

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 13, 2026
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB26-036 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds that:

5 (a) States across the country have enacted prison population
6 management measures that recognize that overcrowded prison facilities
7 are a threat to the health and safety of staff and inmates;

8 (b) It is universally recognized that ensuring systematic and
9 operational efficiencies can effectively manage prison populations
10 without compromising public safety;

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

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

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

27 (2) Therefore, the general assembly declares that revising

1 Colorado's existing prison population management measures is necessary
2 in order to address operational inefficiencies, obtain necessary data, and
3 increase transparency and accountability, and that the efficient
4 management of prison populations is a matter of ongoing concern for
5 correctional staff and inmates.

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

8 **17-1-119.7. Prison population management measures -**
9 **definitions.**

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

15 (I) The governor;

16 (II) The joint budget committee;

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

19 (IV) The parole board AND EACH RELEASE HEARING OFFICER AND
20 ADMINISTRATIVE HEARING OFFICER UNDER CONTRACT WITH THE PAROLE
21 BOARD;

22 (V) THE OFFICE OF COMMUNITY CORRECTIONS IN THE
23 DEPARTMENT OF PUBLIC SAFETY;

24 (VI) EACH COMMUNITY CORRECTIONS BOARD AND COMMUNITY
25 CORRECTIONS PROGRAM, AS THOSE TERMS ARE DEFINED IN SECTION
26 17-27-102;

27 (VII) Each elected district attorney;

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

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

32 (X) The chief judge of each judicial district; ~~the state public~~
33 ~~defender, and the office of community corrections in the department of~~
34 ~~public safety. The department shall notify the governor, the joint budget~~
35 ~~committee, the parole board, each elected district attorney, the chief judge~~
36 ~~of each judicial district, the state public defender, and the office of~~
37 ~~community corrections once the vacancy rate exceeds four percent for~~
38 ~~thirty consecutive days.~~

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

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

41 (XIII) EACH COUNTY SHERIFF OF COLORADO.

42 (b) IF THE MANDATES REQUIRED PURSUANT TO THIS SECTION ARE
43 IN EFFECT AND THE PRISON BED VACANCY RATE IS FIVE PERCENT OR

1 HIGHER FOR THIRTY CONSECUTIVE DAYS, THE DEPARTMENT SHALL NOTIFY
2 EACH PERSON AND ENTITY LISTED IN SUBSECTION (1)(a) OF THIS SECTION
3 THAT THE MANDATES REQUIRED PURSUANT TO THIS SECTION ARE NO
4 LONGER IN EFFECT.

5 (c) EACH INDIVIDUAL AND ENTITY THAT RECEIVES NOTIFICATION
6 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL ACKNOWLEDGE
7 RECEIPT OF THE NOTIFICATION, IN WRITING, AND CONFIRM COMPLIANCE
8 WITH THE NOTIFICATION REQUIREMENTS DESCRIBED IN SUBSECTION (2)(e)
9 OF THIS SECTION.

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

15 (2) (a) If the PRISON BED vacancy rate in correctional facilities and
16 state-funded private contract prison beds falls below ~~three~~ FOUR percent
17 for thirty consecutive days, the department shall:

18 (I) (A) Request the office of community corrections to provide the
19 department with information regarding the location and nature of any
20 ~~unutilized~~ FUNDED AND AVAILABLE community corrections beds. The
21 office of community corrections shall provide the information TO THE
22 DEPARTMENT within seventy-two hours ~~of~~ AFTER the request and on a
23 weekly basis until the office of community corrections receives
24 notification FROM THE DEPARTMENT that the ~~vacancy rate exceeds three~~
25 ~~percent~~ MANDATES REQUIRED BY THIS SECTION ARE NO LONGER IN EFFECT.

26 (B) REQUEST, IN WRITING, THAT EACH COMMUNITY CORRECTIONS
27 PROVIDER REVIEW THE STATUTORY CRITERIA FOR EACH TRANSITION
28 INMATE WHO HAS RESIDED IN THE COMMUNITY CORRECTIONS PROGRAM
29 OPERATED BY THE PROVIDER FOR MORE THAN ONE HUNDRED EIGHTY DAYS
30 AND WHO MEETS THE PROGRAM OBJECTIVES FOR AN INTENSIVE
31 SUPERVISION PROGRAM PURSUANT TO SECTION 17-27.5-101, AND PROVIDE
32 THE DEPARTMENT WITH A LIST OF INTENSIVE SUPERVISION
33 PROGRAM-ELIGIBLE TRANSITION INMATES WITH EMPLOYMENT AND
34 HOUSING OPTIONS. AFTER RECEIVING THE LIST OF TRANSITION INMATES,
35 THE DEPARTMENT SHALL INVESTIGATE AND APPROVE A RESIDENCE PLAN
36 FOR EACH TRANSITION INMATE ON THE LIST AND SUBMIT THE APPROVED
37 RESIDENCE PLAN TO THE RELEVANT COMMUNITY CORRECTIONS BOARD.

38 (C) REQUEST, IN WRITING, THAT THE OFFICE OF COMMUNITY
39 CORRECTIONS INVESTIGATE EXPANDING THE CAPACITY FOR INMATE
40 TRANSITION BEDS IN COMMUNITY CORRECTIONS PROGRAMS THAT COULD
41 BE PROVIDED ON A TEMPORARY OR LONGER-TERM BASIS, INCLUDING THE
42 POTENTIAL NUMBER OF BEDS. THE OFFICE OF COMMUNITY CORRECTIONS
43 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.

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

42 (B) If victim notification is required and a victim wishes to
43 provide input, the parole board shall schedule a hearing in lieu of a file

1 review and set conditions of release for the inmate and a date of release
2 no later than thirty days after conducting the hearing.

3 (C) If additional information is needed, the parole board may table
4 a decision after the file review or hearing and request additional
5 information from the department. ~~The parole board may grant or deny
6 parole to an applicant, and, if the decision is to deny parole, it must be
7 based on a majority vote of the full board.~~

8 ~~(D) An inmate is not eligible for release pursuant to this section
9 if he or she is serving a sentence for an offense enumerated in section
10 24-4.1-302 or section 16-22-102 (9) or has had a class I code of penal
11 discipline violation within the previous twelve months from the date of
12 the list or since incarceration, whichever is shorter; has been terminated
13 for lack of progress or declined in writing to participate in programs that
14 have been recommended and made available to the inmate within the
15 previous twelve months or since incarceration, whichever is shorter; has
16 been regressed from community-corrections or revoked from parole
17 within the previous one hundred eighty days; or has a pending felony
18 charge, detainer, or an extraditable warrant.~~

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

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

29 (V) (A) WITHIN FOURTEEN DAYS AFTER AN OFFENDER IS
30 ADMITTED TO THE CUSTODY OF THE DEPARTMENT AS A NEW COURT
31 COMMITMENT, IF THE OFFENDER IS DETERMINED BY THE DEPARTMENT
32 DURING ADMISSION TO BE PAST OR WITHIN NINETY DAYS OF THE
33 OFFENDER'S PAROLE ELIGIBILITY DATE AND THE OFFENDER IS NOT SERVING
34 A SENTENCE FOR AN OFFENSE ENUMERATED IN SECTION 24-4.1-302 (1) OR
35 16-22-102 (9), NOTIFY THE SENTENCING COURT AND PROVIDE THE COURT
36 WITH INFORMATION ON THE OFFENDER'S PAROLE ELIGIBILITY DATE,
37 MANDATORY RELEASE DATE, AND THE RESULTS OF ANY INTAKE
38 ASSESSMENTS.

39 (B) IF A SENTENCING COURT RECEIVES NOTICE FROM THE
40 DEPARTMENT PURSUANT TO SUBSECTION (2)(a)(V)(A) OF THIS SECTION,
41 THE COURT SHALL NOTIFY COUNSEL FOR THE DEFENDANT AND THE
42 PROSECUTION AND REQUEST THAT THE DEFENDANT FILE A MOTION FOR
43 RECONSIDERATION, IF THE DEFENDANT CHOOSES TO DO SO, UNLESS THE

1 PRISON SENTENCE IS THE RESULT OF A STIPULATED PLEA AGREEMENT FOR
2 AN EXACT NUMBER OF YEARS IN PRISON. IF THE COURT RECEIVES A
3 MOTION FOR RECONSIDERATION, THE COURT MAY GRANT THE MOTION
4 WITH OR WITHOUT SCHEDULING A HEARING AND MAY IMPOSE AN
5 ALTERNATIVE SENTENCE EXCEPT A SENTENCE TO JAIL. THE COURT SHALL
6 DECIDE THE MATTER WITHIN THIRTY-FIVE DAYS AFTER THE FILING OF THE
7 MOTION.

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

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

17 (III) AN INMATE IS NOT ELIGIBLE FOR CONSIDERATION OF RELEASE
18 OR THE AWARD OF ADDITIONAL EARNED TIME IF THE INMATE IS SERVING
19 A SENTENCE FOR AN OFFENSE ENUMERATED IN SECTION 24-4.1-302 (1) OR
20 16-22-102 (9) OR HAS BEEN FOUND GUILTY OF A CLASS I CODE OF PENAL
21 DISCIPLINE VIOLATION WITHIN THE PREVIOUS TWELVE MONTHS OR SINCE
22 INCARCERATION, WHICHEVER IS SHORTER.

23 (IV) ACTIONS TAKEN REGARDING PLACEMENT, TRANSFER, OR
24 OTHER MOVEMENT OF AN INMATE PURSUANT TO THIS SECTION MUST
25 COMPLY WITH THE APPLICABLE PROVISIONS SET FORTH IN SECTIONS
26 24-4.1-302.5 AND 24.4.1-303.

27 (V) THE DEPARTMENT MAY REFER AN INMATE RELEASED
28 PURSUANT TO THIS SECTION WHO MAY BENEFIT FROM COMMUNITY-BASED
29 SUPPORT SERVICES TO A COMMUNITY-BASED REENTRY PROGRAM THAT
30 RECEIVES FUNDING FROM THE REENTRY SERVICES GRANT PROGRAM
31 DESCRIBED IN SECTION 17-33-101 (7) OR OTHER COMMUNITY-BASED
32 PROGRAMS THAT THE DEPARTMENT CONTRACTS WITH FOR REENTRY
33 SERVICES TO PROMOTE THE INMATE'S SUCCESSFUL REINTEGRATION.

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

39 (d) (I) IF THE MEASURES DESCRIBED IN SUBSECTION (2)(a) OF THIS
40 SECTION DO NOT RESULT IN ACHIEVING A PRISON BED VACANCY RATE
41 ABOVE FIVE PERCENT WITHIN ONE HUNDRED TWENTY DAYS AFTER THE
42 NOTIFICATIONS PROVIDED PURSUANT TO SUBSECTION (1)(a) OF THIS
43 SECTION, THE DEPARTMENT SHALL, WITHIN THIRTY DAYS AFTER THE

1 DETERMINATION THAT THE MEASURES DO NOT RESULT IN ACHIEVING THE
2 SPECIFIC RATES, SUBMIT TO THE PAROLE BOARD AND THE GOVERNOR A
3 LIST OF INMATES WHO ARE SERVING A SENTENCE IN THE DEPARTMENT AND
4 WHO ARE ELIGIBLE FOR PAROLE, NOTWITHSTANDING ANY OTHER
5 PROVISION OF LAW; RECOMMENDS FOR TRANSFER TO COMMUNITY
6 CORRECTIONS FOR RESIDENTIAL OR NONRESIDENTIAL PLACEMENT; OR
7 RECOMMENDS FOR ANY OTHER FORM OF RELEASE, INCLUDING, BUT NOT
8 LIMITED TO, COMMUTATION OF THE INMATE'S SENTENCE BY THE
9 GOVERNOR.

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

13 (A) THE PAROLE BOARD MAY RELEASE AN INMATE WHO IS NOT
14 SERVING A SENTENCE FOR AN OFFENSE ENUMERATED IN SECTION
15 24-4.1-302 (1) OR 16-22-102 (9) NINETY DAYS IN ADVANCE OF THE
16 INMATE'S CURRENT PAROLE ELIGIBILITY DATE;

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

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

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

24 (I) AN ELECTED DISTRICT ATTORNEY, THE ELECTED DISTRICT
25 ATTORNEY SHALL NOTIFY EACH DEPUTY DISTRICT ATTORNEY ASSIGNED TO
26 FELONY CASES AND EACH DEPUTY DISTRICT ATTORNEY SERVING ON THE
27 LOCAL COMMUNITY CORRECTIONS BOARD OF THE PRISON BED SHORTAGE
28 AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE IN EFFECT;

29 (II) THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE SHALL
30 NOTIFY EACH ATTORNEY ASSIGNED TO REPRESENT AN INDIVIDUAL
31 CHARGED WITH A FELONY OFFENSE AND EACH ATTORNEY SERVING ON THE
32 LOCAL COMMUNITY CORRECTIONS BOARD OF THE CURRENT PRISON BED
33 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE
34 IN EFFECT, AND REQUEST THAT EACH ATTORNEY UTILIZE AVAILABLE
35 RESOURCES TO INVESTIGATE AND ADVOCATE FOR AN ALTERNATIVE TO A
36 PRISON SENTENCE, IF LAWFULLY AVAILABLE, FOR CASES PENDING
37 SENTENCING OR RESENTENCING;

38 (III) THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE OFFICE
39 SHALL NOTIFY EACH ATTORNEY ASSIGNED TO REPRESENT AN INDIVIDUAL
40 CHARGED WITH A FELONY OFFENSE OF THE CURRENT PRISON BED
41 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE
42 IN EFFECT, AND REQUEST THAT EACH ATTORNEY UTILIZE AVAILABLE
43 RESOURCES TO INVESTIGATE AND ADVOCATE FOR AN ALTERNATIVE TO A

1 PRISON SENTENCE, IF LAWFULLY AVAILABLE, FOR CASES PENDING
2 SENTENCING OR RESENTENCING;

3 (IV) A CHIEF JUDGE OF A JUDICIAL DISTRICT, THE CHIEF JUDGE
4 SHALL NOTIFY EACH DISTRICT COURT JUDGE IN THE JUDICIAL DISTRICT
5 WHO IS ASSIGNED TO FELONY CASES OF THE CURRENT PRISON BED
6 SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE
7 IN EFFECT; OR

8 (V) A CHIEF PROBATION OFFICER FOR A JUDICIAL DISTRICT, THE
9 CHIEF PROBATION OFFICER SHALL NOTIFY EACH PROBATION OFFICER WHO
10 SUPERVISES INDIVIDUALS ON FELONY PROBATION OF THE CURRENT PRISON
11 BED SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES
12 ARE IN EFFECT.

13 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "LOCAL JAIL BACKLOG" MEANS THE INMATES UNDER THE
16 JURISDICTION OF THE DEPARTMENT WHO ARE BEING HOUSED IN A LOCAL
17 JAIL ON BEHALF OF THE DEPARTMENT.

18 (b) "OPERATIONAL CAPACITY" MEANS THE NUMBER OF
19 PERMANENT BEDS AT A PRISON, EXCLUDING NONCAPACITY BEDS SUCH AS
20 INFIRMARY BEDS AND RESTRICTIVE HOUSING AND TRANSPORT BEDS,
21 UNLESS OTHERWISE SPECIFIED DUE TO EMERGENCY NEEDS.

22 (c) (I) "PRISON BED VACANCY RATE" MEANS THE PERCENTAGE OF
23 OPERATIONAL CAPACITY FOR PRISON BEDS THAT IS CURRENTLY UNUSED.
24 FOR THE PURPOSES OF CALCULATING THE PRISON BED VACANCY RATE, THE
25 DEPARTMENT SHALL INCLUDE INMATES UNDER THE JURISDICTION OF THE
26 DEPARTMENT WHO ARE HOUSED IN A LOCAL JAIL AND THOSE DESIGNATED
27 AS LOCAL JAIL BACKLOG.

28 (II) NOTWITHSTANDING SUBSECTION (3)(c)(I) OF THIS SECTION,
29 THE FIRST FOUR HUNDRED INMATES UNDER THE JURISDICTION OF THE
30 DEPARTMENT WHO ARE HOUSED IN A LOCAL JAIL PURSUANT TO A LOCAL
31 JAIL CONTRACT MUST NOT BE INCLUDED IN THE PRISON BED VACANCY
32 RATE CALCULATION.

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

35 **17-1-103. Duties of the executive director.**

36 (1) The duties of the executive director are:

37 (s) TO DEVELOP A COMPREHENSIVE AND ONGOING PRISON
38 POPULATION MANAGEMENT PLAN TO ENSURE THE SAFETY OF STAFF AND
39 INMATES AND TO ENSURE THAT THE DEPARTMENT COMPLIES WITH ALL
40 PRISON POPULATION MANAGEMENT MANDATES REQUIRED BY LAW,
41 INCLUDING IMPLEMENTING THE PRISON POPULATION MANAGEMENT
42 MEASURES SET FORTH IN SECTION 17-1-119.7, WHEN NECESSARY.

43 **SECTION 4.** In Colorado Revised Statutes, 17-1-103.3, **amend**

1 (1)(a)(I); and **add** (1)(a)(III) and (1)(a)(IV) as follows:
2 **17-1-103.3. Reports for budgeting - definition.**
3 (1) (a) No later than the fifth day of each month, the executive
4 director shall report the department's previous month's:
5 (I) Bed capacity and average daily inmate population by prison
6 facility, security level, and custody classification; ~~and~~
7 (III) CURRENT POPULATION IN THE LOCAL JAIL BACKLOG, AS
8 DEFINED IN SECTION 17-1-119.7 (3), BY COUNTY; AND
9 (IV) COMPLIANCE WITH THE PRISON POPULATION MANAGEMENT
10 MEASURES DESCRIBED IN SECTION 17-1-119.7 IF THE MEASURES ARE IN
11 EFFECT DURING THE PREVIOUS MONTH, INCLUDING EACH NOTICE SENT BY
12 THE DEPARTMENT, ACTIONS TAKEN BY THE DEPARTMENT TO COMPLY WITH
13 THE REQUIRED MEASURES, AND THE DOCUMENTED IMPACT OF
14 IMPLEMENTING THE REQUIRED MEASURES.
15 **SECTION 5.** In Colorado Revised Statutes, 17-2-201, **add** (3)(i)
16 as follows:
17 **17-2-201. State board of parole - duties - definitions.**
18 (3) The chairperson, in addition to other provisions of law, has the
19 following powers and duties:
20 (i) TO ENSURE THAT THE PAROLE BOARD COMPLIES WITH ALL
21 PRISON POPULATION MANAGEMENT MANDATES REQUIRED BY LAW,
22 INCLUDING IMPLEMENTING, WHEN NECESSARY, THE PRISON POPULATION
23 MANAGEMENT MEASURES SET FORTH IN SECTION 17-1-119.7.
24 **SECTION 6.** In Colorado Revised Statutes, 17-27.5-101, **amend**
25 (1)(b) introductory portion and (1)(b)(II) as follows:
26 **17-27.5-101. Authority to establish intensive supervision**
27 **programs for parolees and community corrections offenders.**
28 (1) (b) The department ~~shall also be~~ IS authorized to refer for
29 placement to an intensive supervision program operated under the
30 jurisdiction of units of local government under contract with and
31 approved by the department:
32 (II) Any offender who has met program objectives of a residential
33 community corrections program. ~~and who has not more than one hundred~~
34 ~~eighty days remaining until such offender's parole eligibility date.~~
35 **SECTION 7. Safety clause.** The general assembly finds,
36 determines, and declares that this act is necessary for the immediate
37 preservation of the public peace, health, or safety or for appropriations for
38 the support and maintenance of the departments of the state and state
39 institutions."

** ** ** ** **