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HOUSE BILL 24-1445

BY REPRESENTATIVE(S) Bacon and Armagost, Brown, Clifford, Duran, Herod, Lindsay, Ortiz, Ricks, Rutinel, Vigil, Weissman, Woodrow; also SENATOR(S) Gardner and Gonzales, Buckner, Kolker, Priola, Rodriguez.

CONCERNING MEASURES RELATED TO SUPERVISION CONDITIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** 13-1-142 as follows:

13-1-142. Probation and parole supervision fee report. THE STATE COURT ADMINISTRATOR SHALL ANNUALLY REPORT ON PROBATION SUPERVISION FEES ASSESSED IN THE PREVIOUS YEAR DURING ITS "SMART ACT" HEARING, REQUIRED PURSUANT TO SECTION 2-7-203. THE REPORT MUST INCLUDE INFORMATION REGARDING PROBATION SUPERVISION FEES, THE AMOUNT OF THE FEE CHARGED PER MONTH, HOW MANY PEOPLE WERE ASSESSED THE FEE, AND THE TOTAL AMOUNT COLLECTED. PROBATION DEPARTMENTS SHALL PROVIDE THE STATE COURT ADMINISTRATOR WITH ANY INFORMATION REQUESTED BY THE STATE COURT ADMINISTRATOR TO COMPLY WITH THIS SECTION. THE DEPARTMENT OF CORRECTIONS SHALL ANNUALLY REPORT ON PAROLE SUPERVISION FEES ASSESSED IN THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

PREVIOUS YEAR DURING ITS "SMART ACT" HEARING REQUIRED PURSUANT TO SECTION 2-7-203. THE REPORT MUST INCLUDE INFORMATION REGARDING PAROLE SUPERVISION FEES, THE AMOUNT OF THE FEE CHARGED PER MONTH, HOW MANY PEOPLE WERE ASSESSED THE FEE, AND THE TOTAL AMOUNT COLLECTED.

SECTION 2. In Colorado Revised Statutes, 16-11-209, **add** (1.3) as follows:

16-11-209. Duties of probation officers. (1.3) UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE COURT, IN DIRECTING THAT A PERSON ON PROBATION MEET WITH A PROBATION OFFICER, THE PROBATION OFFICER SHALL:

(a) SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE PERSON ON PROBATION AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT WITH THE PERSON'S ESSENTIAL OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER PROBATION REQUIREMENTS; AND

(b) ALLOW A PERSON ON PROBATION TO MEET WITH THE PROBATION OFFICER THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY.

SECTION 3. In Colorado Revised Statutes, 17-2-201, **amend** (5)(b), (5)(f)(I) introductory portion, and (5)(f)(I)(D); and **add** (4.5) and (5)(f)(I)(D.5) as follows:

17-2-201. State board of parole - duties - definitions. (4.5) THE BOARD MAY GRANT, DENY, DEFER, SUSPEND, REVOKE, OR SPECIFY OR MODIFY THE CONDITIONS OF ANY PAROLE FOR ANY DEFENDANT COMMITTED TO THE DEPARTMENT OF CORRECTIONS IN A MANNER THAT IS IN THE BEST INTERESTS OF THE DEFENDANT AND THE PUBLIC.

(5) (b) (I) Conditions imposed for parole may include, but are not limited to, ~~requiring that the offender pay reasonable costs of supervision of parole or placing the offender on home detention as defined in section 18-1.3-106 (1.1).~~ ~~C.R.S.~~

(II) THE BOARD SHALL NOT REVOKE PAROLE FOR LACK OF PAYMENT

OF PAROLE SUPERVISION FEES.

(f) (I) As a condition of every parole, the parolee shall sign a written agreement that contains ~~such~~ THE parole conditions ~~as~~ deemed appropriate by the board. ~~which conditions shall~~ THE CONDITIONS MUST include, but ~~need not be~~ ARE NOT limited to, the following:

(D) That the parolee shall ~~make reports as directed by his or her community parole officer~~, permit residential visits by the community parole officer and allow the community parole officer to make searches of ~~his or her~~ THE PAROLEE'S person, residence, or vehicle;

(D.5) THAT THE PAROLEE SHALL REPORT AS DIRECTED BY THE COMMUNITY PAROLE OFFICER. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE DIVISION OF ADULT PAROLE IN THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF ADULT PAROLE SHALL ALLOW A PAROLEE TO MEET WITH THE COMMUNITY PAROLE OFFICER THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE DIVISION OF ADULT PAROLE, IN DIRECTING THE PAROLEE TO REPORT TO THE COMMUNITY PAROLE OFFICER, THE COMMUNITY PAROLE OFFICER SHALL SCHEDULE, IN GOOD FAITH, THE MEETING AT MUTUALLY AGREEABLE TIMES WITH THE PAROLEE THAT DO NOT CONFLICT WITH THE PAROLEE'S ESSENTIAL OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER PAROLE REQUIREMENTS.

SECTION 4. In Colorado Revised Statutes, 18-1.3-204, **amend** (2)(a) introductory portion, (2)(a)(V), and (2)(a)(IX) as follows:

18-1.3-204. Conditions of probation - interstate compact probation transfer cash fund - creation. (2) (a) When granting probation, the court may, as a ~~condition of~~ probation CONDITION, require that the defendant:

(V) Pay reasonable costs of the court proceedings or costs of supervision of probation, or both. THE COURT SHALL NOT REQUIRE A DEFENDANT TO PAY PROBATION SUPERVISION FEES IN MORE THAN ONE CASE WHEN THE DEFENDANT IS GRANTED PROBATION IN MULTIPLE CASES. The probation supervision fee ~~shall be~~ IS fifty dollars per month for the length of ordered probation. Notwithstanding the amount specified in this

~~subparagraph (V)~~ SUBSECTION (2)(a)(V), the court may lower OR WAIVE COURT COSTS AND the costs of supervision of probation ~~to an amount the defendant will be able to pay~~ FOR AN INDIGENT DEFENDANT. The court shall fix the manner of performance for payment of the fee. If the defendant receives probation services from a private provider, the court shall order the defendant to pay the probation supervision fee directly to the provider. The fee shall be imposed for the length of ordered probation.

(IX) ~~Report to~~ MEET WITH a probation officer at reasonable times as directed by the court or the probation officer. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE COURT, THE COURT SHALL ALLOW A PERSON ON PROBATION TO MEET WITH A PROBATION OFFICER AT REASONABLE TIMES THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE COURT, IN DIRECTING THAT A PERSON ON PROBATION MEET WITH A PROBATION OFFICER AT REASONABLE TIMES, THE COURT OR THE PROBATION OFFICER SHALL SCHEDULE, IN GOOD FAITH, THE MEETING WITH THE PERSON ON PROBATION AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT WITH THE PERSON'S ESSENTIAL OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER PROBATION REQUIREMENTS.

SECTION 5. In Colorado Revised Statutes, 19-2.5-1107, **add** (3)(d) as follows:

19-2.5-1107. Juvenile probation officers - powers and duties.

(3) (d) UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE COURT, IN DIRECTING THAT A JUVENILE UNDER THE JUVENILE PROBATION OFFICER'S SUPERVISION MEET WITH THE JUVENILE PROBATION OFFICER, THE PROBATION OFFICER SHALL:

(I) SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE JUVENILE ON PROBATION AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT WITH THE JUVENILE'S ESSENTIAL OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER PROBATION REQUIREMENTS; AND

(II) ALLOW A JUVENILE TO MEET WITH THE JUVENILE PROBATION OFFICER THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY.

SECTION 6. In Colorado Revised Statutes, 19-2.5-1108, **amend** (2)(a)(III) as follows:

19-2.5-1108. Probation - terms - release - revocation - graduated responses system - rules - report - definition. (2) (a) Conditions of probation must be customized to each juvenile based on the guidelines developed by the committee on juvenile justice reform pursuant to section 24-33.5-2402, as it existed prior to its repeal in 2022. The court shall, as minimum conditions of probation, order that the juvenile:

(III) ~~Report to~~ MEET WITH a probation officer at reasonable times as directed by the court or probation officer. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE COURT, THE COURT SHALL ALLOW A JUVENILE UNDER THE PROBATION OFFICER'S SUPERVISION TO MEET WITH THE PROBATION OFFICER AT REASONABLE TIMES THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE COURT, IN DIRECTING THAT A JUVENILE MEET WITH A PROBATION OFFICER AT REASONABLE TIMES, THE COURT OR THE PROBATION OFFICER SHALL SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE JUVENILE ON PROBATION AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT WITH THE JUVENILE'S ESSENTIAL OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER PROBATION REQUIREMENTS.

SECTION 7. In Colorado Revised Statutes, 19-2.5-1201, **amend** (7) as follows:

19-2.5-1201. Juvenile parole board - creation - membership - authority - rules. (7) (a) The board may grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services pursuant to section 19-2.5-1103 or 19-2.5-1127 in a manner that is in the best interests of the juvenile and the public. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or the successful completion of a high school equivalency examination, as that term is defined in section 22-33-102 (8.5); except that the board shall not require any such juvenile to attend a school from which the juvenile has been expelled without the prior approval of that school's local board of education. The board shall promulgate rules that establish

criteria under which its parole decisions are made. The board has the duties and responsibilities specified in this part 12.

(b) UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE BOARD, THE BOARD SHALL ALLOW A JUVENILE TO HAVE PERIODIC MEETINGS WITH THE JUVENILE PAROLE OFFICER AT REASONABLE TIMES THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE BOARD, IN DIRECTING THE JUVENILE TO HAVE PERIODIC MEETINGS WITH A JUVENILE PAROLE OFFICER AT REASONABLE TIMES, THE JUVENILE PAROLE OFFICER SHALL SCHEDULE, IN GOOD FAITH, THE MEETINGS WITH THE JUVENILE ON PAROLE AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT WITH THE JUVENILE'S ESSENTIAL OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER PAROLE REQUIREMENTS.

SECTION 8. In Colorado Revised Statutes, 19-2.5-1203, **amend** (1) as follows:

19-2.5-1203. Juvenile parole - hearing panels - definition.

(1) **Juvenile parole board - hearing panels authority.** (a) The juvenile parole board, established pursuant to section 19-2.5-1201, may grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services pursuant to sections 19-2.5-1103 and 19-2.5-1127. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or the successful completion of a high school equivalency examination, as that term is defined in section 22-33-102 (8.5); except that the board shall not require any juvenile to attend a school from which the juvenile has been expelled without the prior approval of that school's local board of education. The board may modify any of its decisions, or those of the hearing panel, except an order of discharge.

(b) UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE BOARD, THE BOARD SHALL ALLOW A JUVENILE TO HAVE PERIODIC MEETINGS WITH A JUVENILE PAROLE OFFICER AT REASONABLE TIMES THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY. UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE BOARD, IN DIRECTING THE JUVENILE TO HAVE PERIODIC MEETINGS WITH A JUVENILE

PAROLE OFFICER AT REASONABLE TIMES, THE JUVENILE PAROLE OFFICER SHALL SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE JUVENILE ON PAROLE AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT WITH THE JUVENILE'S ESSENTIAL OBLIGATIONS, INCLUDING WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER PAROLE REQUIREMENTS.

SECTION 9. In Colorado Revised Statutes, 19-2.5-1204, **amend** (2) as follows:

19-2.5-1204. Parole officers - powers - duties. (2)(a) The juvenile parole officer shall give to each juvenile granted parole a written statement of the conditions of the juvenile's parole, ~~shall~~ explain such conditions fully, and ~~shall~~ aid the juvenile to observe them. The juvenile parole officer shall have periodic ~~conferences~~ MEETINGS with ~~and reports from~~ the juvenile. The juvenile parole officer may conduct ~~such~~ investigations or other activities as necessary to determine whether the conditions of parole are being met and to accomplish the juvenile's rehabilitation.

(b) UNLESS INCONSISTENT WITH OTHER CONDITIONS IMPOSED BY THE BOARD, IN DIRECTING THAT A JUVENILE ON PAROLE HAVE A PERIODIC MEETING WITH A JUVENILE PAROLE OFFICER, THE JUVENILE PAROLE OFFICER SHALL:

(I) SCHEDULE, IN GOOD FAITH, MEETINGS WITH THE JUVENILE ON PAROLE AT MUTUALLY AGREEABLE TIMES THAT DO NOT CONFLICT WITH THE JUVENILE'S ESSENTIAL OBLIGATIONS INCLUDING WORK, EDUCATION, JOB TRAINING, DEPENDENT CARE, MEDICAL APPOINTMENTS, AND OTHER PAROLE REQUIREMENTS; AND

(II) ALLOW A JUVENILE TO MEET WITH A PAROLE OFFICER THROUGH A TELEPHONE CALL OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY.

SECTION 10. Act subject to petition - effective date. This act takes effect September 1, 2024; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will

not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO