

**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. 26-0615.01 Shelby Ross x4510

SENATE BILL 26-036

SENATE SPONSORSHIP

Gonzales J. and Weissman,

HOUSE SPONSORSHIP

Bacon and Zokaie,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING OPERATIONAL EFFICIENCY OF EXISTING**
102 **PRISON POPULATION MANAGEMENT MEASURES.**

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 executive director of the department of corrections (department) to report, no later than the fifth day of each month, the department's previous month's compliance with the prison population management mandates, including, if certain measures must be in effect, actions taken by the department and the documented impact of implementing the required measures.

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.

When the prison bed vacancy rate in correctional facilities and state-funded private contract prisons falls below 3% for 30 consecutive days, current law requires the department to notify certain individuals and entities (notification) and implement prison population management measures. The bill includes additional individuals and entities that are required to receive the notification and requires the notification to occur within 48 hours of the vacancy rate falling below 3% for 30 consecutive days. The bill requires the individuals and entities that receive the notification to acknowledge receipt of the notification and confirm compliance with the prison population management measures.

The bill includes additional prison population management measures, including measures to:

- Transition certain inmates from a community corrections program to nonresidential status, require the division of adult parole to notify community parole officers of the prison bed shortage and consider alternate sanctions for technical violations, and identify potential alternative placements for transition inmates at risk of being regressed back to prison from a community corrections program;
- Grant certain inmates who are within 120 days of their mandatory release date or statutory discharge date with an additional 60 days of earned time;
- Finalize an inmate's release within 7 days of the department finding the inmate was granted conditional release by the parole board and satisfied the specific conditions prior to the release; and
- Identify eligible inmates who are past their parole eligibility date and review each application for parole on an expedited basis.

If the prison population management measures are in effect, the bill encourages certain individuals and entities that received the notification to consider an alternative to a prison sentence, if lawfully available, for cases pending sentencing or resentencing.

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

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

4 (a) States across the country have enacted prison population
5 management measures that recognize that overcrowded prison facilities
6 are a threat to the health and safety of staff and inmates;

1 (b) It is universally recognized that ensuring systematic and
2 operational efficiencies can effectively manage prison populations
3 without compromising public safety;

4 (c) In 2018, the Colorado general assembly unanimously adopted
5 prison population management measures that trigger specific actions
6 when the department of corrections' prison bed vacancy rate falls below
7 a specified level for 30 consecutive days;

8 (d) On August 16, 2025, the department of corrections' prison bed
9 vacancy rate fell to a level that triggered the prison population
10 management measures for the first time; and

11 (e) The implementation of current prison population management
12 measures has not made an impact on prison overcrowding in Colorado.
13 There is limited data available to assess the reasons for this lack of impact
14 since there is no data reporting required by state law on the
15 implementation of the mandated prison population management
16 measures. However, there is clearly the potential for impact because
17 reliable data indicates that a significant number of inmates are eligible for
18 placement in the community through community corrections boards, and
19 roughly 4,600 inmates are past their parole eligibility date.

20 (2) Therefore, the general assembly declares that revising
21 Colorado's existing prison population management measures is necessary
22 in order to address operational inefficiencies, obtain necessary data, and
23 increase transparency and accountability, and that the efficient
24 management of prison populations is a matter of ongoing concern for
25 correctional staff and inmates.

26 **SECTION 2.** In Colorado Revised Statutes, **amend 17-1-119.7**
27 as follows:

1 17-1-119.7. Prison population management measures -
2 definitions.

3 (1) (a) The department shall track the prison bed vacancy rate in
4 both correctional facilities and state-funded private contract prison beds
5 on a monthly basis. If the PRISON BED vacancy rate falls below three FOUR
6 percent for thirty consecutive days, the department shall, WITHIN
7 FORTY-EIGHT HOURS, notify THE FOLLOWING:

8 (I) The governor;

9 (II) The joint budget committee;

10 (III) THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND
11 THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES;

12 (IV) The parole board AND EACH RELEASE HEARING OFFICER AND
13 ADMINISTRATIVE HEARING OFFICER UNDER CONTRACT WITH THE PAROLE
14 BOARD;

15 (V) THE OFFICE OF COMMUNITY CORRECTIONS IN THE
16 DEPARTMENT OF PUBLIC SAFETY;

17 (VI) EACH COMMUNITY CORRECTIONS BOARD AND COMMUNITY
18 CORRECTIONS PROGRAM, AS THOSE TERMS ARE DEFINED IN SECTION
19 17-27-102;

20 (VII) Each elected district attorney;

21 (VIII) THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN
22 SECTION 21-1-101;

23 (IX) THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN
24 SECTION 21-2-101;

25 (X) The chief judge of each judicial district; ~~the state public~~
26 defender, and the office of community corrections in the department of
27 public safety. The department shall notify the governor, the joint budget

1 committee, the parole board, each elected district attorney, the chief judge
2 of each judicial district, the state public defender, and the office of
3 community corrections once the vacancy rate exceeds four percent for
4 thirty consecutive days.

5 (XI) THE CHIEF PROBATION OFFICER IN EACH JUDICIAL DISTRICT;

6 (XII) THE OFFICE OF THE STATE COURT ADMINISTRATOR; AND

7 (XIII) EACH COUNTY SHERIFF OF COLORADO.

8 (b) IF THE MANDATES REQUIRED PURSUANT TO THIS SECTION ARE
9 IN EFFECT AND THE PRISON BED VACANCY RATE IS FIVE PERCENT OR
10 HIGHER FOR THIRTY CONSECUTIVE DAYS, THE DEPARTMENT SHALL NOTIFY
11 EACH PERSON AND ENTITY LISTED IN SUBSECTION (1)(a) OF THIS SECTION
12 THAT THE MANDATES REQUIRED PURSUANT TO THIS SECTION ARE NO
13 LONGER IN EFFECT.

14 (c) EACH INDIVIDUAL AND ENTITY THAT RECEIVES NOTIFICATION
15 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL ACKNOWLEDGE
16 RECEIPT OF THE NOTIFICATION, IN WRITING, AND CONFIRM COMPLIANCE
17 WITH THE NOTIFICATION REQUIREMENTS DESCRIBED IN SUBSECTION (2)(e)
18 OF THIS SECTION.

19 (d) THE NOTIFICATION TO THE GOVERNOR AND THE PAROLE BOARD
20 MUST BE UPDATED EVERY THIRTY DAYS WHILE THE MANDATES REQUIRED
21 PURSUANT TO THIS SECTION ARE IN EFFECT AND INCLUDE AN ESTIMATE OF
22 THE REDUCTION IN THE INMATE POPULATION NEEDED TO ACHIEVE A
23 PRISON BED VACANCY RATE OF FIVE PERCENT OR HIGHER.

24 (2) (a) If the PRISON BED vacancy rate in correctional facilities and
25 state-funded private contract prison beds falls below ~~three~~ FOUR percent
26 for thirty consecutive days, the department shall:

27 (I) (A) Request the office of community corrections to provide the

1 department with information regarding the location and nature of any
2 unutilized FUNDED AND AVAILABLE community corrections beds. The
3 office of community corrections shall provide the information TO THE
4 DEPARTMENT within seventy-two hours of AFTER the request and on a
5 weekly basis until the office of community corrections receives
6 notification FROM THE DEPARTMENT that the vacancy rate exceeds three
7 percent MANDATES REQUIRED BY THIS SECTION ARE NO LONGER IN EFFECT.

8 (B) REQUEST, IN WRITING, THAT EACH COMMUNITY CORRECTIONS
9 PROVIDER REVIEW THE STATUTORY CRITERIA FOR EACH TRANSITION
10 INMATE WHO HAS RESIDED IN THE COMMUNITY CORRECTIONS PROGRAM
11 OPERATED BY THE PROVIDER FOR MORE THAN ONE HUNDRED EIGHTY DAYS
12 AND WHO MEETS THE PROGRAM OBJECTIVES FOR AN INTENSIVE
13 SUPERVISION PROGRAM PURSUANT TO SECTION 17-27.5-101, AND PROVIDE
14 THE DEPARTMENT WITH A LIST OF INTENSIVE SUPERVISION
15 PROGRAM-ELIGIBLE TRANSITION INMATES WITH EMPLOYMENT AND
16 HOUSING OPTIONS. AFTER RECEIVING THE LIST OF TRANSITION INMATES,
17 THE DEPARTMENT SHALL INVESTIGATE AND APPROVE A RESIDENCE PLAN
18 FOR EACH TRANSITION INMATE ON THE LIST AND SUBMIT THE APPROVED
19 RESIDENCE PLAN TO THE RELEVANT COMMUNITY CORRECTIONS BOARD.

20 (C) REQUEST, IN WRITING, THAT THE OFFICE OF COMMUNITY
21 CORRECTIONS INVESTIGATE EXPANDING THE CAPACITY FOR INMATE
22 TRANSITION BEDS IN COMMUNITY CORRECTIONS PROGRAMS THAT COULD
23 BE PROVIDED ON A TEMPORARY OR LONGER-TERM BASIS, INCLUDING THE
24 POTENTIAL NUMBER OF BEDS. THE OFFICE OF COMMUNITY CORRECTIONS
25 SHALL PROVIDE THE RESULTS OF THE INVESTIGATION TO THE DEPARTMENT
26 AND THE JOINT BUDGET COMMITTEE.

27 (D) REQUIRE THAT DEPARTMENT CASE MANAGERS REVIEW THE

1 ELIGIBILITY OF EACH INMATE FOR COMMUNITY CORRECTIONS PROGRAM
2 PLACEMENT AND INITIATE A REFERRAL OF AN INMATE WHO IS ELIGIBLE TO
3 THE RELEVANT COMMUNITY CORRECTIONS BOARD WITHIN SEVEN DAYS
4 AFTER THE ELIGIBILITY DETERMINATION; AND

5 (E) REQUIRE THAT THE DIVISION OF ADULT PAROLE NOTIFY EACH
6 COMMUNITY PAROLE OFFICER, IN WRITING, OF THE PRISON BED SHORTAGE
7 AND REQUEST THAT PAROLE OFFICERS CONSIDER ALTERNATIVE SANCTIONS
8 FOR TECHNICAL VIOLATIONS OF PAROLE BY A TRANSITION INMATE, IF
9 LAWFULLY AVAILABLE AND CONSISTENT WITH PUBLIC SAFETY.

10 (II) Request that the parole board review a list of inmates who are
11 within ninety days of their mandatory release date ~~have an approved~~
12 ~~parole plan,~~ and do not require full board review or victim notification
13 pursuant to section 24-4.1-302.5 (1)(j).

14 (III) ~~Coordinate with the parole board to review the~~ WITHIN
15 FOURTEEN DAYS AFTER PROVIDING THE NOTIFICATION PURSUANT TO
16 SUBSECTION (1)(a) OF THIS SECTION, CREATE A list of inmates who have
17 satisfied conditions for conditional release, ~~verified by the department of~~
18 ~~corrections,~~ do not require full board review or victim notification
19 pursuant to section 24-4.1-302.5 (1)(j), and have satisfied the condition
20 or conditions required for an order to parole. ~~and~~ THE DEPARTMENT
21 SHALL INFORM THE PAROLE BOARD IF A LISTED INMATE HAS SATISFIED THE
22 CONDITIONS REQUIRED FOR RELEASE. IF A SPECIFIC CONDITION RELATES TO
23 COMPLETING A PROGRAM AND THE CONDITION HAS NOT BEEN SATISFIED,
24 THE PAROLE BOARD SHALL DETERMINE WHETHER THE CONDITION CAN BE
25 SATISFIED AFTER RELEASE AND MANDATED AS A CONDITION OF PAROLE.

26 (IV) (A) WITHIN FOURTEEN DAYS AFTER PROVIDING THE
27 NOTIFICATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, submit

1 to the parole board a list of eligible inmates with a favorable parole plan
2 who have been assessed to be medium or lower risk on the validated risk
3 assessment scale developed pursuant to section 17-22.5-404 (2), OR WHO
4 HAVE BEEN CLASSIFIED AS MINIMUM OR MINIMUM RESTRICTIVE CUSTODY,
5 AND WHO ARE PAST THEIR PAROLE ELIGIBILITY DATE. THE PAROLE BOARD
6 SHALL CONSIDER THE LIST AS AN INDIVIDUAL APPLICATION FOR PAROLE
7 FOR EACH INMATE ON THE LIST AND REVIEW EACH APPLICATION
8 CONSISTENT WITH SECTION 17-2-201. Except as provided in subsection
9 (2)(a)(IV)(B) of this section, the parole board shall conduct a file review
10 of each inmate on the list and set conditions of release for the inmate
11 within thirty days after receipt of the list and set a day of release no later
12 than thirty days after conducting the file review.

13 (B) If victim notification is required and a victim wishes to
14 provide input, the parole board shall schedule a hearing in lieu of a file
15 review and set conditions of release for the inmate and a date of release
16 no later than thirty days after conducting the hearing.

17 (C) If additional information is needed, the parole board may table
18 a decision after the file review or hearing and request additional
19 information from the department. The parole board may grant or deny
20 parole to an applicant, and, if the decision is to deny parole, it must be
21 based on a majority vote of the full board.

22 (D) An inmate is not eligible for release pursuant to this section
23 if he or she is serving a sentence for an offense enumerated in section
24 24-4.1-302 or section 16-22-102 (9) or has had a class I code of penal
25 discipline violation within the previous twelve months from the date of
26 the list or since incarceration, whichever is shorter; has been terminated
27 for lack of progress or declined in writing to participate in programs that

1 have been recommended and made available to the inmate within the
2 previous twelve months or since incarceration, whichever is shorter; has
3 been regressed from community-corrections or revoked from parole
4 within the previous one hundred eighty days; or has a pending felony
5 charge, detainer, or an extraditable warrant.

6 (E) An inmate is eligible for release pursuant to this subsection
7 (2)(a)(IV) if the inmate is at or past his or her parole eligibility date and
8 is only serving a sentence for a conviction of a level 3 or level 4 drug
9 felony or a class 3, class 4, class 5, or class 6 nonviolent felony offense.

10 (D) IF AN INMATE HAS A PENDING FELONY CHARGE, DETAINER, OR
11 EXTRADITABLE WARRANT, AND IS OTHERWISE ELIGIBLE FOR RELEASE TO
12 PAROLE, THE DEPARTMENT SHALL NOTIFY THE LIAISON FOR THE OFFICE OF
13 STATE PUBLIC DEFENDER, AS DESCRIBED IN SECTION 21-1-104 (6), TO
14 DETERMINE WHETHER THE LEGAL MATTER CAN BE RESOLVED ON A
15 FORTHWITH BASIS.

16 (V) (A) WITHIN FOURTEEN DAYS AFTER AN OFFENDER IS
17 ADMITTED TO THE CUSTODY OF THE DEPARTMENT AS A NEW COURT
18 COMMITMENT, IF THE OFFENDER IS DETERMINED BY THE DEPARTMENT
19 DURING ADMISSION TO BE PAST OR WITHIN NINETY DAYS OF THE
20 OFFENDER'S PAROLE ELIGIBILITY DATE AND THE OFFENDER IS NOT SERVING
21 A SENTENCE FOR AN OFFENSE ENUMERATED IN SECTION 24-4.1-302 (1) OR
22 16-22-102 (9), NOTIFY THE SENTENCING COURT AND PROVIDE THE COURT
23 WITH INFORMATION ON THE OFFENDER'S PAROLE ELIGIBILITY DATE,
24 MANDATORY RELEASE DATE, AND THE RESULTS OF ANY INTAKE
25 ASSESSMENTS.

26 (B) IF A SENTENCING COURT RECEIVES NOTICE FROM THE
27 DEPARTMENT PURSUANT TO SUBSECTION (2)(a)(V)(A) OF THIS SECTION,

1 THE COURT SHALL NOTIFY COUNSEL FOR THE DEFENDANT AND THE
2 PROSECUTION AND REQUEST THAT THE DEFENDANT FILE A MOTION FOR
3 RECONSIDERATION, IF THE DEFENDANT CHOOSES TO DO SO, UNLESS THE
4 PRISON SENTENCE IS THE RESULT OF A STIPULATED PLEA AGREEMENT FOR
5 AN EXACT NUMBER OF YEARS IN PRISON. IF THE COURT RECEIVES A
6 MOTION FOR RECONSIDERATION, THE COURT MAY GRANT THE MOTION
7 WITH OR WITHOUT SCHEDULING A HEARING AND MAY IMPOSE AN
8 ALTERNATIVE SENTENCE EXCEPT A SENTENCE TO JAIL. THE COURT SHALL
9 DECIDE THE MATTER WITHIN THIRTY-FIVE DAYS AFTER THE FILING OF THE
10 MOTION.

11 (b) (I) WHILE THE MEASURES DESCRIBED IN SUBSECTION (2)(a) OF
12 THIS SECTION ARE IN EFFECT, THE PAROLE BOARD MAY GRANT OR DENY
13 PAROLE TO AN APPLICANT WHO IS ELIGIBLE FOR PAROLE PURSUANT TO THIS
14 SECTION, AND, IF THE DECISION IS TO DENY PAROLE, THE DECISION MUST
15 BE BASED ON A MAJORITY VOTE OF THE FULL PAROLE BOARD.

16 (II) A PAROLE APPLICATION HEARING OR RECONSIDERATION OF
17 SENTENCING HEARING HELD PURSUANT TO THIS SECTION MUST COMPLY
18 WITH THE APPLICABLE PROVISIONS SET FORTH IN SECTIONS 24-4.1-302.5
19 AND 24.4.1-303.

20 (III) AN INMATE IS NOT ELIGIBLE FOR CONSIDERATION OF RELEASE
21 OR THE AWARD OF ADDITIONAL EARNED TIME IF THE INMATE IS SERVING
22 A SENTENCE FOR AN OFFENSE ENUMERATED IN SECTION 24-4.1-302 (1) OR
23 16-22-102 (9) OR HAS BEEN FOUND GUILTY OF A CLASS I CODE OF PENAL
24 DISCIPLINE VIOLATION WITHIN THE PREVIOUS TWELVE MONTHS OR SINCE
25 INCARCERATION, WHICHEVER IS SHORTER.

26 (IV) ACTIONS TAKEN REGARDING PLACEMENT, TRANSFER, OR
27 OTHER MOVEMENT OF AN INMATE PURSUANT TO THIS SECTION MUST

1 COMPLY WITH THE APPLICABLE PROVISIONS SET FORTH IN SECTIONS
2 24-4.1-302.5 AND 24.4.1-303.

3 (V) THE DEPARTMENT MAY REFER AN INMATE RELEASED
4 PURSUANT TO THIS SECTION WHO MAY BENEFIT FROM COMMUNITY-BASED
5 SUPPORT SERVICES TO A COMMUNITY-BASED REENTRY PROGRAM THAT
6 RECEIVES FUNDING FROM THE REENTRY SERVICES GRANT PROGRAM
7 DESCRIBED IN SECTION 17-33-101 (7) OR OTHER COMMUNITY-BASED
8 PROGRAMS THAT THE DEPARTMENT CONTRACTS WITH FOR REENTRY
9 SERVICES TO PROMOTE THE INMATE'S SUCCESSFUL REINTEGRATION.

10 (b) (c) The department may utilize any, all, or a combination of
11 the measures described in subsection (2)(a) of this section when the
12 PRISON BED vacancy rate falls below ~~two~~ FOUR percent for thirty
13 consecutive days and until the vacancy rate is above ~~three~~ FIVE percent for
14 thirty consecutive days.

15 (d) (I) IF THE MEASURES DESCRIBED IN SUBSECTION (2)(a) OF THIS
16 SECTION DO NOT RESULT IN ACHIEVING A PRISON BED VACANCY RATE
17 ABOVE FIVE PERCENT WITHIN ONE HUNDRED TWENTY DAYS AFTER THE
18 NOTIFICATIONS PROVIDED PURSUANT TO SUBSECTION (1)(a) OF THIS
19 SECTION, THE DEPARTMENT SHALL, WITHIN THIRTY DAYS AFTER THE
20 DETERMINATION THAT THE MEASURES DO NOT RESULT IN ACHIEVING THE
21 SPECIFIC RATES, SUBMIT TO THE PAROLE BOARD AND THE GOVERNOR A
22 LIST OF INMATES WHO ARE SERVING A SENTENCE IN THE DEPARTMENT AND
23 WHO ARE ELIGIBLE FOR PAROLE, NOTWITHSTANDING ANY OTHER
24 PROVISION OF LAW; RECOMMENDS FOR TRANSFER TO COMMUNITY
25 CORRECTIONS FOR RESIDENTIAL OR NONRESIDENTIAL PLACEMENT; OR
26 RECOMMENDS FOR ANY OTHER FORM OF RELEASE, INCLUDING, BUT NOT
27 LIMITED TO, COMMUTATION OF THE INMATE'S SENTENCE BY THE

1 GOVERNOR.

2 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON
3 RECEIPT OF THE LIST PROVIDED BY THE DEPARTMENT PURSUANT TO
4 SUBSECTION (2)(d)(I) OF THIS SECTION:

5 (A) THE PAROLE BOARD MAY RELEASE AN INMATE WHO IS NOT
6 SERVING A SENTENCE FOR AN OFFENSE ENUMERATED IN SECTION
7 24-4.1-302 (1) OR 16-22-102 (9) NINETY DAYS IN ADVANCE OF THE
8 INMATE'S CURRENT PAROLE ELIGIBILITY DATE;

9 (B) THE DEPARTMENT MAY REFER THE INMATE FOR PLACEMENT IN
10 A COMMUNITY CORRECTIONS PROGRAM; AND

11 (C) THE GOVERNOR MAY CONSIDER AND GRANT COMMUTATION OF
12 THE INMATE'S SENTENCE.

13 (e) IF THE PRISON BED VACANCY RATE FALLS BELOW FOUR
14 PERCENT FOR THIRTY CONSECUTIVE DAYS AND A NOTIFICATION IS MADE
15 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND RECEIVED BY:

16 (I) AN ELECTED DISTRICT ATTORNEY, THE ELECTED DISTRICT
17 ATTORNEY SHALL NOTIFY EACH DEPUTY DISTRICT ATTORNEY ASSIGNED TO
18 FELONY CASES AND EACH DEPUTY DISTRICT ATTORNEY SERVING ON THE
19 LOCAL COMMUNITY CORRECTIONS BOARD OF THE PRISON BED SHORTAGE
20 AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE IN EFFECT;

21 (II) THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE SHALL
22 NOTIFY EACH ATTORNEY ASSIGNED TO REPRESENT AN INDIVIDUAL
23 CHARGED WITH A FELONY OFFENSE AND EACH ATTORNEY SERVING ON THE
24 LOCAL COMMUNITY CORRECTIONS BOARD OF THE CURRENT PRISON BED
25 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE
26 IN EFFECT, AND REQUEST THAT EACH ATTORNEY UTILIZE AVAILABLE
27 RESOURCES TO INVESTIGATE AND ADVOCATE FOR AN ALTERNATIVE TO A

1 PRISON SENTENCE, IF LAWFULLY AVAILABLE, FOR CASES PENDING
2 SENTENCING OR RESENTENCING;

3 (III) THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE OFFICE
4 SHALL NOTIFY EACH ATTORNEY ASSIGNED TO REPRESENT AN INDIVIDUAL
5 CHARGED WITH A FELONY OFFENSE OF THE CURRENT PRISON BED
6 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE
7 IN EFFECT, AND REQUEST THAT EACH ATTORNEY UTILIZE AVAILABLE
8 RESOURCES TO INVESTIGATE AND ADVOCATE FOR AN ALTERNATIVE TO A
9 PRISON SENTENCE, IF LAWFULLY AVAILABLE, FOR CASES PENDING
10 SENTENCING OR RESENTENCING;

11 (IV) A CHIEF JUDGE OF A JUDICIAL DISTRICT, THE CHIEF JUDGE
12 SHALL NOTIFY EACH DISTRICT COURT JUDGE IN THE JUDICIAL DISTRICT
13 WHO IS ASSIGNED TO FELONY CASES OF THE CURRENT PRISON BED
14 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE
15 IN EFFECT; OR

16 (V) A CHIEF PROBATION OFFICER FOR A JUDICIAL DISTRICT, THE
17 CHIEF PROBATION OFFICER SHALL NOTIFY EACH PROBATION OFFICER WHO
18 SUPERVISES INDIVIDUALS ON FELONY PROBATION OF THE CURRENT PRISON
19 BED SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES
20 ARE IN EFFECT.

21 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "LOCAL JAIL BACKLOG" MEANS THE INMATES UNDER THE
24 JURISDICTION OF THE DEPARTMENT WHO ARE BEING HOUSED IN A LOCAL
25 JAIL ON BEHALF OF THE DEPARTMENT.

26 (b) "OPERATIONAL CAPACITY" MEANS THE NUMBER OF
27 PERMANENT BEDS AT A PRISON, EXCLUDING NONCAPACITY BEDS SUCH AS

1 INFIRMARY BEDS AND RESTRICTIVE HOUSING AND TRANSPORT BEDS,
2 UNLESS OTHERWISE SPECIFIED DUE TO EMERGENCY NEEDS.

3 (c) (I) "PRISON BED VACANCY RATE" MEANS THE PERCENTAGE OF
4 OPERATIONAL CAPACITY FOR PRISON BEDS THAT IS CURRENTLY UNUSED.
5 FOR THE PURPOSES OF CALCULATING THE PRISON BED VACANCY RATE, THE
6 DEPARTMENT SHALL INCLUDE INMATES UNDER THE JURISDICTION OF THE
7 DEPARTMENT WHO ARE HOUSED IN A LOCAL JAIL AND THOSE DESIGNATED
8 AS LOCAL JAIL BACKLOG.

9 (II) NOTWITHSTANDING SUBSECTION (3)(c)(I) OF THIS SECTION,
10 THE FIRST FOUR HUNDRED INMATES UNDER THE JURISDICTION OF THE
11 DEPARTMENT WHO ARE HOUSED IN A LOCAL JAIL PURSUANT TO A LOCAL
12 JAIL CONTRACT MUST NOT BE INCLUDED IN THE PRISON BED VACANCY
13 RATE CALCULATION.

14 **SECTION 3.** In Colorado Revised Statutes, 17-1-103, **add (1)(s)**
15 as follows:

16 **17-1-103. Duties of the executive director.**

17 (1) The duties of the executive director are:

18 (s) TO DEVELOP A COMPREHENSIVE AND ONGOING PRISON
19 POPULATION MANAGEMENT PLAN TO ENSURE THE SAFETY OF STAFF AND
20 INMATES AND TO ENSURE THAT THE DEPARTMENT COMPLIES WITH ALL
21 PRISON POPULATION MANAGEMENT MANDATES REQUIRED BY LAW,
22 INCLUDING IMPLEMENTING THE PRISON POPULATION MANAGEMENT
23 MEASURES SET FORTH IN SECTION 17-1-119.7, WHEN NECESSARY.

24 **SECTION 4.** In Colorado Revised Statutes, 17-1-103.3, **amend**
25 (1)(a)(I); and **add (1)(a)(III) and (1)(a)(IV) as follows:**

26 **17-1-103.3. Reports for budgeting - definition.**

27 (1) (a) No later than the fifth day of each month, the executive

1 director shall report the department's previous month's:

2 (I) Bed capacity and average daily inmate population by prison
3 facility, security level, and custody classification; and

4 (III) CURRENT POPULATION IN THE LOCAL JAIL BACKLOG, AS
5 DEFINED IN SECTION 17-1-119.7 (3), BY COUNTY; AND

6 (IV) COMPLIANCE WITH THE PRISON POPULATION MANAGEMENT
7 MEASURES DESCRIBED IN SECTION 17-1-119.7 IF THE MEASURES ARE IN
8 EFFECT DURING THE PREVIOUS MONTH, INCLUDING EACH NOTICE SENT BY
9 THE DEPARTMENT, ACTIONS TAKEN BY THE DEPARTMENT TO COMPLY WITH
10 THE REQUIRED MEASURES, AND THE DOCUMENTED IMPACT OF
11 IMPLEMENTING THE REQUIRED MEASURES.

12 **SECTION 5.** In Colorado Revised Statutes, 17-2-201, **add** (3)(i)
13 as follows:

14 **17-2-201. State board of parole - duties - definitions.**

15 (3) The chairperson, in addition to other provisions of law, has the
16 following powers and duties:

17 (i) TO ENSURE THAT THE PAROLE BOARD COMPLIES WITH ALL
18 PRISON POPULATION MANAGEMENT MANDATES REQUIRED BY LAW,
19 INCLUDING IMPLEMENTING, WHEN NECESSARY, THE PRISON POPULATION
20 MANAGEMENT MEASURES SET FORTH IN SECTION 17-1-119.7.

21 **SECTION 6.** In Colorado Revised Statutes, 17-27.5-101, **amend**
22 (1)(b) introductory portion and (1)(b)(II) as follows:

23 **17-27.5-101. Authority to establish intensive supervision**
24 **programs for parolees and community corrections offenders.**

25 (1) (b) The department ~~shall also be~~ IS authorized to refer for
26 placement to an intensive supervision program operated under the
27 jurisdiction of units of local government under contract with and

1 approved by the department:

2 (II) Any offender who has met program objectives of a residential
3 community corrections program. and who has not more than one hundred
4 eighty days remaining until such offender's parole eligibility date.

5 **SECTION 7. Safety clause.** The general assembly finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety or for appropriations for
8 the support and maintenance of the departments of the state and state
9 institutions.