

**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. 26-0970.01 Owen Hatch x2698

**SENATE BILL 26-158**

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**SENATE SPONSORSHIP**

**Weissman and Ball,**

**HOUSE SPONSORSHIP**

**Carter and Espenoza,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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 early parole, at which hearing any victim must have the opportunity to  
6 be heard, pursuant to section 24-4.1-302.5 (1)(j). ~~C.R.S.~~ Not later than  
7 ninety days after receipt of a copy of an ~~offender's~~ INMATE'S application  
8 for early parole, the state board of parole, after considering the  
9 presumptions set forth in section 17-34-102 (8), shall make a  
10 recommendation to the governor concerning whether early parole should  
11 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 AFTER RECEIPT OF

1 THE STATE BOARD OF PAROLE'S RECOMMENDATION, OR SIXTY DAYS AFTER  
2 THE EFFECTIVE DATE OF SUBSECTION (6)(a)(II) OF THIS SECTION FOR ANY  
3 RECOMMENDATION OF THE STATE BOARD OF PAROLE RECEIVED BY THE  
4 GOVERNOR PRIOR TO THE EFFECTIVE DATE OF SUBSECTION (6)(a)(II) OF  
5 THIS SECTION, THE STATE BOARD OF PAROLE'S RECOMMENDATION ON THE  
6 INMATE'S APPLICATION IS THE FINAL DECISION REGARDING THE INMATE'S  
7 APPLICATION FOR EARLY PAROLE, AND THE INMATE'S REQUEST FOR EARLY  
8 PAROLE SHALL BE GRANTED OR DENIED CONSISTENT WITH THE STATE  
9 BOARD OF PAROLE'S RECOMMENDATION.

10 **SECTION 3.** In Colorado Revised Statutes, 17-34-102, **amend**  
11 (2), (9) introductory portion, and (9)(j) as follows:

12 **17-34-102. Specialized program for juveniles and young adults**  
13 **convicted as adults and young adults convicted under twenty-one**  
14 **years of age - report - definition.**

15 (2) The specialized program must include:

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

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

25 (c) ON OR AFTER JANUARY 1, 2027, PROGRAMMING THAT  
26 REQUIRES AN OFFENDER TO ACKNOWLEDGE THE IMPACT OF CRIME ON  
27 VICTIMS AND THE ONGOING TRAUMA THAT CRIME SURVIVORS EXPERIENCE,

1 AND, IF APPLICABLE, THE IMPACT OF THE OFFENDER'S OWN TRAUMA ON  
2 THEIR CRIMINAL OR OTHER NEGATIVE BEHAVIOR, AND IDENTIFY  
3 INTERVENTIONS TO PREVENT THOSE EXPERIENCES FROM IMPACTING  
4 SUCCESSFUL REINTEGRATION INTO THE COMMUNITY.

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

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

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