

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1118.01 Anna Petrini x5497

HOUSE BILL 24-1433

HOUSE SPONSORSHIP

Clifford,

SENATE SPONSORSHIP

Gonzales,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REMOVING THE GOVERNOR'S APPROVAL REQUIREMENT
102 IN EARLY PAROLE DECISIONS FOR PARTICIPANTS IN A
103 SPECIALIZED PROGRAM FOR OFFENDERS WHO COMMITTED AN
104 OFFENSE WHEN UNDER TWENTY-ONE YEARS OF AGE.

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>.)

Current law creates a specialized program (program) for offenders who were sentenced to an adult prison for certain felony offenses committed while the offender was under 21 years of age. Current law permits an offender who successfully completes the program to apply to

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

the governor for early parole, which the governor may grant under certain conditions. Current law requires the state board of parole to review the application, conduct a hearing, and make a recommendation to the governor concerning whether early parole should be granted. The bill removes the requirement for the governor's approval of an early parole application by an offender who completes the program and instead gives the parole board the authority to grant early parole.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-22.5-403, **amend**
3 (4.5)(b); and **repeal** (4.5)(a) as follows:

4 **17-22.5-403. Parole eligibility.** (4.5) (a) ~~After considering any~~
5 ~~relevant evidence presented by any person or agency and considering the~~
6 ~~presumptions set forth in section 17-34-102 (8), the governor may grant~~
7 ~~early parole to an offender to whom subsection (1) or (2.5) of this section~~
8 ~~applies when the offender successfully completes the specialized program~~
9 ~~described in section 17-34-102 if, in the governor's opinion, extraordinary~~
10 ~~mitigating circumstances exist and the offender's release from~~
11 ~~institutional custody is compatible with the safety and welfare of society.~~

12 (b) When an offender applies for early parole pursuant to
13 paragraph (a) of this subsection (4.5) after having successfully completed
14 the specialized program described in section 17-34-102, the offender shall
15 make his or her THE OFFENDER'S application to the governor's office with
16 notice and a copy of the application sent to the state board of parole
17 created in section 17-2-201. The state board of parole shall review the
18 offender's application and all supporting documents and schedule a
19 hearing if the board considers making a recommendation for GRANTING
20 early parole, at which hearing any victim must have the opportunity to be
21 heard, pursuant to section 24-4.1-302.5 (1)(j). ~~C.R.S.~~ Not later than ninety
22 days after receipt of a copy of an offender's application for early parole,

1 the state board of parole, after considering ANY RELEVANT EVIDENCE
2 PRESENTED BY ANY PERSON OR AGENCY AND AFTER CONSIDERING the
3 presumptions set forth in section 17-34-102 (8), shall make a
4 ~~recommendation to the governor concerning~~ DECISION whether OR NOT TO
5 GRANT early parole ~~should be granted~~ to the offender.

6 **SECTION 2.** In Colorado Revised Statutes, 17-22.5-403.7,
7 **amend** (2) and (6)(a) as follows:

8 **17-22.5-403.7. Parole eligibility - youthful offender - juvenile**
9 **offender convicted as adult - definition.** (2) After considering any
10 relevant evidence presented by any person or agency and considering the
11 presumptions set forth in section 17-34-102 (8), the ~~governor~~ STATE
12 BOARD OF PAROLE may grant parole to an inmate prior to the inmate's
13 parole eligibility date if, in the ~~governor's~~ opinion OF THE STATE BOARD
14 OF PAROLE, extraordinary mitigating circumstances exist and the inmate's
15 release from institutional custody is compatible with the safety and
16 welfare of society. However, nothing in this section grants the ~~governor~~
17 STATE BOARD OF PAROLE the authority to grant early parole pursuant to
18 the provisions of this section to an inmate serving a sentence of life
19 without the possibility of parole.

20 (6) (a) When an offender applies for early parole pursuant to this
21 section after having successfully completed the specialized program
22 described in section 17-34-102, the offender shall make ~~his or her~~ THE
23 OFFENDER'S application to the ~~governor's office with notice and a copy of~~
24 ~~the application sent~~ to the state board of parole created in section
25 17-2-201. The state board of parole shall review the offender's application
26 and all supporting documents and schedule a hearing if the board
27 considers ~~making a recommendation for~~ GRANTING early parole, at which

1 hearing any victim must have the opportunity to be heard, pursuant to
2 section 24-4.1-302.5 (1)(j). ~~C.R.S.~~ Not later than ninety days after receipt
3 of a copy of an offender's application for early parole, the state board of
4 parole, after considering ANY RELEVANT EVIDENCE PRESENTED BY ANY
5 PERSON OR AGENCY AND AFTER CONSIDERING the presumptions set forth
6 in section 17-34-102 (8), shall make a ~~recommendation to the governor~~
7 ~~concerning~~ DECISION whether OR NOT TO GRANT early parole ~~should be~~
8 ~~granted~~ to the offender.

9 **SECTION 3.** In Colorado Revised Statutes, 17-34-102, **amend**
10 (9) introductory portion and (9)(j) as follows:

11 **17-34-102. Specialized program for juveniles and young adults**
12 **convicted as adults and young adults convicted under twenty-one**
13 **years of age - report - definition.** (9) On and after January 1, 2018,
14 during its annual presentation before the joint judiciary committee of the
15 general assembly, or any successor joint committee, pursuant to section
16 2-7-203, ~~C.R.S.~~, the department shall include a status report regarding the
17 progress and outcomes of the specialized program developed and
18 implemented by the department pursuant to this section during the
19 preceding year. The report, at a minimum, ~~shall~~ MUST include:

20 (j) The number of specialized program participants who were
21 granted early parole by the ~~governor~~ PAROLE BOARD.

22 **SECTION 4. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.