

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**

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**SENATE SPONSORSHIP**

**Gonzales J. and Weissman,**

**HOUSE SPONSORSHIP**

**Bacon and Zokaie,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING INCREASING OPERATIONAL EFFICIENCY OF EXISTING**  
102              **PRISON POPULATION MANAGEMENT MEASURES, AND, IN**  
103              **CONNECTION THEREWITH, MAKING AND REDUCING AN**  
104              **APPROPRIATION.**

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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 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

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.*

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.

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.

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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**

1 management measures that recognize that overcrowded prison facilities  
2 are a threat to the health and safety of staff and inmates;

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

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

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

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

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

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

3            17-1-119.7. Prison population management measures -  
4            definitions.

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

10           (I) The governor;

11           (II) The joint budget committee;

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

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

17           (V) THE OFFICE OF COMMUNITY CORRECTIONS IN THE  
18           DEPARTMENT OF PUBLIC SAFETY;

19           (VI) EACH COMMUNITY CORRECTIONS BOARD AND COMMUNITY  
20           CORRECTIONS PROGRAM, AS THOSE TERMS ARE DEFINED IN SECTION  
21           17-27-102;

22           (VII) Each elected district attorney;

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

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

27           (X) The chief judge of each judicial district; ~~the state public~~

1 defender, and the office of community corrections in the department of  
2 public safety. The department shall notify the governor, the joint budget  
3 committee, the parole board, each elected district attorney, the chief judge  
4 of each judicial district, the state public defender, and the office of  
5 community corrections once the vacancy rate exceeds four percent for  
6 thirty consecutive days.

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

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

9 (XIII) EACH COUNTY SHERIFF OF COLORADO.

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

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

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

26 (2) (a) If the PRISON BED vacancy rate in correctional facilities and  
27 state-funded private contract prison beds falls below three FOUR percent

1 for thirty consecutive days, the department shall:

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

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

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

1 AND THE JOINT BUDGET COMMITTEE.

2 (D) REQUIRE THAT DEPARTMENT CASE MANAGERS REVIEW THE  
3 ELIGIBILITY OF EACH INMATE FOR COMMUNITY CORRECTIONS PROGRAM  
4 PLACEMENT AND INITIATE A REFERRAL OF AN INMATE WHO IS ELIGIBLE TO  
5 THE RELEVANT COMMUNITY CORRECTIONS BOARD WITHIN SEVEN DAYS  
6 AFTER THE ELIGIBILITY DETERMINATION; AND

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

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

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

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

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

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

24           (D) An inmate is not eligible for release pursuant to this section  
25 if he or she is serving a sentence for an offense enumerated in section  
26 24-4.1-302 or section 16-22-102 (9) or has had a class I code of penal  
27 discipline violation within the previous twelve months from the date of

1 the list or since incarceration, whichever is shorter; has been terminated  
2 for lack of progress or declined in writing to participate in programs that  
3 have been recommended and made available to the inmate within the  
4 previous twelve months or since incarceration, whichever is shorter; has  
5 been regressed from community-corrections or revoked from parole  
6 within the previous one hundred eighty days; or has a pending felony  
7 charge, detainer, or an extraditable warrant.

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

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

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

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

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

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

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

1           (IV) ACTIONS TAKEN REGARDING PLACEMENT, TRANSFER, OR  
2 OTHER MOVEMENT OF AN INMATE PURSUANT TO THIS SECTION MUST  
3 COMPLY WITH THE APPLICABLE PROVISIONS SET FORTH IN SECTIONS  
4 24-4.1-302.5 AND 24.4.1-303.

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

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

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

1 RECOMMENDS FOR ANY OTHER FORM OF RELEASE, INCLUDING, BUT NOT  
2 LIMITED TO, COMMUTATION OF THE INMATE'S SENTENCE BY THE  
3 GOVERNOR.

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

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

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

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

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

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

23 (II) THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE SHALL  
24 NOTIFY EACH ATTORNEY ASSIGNED TO REPRESENT AN INDIVIDUAL  
25 CHARGED WITH A FELONY OFFENSE AND EACH ATTORNEY SERVING ON THE  
26 LOCAL COMMUNITY CORRECTIONS BOARD OF THE CURRENT PRISON BED  
27 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE

1 IN EFFECT, AND REQUEST THAT EACH ATTORNEY UTILIZE AVAILABLE  
2 RESOURCES TO INVESTIGATE AND ADVOCATE FOR AN ALTERNATIVE TO A  
3 PRISON SENTENCE, IF LAWFULLY AVAILABLE, FOR CASES PENDING  
4 SENTENCING OR RESENTENCING;

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

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

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

23 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
24 REQUIRES:

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

1           **(b) "OPERATIONAL CAPACITY" MEANS THE NUMBER OF**  
2 **PERMANENT BEDS AT A PRISON, EXCLUDING NONCAPACITY BEDS SUCH AS**  
3 **INFIRMARY BEDS AND RESTRICTIVE HOUSING AND TRANSPORT BEDS,**  
4 **UNLESS OTHERWISE SPECIFIED DUE TO EMERGENCY NEEDS.**

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

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

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

18           **17-1-103. Duties of the executive director.**

19           **(1) The duties of the executive director are:**

20           **(s) To develop a comprehensive and ongoing prison**  
21 **population management plan to ensure the safety of staff and**  
22 **inmates and to ensure that the department complies with all**  
23 **prison population management mandates required by law,**  
24 **including implementing the prison population management**  
25 **measures set forth in section 17-1-119.7, when necessary.**

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

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

2                   (1) (a) No later than the fifth day of each month, the executive  
3 director shall report the department's previous month's:

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

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

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

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

16                   **17-2-201. State board of parole - duties - definitions.**

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

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

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

25                   **17-27.5-101. Authority to establish intensive supervision**  
26 **programs for parolees and community corrections offenders.**

27                   (1) (b) The department shall also be IS authorized to refer for

1 placement to an intensive supervision program operated under the  
2 jurisdiction of units of local government under contract with and  
3 approved by the department:

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

7 **SECTION 7. Appropriation.** (1) For the 2026-27 state fiscal  
8 year, \$320,587 is appropriated to the department of corrections. This  
9 appropriation is from the general fund. To implement this act, the  
10 department may use this appropriation as follows:

11 (a) \$159,366 for use by community services for the wrap-around  
12 services program;

13 (b) \$140,511 for use by community services for personal services  
14 related to the parole subprogram, which amount is based on an  
15 assumption that the subprogram will require an additional 2.0 FTE;

16 (c) \$16,560 for use by community services for operating expenses  
17 related to the parole subprogram; and

18 (d) \$4,150 for use by support services for operating expenses  
19 related to the training subprogram.

20 **SECTION 8. Appropriation - adjustments to 2026 long bill.** To  
21 implement this act, the general fund appropriation made in the annual  
22 general appropriation act for the 2026-27 state fiscal year to the  
23 department of corrections for use by management for payments to local  
24 jails at a rate of \$77.16 per inmate per day is decreased by \$535,105.

25 **SECTION 9. Safety clause.** The general assembly finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.