

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-1179.01 Richard Sweetman x4333

SENATE BILL 16-180

SENATE SPONSORSHIP

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Senate Committees

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Appropriations

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Judiciary
Appropriations

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, AND,**
104 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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/billsummaries>.)

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

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.

HOUSE
Amended 2nd Reading
May 9, 2016

SENATE
3rd Reading Unamended
May 3, 2016

SENATE
Amended 2nd Reading
May 2, 2016

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 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.

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

1 (d) Colorado is committed to research-based best practices in the
2 development and implementation of correctional policies and practices.

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

11 **SECTION 2.** In Colorado Revised Statutes, **add** article 34 to title
12 17 as follows:

13 **ARTICLE 34**

14 **Specialized Program For Juveniles**

15 **Convicted As Adults**

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

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

1 REFERRED TO WITHIN THIS SECTION AS THE "SPECIALIZED PROGRAM" AS
2 FOLLOWS:

3 (I) IF THE FELONY OF WHICH THE PERSON WAS CONVICTED WAS
4 NOT MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102,
5 C.R.S., THEN THE OFFENDER MAY PETITION FOR PLACEMENT IN THE
6 SPECIALIZED PROGRAM AFTER SERVING TWENTY YEARS OF HIS OR HER
7 SENTENCE IF HE OR SHE:

8 (A) HAS NOT BEEN RELEASED ON PAROLE;

9 (B) HAS NOT BEEN CONVICTED OF A SEX OFFENSE, AS DEFINED IN
10 SECTION 16-11.7-102 (3), C.R.S.;

11 (C) IS NOT IN A TREATMENT PROGRAM WITHIN THE DEPARTMENT
12 FOR A SERIOUS MENTAL ILLNESS;

13 (D) HAS OBTAINED, AT A MINIMUM, A HIGH SCHOOL DIPLOMA OR
14 HAS SUCCESSFULLY PASSED A HIGH SCHOOL EQUIVALENCY EXAMINATION,
15 AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S.;

16 (E) HAS PARTICIPATED IN PROGRAMS OFFERED TO HIM OR HER BY
17 THE DEPARTMENT AND DEMONSTRATED RESPONSIBILITY AND
18 COMMITMENT IN THOSE PROGRAMS;

19 (F) HAS DEMONSTRATED POSITIVE GROWTH AND CHANGE
20 THROUGH INCREASING DEVELOPMENTAL MATURITY AND QUANTIFIABLE
21 GOOD BEHAVIOR DURING THE COURSE OF HIS OR HER INCARCERATION; AND

22 (G) HAS ACCEPTED RESPONSIBILITY FOR THE CRIMINAL BEHAVIOR
23 UNDERLYING THE OFFENSE FOR WHICH HE OR SHE WAS CONVICTED.

24 (II) IF THE FELONY OF WHICH THE PERSON WAS CONVICTED WAS
25 MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102 (1) (b),
26 C.R.S., THEN THE OFFENDER MAY PETITION FOR PLACEMENT IN THE
27 SPECIALIZED PROGRAM AFTER SERVING TWENTY YEARS OF HIS OR HER

1 SENTENCE IF HE OR SHE SATISFIES THE CRITERIA DESCRIBED IN
2 SUB-SUBPARAGRAPHS (A), (B), (C), (D), (E), (F), AND (G) OF
3 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

4 (III) IF THE FELONY OF WHICH THE PERSON WAS CONVICTED WAS
5 MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102,
6 C.R.S., BUT WAS NOT MURDER IN THE FIRST DEGREE, AS DESCRIBED IN
7 SECTION 18-3-102 (1) (b), C.R.S., THEN THE OFFENDER MAY PETITION FOR
8 PLACEMENT IN THE SPECIALIZED PROGRAM AFTER SERVING
9 TWENTY-SEVEN YEARS OF HIS OR HER SENTENCE IF HE OR SHE SATISFIES
10 THE CRITERIA DESCRIBED IN SUB-SUBPARAGRAPHS (A), (B), (C), (D), (E),
11 (F), AND (G) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a); EXCEPT THAT,
12 IF THE PERSON COMMITTED THE FELONY WHILE HE OR SHE WAS AT LEAST
13 SEVENTEEN YEARS OF AGE, THEN HE OR SHE IS INELIGIBLE FOR PLACEMENT
14 IN THE SPECIALIZED PROGRAM.

15 (b) AN OFFENDER WHO IS DESCRIBED IN PARAGRAPH (a) OF THIS
16 SUBSECTION (1) MAY APPLY FOR PLACEMENT IN THE SPECIALIZED
17 PROGRAM NOTWITHSTANDING HIS OR HER SENTENCE OR PAROLE
18 ELIGIBILITY DATE.

19 (2) UPON RECEIVING A PETITION FROM AN OFFENDER DESCRIBED
20 IN SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR OR HIS OR
21 HER DESIGNEE SHALL REVIEW THE PETITION AND DETERMINE WHETHER TO
22 PLACE THE OFFENDER IN THE SPECIALIZED PROGRAM. IN MAKING THIS
23 DETERMINATION, THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE
24 SHALL CONSIDER THE FOLLOWING CRITERIA:

25 (a) THE NATURE OF THE OFFENSE AND THE CIRCUMSTANCES
26 SURROUNDING THE OFFENSE, INCLUDING THE EXTENT OF THE OFFENDER'S
27 PARTICIPATION IN THE CRIMINAL CONDUCT;

1 (b) THE AGE AND MATURITY OF THE OFFENDER AT THE TIME OF THE
2 OFFENSE;

3 (c) THE BEHAVIOR OF THE OFFENDER IN ANY INSTITUTION FOR THE
4 DURATION OF HIS OR HER SENTENCE, INCLUDING CONSIDERATION OF ANY
5 VIOLATIONS OF THE INMATE CODE OF CONDUCT AND DATES OF THE
6 VIOLATIONS OR, IN THE ALTERNATIVE, THE LACK OF ANY SUCH
7 VIOLATIONS;

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

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

11 (f) ANY OTHER FACTOR DETERMINED TO BE RELEVANT BY THE
12 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IN ASSESSING AND MAKING
13 A DETERMINATION REGARDING THE OFFENDER'S DEMONSTRATED
14 REHABILITATION.

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

22 (4) (a) IF AFTER REVIEW OF AN OFFENDER'S PETITION, THE
23 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DETERMINES THAT THE
24 OFFENDER IS AN APPROPRIATE CANDIDATE FOR PLACEMENT IN THE
25 SPECIALIZED PROGRAM, THE DEPARTMENT SHALL PLACE THE OFFENDER IN
26 THE SPECIALIZED PROGRAM AS SOON AS PRACTICABLE.

27 (b) ANY VICTIM OR VICTIM'S IMMEDIATE FAMILY MEMBER, AS

1 DEFINED IN SECTION 24-4.1-302 (5) AND (6), C.R.S., HAS THE RIGHT TO BE
2 INFORMED OF THE PLACEMENT OF AN OFFENDER PURSUANT TO SECTIONS
3 24-4.1-302.5 (1) (g) AND 24-4.1-303 (14), C.R.S.

4 (5) IF THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DENIES
5 AN OFFENDER'S PETITION FOR PLACEMENT IN THE SPECIALIZED PROGRAM
6 BASED ON A DETERMINATION THAT THE OFFENDER IS INAPPROPRIATE FOR
7 SUCH PLACEMENT AFTER CONSIDERATION OF THE CRITERIA SET FORTH IN
8 SUBSECTION (2) OF THIS SECTION, THE OFFENDER MAY PETITION THE
9 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE FOR PLACEMENT IN THE
10 SPECIALIZED PROGRAM NOT SOONER THAN THREE YEARS AFTER THE
11 ISSUANCE OF THE DENIAL.

12 (6) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES
13 FOR THE PREPARATION, SUBMISSION, AND REVIEW OF PETITIONS FOR
14 PLACEMENT OF OFFENDERS IN THE SPECIALIZED PROGRAM, AS DESCRIBED
15 IN THIS SECTION.

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

1 IMPLEMENT THE SPECIALIZED PROGRAM WITHIN OR IN CONJUNCTION WITH
2 A _____ FACILITY OPERATED BY, OR UNDER CONTRACT WITH, THE
3 DEPARTMENT.

4 (2) THE SPECIALIZED PROGRAM MUST INCLUDE COMPONENTS THAT
5 ALLOW AN OFFENDER TO EXPERIENCE _____ PLACEMENT WITH MORE
6 INDEPENDENCE IN DAILY LIFE, WITH ADDITIONAL WORK-RELATED
7 RESPONSIBILITIES AND OTHER PROGRAM COMPONENTS THAT WILL ASSIST
8 AND SUPPORT THE OFFENDER'S SUCCESSFUL REINTEGRATION INTO THE
9 COMMUNITY OF _____ OFFENDERS WHO HAVE NEVER LIVED INDEPENDENTLY
10 OR FUNCTIONED IN THE COMMUNITY AS AN ADULT. THE SPECIALIZED
11 PROGRAM MUST ALSO INCLUDE BEST AND PROMISING PRACTICES IN
12 INDEPENDENT LIVING SKILLS DEVELOPMENT, REENTRY SERVICES FOR
13 LONG-TERM OFFENDERS, AND INTENSIVE SUPERVISION AND MONITORING.

14 (3) THE DEPARTMENT SHALL NOT ALLOW ANY PARTICIPATING
15 OFFENDER TO COMPLETE THE SPECIALIZED PROGRAM IN LESS THAN THREE
16 YEARS.

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

24 (5) (a) THE DEPARTMENT SHALL COMPLETE THE DESIGN OF THE
25 SPECIALIZED PROGRAM ON OR BEFORE AUGUST 10, 2017. THE
26 DEPARTMENT SHALL COMMENCE PLACEMENT OF ELIGIBLE OFFENDERS IN
27 THE SPECIALIZED PROGRAM ON OR BEFORE NOVEMBER 10, 2017. IF THE

1 SPECIALIZED PROGRAM IS NOT OPERATIONAL BY THIS DATE, THE
2 EXECUTIVE DIRECTOR SHALL REPORT TO THE GENERAL ASSEMBLY ON OR
3 BEFORE NOVEMBER 30, 2017, THE REASONS FOR THE DELAY AND THE
4 DATE THAT THE SPECIALIZED PROGRAM WILL BE OPERATIONAL.

5 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE DECEMBER 1,
6 2017.

7 (6) (a) THE DEPARTMENT SHALL INCLUDE IN THE SPECIALIZED
8 PROGRAM RULES OF CONDUCT FOR PROGRAM PARTICIPANTS AND A POLICY
9 WHEREBY PROGRAM PARTICIPANTS WHO FAIL TO COMPLY WITH THE RULES
10 OF CONDUCT ARE TERMINATED FROM PARTICIPATION IN THE SPECIALIZED
11 PROGRAM AND RETURNED TO AN APPROPRIATE PRISON PLACEMENT.

12 (b) AN OFFENDER WHO IS TERMINATED FROM THE SPECIALIZED
13 PROGRAM MAY NOT RE-PETITION FOR PLACEMENT IN THE SPECIALIZED
14 PROGRAM SOONER THAN THREE YEARS FROM THE DATE OF SUCH
15 TERMINATION.

16 (7) NOTWITHSTANDING ANY PROVISION OF LAW, AN OFFENDER
17 WHO SUCCESSFULLY COMPLETES THE SPECIALIZED PROGRAM IS ELIGIBLE
18 TO APPLY FOR EARLY PAROLE PURSUANT TO THE PROVISIONS OF SECTION
19 17-22.5-403 (4.5) OR 17-22.5-403.7.

20 (8) IF AN OFFENDER HAS SERVED AT LEAST TWENTY-FIVE
21 CALENDAR YEARS OF HIS OR HER SENTENCE AND SUCCESSFULLY
22 COMPLETED THE SPECIALIZED PROGRAM, UNLESS REBUTTED BY RELEVANT
23 EVIDENCE, IT IS PRESUMED THAT:

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

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

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(9) ON AND AFTER JANUARY 1, 2018, DURING ITS ANNUAL PRESENTATION BEFORE THE JOINT JUDICIARY COMMITTEE OF THE GENERAL ASSEMBLY, OR ANY SUCCESSOR JOINT COMMITTEE, PURSUANT TO SECTION 2-7-203, C.R.S., THE DEPARTMENT SHALL INCLUDE A STATUS REPORT REGARDING THE PROGRESS AND OUTCOMES OF THE SPECIALIZED PROGRAM DEVELOPED AND IMPLEMENTED BY THE DEPARTMENT PURSUANT TO THIS SECTION DURING THE PRECEDING YEAR. THE REPORT, AT A MINIMUM, SHALL INCLUDE:

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

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

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

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

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

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

1 (g) INFORMATION CONCERNING THE BEHAVIOR PATTERNS OF THE
2 OFFENDERS IN THE SPECIALIZED PROGRAM;

3 (h) THE NUMBER OF OFFENDERS WHO SUCCESSFULLY COMPLETED
4 THE SPECIALIZED PROGRAM;

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

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

9 **SECTION 3.** In Colorado Revised Statutes, 17-22.5-403, **add**
10 (4.5) as follows:

11 **17-22.5-403. Parole eligibility.** (4.5) (a) AFTER CONSIDERING
12 ANY RELEVANT EVIDENCE PRESENTED BY ANY PERSON OR AGENCY AND
13 CONSIDERING THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8),
14 THE GOVERNOR MAY GRANT EARLY PAROLE TO AN OFFENDER TO WHOM
15 SUBSECTION (1) OR (2.5) OF THIS SECTION APPLIES WHEN THE OFFENDER
16 SUCCESSFULLY COMPLETES THE SPECIALIZED PROGRAM DESCRIBED IN
17 SECTION 17-34-102 IF, IN THE GOVERNOR'S OPINION,
18 EXTRAORDINARY MITIGATING CIRCUMSTANCES EXIST AND THE
19 OFFENDER'S RELEASE FROM INSTITUTIONAL CUSTODY IS COMPATIBLE WITH
20 THE SAFETY AND WELFARE OF SOCIETY.

21 (b) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT TO
22 PARAGRAPH (a) OF THIS SUBSECTION (4.5) AFTER HAVING SUCCESSFULLY
23 COMPLETED THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,
24 THE OFFENDER SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S
25 OFFICE WITH NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE
26 BOARD OF PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF
27 PAROLE SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL

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

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

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

19 **17-22.5-403.7. Parole eligibility - class 1 felony - juvenile**
20 **offender convicted as adult.** (2) AFTER CONSIDERING ANY RELEVANT
21 EVIDENCE PRESENTED BY ANY PERSON OR AGENCY AND CONSIDERING THE
22 PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8), the governor may
23 grant parole to an inmate prior to the inmate's parole eligibility date if, in
24 the governor's opinion, extraordinary mitigating circumstances exist and
25 the inmate's release from institutional custody is compatible with the
26 safety and welfare of society.

27 (6) (a) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT

1 TO THIS SECTION AFTER HAVING SUCCESSFULLY COMPLETED THE
2 SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102, THE OFFENDER
3 SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S OFFICE WITH
4 NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE BOARD OF
5 PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF PAROLE
6 SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL SUPPORTING
7 DOCUMENTS AND SCHEDULE A HEARING IF THE BOARD CONSIDERS MAKING
8 A RECOMMENDATION FOR EARLY PAROLE, AT WHICH HEARING ANY VICTIM
9 MUST HAVE THE OPPORTUNITY TO BE HEARD, PURSUANT TO SECTION
10 24-4.1-302.5 (1) (j), C.R.S. NOT LATER THAN NINETY DAYS AFTER
11 RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION FOR EARLY PAROLE,
12 THE STATE BOARD OF PAROLE, AFTER CONSIDERING THE PRESUMPTIONS
13 SET FORTH IN SECTION 17-34-102 (8), SHALL MAKE A RECOMMENDATION
14 TO THE GOVERNOR CONCERNING WHETHER EARLY PAROLE SHOULD BE
15 GRANTED TO THE OFFENDER.

16 (b) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD
17 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES
18 TO IMPLEMENT THIS SUBSECTION (6), INCLUDING PROCEDURES FOR
19 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTIONS
20 24-4.1-302.5 (1) (j) AND 24-4.1-303 (14), C.R.S., AND TO THE DISTRICT
21 ATTORNEY'S OFFICE THAT PROSECUTED THE CRIME FOR WHICH THE
22 OFFENDER WAS SENTENCED.

23 **SECTION 5.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
24 **(1) (j) as follows:**

25 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
26 preserve and protect a victim's rights to justice and due process, each
27 victim of a crime shall have the following rights:

1 (j) The right to be informed, upon written request from the victim,
 2 of any proceeding at which any postconviction release from confinement
 3 in a secure state correctional facility is being considered for any person
 4 convicted of a crime against the victim and the right to be heard at any
 5 such proceeding or to provide written information thereto. For purposes
 6 of this subsection (1), "proceeding" means reconsideration of sentence,
 7 a parole hearing, or commutation of sentence, OR CONSIDERATION FOR
 8 PLACEMENT IN THE SPECIALIZED PROGRAM DEVELOPED BY THE
 9 DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 17-34-102, C.R.S.

10 **SECTION 6. Appropriation.** For the 2016-17 state fiscal year,
 11 \$95,504 is appropriated to the department of corrections. This
 12 appropriation is from the general fund and is based on an assumption that
 13 the department will require an additional 0.8 FTE. To implement this act,
 14 the department may use this appropriation as follows:

15	<u>Inspector General Subprogram</u>	
16	<u>Operating Expenses</u>	<u>\$25</u>
17	<u>Superintendents Subprogram</u>	
18	<u>Personal Services</u>	<u>\$44,071 (0.8 FTE)</u>
19	<u>Operating Expenses</u>	<u>\$5,450</u>
20	<u>Start-up costs</u>	<u>\$45,328</u>
21	<u>Communications Subprogram</u>	
22	<u>Operating Expenses</u>	<u>\$405</u>
23	<u>Training Subprogram</u>	
24	<u>Operating Expenses</u>	<u>\$25</u>
25	<u>Information Systems Subprogram</u>	
26	<u>Operating Expenses</u>	<u>\$200</u>

27 **SECTION 7. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2016 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.