWANCES
7 DISBURSED IN THE PRECEDING FISCAL YEAR; AND

8 (IV) ANY ADMINISTRATIVE OR POLICY LIMITATIONS ON RELEASE
9 ALLOWANCE ELIGIBILITY OR DISBURSEMENT IN THE PRECEDING FISCAL
10 YEAR.

11 (b) BEGINNING IN JANUARY 2028, AND IN JANUARY EVERY YEAR
12 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
13 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
14 SECTION 2-7-203, INFORMATION CONCERNING THE REPORT REQUIRED BY
15 THIS SUBSECTION (6).

16 **SECTION 3.** In Colorado Revised Statutes, 17-33-102, **amend**
17 (2)(b), (2)(c), (2)(d), (2)(e), (3)(b), (3)(c) introductory portion, (3)(c)(IV)
18 and (4); and **add** (7), and (8) as follows:

19 **17-33-102. Colorado offender identification program - rules**
20 **- report - fee waiver - definitions.**

21 (2) (b) (I) An offender ~~may~~ SHALL participate in the program if the
22 offender is eligible for, but does not have, a valid state-issued
23 identification card; EXCEPT THAT an offender may AFFIRMATIVELY elect
24 not to participate in the program ~~but the department shall not deny an~~
25 ~~eligible offender the opportunity to participate in the program~~ IN
26 ACCORDANCE WITH SUBSECTION (2)(b)(II) OF THIS SECTION.

27 (II) IN ORDER TO OPT OUT OF PARTICIPATING IN THE PROGRAM, AN

1 OFFENDER MUST AFFIRMATIVELY NOTIFY THE DEPARTMENT THAT THEY
2 ELECT TO NOT PARTICIPATE IN THE PROGRAM. IF AN OFFENDER INFORMS
3 THE DEPARTMENT THAT THEY ELECT NOT TO PARTICIPATE IN THE
4 PROGRAM, THE DEPARTMENT SHALL ASK THE OFFENDER SIX MONTHS
5 BEFORE THE OFFENDER'S RELEASE AND THREE MONTHS BEFORE THE
6 OFFENDER'S RELEASE TO CONFIRM THE OFFENDER DOES NOT WANT TO
7 PARTICIPATE IN THE PROGRAM. THE OFFENDER MUST AFFIRMATIVELY
8 ELECT TO NOT PARTICIPATE IN THE PROGRAM BOTH TIMES TO NOT
9 PARTICIPATE IN THE PROGRAM.

10 (c) The department shall ensure that each offender released from
11 a correctional facility, ~~on and after January 1, 2022~~ who is eligible for a
12 state-issued identification card and who participates in the program, has
13 a state-issued identification card upon release.

14 (d) The department shall collaborate with the department of
15 revenue AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT to
16 operate the program.

17 (e) The executive director shall enter into agreements with the
18 department of revenue, THE DEPARTMENT OF PUBLIC HEALTH AND
19 ENVIRONMENT, or the federal social security administration as necessary
20 for the administration of this section.

21 (3) The program must:

22 (b) At least once each year, review department records to
23 determine whether each offender scheduled for release within the next
24 five years has a valid, unexpired state-issued identification card, including
25 at the offender ID bank; ~~and~~

26 (c) Assist an offender who ~~elects to participate~~ PARTICIPATES in
27 the program with obtaining a state-issued identification card. The

1 assistance may include, but is not limited to:

2 (IV) Assisting an offender with obtaining any identification
3 documents necessary to obtain a state-issued identification card, including
4 a replacement social security card or birth certificate, NO LATER THAN ONE
5 HUNDRED TWENTY DAYS PRIOR TO THE OFFENDER'S RELEASE DATE.

6 (4) The department shall deliver to each offender, upon release
7 from a correctional facility, the offender's identification documents,
8 including a state-issued identification card, obtained by the department
9 pursuant to this section. THE DEPARTMENT SHALL NOT DENY OR DELAY
10 ISSUANCE OF AN OFFENDER'S IDENTIFICATION DOCUMENTS DUE TO
11 OUTSTANDING RESTITUTION, CHILD SUPPORT, FINES, OR OTHER LEGAL
12 FINANCIAL OBLIGATIONS.

13 (7) BEGINNING IN JANUARY 2028, AND IN JANUARY EVERY YEAR
14 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
15 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
16 SECTION 2-7-203, INFORMATION CONCERNING:

17 (a) THE NUMBER AND PERCENTAGE OF OFFENDERS RELEASED WITH
18 A VALID STATE-ISSUED IDENTIFICATION CARD, BIRTH CERTIFICATE, AND
19 SOCIAL SECURITY CARD IN THE PRECEDING FISCAL YEAR;

20 (b) THE NUMBER AND PERCENTAGE OF OFFENDERS WHO
21 PARTICIPATED IN THE PROGRAM AND ARE DEEMED INELIGIBLE FOR A
22 STATE-ISSUED IDENTIFICATION CARD, BIRTH CERTIFICATE, AND SOCIAL
23 SECURITY CARD, IN THE PRECEDING FISCAL YEAR AND THE REASON FOR
24 INELIGIBILITY; AND

25 (c) A SUMMARY OF INTERAGENCY COORDINATION CHALLENGES IN
26 THE PRECEDING FISCAL YEAR AND RECOMMENDATIONS.

27 (8) THE DEPARTMENT SHALL NOT CHARGE A FEE TO AN OFFENDER

1 DURING THE PROCESS OF SECURING AN OFFENDER'S IDENTIFICATION
2 DOCUMENTS. ANY FEE INCURRED BY THE DEPARTMENT, THE DEPARTMENT
3 OF REVENUE, OR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
4 DURING THE PROCESS OF SECURING AN OFFENDER'S IDENTIFICATION
5 DOCUMENT MUST BE CHARGED TO THE OFFENDER AFTER THE OFFENDER
6 HAS BEEN RELEASED FROM CUSTODY AND MAY BE CONSOLIDATED WITH
7 ANY EXISTING RESTITUTION, FEES, OR OTHER LEGAL FINANCIAL
8 OBLIGATIONS OWED BY THE OFFENDER. THIS INCLUDES ANY FEE PAID BY
9 THE DEPARTMENT, THE DEPARTMENT OF REVENUE, OR THE DEPARTMENT
10 OF PUBLIC HEALTH AND ENVIRONMENT TO THE FEDERAL SOCIAL SECURITY
11 ADMINISTRATION.

12 **SECTION 4.** In Colorado Revised Statutes, **add** 25-1.5-123 as
13 follows:

14 **25-1.5-123. Colorado offender identification program.**

15 THE DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENT OF
16 CORRECTIONS TO OPERATE THE PROGRAM ESTABLISHED IN SECTION
17 17-33-102 TO PROVIDE STATE-ISSUED IDENTIFICATION FOR OFFENDERS.

18 **SECTION 5. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect January 1, 2027; except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within the ninety-day period after final adjournment of the general
23 assembly, then the act, item, section, or part will not take effect unless
24 approved by the people at the general election to be held in November
25 2026 and, in such case, will take effect January 1, 2027, or on the date of
26 the official declaration of the vote thereon by the governor, whichever is
27 later.

1 (2) This act applies to all individuals released from custody on or
2 after the applicable effective date of this act.