

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1179.01 Richard Sweetman x4333

**SENATE BILL 16-180**

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**SENATE SPONSORSHIP**

**Woods and Jahn**, Aguilar, Guzman, Kerr, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Scheffel, Steadman, Todd, Ulibarri

**HOUSE SPONSORSHIP**

**Kagan and Ransom**, Priola, Danielson, Dore, Garnett, Klingenschmitt, McCann, Moreno, Rosenthal, Willett, Wist

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A SPECIALIZED PROGRAM WITHIN THE DEPARTMENT OF**  
102                    **CORRECTIONS FOR CERTAIN OFFENDERS WHO WERE CONVICTED**  
103                    **AS ADULTS FOR OFFENSES THEY COMMITTED AS JUVENILES.**

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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://www.leg.state.co.us/bills summaries>.)*

The bill requires the department of corrections (department) to develop and implement a program for offenders who were sentenced to an adult prison for a felony offense committed while the offender was less than 18 years of age and who are determined to be appropriate for placement in the program. An offender serving a sentence for a felony

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

committed while the offender was a juvenile may apply for placement in the program if he or she has served 20 calendar years of his or her sentence and has not been released on parole.

Upon receiving a petition from an eligible offender, the executive director of the department or his or her designee shall review the petition. In determining whether to place an offender in the program, the executive director or his or her designee shall consider certain criteria.

An offender who successfully completes the program may apply to the governor for early parole. The governor may grant early parole to such an offender if, in the governor's opinion, extraordinary mitigating circumstances exist and the offender's release from custody is compatible with the safety and welfare of society. The state board of parole shall make a recommendation to the governor concerning whether early parole should be granted to such an offender.

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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 and declares that:

4 (a) The United States supreme court has held in several recent  
5 decisions regarding the criminal sentencing of juveniles that children are  
6 constitutionally different than adults for purposes of sentencing and  
7 should be given a meaningful opportunity for release based on  
8 demonstrated maturity and rehabilitation;

9 (b) Colorado recognizes that children have not yet reached  
10 developmental maturity before the age of eighteen years and therefore  
11 have a heightened capacity to change behavior and a greater potential for  
12 rehabilitation;

13 (c) Colorado has many offenders currently serving sentences in  
14 the department of corrections who committed crimes when they were less  
15 than eighteen years old and who no longer present a threat to public  
16 safety; and

17 (d) Colorado is committed to research-based best practices in the

1 development and implementation of correctional policies and practices.

2 (2) Now, therefore, Colorado desires to implement a system that  
3 allows any offender who committed a serious crime as a juvenile, was  
4 treated as an adult by the criminal justice system, and has served more  
5 than twenty calendar years of a sentence to the department of corrections,  
6 during which he or she has exhibited growth and rehabilitation, the  
7 opportunity to further demonstrate rehabilitation and earn early release in  
8 a specialized program in a less secure setting without compromising  
9 public safety.

10 **SECTION 2.** In Colorado Revised Statutes, **add** article 34 to title  
11 17 as follows:

12 **ARTICLE 34**

13 **Specialized Program For Juveniles**

14 **Convicted As Adults**

15 **17-34-101. Juveniles who are convicted as adults in district**  
16 **court - eligibility for specialized program placement - petitions.**

17 (1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN OFFENDER  
18 SERVING A SENTENCE IN THE DEPARTMENT FOR A FELONY OFFENSE AS A  
19 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR  
20 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER  
21 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION  
22 19-2-518, C.R.S., OR PURSUANT TO EITHER OF THESE SECTIONS AS THEY  
23 EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT, WITH AMENDMENTS,  
24 BY HOUSE BILL 96-1005, AND WHO REMAINS IN THE CUSTODY OF THE  
25 DEPARTMENT FOR THAT FELONY OFFENSE MAY PETITION FOR PLACEMENT  
26 IN THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,  
27 REFERRED TO WITHIN THIS SECTION AS THE "SPECIALIZED PROGRAM", IF HE

1 OR SHE:

2 (I) HAS SERVED TWENTY CALENDAR YEARS OF HIS OR HER  
3 SENTENCE;

4 (II) HAS NOT BEEN RELEASED ON PAROLE;

5 (III) HAS NOT BEEN CONVICTED OF A SEX OFFENSE, AS DEFINED IN  
6 SECTION 16-11.7-102 (3), C.R.S.; AND

7 (IV) HAS NOT BEEN DETERMINED TO SUFFER FROM A SERIOUS  
8 MENTAL ILLNESS BY THE DEPARTMENT.

9 (b) AN OFFENDER WHO IS DESCRIBED IN PARAGRAPH (a) OF THIS  
10 SUBSECTION (1) MAY APPLY FOR PLACEMENT IN THE SPECIALIZED  
11 PROGRAM NOTWITHSTANDING HIS OR HER SENTENCE OR PAROLE  
12 ELIGIBILITY DATE.

13 (2) UPON RECEIVING A PETITION FROM AN OFFENDER DESCRIBED  
14 IN SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR OR HIS OR  
15 HER DESIGNEE SHALL REVIEW THE PETITION AND DETERMINE WHETHER TO  
16 PLACE THE OFFENDER IN THE SPECIALIZED PROGRAM. IN MAKING THIS  
17 DETERMINATION, THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE  
18 SHALL CONSIDER THE FOLLOWING CRITERIA:

19 (a) THE NATURE OF THE OFFENSE AND THE CIRCUMSTANCES  
20 SURROUNDING THE OFFENSE, INCLUDING THE EXTENT OF THE OFFENDER'S  
21 PARTICIPATION IN THE CRIMINAL CONDUCT;

22 (b) THE AGE AND MATURITY OF THE OFFENDER AT THE TIME OF THE  
23 OFFENSE;

24 (c) THE BEHAVIOR OF THE OFFENDER IN ANY INSTITUTION FOR THE  
25 DURATION OF HIS OR HER SENTENCE, INCLUDING CONSIDERATION OF ANY  
26 VIOLATIONS OF THE INMATE CODE OF CONDUCT AND DATES OF THE  
27 VIOLATIONS OR, IN THE ALTERNATIVE, THE LACK OF ANY SUCH

1 VIOLATIONS;

2 (d) THE ASSESSED RISK AND NEEDS OF THE OFFENDER;

3 (e) THE IMPACT OF THE OFFENSE ON ANY VICTIM AND ANY VICTIM'S  
4 IMMEDIATE FAMILY MEMBER; AND

5 (f) ANY OTHER FACTOR DETERMINED TO BE RELEVANT BY THE  
6 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IN ASSESSING AND MAKING  
7 A DETERMINATION REGARDING THE OFFENDER'S DEMONSTRATED  
8 REHABILITATION.

9 (3) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE  
10 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE  
11 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE  
12 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED  
13 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT  
14 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO  
15 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S.

16 (4) (a) IF AFTER REVIEW OF AN OFFENDER'S PETITION, THE  
17 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DETERMINES THAT THE  
18 OFFENDER IS AN APPROPRIATE CANDIDATE FOR PLACEMENT IN THE  
19 SPECIALIZED PROGRAM, THE DEPARTMENT SHALL PLACE THE OFFENDER IN  
20 THE SPECIALIZED PROGRAM AS SOON AS PRACTICABLE.

21 (b) ANY VICTIM OR VICTIM'S IMMEDIATE FAMILY MEMBER, AS  
22 DEFINED IN SECTION 24-4.1-302 (5) AND (6), C.R.S., HAS THE RIGHT TO BE  
23 INFORMED OF THE PLACEMENT OF AN OFFENDER PURSUANT TO SECTIONS  
24 24-4.1-302.5 (1) (q) AND 24-4.1-303 (14), C.R.S.

25 (5) IF THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DENIES  
26 AN OFFENDER'S PETITION FOR PLACEMENT IN THE SPECIALIZED PROGRAM  
27 BASED ON A DETERMINATION THAT THE OFFENDER IS INAPPROPRIATE FOR

1 SUCH PLACEMENT AFTER CONSIDERATION OF THE CRITERIA SET FORTH IN  
2 SUBSECTION (2) OF THIS SECTION, THE OFFENDER MAY PETITION THE  
3 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE FOR PLACEMENT IN THE  
4 SPECIALIZED PROGRAM NOT SOONER THAN THREE YEARS AFTER THE  
5 ISSUANCE OF THE DENIAL.

6 (6) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES  
7 FOR THE PREPARATION, SUBMISSION, AND REVIEW OF PETITIONS FOR  
8 PLACEMENT OF OFFENDERS IN THE SPECIALIZED PROGRAM, AS DESCRIBED  
9 IN THIS SECTION.

10 **17-34-102. Specialized program for juveniles convicted as**  
11 **adults - report - repeal.** (1) THE DEPARTMENT SHALL DEVELOP AND  
12 IMPLEMENT A SPECIALIZED PROGRAM FOR OFFENDERS WHO HAVE BEEN  
13 SENTENCED TO AN ADULT PRISON FOR A FELONY OFFENSE COMMITTED  
14 WHILE THE OFFENDER WAS LESS THAN EIGHTEEN YEARS OF AGE AS A  
15 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR  
16 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER  
17 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION  
18 19-2-518, C.R.S., OR PURSUANT TO EITHER OF THESE SECTIONS AS THEY  
19 EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT, WITH AMENDMENTS,  
20 BY HOUSE BILL 96-1005, AND WHO ARE DETERMINED TO BE APPROPRIATE  
21 FOR PLACEMENT IN THE SPECIALIZED PROGRAM. THE DEPARTMENT SHALL  
22 IMPLEMENT THE SPECIALIZED PROGRAM WITHIN OR IN CONJUNCTION WITH  
23 A \_\_\_\_\_ FACILITY OPERATED BY, OR UNDER CONTRACT WITH, THE  
24 DEPARTMENT.

25 (2) THE SPECIALIZED PROGRAM MUST INCLUDE COMPONENTS THAT  
26 ALLOW AN OFFENDER TO EXPERIENCE A LESS SECURE OR LESS RESTRICTIVE  
27 PLACEMENT WITH MORE INDEPENDENCE IN DAILY LIFE, WITH ADDITIONAL

1 WORK-RELATED RESPONSIBILITIES AND OTHER PROGRAM COMPONENTS  
2 THAT WILL ASSIST AND SUPPORT THE OFFENDER'S SUCCESSFUL  
3 REINTEGRATION INTO THE COMMUNITY OF        OFFENDERS WHO HAVE  
4 NEVER LIVED INDEPENDENTLY OR FUNCTIONED IN THE COMMUNITY AS AN  
5 ADULT. THE SPECIALIZED PROGRAM MUST ALSO INCLUDE BEST AND  
6 PROMISING PRACTICES IN INDEPENDENT LIVING SKILLS DEVELOPMENT,  
7 REENTRY SERVICES FOR LONG-TERM OFFENDERS, AND INTENSIVE  
8 SUPERVISION AND MONITORING.

9 (3) THE DEPARTMENT SHALL NOT ALLOW ANY PARTICIPATING  
10 OFFENDER TO COMPLETE THE SPECIALIZED PROGRAM IN LESS THAN THREE  
11 YEARS.

12 (4) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE  
13 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE  
14 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE  
15 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED  
16 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT  
17 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO  
18 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S.       

19 (5) (a) THE DEPARTMENT SHALL COMPLETE THE DESIGN OF THE  
20 SPECIALIZED PROGRAM ON OR BEFORE AUGUST 10, 2017. THE  
21 DEPARTMENT SHALL COMMENCE PLACEMENT OF ELIGIBLE OFFENDERS IN  
22 THE SPECIALIZED PROGRAM ON OR BEFORE NOVEMBER 10, 2017. IF THE  
23 SPECIALIZED PROGRAM IS NOT OPERATIONAL BY THIS DATE, THE  
24 EXECUTIVE DIRECTOR SHALL REPORT TO THE GENERAL ASSEMBLY ON OR  
25 BEFORE NOVEMBER 30, 2017, THE REASONS FOR THE DELAY AND THE  
26 DATE THAT THE SPECIALIZED PROGRAM WILL BE OPERATIONAL.

27 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE DECEMBER 1,

1 2017.

2 (6) (a) THE DEPARTMENT SHALL INCLUDE IN THE SPECIALIZED  
3 PROGRAM RULES OF CONDUCT FOR PROGRAM PARTICIPANTS AND A POLICY  
4 WHEREBY PROGRAM PARTICIPANTS WHO FAIL TO COMPLY WITH THE RULES  
5 OF CONDUCT ARE TERMINATED FROM PARTICIPATION IN THE SPECIALIZED  
6 PROGRAM AND RETURNED TO AN APPROPRIATE PRISON PLACEMENT.

7 (b) AN OFFENDER WHO IS TERMINATED FROM THE SPECIALIZED  
8 PROGRAM MAY NOT RE-PETITION FOR PLACEMENT IN THE SPECIALIZED  
9 PROGRAM SOONER THAN THREE YEARS FROM THE DATE OF SUCH  
10 TERMINATION.

11 (7) NOTWITHSTANDING ANY PROVISION OF LAW, AN OFFENDER  
12 WHO SUCCESSFULLY COMPLETES THE SPECIALIZED PROGRAM IS ELIGIBLE  
13 TO APPLY FOR EARLY PAROLE PURSUANT TO THE PROVISIONS OF SECTION  
14 17-22.5-403 (4.5) OR 17-22.5-403.7.

15 (8) IF AN OFFENDER HAS SERVED AT LEAST TWENTY-FIVE  
16 CALENDAR YEARS OF HIS OR HER SENTENCE AND SUCCESSFULLY  
17 COMPLETED THE SPECIALIZED PROGRAM, IT IS PRESUMED THAT:

18 (a) THE OFFENDER HAS MET THE FACTUAL BURDEN OF PRESENTING  
19 EXTRAORDINARY MITIGATING CIRCUMSTANCES; AND

20 (b) THE OFFENDER'S RELEASE TO EARLY PAROLE IS COMPATIBLE  
21 WITH THE SAFETY AND WELFARE OF SOCIETY

22 ==  
23 (9) ON AND AFTER JANUARY 1, 2018, DURING ITS ANNUAL  
24 PRESENTATION BEFORE THE JOINT JUDICIARY COMMITTEE OF THE GENERAL  
25 ASSEMBLY, OR ANY SUCCESSOR JOINT COMMITTEE, PURSUANT TO SECTION  
26 2-7-203, C.R.S., THE DEPARTMENT SHALL INCLUDE A STATUS REPORT  
27 REGARDING THE PROGRESS AND OUTCOMES OF THE SPECIALIZED PROGRAM

1 DEVELOPED AND IMPLEMENTED BY THE DEPARTMENT PURSUANT TO THIS  
2 SECTION DURING THE PRECEDING YEAR. THE REPORT, AT A MINIMUM,  
3 SHALL INCLUDE:

4 (a) A DESCRIPTION OF THE SPECIALIZED PROGRAM, INCLUDING THE  
5 EVIDENCE-BASED AND PROMISING PRACTICES THAT ARE INCLUDED IN THE  
6 SPECIALIZED PROGRAM;

7 (b) THE POLICIES AND PROCEDURES DEVELOPED BY THE  
8 DEPARTMENT TO DETERMINE WHICH ELIGIBLE OFFENDERS MAY BE PLACED  
9 IN THE SPECIALIZED PROGRAM;

10 (c) THE POLICIES AND PROCEDURES DEVELOPED BY THE  
11 DEPARTMENT TO ADDRESS THE CONDUCT OF PARTICIPANTS IN THE  
12 SPECIALIZED PROGRAM;

13 (d) THE LOCATION OF THE PROGRAM AND THE NUMBER OF BEDS  
14 AVAILABLE FOR SPECIALIZED PROGRAM PARTICIPANTS;

15 (e) THE NUMBER OF OFFENDERS SELECTED TO PARTICIPATE IN THE  
16 SPECIALIZED PROGRAM; THE NUMBER OF OFFENDERS WHO WERE DENIED  
17 PLACEMENT IN THE SPECIALIZED PROGRAM, INCLUDING THE REASONS FOR  
18 SUCH DENIALS; AND THE NUMBER OF OFFENDERS WHO WERE REMOVED  
19 FROM THE SPECIALIZED PROGRAM AND THE REASONS FOR THEIR REMOVAL;

20 (f) A SUMMARY CONCERNING THE STAFFING OF THE SPECIALIZED  
21 PROGRAM;

22 (g) INFORMATION CONCERNING THE BEHAVIOR PATTERNS OF THE  
23 OFFENDERS IN THE SPECIALIZED PROGRAM;

24 (h) THE NUMBER OF OFFENDERS WHO SUCCESSFULLY COMPLETED  
25 THE SPECIALIZED PROGRAM;

26 (i) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO  
27 HAVE BEEN REFERRED TO THE PAROLE BOARD FOR EARLY PAROLE; AND

1 (j) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO  
2 WERE GRANTED EARLY PAROLE BY THE GOVERNOR.

3 **SECTION 3.** In Colorado Revised Statutes, 17-22.5-403, **add**  
4 (4.5) as follows:

5 **17-22.5-403. Parole eligibility.** (4.5) (a) AFTER CONSIDERING  
6 THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102(8), THE GOVERNOR  
7 MAY GRANT EARLY PAROLE TO AN OFFENDER TO WHOM SUBSECTION (1) OR  
8 (2.5) OF THIS SECTION APPLIES WHEN THE OFFENDER SUCCESSFULLY  
9 COMPLETES THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102  
10               IF, IN THE GOVERNOR'S OPINION, EXTRAORDINARY MITIGATING  
11 CIRCUMSTANCES EXIST AND THE OFFENDER'S RELEASE FROM  
12 INSTITUTIONAL CUSTODY IS COMPATIBLE WITH THE SAFETY AND WELFARE  
13 OF SOCIETY.

14 (b) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT TO  
15 PARAGRAPH (a) OF THIS SUBSECTION (4.5) AFTER HAVING SUCCESSFULLY  
16 COMPLETED THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,  
17 THE OFFENDER SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S  
18 OFFICE WITH NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE  
19 BOARD OF PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF  
20 PAROLE SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL  
21 SUPPORTING DOCUMENTS AND SCHEDULE A HEARING IF THE BOARD  
22 CONSIDERS MAKING A RECOMMENDATION FOR EARLY PAROLE, AT WHICH  
23 HEARING ANY VICTIM MUST HAVE THE OPPORTUNITY TO BE HEARD,  
24 PURSUANT TO SECTION 24-4.1-302.5 (1) (j), C.R.S. NOT LATER THAN  
25 NINETY DAYS AFTER RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION  
26 FOR EARLY PAROLE, THE STATE BOARD OF PAROLE, AFTER CONSIDERING  
27 THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102(8), SHALL MAKE A

1 RECOMMENDATION TO THE GOVERNOR CONCERNING WHETHER EARLY  
2 PAROLE SHOULD BE GRANTED TO THE OFFENDER.

3 (c) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD  
4 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES  
5 TO IMPLEMENT THIS SUBSECTION (4.5), INCLUDING PROCEDURES FOR  
6 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTIONS  
7 24-4.1-302.5 (1) (j) AND 24-4.1-303 (14), C.R.S., AND TO THE DISTRICT  
8 ATTORNEY'S OFFICE THAT PROSECUTED THE CRIME FOR WHICH THE  
9 OFFENDER WAS SENTENCED.

10 **SECTION 4.** In Colorado Revised Statutes, 17-22.5-403.7,  
11 **amend** (2); and **add** (6) as follows:

12 **17-22.5-403.7. Parole eligibility - class 1 felony - juvenile**  
13 **offender convicted as adult.** (2) AFTER CONSIDERING THE  
14 PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8), the governor may  
15 grant parole to an inmate prior to the inmate's parole eligibility date if, in  
16 the governor's opinion, extraordinary mitigating circumstances exist and  
17 the inmate's release from institutional custody is compatible with the  
18 safety and welfare of society.

19 (6) (a) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT  
20 TO THIS SECTION AFTER HAVING SUCCESSFULLY COMPLETED THE  
21 SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102, THE OFFENDER  
22 SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S OFFICE WITH  
23 NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE BOARD OF  
24 PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF PAROLE  
25 SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL SUPPORTING  
26 DOCUMENTS AND SCHEDULE A HEARING IF THE BOARD CONSIDERS MAKING  
27 A RECOMMENDATION FOR EARLY PAROLE, AT WHICH HEARING ANY VICTIM

1 MUST HAVE THE OPPORTUNITY TO BE HEARD, PURSUANT TO SECTION  
2 24-4.1-302.5 (1) (j), C.R.S. NOT LATER THAN NINETY DAYS AFTER  
3 RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION FOR EARLY PAROLE,  
4 THE STATE BOARD OF PAROLE, AFTER CONSIDERING THE PRESUMPTIONS  
5 SET FORTH IN SECTION 17-34-102 (8), SHALL MAKE A RECOMMENDATION  
6 TO THE GOVERNOR CONCERNING WHETHER EARLY PAROLE SHOULD BE  
7 GRANTED TO THE OFFENDER.

8 (b) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD  
9 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES  
10 TO IMPLEMENT THIS SUBSECTION (6), INCLUDING PROCEDURES FOR  
11 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTIONS  
12 24-4.1-302.5 (1) (j) AND 24-4.1-303 (14), C.R.S., AND TO THE DISTRICT  
13 ATTORNEY'S OFFICE THAT PROSECUTED THE CRIME FOR WHICH THE  
14 OFFENDER WAS SENTENCED.

15 **SECTION 5. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2016 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.