

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 26-1256

BY REPRESENTATIVE(S) Jackson and Mabrey, Boesenecker, Brown, Camacho, Carter, Clifford, Duran, English, Espenosa, Froelich, Lieder, Lindsay, Marshall, McCormick, Nguyen, Ricks, Rydin, Sirota, Smith, Taggart, Titone, Zokaie, McCluskie;
also SENATOR(S) Cutter, Amabile, Ball, Benavidez, Bridges, Gonzales J., Jodeh, Kipp, Wallace, Weissman, Coleman.

CONCERNING THE PROCEDURE FOR RELEASING AN INDIVIDUAL FROM THE
DEPARTMENT OF CORRECTIONS.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The first 72 hours after release from incarceration are critical for successful reintegration and public safety;

(b) The current amount, \$100, of money provided to individuals upon release from incarceration, known as gate money, has not been increased since 1972 and has lost over 85% of its purchasing power;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) Colorado should ensure that every individual leaving custody has access to basic resources including food, transportation, and temporary shelter in order to reduce recidivism and promote stability;

(d) The department of corrections must maintain transparency and accountability in the administration of all reentry-related funds;

(e) Access to government-issued identification is essential for successful reentry, as it enables individuals to secure employment, housing, health care, and benefits;

(f) Although Colorado has established an offender identification program through prior legislation, eligibility restrictions prevent some Coloradans from leaving department of corrections custody without valid identification; and

(g) The state should ensure that all individuals leaving department of corrections custody are able to verify their identity upon release.

SECTION 2. In Colorado Revised Statutes, 17-22.5-202, **amend** (1); **repeal** (2); and **add** (6) as follows:

17-22.5-202. Release - clothes, money, transportation - reentry services - reports.

~~(1) (a) Ten days prior to the date on which any inmate confined in a correctional facility is entitled to be discharged or to be paroled from said correctional facility, the executive director or the executive director's designee shall give such inmate a ticket of leave therefrom, which shall entitle the inmate to depart from said correctional facility.~~

(b) The executive director or the executive director's designee shall ~~at the same time furnish such inmate~~ THE INDIVIDUAL RELEASED FROM A CORRECTIONAL FACILITY with suitable clothing and ~~may~~ SHALL furnish transportation, at the expense of the state, from the place ~~at which said~~ THE correctional facility is located to the ~~place of the inmate's~~ INDIVIDUAL'S residence in Colorado, or any other place in Colorado.

(c) (I) The executive director or the executive director's designee shall ~~also~~ furnish to ~~any inmate~~ AN INDIVIDUAL being discharged, ~~other than~~

~~a parolee, RELEASED FROM THE CORRECTIONAL FACILITY A RELEASE ALLOWANCE OF one hundred dollars. The executive director or the executive director's designee may furnish any inmate being released on parole a reasonable sum of money not to exceed one hundred dollars, except that, if the executive director or the executive director's designee furnishes less than one hundred dollars, the difference between one hundred dollars and the amount furnished shall be credited to an account for such parolee.~~

(II) THE RELEASE ALLOWANCE FURNISHED TO THE INDIVIDUAL BEING RELEASED FROM THE CORRECTIONAL FACILITY MUST NOT BE SUBJECT TO DEDUCTIONS FOR RESTITUTION, FEES, TRANSPORTATION, CLOTHING, OR ANY OTHER EXPENSE INCURRED DURING THE INDIVIDUAL'S INCARCERATION OR RELEASE FROM THE CORRECTIONAL FACILITY.

~~(d) Notwithstanding any other provision of this subsection (1), if the inmate has previously been returned to custody in a correctional facility after being paroled and before the completion of his or her period of parole and previously received such sum of money, the executive director or the executive director's designee shall not furnish a sum of money to the inmate. The executive director or the executive director's designee shall certify any amount so credited to the division of adult parole, and any such amount shall be distributed to an inmate in accordance with rules promulgated by the department.~~

~~(2) An inmate furnished with a ticket of leave for discharge shall be deemed to be fully discharged from the sentence upon which he was confined at the end of said ten-day period.~~

(6) BY SEPTEMBER 15, 2027, AND BY EACH SEPTEMBER 15 THEREAFTER, THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE AND PROVIDE TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES THE FOLLOWING:

(a) THE NUMBER OF INDIVIDUALS RELEASED FROM DEPARTMENT CORRECTIONAL FACILITIES IN THE PRECEDING FISCAL YEAR;

(b) THE NUMBER AND PERCENTAGE OF INDIVIDUALS WHO RECEIVED THE RELEASE ALLOWANCE PURSUANT TO SUBSECTION (1) OF THIS SECTION IN THE PRECEDING FISCAL YEAR;

(c) THE TOTAL DOLLAR AMOUNT OF RELEASE ALLOWANCES DISBURSED IN THE PRECEDING FISCAL YEAR; AND

(d) ANY ADMINISTRATIVE OR POLICY LIMITATIONS ON RELEASE ALLOWANCE ELIGIBILITY OR DISBURSEMENT IN THE PRECEDING FISCAL YEAR.

SECTION 3. In Colorado Revised Statutes, 17-33-102, **amend** (2)(b), (2)(c), (2)(d), (3)(b), and (3)(c) introductory portion; and **add** (7) and (8) as follows:

17-33-102. Colorado offender identification program - rules - report - fee waiver - definitions.

(2) (b) (I) An offender ~~may~~ SHALL participate in the program if the offender is eligible for, but does not have, a valid state-issued identification card; EXCEPT THAT an offender may AFFIRMATIVELY elect not to participate in the program. ~~but the department shall not deny an eligible offender the opportunity to participate in the program.~~

(II) IN ORDER TO OPT OUT OF PARTICIPATING IN THE PROGRAM, AN OFFENDER MUST AFFIRMATIVELY NOTIFY THE DEPARTMENT THAT THEY ELECT TO NOT PARTICIPATE IN THE PROGRAM. THE DEPARTMENT SHALL ASK THE OFFENDER ONE HUNDRED AND EIGHTY DAYS BEFORE THE OFFENDER'S RELEASE TO CONFIRM THE OFFENDER DOES NOT WANT TO PARTICIPATE IN THE PROGRAM. IF THE OFFENDER AFFIRMATIVELY OPTS BACK INTO THE PROGRAM, THE DEPARTMENT SHALL BEGIN THE PROCESS TO OBTAIN IDENTIFICATION DOCUMENTS TO PREPARE FOR RELEASE.

(c) The department shall ensure that each offender released from a correctional facility, ~~on and after January 1, 2022~~ who is eligible for a state-issued identification card and who participates in the program, has a state-issued identification card upon release.

(d) The department shall collaborate with the department of revenue AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT to operate the program.

(3) The program must:

(b) At least once each year, review department records to determine

whether each offender scheduled for release within the next five years has a valid, unexpired state-issued identification card, including at the offender ID bank; and

(c) Assist an offender who ~~elects to participate~~ PARTICIPATES in the program with obtaining a state-issued identification card. The assistance may include, but is not limited to:

(7) BY SEPTEMBER 15, 2027, AND BY EACH SEPTEMBER 15 THEREAFTER, THE DEPARTMENT SHALL PROVIDE TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES THE FOLLOWING:

(a) THE NUMBER AND PERCENTAGE OF OFFENDERS RELEASED WITH A VALID STATE-ISSUED IDENTIFICATION CARD, BIRTH CERTIFICATE, AND SOCIAL SECURITY CARD IN THE PRECEDING FISCAL YEAR;

(b) THE NUMBER AND PERCENTAGE OF OFFENDERS WHO PARTICIPATED IN THE PROGRAM AND ARE DEEMED INELIGIBLE FOR A STATE-ISSUED IDENTIFICATION CARD, BIRTH CERTIFICATE, AND SOCIAL SECURITY CARD, IN THE PRECEDING FISCAL YEAR AND THE REASON FOR INELIGIBILITY; AND

(c) AN EXPLANATION OF BARRIERS AND CHALLENGES TO OBTAINING IDENTIFICATION DOCUMENTS FOR OFFENDERS IN THE PRECEDING FISCAL YEAR.

(8) THE DEPARTMENT SHALL NOT CHARGE A FEE TO AN OFFENDER DURING THE PROCESS OF SECURING AN OFFENDER'S IDENTIFICATION DOCUMENTS. ANY FEE INCURRED BY THE DEPARTMENT PAID IN ADVANCE TO THE DEPARTMENT OF REVENUE, OR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT DURING THE PROCESS OF SECURING AN OFFENDER'S IDENTIFICATION DOCUMENT MAY ONLY BE CHARGED TO THE OFFENDER AFTER THE OFFENDER HAS BEEN RELEASED FROM CUSTODY AND MAY BE CONSOLIDATED WITH ANY EXISTING RESTITUTION, FEES, OR OTHER LEGAL FINANCIAL OBLIGATIONS OWED BY THE OFFENDER. THIS INCLUDES ANY FEE PAID BY THE DEPARTMENT TO THE DEPARTMENT OF REVENUE, OR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO THE FEDERAL SOCIAL SECURITY ADMINISTRATION.

SECTION 4. In Colorado Revised Statutes, **add** 25-1.5-123 as follows:

25-1.5-123. Colorado offender identification program.

THE DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENT OF CORRECTIONS TO OPERATE THE PROGRAM ESTABLISHED IN SECTION 17-33-102 TO PROVIDE STATE-ISSUED IDENTIFICATION FOR OFFENDERS.

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2027; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect January 1, 2027, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to all individuals released from custody on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO