

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

February 27, 2023  
Date

Committee on Judiciary.

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

SB23-067 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. In Colorado Revised Statutes, **add** 17-33-103 as  
4 follows:
- 5 **17-33-103. Development of a pre-release and reentry program**  
6 **- report - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:
- 8 (a) "FACILITY" MEANS THE STERLING CORRECTIONAL FACILITY.  
9 (b) "PROGRAM" MEANS A PRE-RELEASE AND REENTRY PROGRAM  
10 DEVELOPED IN CONSULTATION WITH RESIDENTS PURSUANT TO THIS  
11 SECTION.  
12 (c) "PROGRAM DEVELOPER" MEANS THE PERSON DESCRIBED IN  
13 SUBSECTION (2)(b) OF THIS SECTION ASSIGNED TO DEVELOP AND STUDY  
14 STRATEGIES TO IMPLEMENT THE PROGRAM.  
15 (d) "PROGRAM REPORT" MEANS THE REPORT ISSUED BY THE  
16 DEPARTMENT PURSUANT TO SUBSECTION (4) OF THIS SECTION.  
17 (e) "RESIDENT" MEANS A PERSON SERVING A TERM OF  
18 IMPRISONMENT AT THE FACILITY.  
19 (f) "THIRD-PARTY ORGANIZATION" MEANS AN ORGANIZATION  
20 THAT SATISFIES THE QUALIFICATIONS DESCRIBED IN SUBSECTION (2)(d) OF  
21 THIS SECTION THAT THE DEPARTMENT CONTRACTS WITH PURSUANT TO  
22 SUBSECTION (2) OF THIS SECTION.  
23 (2) (a) THE DEPARTMENT SHALL CONTRACT WITH A THIRD-PARTY  
24 ORGANIZATION TO DEVELOP AND STUDY STRATEGIES FOR IMPLEMENTING  
25 A PRE-RELEASE AND REENTRY PROGRAM THAT IS DESIGNED IN  
26 CONSULTATION WITH RESIDENTS. THE GOAL OF THE PROGRAM IS TO  
27 BENEFIT PROGRAM PARTICIPANTS, THE FACILITY, AND THE DEPARTMENT  
28 BY PROVIDING PROGRAM PARTICIPANTS WITH RESOURCES TO SUPPORT

1 THEIR REHABILITATION AND TO REDUCE RECIDIVISM UPON THEIR RELEASE  
2 FROM THE FACILITY.

3 (b) (I) ON OR BEFORE AUGUST 1, 2023, THE DEPARTMENT SHALL  
4 ENTER INTO AN AGREEMENT WITH THE THIRD-PARTY ORGANIZATION TO  
5 ASSIGN AN INDIVIDUAL EMPLOYED BY THE THIRD-PARTY ORGANIZATION  
6 TO SERVE AS THE PROGRAM DEVELOPER AND CARRY OUT THE DUTIES  
7 DESCRIBED IN THIS SECTION. THE PROGRAM DEVELOPER MUST HAVE  
8 EXPERIENCE IN MENTAL AND BEHAVIORAL HEALTH, CULTURAL  
9 COMPETENCY, AND THE REHABILITATION AND RECIDIVISM OF  
10 JUSTICE-INVOLVED INDIVIDUALS. THE CONTRACT MUST REQUIRE THE  
11 PROGRAM DEVELOPER TO CARRY OUT THE DUTIES DESCRIBED IN THIS  
12 SECTION; EXCEPT THAT THE CONTRACT MUST PERMIT THE THIRD-PARTY  
13 ORGANIZATION TO SUBCONTRACT WITH OTHER ORGANIZATIONS THAT  
14 HAVE EXPERTISE IN SUBJECT AREAS, SUCH AS BEHAVIORAL HEALTH AND  
15 DATA COLLECTION AND ANALYSIS, THAT ARE BENEFICIAL TO THE  
16 PROGRAM DEVELOPER IN CARRYING OUT THE DEVELOPER'S DUTIES.

17 (II) THE DEPARTMENT SHALL ALLOW THE PROGRAM DEVELOPER TO  
18 WORK IN THE FACILITY WITH RESIDENTS AND MAY REQUIRE THE PROGRAM  
19 DEVELOPER TO MEET THE SAME QUALIFICATIONS AS A PERSON WHO  
20 SERVES AS A CORRECTIONAL OFFICER AT THE FACILITY. THE DEPARTMENT  
21 MAY PROVIDE AND REQUIRE THE PROGRAM DEVELOPER TO COMPLETE  
22 TRAINING NECESSARY FOR THE PROGRAM DEVELOPER TO WORK IN THE  
23 FACILITY WITH RESIDENTS.

24 (III) THE PROGRAM DEVELOPER'S ONLY DUTIES ARE THOSE  
25 DESCRIBED IN THIS SECTION RELATED TO DEVELOPING THE PROGRAM,  
26 STUDYING IMPLEMENTATION STRATEGIES, AND PREPARING THE PROGRAM  
27 REPORT, INCLUDING CONSULTING WITH RESIDENTS TO DESIGN THE  
28 PROGRAM AND CONDUCTING THE RESEARCH AND ANALYZING DATA  
29 NECESSARY TO PREPARE THE PROGRAM REPORT. THE PROGRAM  
30 DEVELOPER SHALL SPEND THE MAJORITY OF THE PROGRAM DEVELOPER'S  
31 TIME CONSULTING WITH RESIDENTS TO DESIGN AND STUDY  
32 IMPLEMENTATION STRATEGIES FOR THE PROGRAM.

33 (IV) IN ORDER FOR THE PROGRAM DEVELOPER TO HAVE SUFFICIENT  
34 TIME TO DEVELOP THE PROGRAM, STUDY IMPLEMENTATION STRATEGIES,  
35 AND PREPARE THE PROGRAM REPORT, THE PROGRAM DEVELOPER SHALL  
36 BEGIN WORK NO LATER THAN AUGUST 15, 2023.

37 (c) THE PROGRAM DEVELOPMENT AND THE IMPLEMENTATION  
38 STUDY MUST BE CONDUCTED IN COMPLIANCE WITH ALL DEPARTMENT AND  
39 FACILITY RULES, AND THE DEPARTMENT SHALL PRIORITIZE PROGRAM  
40 DEVELOPMENT AND THE IMPLEMENTATION STUDY. THE DEPARTMENT  
41 SHALL PROVIDE ASSISTANCE TO THE PROGRAM DEVELOPER, INCLUDING  
42 ENSURING ACCESS TO AS MANY RESIDENTS AS POSSIBLE.

43 (d) A THIRD-PARTY ORGANIZATION THAT CONTRACTS WITH THE

1 DEPARTMENT PURSUANT TO THIS SUBSECTION (2) MUST HAVE PROVEN  
2 EXPERIENCE WORKING WITH POPULATIONS THAT ARE OVERREPRESENTED  
3 IN THE DEPARTMENT'S RESIDENT POPULATION AND MUST HAVE NOT  
4 PREVIOUSLY CONTRACTED WITH THE DEPARTMENT FOR ANY PURPOSE.

5 (3) (a) THE PROGRAM DEVELOPER SHALL CONSULT WITH  
6 RESIDENTS TO DESIGN THE PROGRAM, INCLUDING DEVELOPING PROGRAM  
7 CURRICULUM AND METRICS TO MEASURE PROGRAM SUCCESS. THE  
8 PROGRAM DEVELOPER SHALL ALSO CONDUCT ANY RESEARCH NECESSARY  
9 TO COMPLETE THE PROGRAM REPORT.

10 (b) THE PROGRAM MUST PROVIDE PARTICIPANTS WITH TRAINING  
11 IN SKILLED OR PROFESSIONAL TRADES AND OTHER EMPLOYMENT-FOCUSED  
12 ACTIVITIES, EDUCATION IN SKILLS BENEFICIAL TO A PARTICIPANT  
13 FOLLOWING RELEASE FROM CONFINEMENT, AND MENTAL AND BEHAVIORAL  
14 HEALTH COUNSELING SESSIONS. ADDITIONALLY, THE PROGRAM MUST:

15 (I) BE DESIGNED IN CONSULTATION WITH RESIDENTS;

16 (II) INCLUDE A PROCESS FOR DETERMINING ELIGIBILITY FOR  
17 RESIDENTS TO PARTICIPATE IN THE PROGRAM;

18 (III) INCLUDE, AT A MINIMUM, SESSIONS OR INSTRUCTION IN THE  
19 FOLLOWING AREAS: GENERAL POSTSECONDARY EDUCATION, ADDICTION  
20 RECOVERY, VICTIM AWARENESS, TIME MANAGEMENT, DOMESTIC VIOLENCE  
21 PREVENTION, PERSONAL FINANCE, LEADERSHIP, STRATEGIES FOR COPING  
22 WITH DIFFICULT SITUATIONS, FAMILY REUNIFICATION UPON RELEASE,  
23 FORGIVENESS, AND ALTERNATIVES TO VIOLENCE. THE PROGRAM MUST  
24 HAVE CUSTOMIZED CURRICULUM THAT EMPHASIZES DIFFERENT AREAS OF  
25 STUDY FOR PARTICIPANTS WHO ARE SCHEDULED FOR RELEASE FROM THE  
26 FACILITY WITHIN ONE YEAR AND FOR PARTICIPANTS WHO ARE SCHEDULED  
27 FOR RELEASE FROM THE FACILITY IN MORE THAN ONE YEAR.

28 (IV) WORK WITH PROFESSIONALS FROM OUTSIDE OF THE FACILITY,  
29 WHO MAY INCLUDE COLLEGE AND UNIVERSITY PROFESSORS, MENTAL AND  
30 BEHAVIORAL HEALTH PROFESSIONALS, SUBSTANCE USE DISORDER  
31 PROFESSIONALS, AND SOCIOLOGISTS; AND

32 (V) PERMIT PROFESSIONALS FROM OUTSIDE THE FACILITY TO VISIT  
33 AND WORK WITH PROGRAM PARTICIPANTS IN PERSON AT THE FACILITY.

34 (c) AS PART OF THE IMPLEMENTATION STUDY, THE PROGRAM  
35 DEVELOPER SHALL EVALUATE THE COSTS, CHALLENGES, AND BENEFITS OF:

36 (I) PROVIDING PROGRAM PARTICIPANTS WITH THE TECHNOLOGY  
37 AND TOOLS NECESSARY TO WORK REMOTELY WITH PROFESSIONALS FROM  
38 OUTSIDE THE FACILITY;

39 (II) PRIORITIZING OPERATING THE PROGRAM AND PROGRAM  
40 ACTIVITIES WHILE COMPLYING WITH DEPARTMENT AND FACILITY RULES;

41 (III) PROVIDING FINANCIAL ASSISTANCE TO PROGRAM  
42 PARTICIPANTS RELEASED FROM THE FACILITY; AND

43 (IV) INCENTIVIZING EMPLOYERS WHO EMPLOY PROGRAM

1 PARTICIPANTS UPON RELEASE FROM THE FACILITY.

2 (4) (a) ON OR BEFORE DECEMBER 31, 2023, THE PROGRAM  
3 DEVELOPER SHALL REPORT TO THE HOUSE OF REPRESENTATIVES JUDICIARY  
4 COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR  
5 SUCCESSOR COMMITTEES, AND THE DEPARTMENT, ABOUT THE  
6 DEVELOPMENT OF THE PROGRAM.

7 (b) THE REPORT MUST MAKE RECOMMENDATIONS FOR  
8 IMPLEMENTING AND OPERATING THE PROGRAM AT THE FACILITY,  
9 INCLUDING:

10 (I) STATUTORY CHANGES NECESSARY TO OPERATE THE PROGRAM;  
11 (II) STRATEGIES FOR HIRING AND RETAINING QUALIFIED PROGRAM  
12 STAFF;  
13 (III) FUNDING REQUIRED FOR THE PROGRAM; AND  
14 (IV) METHODS TO EVALUATE THE SUCCESS OF THE PROGRAM,  
15 INCLUDING THE TYPES OF QUANTITATIVE AND QUALITATIVE DATA THAT  
16 SHOULD BE COLLECTED ABOUT THE PROGRAM AND PROGRAM  
17 PARTICIPANTS, INCLUDING CAPTURING NARRATIVE EXPERIENCES FROM  
18 PARTICIPANTS ABOUT SUBJECTS THAT ARE SUPPORTIVE OF PARTICIPANTS'  
19 SOCIAL AND EMOTIONAL HEALTH, SUCH AS LEADERSHIP SKILLS,  
20 CONFIDENCE, FEELING OF BELONGING, FEELING OF PURPOSE,  
21 COMMUNICATION SKILLS, AND BETTERING INTERPERSONAL  
22 RELATIONSHIPS. THE REPORT MUST INCLUDE A RECOMMENDATION FOR  
23 THE LENGTH OF A LONGITUDINAL STUDY NECESSARY TO EVALUATE THE  
24 BENEFITS TO PROGRAM PARTICIPANTS.

25 (c) THE REPORT MUST ALSO INCLUDE THE FOLLOWING  
26 INFORMATION:

27 (I) DISAGGREGATED DEMOGRAPHIC INFORMATION ABOUT THE  
28 RESIDENTS WHOM THE PROGRAM DEVELOPER CONSULTED WITH DURING  
29 DEVELOPMENT OF THE PROGRAM AND INFORMATION ABOUT THE  
30 RESIDENTS' SENTENCES TO THE DEPARTMENT, INCLUDING THE OFFENSES  
31 FOR WHICH THE RESIDENTS WERE CONVICTED, THE LENGTH OF SENTENCE  
32 TO INCARCERATION, THE TIME SERVED, AND THE RESIDENTS' CUSTODY  
33 LEVEL;

34 (II) THE AMOUNT OF TIME THE PROGRAM DEVELOPER SPENT  
35 CONSULTING WITH RESIDENTS, ORGANIZED BY THE DEMOGRAPHIC  
36 INFORMATION OF THE RESIDENTS WITH WHOM THE PROGRAM DEVELOPER  
37 CONSULTED;

38 (III) THE PERCENTAGE OF RESIDENTS EXPECTED TO BE ELIGIBLE  
39 FOR PARTICIPATION IN THE PROGRAM;

40 (IV) DETAILED INFORMATION ABOUT THE ANTICIPATED PROGRAM  
41 SCHEDULE, INCLUDING THE AMOUNT OF TIME ALLOTTED EACH DAY FOR  
42 PROGRAM ACTIVITIES AND HOW OFTEN A PARTICIPANT MUST PARTICIPATE  
43 IN PROGRAM ACTIVITIES TO ACHIEVE THE INTENDED BENEFITS OF THE

1 PROGRAM;  
2 (V) THE ANTICIPATED BENEFITS FROM THE PROGRAM FOR  
3 PARTICIPANTS, INCLUDING BENEFITS TO PARTICIPANTS FOLLOWING  
4 RELEASE FROM THE FACILITY, PARTICIPANTS NEARING RELEASE FROM THE  
5 FACILITY, AND PARTICIPANTS WHO ARE SERVING AS MENTORS IN THE  
6 PROGRAM; AND  
7 (VI) RECOMMENDATIONS FOR ANY OTHER POLICY CHANGES BASED  
8 ON INFORMATION LEARNED FROM DEVELOPING THE PROGRAM AND  
9 IMPLEMENTATION STUDY.  
10 (d) THE REPORT MAY INCLUDE RECOMMENDATIONS FOR  
11 OPERATING THE PROGRAM IN OTHER CORRECTIONAL FACILITIES.  
12 (4.5) IN ITS ANNUAL REPORT BEFORE THE HOUSE AND SENATE  
13 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203 MADE DURING  
14 THE 2024 LEGISLATIVE SESSION, THE DEPARTMENT SHALL INCLUDE  
15 INFORMATION ABOUT THE PROGRAM DEVELOPMENT REQUIRED IN THIS  
16 SECTION.  
17 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.  
18 **SECTION 2. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety."

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