

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0586.02 Owen Hatch x2698

HOUSE BILL 26-1256

HOUSE SPONSORSHIP

Jackson and Mabrey,

SENATE SPONSORSHIP

Cutter,

House Committees

Judiciary
Appropriations

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 prevent some
19 Coloradans from leaving the department of corrections custody without
20 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. Release - clothes, money, transportation - reentry**
5 **services - reports.**

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

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

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

23 (c) (I) The executive director or the executive director's designee
24 shall ~~also~~ furnish to ~~any inmate~~ AN INDIVIDUAL being ~~discharged, other~~
25 ~~than a parolee,~~ RELEASED FROM THE CORRECTIONAL FACILITY A RELEASE
26 ALLOWANCE OF one hundred dollars. ~~The executive director or the~~
27 ~~executive director's designee may furnish any inmate being released on~~

1 ~~parole a reasonable sum of money not to exceed one hundred dollars;~~
2 ~~except that, if the executive director or the executive director's designee~~
3 ~~furnishes less than one hundred dollars, the difference between one~~
4 ~~hundred dollars and the amount furnished shall be credited to an account~~
5 ~~for such parolee.~~

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

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

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

23 (6) BY SEPTEMBER 15, 2027, AND BY EACH SEPTEMBER 15
24 THEREAFTER, THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE AND
25 PROVIDE TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND
26 THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES,
27 A REPORT THAT INCLUDES THE FOLLOWING:

- 1 (a) THE NUMBER OF INDIVIDUALS RELEASED FROM DEPARTMENT
- 2 CORRECTIONAL FACILITIES IN THE PRECEDING FISCAL YEAR;
- 3 (b) 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 (c) THE TOTAL DOLLAR AMOUNT OF RELEASE ALLOWANCES
- 7 DISBURSED IN THE PRECEDING FISCAL YEAR; AND
- 8 (d) ANY ADMINISTRATIVE OR POLICY LIMITATIONS ON RELEASE
- 9 ALLOWANCE ELIGIBILITY OR DISBURSEMENT IN THE PRECEDING FISCAL
- 10 YEAR.

11 █

12 **SECTION 3.** In Colorado Revised Statutes, 17-33-102, **amend**

13 (2)(b), (2)(c), (2)(d), (3)(b), and (3)(c) introductory portion; █ and **add**

14 (7) as follows:

15 **17-33-102. Colorado offender identification program - rules**

16 **- report - fee waiver - definitions.**

17 (2) (b) (I) An offender ~~may~~ SHALL participate in the program if the

18 offender is eligible for, but does not have, a valid state-issued

19 identification card; EXCEPT THAT an offender may AFFIRMATIVELY elect

20 not to participate in the program. ~~but the department shall not deny an~~

21 ~~eligible offender the opportunity to participate in the program.~~

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

23 OFFENDER MUST AFFIRMATIVELY NOTIFY THE DEPARTMENT THAT THEY

24 ELECT TO NOT PARTICIPATE IN THE PROGRAM. █ **THE DEPARTMENT SHALL**

25 **ASK THE OFFENDER ONE HUNDRED AND EIGHTY DAYS BEFORE THE**

26 **OFFENDER'S RELEASE TO CONFIRM THE OFFENDER DOES NOT WANT TO**

27 **PARTICIPATE IN THE PROGRAM. IF THE OFFENDER AFFIRMATIVELY OPTS**

1 BACK INTO THE PROGRAM, THE DEPARTMENT SHALL BEGIN THE PROCESS
2 TO OBTAIN IDENTIFICATION DOCUMENTS TO PREPARE FOR RELEASE.

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

7 (d) The department shall collaborate with the department of
8 revenue AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT to
9 operate the program.

10

11 (3) The program must:

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

16 (c) Assist an offender who ~~elects to participate~~ PARTICIPATES in
17 the program with obtaining a state-issued identification card. The
18 assistance may include, but is not limited to:

19 (7) BY SEPTEMBER 15, 2027, AND BY EACH SEPTEMBER 15
20 THEREAFTER, THE DEPARTMENT SHALL PROVIDE TO THE HOUSE OF
21 REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY
22 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES
23 THE FOLLOWING:

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

27 (b) THE NUMBER AND PERCENTAGE OF OFFENDERS WHO

1 PARTICIPATED IN THE PROGRAM AND ARE DEEMED INELIGIBLE FOR A
2 STATE-ISSUED IDENTIFICATION CARD, BIRTH CERTIFICATE, AND SOCIAL
3 SECURITY CARD, IN THE PRECEDING FISCAL YEAR AND THE REASON FOR
4 INELIGIBILITY; AND

5 (c) AN EXPLANATION OF BARRIERS AND CHALLENGES TO
6 OBTAINING IDENTIFICATION DOCUMENTS FOR OFFENDERS IN THE
7 PRECEDING FISCAL YEAR.

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

10 **25-1.5-123. Colorado offender identification program.**

11 THE DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENT OF
12 CORRECTIONS TO OPERATE THE PROGRAM ESTABLISHED IN SECTION
13 17-33-102 TO PROVIDE STATE-ISSUED IDENTIFICATION FOR OFFENDERS.

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

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