

CHAPTER 272

CORRECTIONS

HOUSE BILL 26-1315

BY REPRESENTATIVE(S) Soper and Espenosa, Boesenecker, Clifford, Duran, Lieder, Lindsay, Phillips, Ricks, Rydin, Caldwell, Keltie, Slaugh, Weinberg;
also SENATOR(S) Weissman and Carson, Amabile, Benavidez, Exum, Gonzales J., Jodeh, Kipp, Wallace, Coleman.

AN ACT**CONCERNING DOCUMENTS RELIED UPON FOR PAROLE DETERMINATIONS.**

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

SECTION 1. In Colorado Revised Statutes, **add** 17-1-169 as follows:

17-1-169. Review of risk assessments - legislative declaration - definition - repeal.

(1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) **IN 2025**, A COLORADO NEWS OUTLET REPORTED ON HIGH-PROFILE CRIMES AND RAISED QUESTIONS REGARDING THE ACCURACY AND CONSISTENCY OF CERTAIN PAROLE RISK ASSESSMENTS, INCLUDING WHETHER CERTAIN PAROLEES MAY HAVE RECEIVED RISK ASSESSMENT CLASSIFICATIONS THAT DID NOT FULLY ALIGN WITH THEIR DOCUMENTED CRIMINAL HISTORY OR RISK FACTORS;

(b) REPORTERS AND LEGISLATORS USED PART 3 OF ARTICLE 72 OF TITLE 24, COMMONLY REFERRED TO AS THE COLORADO CRIMINAL JUSTICE RECORDS ACT, TO OBTAIN RECORDS RELATED TO THE CORRECTIONAL PAROLE SUPERVISION TOOL, WHICH IS AN ACTUARIAL RISK ASSESSMENT TOOL USED BY THE DIVISION OF ADULT PAROLE TO INFORM SUPERVISION PLANNING AND RESOURCE ALLOCATION;

(c) EVIDENCE-BASED RISK ASSESSMENT TOOLS ARE DESIGNED TO SUPPORT CONSISTENT AND OBJECTIVE PAROLE SUPERVISION DECISIONS BY APPLYING STRUCTURED CRITERIA TO ASSESS RISK AND IDENTIFY CRIMINOGENIC NEEDS CONSISTENT WITH NATIONALLY RECOGNIZED PRACTICES;

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.

(d) IT IS ESSENTIAL TO ENSURE ACCURATE AND CONSISTENT INFORMATION IN RISK ASSESSMENTS TO INFORM PAROLE SUPERVISION PLANNING, IDENTIFY AND APPLY APPROPRIATE PAROLE SUPERVISION STRATEGIES AND RESOURCES, PROMOTE PUBLIC SAFETY, AND SUPPORT SUCCESSFUL REENTRY OUTCOMES;

(e) THE DEPARTMENT OF CORRECTIONS CONFIRMED TO THE JOINT BUDGET COMMITTEE AND THE JOINT JUDICIARY COMMITTEE THAT A RANDOM SAMPLE AUDIT REVEALED HIGH ERROR RATES FOR COMMUNITY SUPERVISION TOOL RISK ASSESSMENTS, UP TO NINETY-EIGHT PERCENT IN SOME CASES. IN 2026, THE DEPARTMENT OF CORRECTIONS REPORTED THAT THEY ARE REEXAMINING OVER ONE THOUSAND SEVEN HUNDRED COMMUNITY SUPERVISION TOOL RISK ASSESSMENTS AND IMPLEMENTING MANDATORY SUPERVISORY REVIEW FOR ALL COMMUNITY SUPERVISION TOOL REASSESSMENTS.

(f) ESTABLISHING A SYSTEM AND CADENCE OF QUALITY CONTROLS AND QUALITY ASSURANCE PRACTICES, PAIRED WITH ONGOING TRAINING, REVIEW, AND SUPPORT, ARE NECESSARY TO ENSURE ACCURATE AND CONSISTENT APPLICATION OF RISK ASSESSMENT TOOLS ACROSS THE DIVISION OF ADULT PAROLE;

(g) IN JANUARY OF 2026, THE DEPARTMENT OF CORRECTIONS STATED THAT IT WILL NO LONGER SUPPLY REQUESTED RISK ASSESSMENTS OR RISK ASSESSMENT SCORES, CITING AN INABILITY TO DISCLOSE THESE RECORDS DUE TO CONTRACT LANGUAGE. HOWEVER, THROUGHOUT 2025, THE DEPARTMENT OF CORRECTIONS SUPPLIED RISK ASSESSMENTS AND RISK ASSESSMENT SCORES TO JOURNALISTS AND LEGISLATORS IN RESPONSE TO OPEN RECORDS REQUESTS, AND IT WAS THROUGH THESE OPEN RECORDS REQUESTS THAT THE PATTERN OF INACCURACIES AND INCONSISTENCIES WERE DISCOVERED. IT IS THE GENERAL ASSEMBLY'S INTENT TO KEEP THESE RECORDS OPEN TO THE PUBLIC TO HOLD GOVERNMENTAL ACTORS ACCOUNTABLE.

(h) FOR THE PURPOSES OF TRANSPARENCY AND ACCOUNTABILITY, IT IS NECESSARY FOR THE GENERAL ASSEMBLY TO CREATE REPORTING EXPECTATIONS TO ENSURE THAT REVIEWS OF THE COMMUNITY SUPERVISION TOOL OR SIMILAR SUCCESSOR RISK ASSESSMENT TOOLS ARE ESTABLISHED AND ONGOING.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "RISK ASSESSMENT" MEANS A VALIDATED INSTRUMENT THAT ASSESSES A PAROLEE'S CRIMINOGENIC NEEDS AND RISK OF RECIDIVISM, AND IS USED TO GUIDE PAROLE SUPERVISION PLANNING, IDENTIFY APPROPRIATE INTERVENTIONS, AND ESTABLISH PAROLE SUPERVISION LEVELS OR CATEGORIES.

(3)(a) THE DEPARTMENT SHALL ESTABLISH A RISK ASSESSMENT QUALITY REVIEW TEAM TO DEVELOP POLICIES AND IMPLEMENT PRACTICES THAT DETERMINE WHETHER RISK ASSESSMENTS ARE COMPLETED ACCURATELY AND CONSISTENTLY, AND TO ENSURE A SUSTAINED PROCESS OF REVIEW AND TRAINING.

(b)(I) ON OR BEFORE AUGUST 31, 2026, THE RISK ASSESSMENT QUALITY REVIEW TEAM SHALL IMPLEMENT POLICIES AND PRACTICES FOR A CADENCED SYSTEM OF REVIEW THAT ENSURES, AT A MINIMUM, THE FOLLOWING:

(A) SYSTEMATIC REVIEWS OF COMPLETED COMMUNITY SUPERVISION TOOLS OR ANY SIMILAR SUCCESSOR ASSESSMENTS, INCLUDING REVIEWS FOR COMPLETED RISK ASSESSMENTS AT EACH RISK ASSESSMENT LEVEL OR CATEGORY;

(B) DEFINED, PERIODIC FIDELITY REVIEWS OF AN ASSESSOR'S WORK; AND

(C) APPROPRIATE TRAINING FOR SUSTAINED AND ACCURATE COMPLETION OF RISK ASSESSMENTS.

(II) ON OR BEFORE AUGUST 31, 2026, THE RISK ASSESSMENT QUALITY REVIEW POLICIES AND PRACTICES ESTABLISHED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION MUST BE IMPLEMENTED.

(4) (a) IN JANUARY OF 2027, AND IN EACH JANUARY THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED PURSUANT TO SECTION 2-7-203, INFORMATION CONCERNING:

(I) THE TOTAL NUMBER OF COMMUNITY SUPERVISION TOOLS OR ANY SIMILAR SUCCESSOR ASSESSMENTS REVIEWED PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(II) OF THE TOTAL NUMBER OF COMMUNITY SUPERVISION TOOLS OR ANY SIMILAR SUCCESSOR ASSESSMENTS REVIEWED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE TOTAL NUMBER OF RISK ASSESSMENTS THAT CONTAINED INACCURATE OR INCONSISTENT INFORMATION THAT RESULTED IN AN INACCURATE SUPERVISION LEVEL; AND

(III) A COMPREHENSIVE DESCRIPTION OF THE FINDINGS OF THE REVIEWS AND ANY MEASURES IMPLEMENTED TO ENSURE PROCESS IMPROVEMENT TO MITIGATE THE FINDINGS OF THE 2025 RANDOMIZED SURVEY AUDIT THAT FOUND A NINETY-EIGHT PERCENT ERROR RATE IN RISK ASSESSMENTS.

(b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

SECTION 2. In Colorado Revised Statutes, 24-72-302, **amend** (4); and **add** (12) as follows:

24-72-302. Definitions.

As used in this part 3, unless the context otherwise requires:

(4) "Criminal justice records" means all books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, including, but not limited to, the results of chemical biological substance testing to determine genetic markers conducted pursuant to sections 16-11-102.4 and 16-23-104, ~~C.R.S.~~ OR RISK ASSESSMENT OUTPUTS.

(12) "RISK ASSESSMENT OUTPUTS" MEANS THE TOTAL SCORE AND RESULTING PAROLE SUPERVISION LEVEL DETERMINED BY THE UTILIZATION OF A VALIDATED INSTRUMENT THAT ASSESSES A PAROLEE'S CRIMINOGENIC NEEDS AND RISK OF RECIDIVISM AND IS USED TO GUIDE PAROLE SUPERVISION PLANNING, IDENTIFY APPROPRIATE INTERVENTIONS, AND ESTABLISH PAROLE SUPERVISION LEVELS.

SECTION 3. In Colorado Revised Statutes, 24-72-304, **add** (6) as follows:

24-72-304. Inspection of criminal justice records.

(6) NOTWITHSTANDING ANY PROVISION OF THIS PART 3 TO THE CONTRARY, AN AGREEMENT TO PROHIBIT THE DISCLOSURE OF INFORMATION IN RISK ASSESSMENT OUTPUTS THAT IS SUBJECT TO DISCLOSURE PURSUANT TO THIS SECTION IS VOID AND UNENFORCEABLE.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); 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 such period, 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 on the date of the official declaration of the vote thereon by the governor.

(2) Section 3 of this act applies to criminal justice record requests made on or after the applicable effective date of this act.

Approved: June 1, 2026