

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 18-1123.01 Michael Dohr x4347

HOUSE BILL 18-1410

HOUSE SPONSORSHIP

Lee and Herod,

SENATE SPONSORSHIP

Lundberg and Kagan, Priola

House Committees
Judiciary

Senate Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADDRESS PRISON POPULATION INCREASES.**

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://leg.colorado.gov>.)

The bill requires the department of corrections (department) to track the prison bed vacancy rate in both correctional facilities and state-funded private contract prison beds. If the vacancy rate falls below 2% for 30 consecutive days, the department shall notify the governor, the joint budget committee, the parole board, and the office of community corrections in the department of public safety (office of community corrections). The department shall notify the governor, the joint budget committee, the parole board, and the office of community corrections

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

SENATE
3rd Reading Unamended
May 4, 2018

SENATE
2nd Reading Unamended
May 3, 2018

HOUSE
3rd Reading Unamended
April 30, 2018

HOUSE
Amended 2nd Reading
April 27, 2018

once the vacancy rate exceeds 3% for 30 consecutive days.

When the vacancy rate falls below 2% for 30 consecutive days, the department may:

- ! Request the office of community corrections to provide the department with information regarding the location and nature of any unutilized community corrections beds;
- ! Provide the parole board with a list of inmates who are within 90 days of their mandatory release date, have a verified parole sponsor, and do not require full board review or victim notification. The parole board must hold a file review for the inmates on the list within 10 days after the receipt of the list.
- ! Provide the parole board with a list of inmates who have conditional parole approval, do not require full board review or victim notification, and have satisfied the condition or conditions required for parole. The parole board must hold a file review for the inmates on the list within 10 days of the receipt of the list.

If the department institutes any of the measures described in the bill, the department shall notify each elected district attorney, the chief judge of each judicial district, and the state public defender. The department shall notify each elected district attorney, the chief judge of each judicial district, and the state public defender once the measures described are no longer being used.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-119.7 as
3 follows:

4 **17-1-119.7. Prison population management measures.** (1) THE
5 DEPARTMENT SHALL TRACK THE PRISON BED VACANCY RATE IN BOTH
6 CORRECTIONAL FACILITIES AND STATE-FUNDED PRIVATE CONTRACT
7 PRISON BEDS ON A MONTHLY BASIS. IF THE VACANCY RATE FALLS BELOW
8 TWO PERCENT FOR THIRTY CONSECUTIVE DAYS, THE DEPARTMENT SHALL
9 NOTIFY THE GOVERNOR, THE JOINT BUDGET COMMITTEE, THE PAROLE
10 BOARD, EACH ELECTED DISTRICT ATTORNEY, THE CHIEF JUDGE OF EACH
11 JUDICIAL DISTRICT, THE STATE PUBLIC DEFENDER, AND THE OFFICE OF

1 COMMUNITY CORRECTIONS IN THE DEPARTMENT OF PUBLIC SAFETY. THE
2 DEPARTMENT SHALL NOTIFY THE GOVERNOR, THE JOINT BUDGET
3 COMMITTEE, THE PAROLE BOARD, EACHELECTED DISTRICT ATTORNEY, THE
4 CHIEF JUDGE OF EACH JUDICIAL DISTRICT, THE STATE PUBLIC DEFENDER,
5 AND THE OFFICE OF COMMUNITY CORRECTIONS ONCE THE VACANCY RATE
6 EXCEEDS THREE PERCENT FOR THIRTY CONSECUTIVE DAYS.

7 (2) (a) IF THE VACANCY RATE IN CORRECTIONAL FACILITIES AND
8 STATE-FUNDED PRIVATE CONTRACT PRISON BEDS FALLS BELOW TWO
9 PERCENT FOR THIRTY CONSECUTIVE DAYS, THE DEPARTMENT MAY:

10 (I) REQUEST THE OFFICE OF COMMUNITY CORRECTIONS TO
11 PROVIDE THE DEPARTMENT WITH INFORMATION REGARDING THE LOCATION
12 AND NATURE OF ANY UNUTILIZED COMMUNITY CORRECTIONS BEDS. THE
13 OFFICE OF COMMUNITY CORRECTIONS SHALL PROVIDE THE INFORMATION
14 WITHIN SEVENTY-TWO HOURS OF THE REQUEST AND ON A WEEKLY BASIS
15 UNTIL THE OFFICE OF COMMUNITY CORRECTIONS RECEIVES NOTIFICATION
16 THAT THE VACANCY RATE EXCEEDS THREE PERCENT.

17 (II) REQUEST THAT THE PAROLE BOARD REVIEW A LIST OF INMATES
18 WHO ARE WITHIN NINETY DAYS OF THEIR MANDATORY RELEASE DATE,
19 HAVE AN APPROVED PAROLE PLAN, AND DO NOT REQUIRE FULL BOARD
20 REVIEW OR VICTIM NOTIFICATION PURSUANT TO SECTION 24-4.1-302.5
21 (1)(j); AND

22 (III) COORDINATE WITH THE PAROLE BOARD TO REVIEW THE LIST
23 OF INMATES WHO HAVE SATISFIED CONDITIONS FOR CONDITIONAL RELEASE
24 VERIFIED BY THE DEPARTMENT OF CORRECTIONS, DO NOT REQUIRE FULL
25 BOARD REVIEW OR VICTIM NOTIFICATION PURSUANT TO SECTION
26 24-4.1-302.5 (1)(j), AND HAVE SATISFIED THE CONDITION OR CONDITIONS
27 REQUIRED FOR AN ORDER TO PAROLE.

1 (b) THE DEPARTMENT MAY UTILIZE ANY, ALL, OR A COMBINATION
2 OF THE MEASURES DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION
3 WHEN THE VACANCY RATE FALLS BELOW TWO PERCENT FOR THIRTY
4 CONSECUTIVE DAYS AND UNTIL THE VACANCY RATE IS ABOVE THREE
5 PERCENT FOR THIRTY CONSECUTIVE DAYS.

6

7 **SECTION 2.** In Colorado Revised Statutes, 17-2-201, **add** (16)
8 as follows:

9 **17-2-201. State board of parole - duties - definitions.**

10 (16) (a) THE PAROLE BOARD SHALL CONDUCT A FILE REVIEW FOR EACH
11 INMATE WHO IS LISTED ON THE NOTIFICATIONS PROVIDED TO THE BOARD
12 PURSUANT TO SECTION 17-1-119.7 (2)(a)(II) OR (2)(a)(III) WITHIN TEN
13 DAYS AFTER RECEIVING THE NOTIFICATION. THE PAROLE BOARD MUST
14 EVALUATE THE INMATE'S INSTITUTIONAL BEHAVIOR, PROGRAM PROGRESS,
15 AND APPROPRIATENESS FOR RELEASE.

16 (b) IF THE PAROLE BOARD GRANTS PAROLE TO AN INMATE ON THE
17 NOTIFICATION LIST PURSUANT TO SECTION 17-1-119.7 (2)(a)(II), IT MAY
18 SET THE RELEASE DATE UP TO THIRTY DAYS PRIOR TO THE INMATE'S
19 MANDATORY RELEASE DATE BUT NOT SOONER THAN FIFTEEN DAYS AFTER
20 THE FILE REVIEW. THE DEPARTMENT SHALL NOTIFY THE INMATE'S PAROLE
21 SPONSOR TO VERIFY HIS OR HER WILLINGNESS AND ABILITY TO SPONSOR
22 THE INMATE ON THE AMENDED RELEASE DATE.

23 (c) IF THE PAROLE BOARD GRANTS PAROLE TO AN INMATE ON THE
24 NOTIFICATION LIST PURSUANT TO SECTION 17-1-119.7 (2)(a)(III), IT MAY
25 SET THE RELEASE DATE NO SOONER THAN FIFTEEN DAYS AFTER THE FILE
26 REVIEW. THE DEPARTMENT SHALL NOTIFY THE INMATE'S PAROLE SPONSOR
27 TO VERIFY HIS OR HER WILLINGNESS AND ABILITY TO SPONSOR THE INMATE

1 ON THE AMENDED RELEASE DATE.

2 **SECTION 3. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.