

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0970.01 Owen Hatch x2698

SENATE BILL 26-158

SENATE SPONSORSHIP

Weissman and Ball,

HOUSE SPONSORSHIP

Carter and Espenoza,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING EARLY PAROLE PROCEDURES FOR A YOUTHFUL
102 OFFENDER WHO HAS SUCCESSFULLY COMPLETED A SPECIALIZED
103 PROGRAM.

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 adds the state board of parole as an entity that may approve an application for early parole for an offender who has completed a specialized program as provided in current law. The state board of parole can approve the application if the governor has not acted on the application within 60 days. If the governor acts on the application

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.

within 60 days, that decision is final. The offender must have been convicted of a certain predicate felony and committed the felony when they were younger than 21 years old.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-22.5-403, **amend**
3 (4.5)(a) and (4.5)(b) as follows:

4 **17-22.5-403. Parole eligibility.**

5 (4.5) (a) After considering any relevant evidence presented by ~~any~~
6 A person or agency and considering the presumptions ~~set forth~~ DESCRIBED
7 in section 17-34-102 (8), the governor OR THE STATE BOARD OF PAROLE,
8 PURSUANT TO SECTION 17-22.5-403.7 (6), may grant early parole to an
9 offender to whom subsection (1) or (2.5) of this section applies when the
10 offender successfully completes the specialized program described in
11 section 17-34-102 if, in the governor's OR THE STATE BOARD OF PAROLE'S
12 opinion, extraordinary mitigating circumstances exist and the offender's
13 release from institutional custody is compatible with the safety and
14 welfare of society.

15 (b) When an offender applies for early parole pursuant to
16 ~~paragraph (a) of this subsection (4.5)~~ SUBSECTION (4.5)(a) OF THIS
17 SECTION after having successfully completed the specialized program
18 described in section 17-34-102, the offender ~~shall make his or her~~ MUST
19 SUBMIT THEIR application to the governor's office with notice and a copy
20 of the application sent to the state board of parole created in section
21 17-2-201. The state board of parole shall review the offender's application
22 and all supporting documents and schedule a hearing if the board
23 considers making a recommendation for early parole, at which hearing
24 any victim must have the opportunity to be heard, pursuant to section

1 24-4.1-302.5 (1)(j). ~~C.R.S.~~ Not later than ninety days after receipt of a
2 copy of an offender's application for early parole, the state board of
3 parole, after considering the presumptions set forth in section 17-34-102
4 (8) AND ANY RELEVANT INFORMATION PRESENTED BY A PERSON OR
5 AGENCY, shall make a recommendation to the governor concerning
6 whether early parole should be granted to the offender.

7 **SECTION 2.** In Colorado Revised Statutes, 17-22.5-403.7,
8 **amend** (2) and (6)(a) as follows:

9 **17-22.5-403.7. Parole eligibility - youthful offender - juvenile**
10 **offender convicted as adult - definition.**

11 (2) After considering any relevant evidence presented by ~~any~~ A
12 person or agency and considering the presumptions ~~set forth~~ DESCRIBED
13 in section 17-34-102 (8), ~~the governor may grant parole to an inmate prior~~
14 ~~to the inmate's parole eligibility date if, in the governor's opinion,~~ AN
15 INMATE WHO HAS SUCCESSFULLY COMPLETED THE SPECIALIZED PROGRAM
16 DESCRIBED IN SECTION 17-34-102 MAY BE GRANTED EARLY PAROLE
17 PURSUANT TO SUBSECTION (6) OF THIS SECTION IF, IN THE GOVERNOR'S OR
18 THE STATE BOARD OF PAROLE'S OPINION, extraordinary mitigating
19 circumstances exist and the inmate's release from institutional custody is
20 compatible with the safety and welfare of society. However, nothing in
21 this section grants the governor OR THE STATE BOARD OF PAROLE the
22 authority to grant early parole pursuant to the provisions of this section
23 to an inmate serving a sentence of life without the possibility of parole.

24 (6) (a) (I) When an ~~offender~~ INMATE applies for early parole
25 pursuant to this section after having successfully completed the
26 specialized program described in section 17-34-102, ~~the offender shall~~
27 ~~make his or her~~ INMATE MUST SUBMIT THEIR application to the governor's

1 office with notice and a copy of the application sent to the state board of
2 parole created in section 17-2-201. The state board of parole shall review
3 the ~~offender's~~ INMATE'S application and all supporting documents and
4 schedule a hearing if the board considers making a recommendation for
5 GRANTING early parole, at which hearing any victim must have the
6 opportunity to be heard, pursuant to section 24-4.1-302.5 (1)(j). ~~C.R.S.~~
7 Not later than ninety days after receipt of a copy of an ~~offender's~~
8 INMATE'S application for early parole, the state board of parole, after
9 considering the presumptions set forth in section 17-34-102 (8), shall
10 make a recommendation to the governor concerning whether early parole
11 should be granted to the ~~offender~~ INMATE.

12 (II) NO LATER THAN SIXTY DAYS AFTER RECEIPT OF THE STATE
13 BOARD OF PAROLE'S RECOMMENDATION CONCERNING AN INMATE'S
14 APPLICATION FOR EARLY PAROLE, OR SIXTY DAYS AFTER THE EFFECTIVE
15 DATE OF THIS SUBSECTION (6)(a)(II) FOR ANY RECOMMENDATIONS OF THE
16 STATE BOARD OF PAROLE RECEIVED BY THE GOVERNOR PRIOR TO THE
17 EFFECTIVE DATE OF THIS SUBSECTION (6)(a)(II), THE GOVERNOR MAY,
18 AFTER CONSIDERING THE PRESUMPTIONS DESCRIBED IN SECTION 17-34-102
19 (8), GRANT OR DENY EARLY PAROLE TO THE INMATE. IF THE GOVERNOR
20 GRANTS OR DENIES EARLY PAROLE TO THE INMATE, THE GOVERNOR SHALL
21 ADVISE THE STATE BOARD OF PAROLE OF THE GOVERNOR'S DECISION. THE
22 GOVERNOR'S DECISION REGARDING THE INMATE'S APPLICATION IS FINAL,
23 AND THE INMATE'S REQUEST FOR EARLY PAROLE SHALL BE GRANTED OR
24 DENIED CONSISTENT WITH THE GOVERNOR'S DECISION.

25 (III) IF THE GOVERNOR DOES NOT ADVISE THE STATE BOARD OF
26 PAROLE OF THE GOVERNOR'S DECISION REGARDING AN INMATE'S
27 APPLICATION FOR EARLY PAROLE WITHIN SIXTY DAYS OF RECEIPT OF THE

1 STATE BOARD OF PAROLE'S RECOMMENDATION, THE STATE BOARD OF
2 PAROLE'S RECOMMENDATION ON THE INMATE'S APPLICATION IS THE FINAL
3 DECISION REGARDING THE INMATE'S APPLICATION FOR EARLY PAROLE, AND
4 THE INMATE'S REQUEST FOR EARLY PAROLE SHALL BE GRANTED OR DENIED
5 CONSISTENT WITH THE STATE BOARD OF PAROLE'S RECOMMENDATION.

6 **SECTION 3.** In Colorado Revised Statutes, 17-34-102, **amend**
7 (2), (9) introductory portion, and (9)(j) as follows:

8 **17-34-102. Specialized program for juveniles and young adults**
9 **convicted as adults and young adults convicted under twenty-one**
10 **years of age - report - definition.**

11 (2) The specialized program must include:

12 (a) Components that allow an offender to experience placement
13 with more independence in daily life, with additional work-related
14 responsibilities and other program components that will assist and support
15 the offender's successful reintegration into the community of offenders
16 who have never lived independently or functioned in the community as
17 an adult;

18 (b) ~~The specialized program must also include~~ Best and promising
19 practices in independent living skills development, reentry services for
20 long-term offenders, and intensive supervision and monitoring; AND

21 (c) PROGRAMMING THAT REQUIRES AN OFFENDER TO
22 ACKNOWLEDGE THE IMPACT OF CRIME ON VICTIMS AND THE ONGOING
23 TRAUMA THAT CRIME SURVIVORS EXPERIENCE, AND, IF APPLICABLE, THE
24 IMPACT OF THE OFFENDER'S OWN TRAUMA ON THEIR CRIMINAL OR OTHER
25 NEGATIVE BEHAVIOR, AND IDENTIFY INTERVENTIONS TO PREVENT THOSE
26 EXPERIENCES FROM IMPACTING SUCCESSFUL REINTEGRATION INTO THE
27 COMMUNITY.

1 (9) ~~On and after January 1, 2018,~~ During its annual presentation
2 before the joint judiciary committee of the general assembly, or any
3 successor joint committee, pursuant to section 2-7-203, ~~C.R.S.~~, the
4 department shall include a status report regarding the progress and
5 outcomes of the specialized program developed and implemented by the
6 department pursuant to this section during the preceding year. The report,
7 at a minimum, ~~shall~~ MUST include:

8 (j) The number of specialized program participants who were
9 granted early parole by the governor OR STATE BOARD OF PAROLE.

10 **SECTION 4. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.