

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0604.01 Jacob Baus x2173

HOUSE BILL 26-1315

HOUSE SPONSORSHIP

Soper and Espenoza,

SENATE SPONSORSHIP

Weissman and Carson,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING DOCUMENTS RELIED UPON FOR PAROLE
102 DETERMINATIONS.

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 to audit a random sample of risk assessments and documentation of a person's history, supervision requirements, and behavior under supervision, known as a "chronological", to determine whether there were errors in the risk assessments and chronologicals that resulted in an inmate receiving a low or very low risk on their risk assessments. The bill requires the

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.

department of corrections to report the results of this audit and any other matters related to corrective actions undertaken to mitigate error rates in risk assessments.

The bill clarifies that risk assessments and chronologicals are criminal justice records for purposes of public inspection; except that any information concerning the person's health must be redacted.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-169 as
3 follows:

4 **17-1-169. Review of risk assessments and chronologicals -**
5 **legislative declaration - definitions - repeal.**

6 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (a) THROUGHOUT 2025, SEVERAL COLORADO NEWS OUTLETS
8 REPORTED ON HIGH-PROFILE CRIMES AND IDENTIFIED A PATTERN OF
9 INACCURACIES IN PAROLEE RISK ASSESSMENTS. SPECIFICALLY, SOME
10 PAROLEES WHO POSED A HIGH RISK WERE ASSESSED AS VERY LOW, LOW,
11 OR MODERATE RISK DUE TO INACCURACIES IN THE RISK ASSESSMENT.

12 (b) REPORTERS AND LEGISLATORS USED PART 3 OF ARTICLE 72 OF
13 TITLE 24, COMMONLY REFERRED TO AS THE "COLORADO CRIMINAL
14 JUSTICE RECORDS ACT", TO ACCESS THE CORRECTIONAL SUPERVISION
15 TOOL, WHICH IS AN ACTUARIAL RISK ASSESSMENT TOOL USED BY THE
16 DIVISION OF ADULT PAROLE TO MEASURE A PAROLEE'S RISK OF RECIDIVISM
17 AND TO GUIDE SUPERVISION LEVELS;

18 (c) SCIENTIFICALLY VALIDATED RISK ASSESSMENTS, SUCH AS THE
19 CORRECTIONAL SUPERVISION TOOL, ARE SYSTEMATIC, EVIDENCE-BASED
20 TOOLS THAT PREDICT, QUANTIFY, AND MANAGE POTENTIAL
21 REPERCUSSIONS BY LINKING DATA TO OUTCOMES AND ENSURING RESULTS
22 ARE REPRODUCIBLE AND ACCURATE;

1 (d) INACCURATE OR INCONSISTENT INFORMATION IN RISK
2 ASSESSMENTS AFFECTS DECISIONS FOR APPROPRIATE SUPERVISION LEVELS.
3 SOME PAROLEES WERE INACCURATELY ASSESSED TO BE LOW RISK, WHEN
4 IN FACT THOSE PAROLEES POSE A HIGH RISK BECAUSE THEY COMMITTED
5 SERIOUS CRIMES, INCLUDING MURDER.

6 (e) RISK ASSESSMENT INACCURACIES ALSO CREATE NEGATIVE
7 CONSEQUENCES FOR INMATES AND PAROLEES WHO WERE INACCURATELY
8 ASSESSED, AND FRUSTRATE REFORM POLICIES THAT RELY ON ACCURATE
9 ASSESSMENTS FOR PAROLE RELEASES AND SECOND CHANCE PROGRAMS;

10 (f) THE DEPARTMENT OF CORRECTIONS CONFIRMED TO THE JOINT
11 BUDGET COMMITTEE AND THE JOINT JUDICIARY COMMITTEE THAT A
12 RANDOM SAMPLE AUDIT REVEALED HIGH ERROR RATES FOR RISK
13 ASSESSMENTS, UP TO NINETY-EIGHT PERCENT IN SOME CASES. IN 2026, THE
14 DEPARTMENT OF CORRECTIONS REPORTED THAT THEY ARE REEXAMINING
15 OVER 1,700 ASSESSMENTS AND IMPLEMENTING MANDATORY SUPERVISORY
16 REVIEW FOR ALL CORRECTIONAL SUPERVISION TOOL REASSESSMENTS.

17 (g) IN JANUARY OF 2026, THE DEPARTMENT OF CORRECTIONS
18 STATED THAT IT WILL NO LONGER SUPPLY RISK ASSESSMENTS OR RISK
19 ASSESSMENT SCORES REQUESTED UNDER OPEN RECORDS LAWS. HOWEVER,
20 THROUGHOUT 2025, THE DEPARTMENT OF CORRECTIONS SUPPLIED RISK
21 ASSESSMENTS AND RISK ASSESSMENT SCORES TO JOURNALISTS AND
22 LEGISLATORS, AND IT WAS THROUGH THESE OPEN RECORDS LAWS THAT
23 THE PATTERN OF INACCURACIES AND INCONSISTENCIES WERE DISCOVERED.
24 IT IS THE WILL OF THE GENERAL ASSEMBLY TO KEEP THESE RECORDS OPEN
25 TO THE PUBLIC TO HOLD GOVERNMENTAL ACTORS ACCOUNTABLE.

26 (h) FOR PURPOSES OF TRANSPARENCY AND ACCOUNTABILITY, IT IS
27 NECESSARY FOR THE GENERAL ASSEMBLY TO MONITOR THE DEPARTMENT

1 OF CORRECTIONS' CORRECTIVE ACTIONS TO IMPROVE ACCURACY IN
2 COMPLETING RISK ASSESSMENTS.

3 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) "CHRONOLOGICAL" MEANS DOCUMENTATION OF AN INMATE'S
6 HISTORY, SUPERVISION REQUIREMENTS, AND BEHAVIOR UNDER
7 SUPERVISION.

8 (b) "RISK ASSESSMENT" MEANS DOCUMENTATION RELATED TO AN
9 INMATE'S ASSESSED RISK ON THE VALIDATED RISK ASSESSMENT SCALE
10 DEVELOPED PURSUANT TO SECTION 17-22.5-404 (2).

11 (3) (a) ON OR BEFORE DECEMBER 31, 2026, THE DEPARTMENT
12 SHALL AUDIT A RANDOM AND STATISTICALLY SIGNIFICANT SAMPLE OF RISK
13 ASSESSMENTS AND CHRONOLOGICALS OF INMATES WHO WERE GRANTED
14 PAROLE BETWEEN JANUARY 1, 2024, AND DECEMBER 31, 2025, AND WHO
15 WERE ASSESSED TO BE A LOW OR VERY LOW RISK ON THE VALIDATED RISK
16 ASSESSMENT SCALE DEVELOPED PURSUANT TO SECTION 17-22.5-404 (2).

17 (b) THE PURPOSE OF THE AUDIT REQUIRED IN THIS SUBSECTION (3)
18 IS TO DETERMINE WHETHER THE RISK ASSESSMENTS OR CHRONOLOGICALS
19 OF INMATES DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION CONTAIN
20 INACCURATE OR INCONSISTENT INFORMATION THAT RESULTED IN INMATES
21 RECEIVING LOW OR VERY LOW RISK ASSESSMENTS ON THE VALIDATED RISK
22 ASSESSMENT SCALE.

23 (4) IN JANUARY OF 2027, 2028, AND 2029, THE DEPARTMENT
24 SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT"
25 HEARING REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING:

26 (a) THE TOTAL NUMBER OF RISK ASSESSMENTS OR
27 CHRONOLOGICALS AUDITED PURSUANT TO SUBSECTION (3) OF THIS

1 SECTION;

2 (b) OF THE TOTAL NUMBER OF RISK ASSESSMENTS OR
3 CHRONOLOGICALS AUDITED PURSUANT TO SUBSECTION (3) OF THIS
4 SECTION, THE TOTAL NUMBER OF RISK ASSESSMENTS OR CHRONOLOGICALS
5 THAT CONTAINED INACCURATE OR INCONSISTENT INFORMATION THAT
6 RESULTED IN AN INMATE RECEIVING A LOW OR VERY LOW RISK
7 ASSESSMENT ON THE VALIDATED RISK ASSESSMENT SCALE; AND

8 (c) A COMPREHENSIVE DESCRIPTION OF THE CORRECTIVE ACTIONS
9 TAKEN BY THE DEPARTMENT AND THE STATE PAROLE BOARD, CREATED IN
10 SECTION 17-2-201, TO MITIGATE THE FINDINGS OF THE 2025 RANDOMIZED
11 SURVEY AUDIT THAT FOUND A NINETY-EIGHT PERCENT ERROR RATE IN
12 RISK ASSESSMENTS AND THE FINDINGS OF THE AUDIT MADE PURSUANT TO
13 SUBSECTION (3) OF THIS SECTION.

14 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2029.

15 **SECTION 2.** In Colorado Revised Statutes, 24-72-302, **amend**
16 (4); and **add** (2.5) and (12) as follows:

17 **24-72-302. Definitions.**

18 As used in this part 3, unless the context otherwise requires:

19 (2.5) "CHRONOLOGICAL" MEANS DOCUMENTATION OF AN INMATE'S
20 HISTORY, SUPERVISION REQUIREMENTS, AND BEHAVIOR UNDER
21 SUPERVISION.

22 (4) "Criminal justice records" means all books, papers, cards,
23 photographs, tapes, recordings, or other documentary materials, regardless
24 of form or characteristics, that are made, maintained, or kept by any
25 criminal justice agency in the state for use in the exercise of functions
26 required or authorized by law or administrative rule, including, but not
27 limited to, the results of chemical biological substance testing to

1 determine genetic markers conducted pursuant to sections 16-11-102.4
2 and 16-23-104, ~~C.R.S.~~ A CHRONOLOGICAL, AND A RISK ASSESSMENT.

3 (12) "RISK ASSESSMENT" MEANS DOCUMENTATION RELATED TO AN
4 INMATE'S ASSESSED RISK ON THE VALIDATED RISK ASSESSMENT SCALE
5 DEVELOPED PURSUANT TO SECTION 17-22.5-404 (2).

6 **SECTION 3.** In Colorado Revised Statutes, 24-72-304, **add** (6)
7 as follows:

8 **24-72-304. Inspection of criminal justice records.**

9 (6) NOTWITHSTANDING A PROVISION OF THIS PART 3 TO THE
10 CONTRARY, INFORMATION ABOUT AN INMATE'S MEDICAL OR MENTAL
11 HEALTH TREATMENT OR DIAGNOSIS IN A RISK ASSESSMENT OR
12 CHRONOLOGICAL IS NOT A CRIMINAL JUSTICE RECORD AND MUST BE
13 REDACTED FROM THE RISK ASSESSMENT OR CHRONOLOGICAL PRIOR TO THE
14 RELEASE OF THE RECORD. AN AGREEMENT TO PROHIBIT THE DISCLOSURE
15 OF INFORMATION IN A RISK ASSESSMENT OR CHRONOLOGICAL THAT IS
16 SUBJECT TO DISCLOSURE PURSUANT TO THIS SECTION IS VOID AND
17 UNENFORCEABLE.

18 **SECTION 4. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2026 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.