

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0419.01 Michael Dohr x4347

**SENATE BILL 20-076**

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**SENATE SPONSORSHIP**

**Lee,**

**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING PAROLE ELIGIBILITY FOR AN OFFENDER WHO**  
102              **COMMITTED AN OFFENSE BETWEEN EIGHTEEN AND**  
103              **TWENTY-FIVE YEARS OF AGE.**

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**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 makes an offender serving a sentence in the department of corrections for a felony offense that was committed while the offender was 18 to 24 years of age eligible for parole after the offender serves 50% of the sentence and after the offender has served at least 15 calendar years in prison. There is a presumption, subject to the parole board's discretion,

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.

that the offender will be released on parole if the offender has not had any code of penal discipline violations in the last 5 years and no class I code of penal discipline violations in the last 10 years.

The department of corrections operates a specialized program for offenders who are serving a prison sentence for a felony offense committed while the offender was a juvenile as a result of criminal charges filed by direct file or transfer proceedings. The bill would expand program eligibility to adults serving a sentence for a felony that was committed when the person was 18 to 24 years of age.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-22.5-403, **add**  
3 (10) as follows:

4 **17-22.5-403. Parole eligibility.** (10) (a) NOTWITHSTANDING ANY  
5 OTHER PROVISION TO THE CONTRARY, AN OFFENDER SERVING A SENTENCE  
6 IN THE DEPARTMENT FOR A FELONY OFFENSE THAT WAS COMMITTED WHILE  
7 THE OFFENDER WAS EIGHTEEN TO TWENTY-FOUR YEARS OF AGE IS  
8 ELIGIBLE FOR PAROLE AFTER SERVING FIFTY PERCENT OF THE SENTENCE  
9 AND AFTER THE OFFENDER HAS SERVED AT LEAST FIFTEEN CALENDAR  
10 YEARS OF A SENTENCE IN THE CUSTODY OF THE DEPARTMENT.

11 (b) THERE SHALL BE A PRESUMPTION, SUBJECT TO THE FINAL  
12 DISCRETION OF THE PAROLE BOARD, IN FAVOR OF GRANTING PAROLE TO AN  
13 OFFENDER WHO IS ELIGIBLE FOR PAROLE PURSUANT TO SUBSECTION (10)(a)  
14 OF THIS SECTION WHO HAS NOT HAD ANY CODE OF PENAL DISCIPLINE  
15 VIOLATIONS IN THE PREVIOUS FIVE YEARS AND NO CLASS I CODE OF PENAL  
16 DISCIPLINE VIOLATIONS IN THE PREVIOUS TEN YEARS AND WHO HAS  
17 COMPLETED ANY PROGRAM REQUIRED AS A PART OF THE OFFENDER'S  
18 SENTENCE TO INCARCERATION.

19 (c) IN DETERMINING WHETHER TO GRANT PAROLE TO AN OFFENDER  
20 ELIGIBLE PURSUANT TO SUBSECTION (10)(a) OF THIS SECTION, THE PAROLE

1 BOARD SHALL CONSIDER, AT A MINIMUM, WHETHER THE PURPOSE OF  
2 SENTENCING WOULD BE BETTER SERVED BY GRANTING PAROLE TO THE  
3 OFFENDER RATHER THAN CONTINUING INCARCERATION.

4 (d) THE PROVISIONS OF THIS SUBSECTION (10) APPLY TO ANY  
5 INCARCERATED OFFENDER REGARDLESS OF THE OFFENDER'S DATE OF  
6 CONVICTION.

7 (e) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AN  
8 INCARCERATED OFFENDER SERVING A LIFE SENTENCE WITHOUT THE  
9 POSSIBILITY OF PAROLE PURSUANT TO SECTION 18-1.3-401 (4)(a).

10 **SECTION 2.** In Session Laws of Colorado 2016, **amend** section  
11 1 of chapter 352 as follows:

12 Section 1. **Legislative declaration.** (1) The general assembly  
13 finds and declares that:

14 (a) The United States supreme court has held in several recent  
15 decisions regarding the criminal sentencing of juveniles that children are  
16 constitutionally different than adults for purposes of sentencing and  
17 should be given a meaningful opportunity for release based on  
18 demonstrated maturity and rehabilitation;

19 (a.5) MORE RECENT RESEARCH ABOUT BRAIN DEVELOPMENT  
20 DEMONSTRATES THAT THE BRAIN FUNCTIONING THAT GUIDES AND AIDS  
21 RATIONAL DECISION-MAKING DOES NOT FULLY DEVELOP UNTIL A PERSON  
22 IS IN HIS OR HER MID- TO LATE TWENTIES, WHICH INDICATES THAT A  
23 YOUNG ADULT DOES NOT OFTEN POSSESS THE DEVELOPMENTAL MATURITY  
24 AND DECISION-MAKING SKILLS OF A MATURE ADULT;

25 (b) Colorado recognizes that ~~children~~ PERSONS have not yet  
26 reached developmental maturity before the age of ~~eighteen~~ TWENTY-FIVE  
27 years and therefore have a heightened capacity to change behavior and a

1 greater potential for rehabilitation;

2 (c) Colorado has many offenders currently serving sentences in  
3 the department of corrections who committed crimes when they were less  
4 than ~~eighteen~~ TWENTY-FIVE years old and who no longer present a threat  
5 to public safety; and

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

8 BEST PRACTICES SUPPORT THE RELEASE OF OFFENDERS WHO NO LONGER  
9 PRESENT A THREAT TO THE SAFETY OF OTHER PERSONS OR THE  
10 COMMUNITY AND WHO HAVE DEMONSTRATED THAT THROUGH  
11 OBSERVABLE AND VERIFIED POSITIVE BEHAVIOR. RECONSIDERING  
12 OFFENDERS AFTER LENGTHY INCARCERATION CREATES HOPE FOR AND  
13 HELPS DEVELOP MATURITY AND RESPONSIBILITY IN OFFENDERS WHO WERE  
14 JUVENILES OR YOUNG ADULTS WHEN THEIR CRIMES WERE COMMITTED.

15 (2) Now, therefore, Colorado desires to implement a system that  
16 allows any offender who committed a serious crime as a juvenile treated  
17 as an adult by the criminal justice system and has served more than  
18 twenty or twenty-five calendar years of a sentence to the department of  
19 corrections, during which he or she has exhibited growth and  
20 rehabilitation, OR WHO AS A YOUNG ADULT LESS THAN TWENTY-FIVE  
21 YEARS OF AGE WHO COMMITTED A SERIOUS CRIME AND WHILE SERVING  
22 THE SENTENCE TO THE DEPARTMENT OF CORRECTIONS HAS EXHIBITED  
23 GROWTH AND REHABILITATION, the opportunity to further demonstrate  
24 rehabilitation and earn early release in a specialized program in a less  
25 secure setting without compromising public safety.

26 **SECTION 3.** In Colorado Revised Statutes, 17-34-101, **amend**  
27 (1)(a) introductory portion, (1)(a)(I)(B), and (1)(a)(I)(C) as follows:

1           **17-34-101. Juveniles and young adults who are convicted as**  
2           **adults in district court and young adults less than twenty-five years**  
3           **of age - eligibility for specialized program placement - petitions.**

4           (1) (a) Notwithstanding any other provision of law, an offender serving  
5           a sentence in the department for a felony offense as a result of the filing  
6           of criminal charges by an information or indictment pursuant to section  
7           19-2-517, or the transfer of proceedings to the district court pursuant to  
8           section 19-2-518, or pursuant to either of these sections as they existed  
9           prior to their repeal and reenactment, with amendments, by House Bill  
10          96-1005, OR A YOUNG ADULT OFFENDER SERVING A SENTENCE IN THE  
11          DEPARTMENT FOR A FELONY OFFENSE THAT WAS COMMITTED WHILE THE  
12          OFFENDER WAS EIGHTEEN TO TWENTY-FOUR YEARS OF AGE, and ~~who~~ THE  
13          OFFENDER IN ANY OF THESE CASES remains in the custody of the  
14          department for that felony offense, may petition for placement in the  
15          specialized program described in section 17-34-102, referred to within  
16          this section as the "specialized program", as follows:

17                (I) If the felony of which the person was convicted was not  
18                murder in the first degree, as described in section 18-3-102, then the  
19                offender may petition for placement in the specialized program after  
20                serving twenty years of his or her sentence if he or she:

21                        (B) Has not been convicted of AN OFFENSE OF unlawful sexual  
22                        behavior, as defined in section 16-22-102 (9) C.R.S. OR AN OFFENSE THAT  
23                        THE UNDERLYING FACTUAL BASIS IS UNLAWFUL SEXUAL BEHAVIOR AS  
24                        DEFINED IN SECTION 16-22-102 (9);

25                (C) Is not OR HAS NOT BEEN PREVIOUSLY PLACED in a treatment  
26                program within the department for a serious behavioral or mental health  
27                disorder;

1           **SECTION 4.** In Colorado Revised Statutes, 17-34-102, **amend**  
2 (1), (4), (8)(a) introductory portion, and (8)(b) as follows:

3           **17-34-102. Specialized program for juveniles and young adults**  
4 **convicted as adults and young adults less than twenty-five years of**  
5 **age - report.** (1) The department shall develop and implement a  
6 specialized program for offenders who have been sentenced to an adult  
7 prison for a felony offense committed while the offender was less than  
8 eighteen years of age as a result of the filing of criminal charges by an  
9 information or indictment pursuant to section 19-2-517, ~~C.R.S.~~, or the  
10 transfer of proceedings to the district court pursuant to section 19-2-518,  
11 ~~C.R.S.~~, or pursuant to either of these sections as they existed prior to their  
12 repeal and reenactment, with amendments, by House Bill 96-1005, OR  
13 OFFENDERS SERVING A SENTENCE IN THE DEPARTMENT FOR A FELONY  
14 OFFENSE THAT WAS COMMITTED WHILE THE OFFENDER WAS EIGHTEEN TO  
15 TWENTY-FOUR YEARS OF AGE, and ~~who~~ THE OFFENDERS IN ANY OF THESE  
16 CASES are determined to be appropriate for placement in the specialized  
17 program. The department shall implement the specialized program within  
18 or in conjunction with a facility operated by, or under contract with, the  
19 department.

20           (4) The department ~~may~~ SHALL make restorative justice practices,  
21 as defined in section 18-1-901 (3)(o.5), ~~C.R.S.~~, available to any victim of  
22 any offender who petitions for placement in the specialized program, as  
23 may be appropriate, but only if requested by the victim and the victim has  
24 registered with the department of corrections requesting notice of victims'  
25 rights pursuant to the provisions of part 3 of article 4.1 of title 24. ~~C.R.S.~~

26           (8) (a) Except as described in ~~paragraph (b) of this subsection~~ (8)  
27 SUBSECTION (8)(b) OF THIS SECTION, if an offender has served at least

1 ~~twenty-five~~ TWENTY-THREE calendar years of his or her sentence and  
2 successfully completed the specialized program, unless rebutted by  
3 relevant evidence, it is presumed that:

4 (b) If an offender who committed murder in the first degree, as  
5 described in section 18-3-102 (1)(a), (1)(c), (1)(e), or (1)(f), ~~C.R.S.~~, has  
6 served ~~thirty~~ TWENTY-EIGHT years of his or her sentence and successfully  
7 completed the program, unless rebutted by relevant evidence, the  
8 presumptions described in ~~subparagraphs (I) and (II) of paragraph (a) of~~  
9 ~~this subsection (8)~~ SUBSECTIONS (8)(a)(I) AND (8)(a)(II) OF THIS SECTION  
10 apply.

11 **SECTION 5. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2020 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.