

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 26-0940.01 Owen Hatch x2698

SENATE BILL 26-159

SENATE SPONSORSHIP

Weissman and Gonzales J., Benavidez, Coleman, Exum, Jodeh, Kipp, Marchman,
Sullivan, Wallace

HOUSE SPONSORSHIP

Mabrey and Martinez,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING MEASURES FOR MANAGING THE CAPACITY OF THE**
102 **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 adjusts certain earned time formulas for an inmate serving a sentence to the department of corrections (DOC). The DOC is directed to enact policy changes to incentivize inmates to pursue activities that award earned time.

The bill creates a working group to make recommendations for a capacity management plan for the DOC with input from impacted groups.

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.

HOUSE
2nd Reading Unamended
April 29, 2026

SENATE
3rd Reading Unamended
April 20, 2026

SENATE
Amended 2nd Reading
April 17, 2026

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-22.5-405, **amend**
3 (1.5)(a), (1.5)(b), and (9)(a); ___ and **add** (1.5)(a.5), (9)(a.7) and (10) as
4 follows:

5 **17-22.5-405. Earned time - earned release time - achievement**
6 **earned time - working group - definition - repeal.**

7 _____
8 (1.5) (a) EXCEPT AS PROVIDED IN SUBSECTION (1.5)(a.5) OF THIS
9 SECTION, earned time, not to exceed ~~twelve~~ FOURTEEN days for each
10 month of incarceration or parole, may be deducted from an inmate's
11 sentence if the inmate:

12 (I) Is serving a sentence for a class 4, class 5, or class 6 felony or
13 level 3 or level 4 drug felony;

14 (II) Has not incurred a class I code of penal discipline violation
15 within the twenty-four months immediately preceding the time of
16 crediting or during ~~his or her~~ THE INMATE'S entire term of incarceration
17 if the term is less than twenty-four months or a class II code of penal
18 discipline violation within the twelve months immediately preceding the
19 time of crediting or during ~~his or her~~ THE INMATE'S entire term of
20 incarceration if the term is less than twelve months; AND

21 (III) Is program-compliant. ~~and~~

22 (IV) ~~Was not convicted of, and has not previously been convicted~~
23 ~~of, a felony crime described in section 18-3-303, 18-3-305, 18-3-306, or~~
24 ~~18-6-701, sections 18-7-402 to 18-7-407, or section 18-12-102 or~~
25 ~~18-12-109, C.R.S., or a felony crime listed in section 24-4.1-302 (1);~~
26 ~~C.R.S.~~

1 (a.5) NOTWITHSTANDING THE FOURTEEN-DAY LIMITATION IN
2 SUBSECTION (1.5)(a) OF THIS SECTION, AN INMATE CONVICTED OF, OR AN
3 INMATE WHO HAS PREVIOUSLY BEEN CONVICTED OF, A FELONY CRIME
4 DESCRIBED IN SECTION 18-3-303, 18-3-305, 18-3-306, OR 18-6-701;
5 SECTIONS 18-7-402 TO 18-7-407; SECTION 18-12-102 OR 18-12-109; A
6 FELONY MOTOR VEHICLE THEFT; OR A FELONY CRIME LISTED IN SECTION
7 24-4.1-302 (1), IS LIMITED TO TWELVE DAYS OF EARNED TIME PER MONTH.

8 (b) The earned time specified in subsection (1.5)(a) THIS
9 SUBSECTION (1.5) of this section may be deducted based upon a
10 demonstration to the department by the inmate, which is certified by the
11 inmate's case manager or community parole officer, that he or she THE
12 INMATE has made positive progress in accordance with performance
13 standards established by the department.

14 (9) (a) (I) Notwithstanding any provision of this section to the
15 contrary, in addition to the earned time authorized in this section, an
16 offender who successfully completes a milestone or phase of an
17 educational, vocational, therapeutic, or reentry program ~~or who~~
18 ~~demonstrates exceptional conduct that promotes the safety of correctional~~
19 ~~staff, volunteers, contractors, or other persons under the supervision of~~
20 ~~the department of corrections;~~ may be awarded as many as sixty days of
21 achievement earned time per program milestone or phase, ~~or per instance~~
22 ~~of exceptional conduct,~~ at the discretion of the executive director; except
23 that an offender shall not be awarded more than one hundred twenty days
24 of achievement earned time pursuant to this subsection (9).

25 (II) THE DEPARTMENT OF CORRECTIONS SHALL MAKE POLICY
26 CHANGES TO MAXIMIZE THE INCENTIVES TO PARTICIPATE IN ACTIVITIES
27 THAT AWARD ACHIEVEMENT EARNED TIME FOR OFFENDERS WHO COMMIT

1 TO AND PARTICIPATE IN SELF-IMPROVEMENT ACTIVITIES, INCLUDING
2 THERAPEUTIC AND EDUCATIONAL PROGRAMMING. APPLICABLE POLICY
3 CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO:

4 (A) ENSURING THAT PROGRAMS OF SIMILAR INTENSITY AND
5 DURATION ARE AWARDED A SIMILAR NUMBER OF CREDITS;

6 (B) INCREASING CREDIT AWARDS FOR SUSTAINED, HIGH
7 ENGAGEMENT IN WORK ASSIGNMENTS; AND

8 (C) INCREASING CREDIT AWARDS FOR THE COMPLETION OF A
9 PROGRAM.

10 (III) FOR OFFENDERS WHO SUCCESSFULLY COMPLETE A MILESTONE
11 OR PHASE OF A BEHAVIORAL HEALTH PROGRAM IN AN AREA RELATED TO
12 RECOVERY FROM A CONDITION THAT CONTRIBUTED TO THE OFFENDER'S
13 UNDERLYING OFFENSE, INCLUDING SUBSTANCE USE TREATMENT, ANGER
14 MANAGEMENT, OR OTHER BEHAVIORAL HEALTH NEEDS, AS RECOMMENDED
15 BASED ON NEEDS IDENTIFIED ON THE INTAKE ASSESSMENT, THE TOTAL
16 ACHIEVEMENT EARNED TIME THAT CAN BE AWARDED PURSUANT TO THIS
17 SUBSECTION (9)(a) IS ONE HUNDRED FIFTY DAYS.

18 (a.7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
19 CONTRARY, IN ADDITION TO THE EARNED TIME AUTHORIZED IN THIS
20 SECTION, AN OFFENDER WHO DEMONSTRATES EXCEPTIONAL CONDUCT
21 THAT PROMOTES THE SAFETY OF CORRECTIONAL STAFF, VOLUNTEERS,
22 CONTRACTORS, OR OTHER PERSONS UNDER THE SUPERVISION OF THE
23 DEPARTMENT OF CORRECTIONS MAY BE AWARDED AS MANY AS SIXTY
24 DAYS OF ACHIEVEMENT EARNED TIME PER INSTANCE OF EXCEPTIONAL
25 CONDUCT, AT THE DISCRETION OF THE EXECUTIVE DIRECTOR; EXCEPT THAT
26 AN OFFENDER SHALL NOT BE AWARDED MORE THAN ONE HUNDRED
27 TWENTY DAYS OF ACHIEVEMENT EARNED TIME PURSUANT TO THIS

1 SUBSECTION (9)(a.7).

2 (10) (a) THERE IS CREATED THE DEPARTMENT OF CORRECTIONS
3 COMPREHENSIVE PLANNING WORKING GROUP, REFERRED TO IN THIS
4 SECTION AS THE "WORKING GROUP". THE EXECUTIVE DIRECTOR OF THE
5 DEPARTMENT, OR THEIR DESIGNEE, SHALL SERVE AS CHAIR OF THE
6 WORKING GROUP. THE WORKING GROUP SHALL DEVELOP
7 RECOMMENDATIONS FOR A CAPACITY MANAGEMENT PLAN FOR THE
8 DEPARTMENT THAT IS DATA-DRIVEN, ALIGNS WITH BEST PRACTICES, AND
9 IS INFORMED BY THE INPUT OF DEPARTMENT STAFF, INCARCERATED
10 PEOPLE, VICTIMS, AND OTHER CRIMINAL JUSTICE STAKEHOLDERS AND
11 SUBJECT MATTER EXPERTS REGARDING STRATEGIES TO:

12 (I) ASSESS EFFICACY, AVAILABILITY, AND GAPS REGARDING PRISON
13 PROGRAMMING AND CLINICAL CARE TO MAXIMIZE INMATE
14 REHABILITATION AND PREPARATION FOR RELEASE;

15 (II) IDENTIFY BOTTLENECKS AND INEFFICIENCIES REGARDING
16 INMATE RELEASE PROCESSES, CROSS-AGENCY COORDINATION, VICTIM
17 NOTIFICATION AND ENGAGEMENT, AND INMATE RELEASE
18 DECISION-MAKING;

19 (III) ENSURE THAT APPROPRIATE SUPERVISION, PLACEMENT
20 OPTIONS, AND SERVICES ARE AVAILABLE TO IMPROVE SUCCESSFUL
21 OUTCOMES FOR PERSONS RELEASED FROM PRISON;

22 (IV) MANAGE GROWTH IN PRISON POPULATION TO AVOID
23 OVERCROWDING; AND

24 (V) IDENTIFY CHANGES NEEDED TO CURRENT PRISON
25 OPERATIONAL CAPACITY, INMATE CLASSIFICATION, OR FACILITY SECURITY
26 CLASSIFICATION LEVEL TO MOST COST-EFFECTIVELY ADDRESS CURRENT
27 PRISON BED UTILIZATION AND ANY PROJECTED FUTURE PRISON BED NEEDS

1 TO ENSURE ALIGNMENT BETWEEN THE CLASSIFICATION LEVEL OF THE
2 INMATE POPULATION AND THE SECURITY LEVEL OF PRISON BEDS
3 AVAILABLE OR NEEDED.

4 (b) THE WORKING GROUP CONSISTS OF:

5 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR THEIR
6 DESIGNEE, WHO IS THE CHAIR OF THE WORKING GROUP;

7 (II) THE EXECUTIVE DIRECTOR OF THE DIVISION OF CRIMINAL
8 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, OR THEIR DESIGNEE;

9 (III) ONE DISTRICT ATTORNEY, OR THEIR DESIGNEE, APPOINTED BY
10 THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'
11 COUNCIL;

12 (IV) ONE PUBLIC DEFENDER, OR THEIR DESIGNEE, APPOINTED BY
13 THE STATE PUBLIC DEFENDER;

14 (V) ONE SHERIFF, OR THEIR DESIGNEE, APPOINTED BY THE
15 PRESIDENT OF THE COUNTY SHERIFFS OF COLORADO BOARD OF DIRECTORS;

16 (VI) ONE BEHAVIORAL HEALTH EXPERT OR PROFESSIONAL,
17 APPOINTED BY THE PRESIDENT OF THE SENATE;

18 (VII) ONE MEDICAL PROFESSIONAL WITH EXPERIENCE IN
19 PRISON-BASED HEALTH SERVICES, APPOINTED BY THE PRESIDENT OF THE
20 SENATE;

21 (VIII) ONE CRIME VICTIM OR SURVIVOR, OR A REPRESENTATIVE OF
22 A GROUP THAT ADVOCATES FOR CRIME VICTIMS OR SURVIVORS, APPOINTED
23 BY THE HOUSE MINORITY LEADER;

24 (IX) ONE FORMERLY INCARCERATED PERSON, OR A
25 REPRESENTATIVE OF A GROUP THAT ADVOCATES FOR INCARCERATED OR
26 FORMERLY INCARCERATED PERSONS, APPOINTED BY THE SPEAKER OF THE
27 HOUSE;

1 (X) ONE REPRESENTATIVE OF AN ORGANIZATION WITH EXPERIENCE
2 IN COMMUNITY-BASED RE-ENTRY SERVICES, APPOINTED BY THE SPEAKER
3 OF THE HOUSE;

4 (XI) ONE CURRENT OR FORMER STATE BOARD OF PAROLE MEMBER,
5 APPOINTED BY THE CHAIR OF THE STATE BOARD OF PAROLE;

6 (XII) ONE CURRENT COMMUNITY CORRECTIONS REPRESENTATIVE,
7 APPOINTED BY THE SENATE MINORITY LEADER; AND

8 (XIII) ONE CURRENT EMPLOYEE OF THE DEPARTMENT, APPOINTED
9 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

10 (c) MEMBERS OF THE HOUSE OF REPRESENTATIVES JUDICIARY
11 COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
12 SUCCESSOR COMMITTEES, AND THE JOINT BUDGET COMMITTEE, MAY
13 SUBMIT IN WRITING TO THE CHAIR OF THE WORKING GROUP A REQUEST TO
14 PRIORITIZE SPECIFIC ISSUES OR PROVIDE OTHER RELEVANT INFORMATION.

15 (d) THE WORKING GROUP MAY REQUEST INFORMATION FROM THE
16 DEPARTMENT OF CORRECTIONS AND THE CERTIFIED EMPLOYEE
17 ORGANIZATION DEFINED IN SECTION 24-50-1102 FOR PURPOSES OF
18 ASSESSING UNDERLYING CONDITIONS AND THE OPERATIONAL FEASIBILITY
19 OF RECOMMENDATIONS.

20 (e) (I) THE WORKING GROUP SHALL SOLICIT INPUT FROM
21 DEPARTMENT STAFF, THE DEPARTMENT OF PERSONNEL AND
22 ADMINISTRATION AND THE CERTIFIED EMPLOYEE ORGANIZATION DEFINED
23 IN SECTION 24-50-1102, INMATES, INMATE FAMILIES, CRIME VICTIMS OR
24 SURVIVORS, CRIMINAL JUSTICE STAKEHOLDERS, ELECTED OFFICIALS AT
25 THE STATE AND LOCAL LEVEL, THE LEGISLATIVE COUNCIL, JOINT BUDGET
26 COMMITTEE STAFF, STATE AGENCIES, AND OTHER PERSONS WITH SUBJECT
27 MATTER EXPERTISE.

1 (II) THE WORKING GROUP SHALL NOT BARGAIN, NEGOTIATE, OR
2 OTHERWISE MAKE RECOMMENDATIONS RELATED TO ANY MATTERS THAT
3 ARE SUBJECT TO THE EXCLUSIVE PARTNERSHIP PROCESS BETWEEN THE
4 STATE AND THE CERTIFIED EMPLOYEE ORGANIZATIONS PURSUANT TO
5 SECTION 24-50-1112 (2).

6 (f) THE CHAIR OF THE WORKING GROUP MAY SOLICIT AND ACCEPT
7 GIFTS, GRANTS, AND DONATIONS TO SUPPORT THE WORKING GROUP,
8 INCLUDING FOR FACILITATION, RESEARCH, STRATEGIC PLANNING, REPORT
9 WRITING, AND SURVEYS OR OTHER METHODS TO PURSUE THE GOALS LISTED
10 IN SUBSECTION (10)(a) OF THIS SECTION, IN ACCORDANCE WITH
11 APPLICABLE STATE LAWS.

12 (g) THE WORKING GROUP SHALL SUBMIT AN INTERIM REPORT TO
13 THE GENERAL ASSEMBLY, THE DEPARTMENT'S CERTIFIED EMPLOYEE
14 ORGANIZATION, AND THE GOVERNOR'S OFFICE IN DECEMBER 2026 AND A
15 FINAL REPORT ON JUNE 30, 2028.

16 (h) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JANUARY 15,
17 2029.

18 **SECTION 2. Applicability.** This act applies to an inmate
19 accruing earned time on or after the effective date of this act.

20 **SECTION 3. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.