

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 25-0731.01 Jerry Barry x4341

**HOUSE BILL 25-1214**

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**HOUSE SPONSORSHIP**

**Clifford,**

**SENATE SPONSORSHIP**

**Gonzales J.,**

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**House Committees**

Judiciary  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO MAKE APPROPRIATE USE OF PRISON BEDS.**

**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>.)*

Before an individual is sentenced to the department of corrections (department) for a class 5 or 6 felony, the bill requires the court to review certain available information and to make additional findings.

The bill directs the executive director of the department (executive director) to notify the sentencing court that a person sentenced to prison for certain lower-class felonies is either past or within 90 days or less of the person's parole eligibility date.

The bill adds certified recovery residences to the lists of possible

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.

treatment or recovery options for a parolee.

The bill eliminates the requirement that a parolee who tests positive for drugs or alcohol must pay for any treatment program ordered as a new condition of parole.

The bill repeals provisions that require approval by a majority of the members of the state board of parole (state board) for a denial of parole to certain low- or very low-risk inmates. The bill replaces these provisions by creating a presumption that certain low- or very low-risk inmates who have reached their parole eligibility dates will be granted parole. The bill also requires the state board to provide a monthly report to the department on the status of hearings for these low- and very low-risk inmates.

If an offender is otherwise eligible for parole or placement in a community corrections program but has an outstanding warrant or detainer, the parole board or the executive director shall notify the public defender liaison, who shall determine if the warrant or detainer may be resolved and notify the executive director of the outcome.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds:

4           (a) The department of corrections' budget has grown by over  
5 \$246.7 million over the past six years, and its fiscal year 2024-25 budget  
6 is almost \$1.2 billion;

7           (b) Prison population projections indicate continued growth in the  
8 prison population, and the department has requested an additional 427  
9 male prison beds in its initial budget request for fiscal year 2025-26;

10           (c) It is essential that the state's costly prison resources are used  
11 for those offenders for whom a different sentence is not appropriate or  
12 will not properly meet the goals of community safety and rehabilitation  
13 of the offender;

14           (d) Making changes to internal processes within the department  
15 of corrections and parole board can result in better utilization of prison  
16 beds;

1 (e) Over 10% of persons admitted to prison as a new court  
2 commitment are past or within 90 days or less of their parole eligibility  
3 date upon admission to prison, especially if the conviction was for a  
4 lower-level felony or drug felony. Courts, defense counsel, and  
5 prosecutors do not have sentence time computation information at the  
6 time of sentencing.

7 (f) Given that these new prison admissions are past or close to  
8 their parole eligibility date, the department of corrections will be unlikely  
9 to be able to provide education, treatment, or other rehabilitative  
10 programs prior to release. Requiring the department of corrections to  
11 notify the court when a new prison admission convicted of a lower-level  
12 felony is past or near their parole eligibility date allows the court to  
13 reconsider whether a sentence to prison is the most appropriate sentence  
14 with input from the prosecutor, defense counsel, and any victim.

15 (g) The number of people approved by community corrections as  
16 transition clients from prison has declined in recent years. In current law,  
17 inmates with a detainer or warrant are ineligible for referral to community  
18 corrections. Since that law went into effect, a new position was created  
19 within the office of state public defender to serve as a liaison to the  
20 department of corrections and parole board to assist with legal matters  
21 including warrants and detainers, special needs parole, and competency.  
22 Limiting the exclusionary criteria to only those situations when the  
23 warrant and detainer cannot be resolved may enable the public defender  
24 liaison to resolve outstanding warrants and detainers, creating a larger  
25 pool of potential applicants who can be considered by the community  
26 corrections boards and community corrections programs.

27 (h) Current law allows the parole board to deny parole to an

1 inmate by a majority vote of the parole board when the inmate is assessed  
2 to be low or very low risk, has good institutional conduct, is program  
3 compliant, has an approved parole plan, has not been regressed from  
4 community corrections or parole within the past 180 days, does not have  
5 a warrant or detainer, and the parole release guidelines recommend  
6 release. Requiring that the inmate have an approved parole plan prior to  
7 release, rather than at the time of the parole hearing, provides greater  
8 flexibility for the parole board to work with the department of corrections  
9 if the parole board believes the parole plan is not adequate. Similarly, the  
10 criteria that makes an inmate ineligible for parole due to a warrant or  
11 detainer was enacted prior to the creation of the public defender liaison,  
12 and this exclusionary criterion should only be applied if the public  
13 defender liaison is unable to resolve the warrant or detainer.

14 **SECTION 2.** In Colorado Revised Statutes, 16-11-301, **amend**  
15 (1); and **add** (5) as follows:

16 **16-11-301. Sentences - commitments - correctional facilities -**  
17 **county jail - age limit.** (1) (a) As a general rule, imprisonment for the  
18 conviction of a felony by an adult offender ~~shall be~~ IS served by  
19 confinement in an appropriate facility as determined by the executive  
20 director of the department of corrections. In such cases, the court ~~will~~  
21 SHALL sentence the offender to the custody of the executive director of  
22 the department of corrections.

23 (b)   PRIOR TO THE IMPOSITION OF A SENTENCE TO THE  
24 DEPARTMENT OF CORRECTIONS FOR A CONVICTION OF A CLASS 5 FELONY,  
25 CLASS 6 FELONY, CLASS 3 DRUG FELONY, OR CLASS 4 DRUG FELONY AT  
26 SENTENCING OR RESENTENCING AFTER A REVOCATION OF PROBATION OR  
27 COMMUNITY CORRECTIONS SENTENCE, THE COURT SHALL DETERMINE

1 WHETHER INCARCERATION IS THE MOST SUITABLE OPTION GIVEN THE  
2 FACTS AND CIRCUMSTANCES OF THE CASE.

3

4 (5) UNLESS THE PRISON SENTENCE IS THE RESULT OF A STIPULATED  
5 PLEA AGREEMENT FOR AN EXACT NUMBER OF YEARS IN PRISON, IF A  
6 SENTENCING COURT RECEIVES A NOTICE FROM THE EXECUTIVE DIRECTOR  
7 OF THE DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 17-1-103  
8 (1)(s) THAT, AT THE TIME OF ADMISSION, AN OFFENDER SENTENCED TO  
9 PRISON BY THE COURT IS EITHER PAST OR WITHIN NINETY DAYS OF THE  
10 OFFENDER'S PAROLE ELIGIBILITY DATE IN THE SENTENCED CASE, THE  
11 COURT SHALL NOTIFY COUNSEL FOR THE DEFENDANT AND THE  
12 PROSECUTION AND REQUEST THAT THE DEFENDANT FILE A MOTION IF THE  
13 DEFENDANT WANTS TO MOVE FOR RECONSIDERATION. IF THE COURT  
14 RECEIVES A MOTION FOR RECONSIDERATION, THE COURT SHALL SCHEDULE  
15 A HEARING ON THE MOTION WITHIN THIRTY-FIVE DAYS AFTER FILING AND,  
16 AT THE HEARING, MAY IMPOSE AN ALTERNATIVE SENTENCE. THIS HEARING  
17 IS SUBJECT TO PART 3 OF ARTICLE 4.1 OF TITLE 24.

18 **SECTION 3.** In Colorado Revised Statutes, 17-1-103, **add** (1)(s)  
19 as follows:

20 **17-1-103. Duties of the executive director.** (1) The duties of the  
21 executive director are:

22 (s) IF AN OFFENDER IS ADMITTED TO THE CUSTODY OF THE  
23 EXECUTIVE DIRECTOR AS A NEW COURT COMMITMENT SERVING A  
24 SENTENCE WHERE THE CONTROLLING SENTENCE IS FOR A CLASS 5 OR  
25 CLASS 6 FELONY OR A CLASS 3 OR CLASS 4 DRUG FELONY AND THE  
26 OFFENDER IS DETERMINED BY THE DEPARTMENT AT ADMISSION TO BE PAST  
27 OR WITHIN NINETY DAYS OF THE OFFENDER'S PAROLE ELIGIBILITY DATE,

1 THE DEPARTMENT SHALL NOTIFY THE SENTENCING COURT WITHIN  
2 FOURTEEN DAYS AFTER ADMISSION AND PROVIDE THE COURT WITH  
3 INFORMATION ON THE PAROLE ELIGIBILITY DATE, THE MANDATORY  
4 RELEASE DATE, AND THE RESULTS OF ANY INTAKE ASSESSMENTS FOR THE  
5 OFFENDER.

6 **SECTION 4.** In Colorado Revised Statutes, 17-2-201, **amend**  
7 (3)(h.1)(I), (4)(f)(I)(B), (4)(f)(I)(C), (5)(c)(II) introductory portion,  
8 (5.5)(d)(I), (5.7) introductory portion, and (5.7)(a); and **repeal**  
9 (4)(f)(I)(D), (4)(f)(I)(E), and (19) as follows:

10 **17-2-201. State board of parole - duties - definitions.** (3) The  
11 chairperson, in addition to other provisions of law, has the following  
12 powers and duties:

13 (h.1) To contract with qualified individuals to serve as release  
14 hearing officers:

15 (I) To conduct parole application hearings for inmates convicted  
16 of class 4, class 5, or class 6 felonies or level 3 or level 4 drug felonies  
17 who have been assessed to be less than high risk by the Colorado risk  
18 assessment scale developed pursuant to section 17-22.5-404 (2)(a); ~~or~~  
19 ~~hearings pursuant to subsection (19) of this section pursuant to rules~~  
20 ~~adopted by the parole board;~~ and

21 (4) The board has the following powers and duties:

22 (f) (I) To conduct an initial or subsequent parole release review  
23 in lieu of a hearing, without the presence of the inmate, if:

24 (B) A detainer from the United States immigration and customs  
25 enforcement agency has been filed with the department, the inmate meets  
26 the criteria for the presumption of parole in section 17-22.5-404.7, and  
27 victim notification is not required pursuant to section 24-4.1-302.5; OR

1 (C) The inmate has a statutory discharge date or mandatory  
2 release date within six months after ~~his or her~~ THE INMATE'S next  
3 ordinarily scheduled parole hearing and victim notification is not required  
4 pursuant to section 24-4.1-302.5.

5 (D) ~~The inmate is assessed to be a low or very low risk on the~~  
6 ~~validated risk assessment instrument developed pursuant to section~~  
7 ~~17-22.5-404 (2), the inmate meets readiness criteria established by the~~  
8 ~~board, and victim notification is not required pursuant to section~~  
9 ~~24-4.1-302.5; or~~

10 (E) ~~The inmate is subject to subsection (19) of this section.~~

11 (5) (c) (II) ~~Except if the offender is subject to subsection (19) of~~  
12 ~~this section,~~ If the offender fails to pay the restitution, ~~he or she~~ THE  
13 OFFENDER may be returned to the board and, upon proof of failure to pay,  
14 the board shall:

15 (5.5) (d) (I) If a chemical test administered pursuant to the  
16 requirements of this subsection (5.5) reflects the presence of drugs or  
17 alcohol, the parolee may be required to participate ~~at his own expense~~ in  
18 an appropriate drug or alcohol program; community correctional  
19 nonresidential program; mental health program; CERTIFIED RECOVERY  
20 RESIDENCE, AS DEFINED IN SECTION 27-80-129; or other fee-based or  
21 non-fee-based treatment program approved by the parole board.

22 (5.7) If, as a condition of parole, an offender is required to  
23 undergo counseling, ~~or~~ treatment, OR PARTICIPATE IN A CERTIFIED  
24 RECOVERY RESIDENCE, AS DEFINED IN SECTION 27-80-129, unless the  
25 parole board determines that treatment at another facility or with another  
26 person is warranted, the treatment or counseling must be at a facility or  
27 with a person:

1 (a) Approved by the behavioral health administration in the  
2 department of human services if the treatment is for alcohol or drug abuse  
3 OR A CERTIFIED RECOVERY RESIDENCE, AS DEFINED IN SECTION 27-80-129;

4 ~~(19) (a) Except as provided in subsection (19)(b) of this section,~~  
5 ~~if a person has an approved parole plan, has been assessed to be low or~~  
6 ~~very low risk on the validated risk assessment scale developed pursuant~~  
7 ~~to section 17-22.5-404 (2), and the parole release guidelines recommend~~  
8 ~~release, the parole board may deny parole only by a majority vote of the~~  
9 ~~full parole board.~~

10 ~~(b) An inmate is not eligible for release pursuant to subsection~~  
11 ~~(19)(a) of this section if he or she has had a class I code of penal~~  
12 ~~discipline violation within the previous twelve months from the date of~~  
13 ~~consideration by the parole board or since incarceration, whichever is~~  
14 ~~shorter; has been terminated for lack of progress or has declined in~~  
15 ~~writing to participate in programs that have been recommended and made~~  
16 ~~available to the inmate within the previous twelve months or since~~  
17 ~~incarceration, whichever is shorter; has been regressed from community~~  
18 ~~corrections or revoked from parole within the previous one hundred~~  
19 ~~eighty days; is required to be considered by the full board for release; or~~  
20 ~~has a pending felony charge, detainer, or an extraditable warrant.~~

21 ~~(c) If the parole board denies parole to an inmate pursuant to~~  
22 ~~subsection (19)(a) of this section, the board shall submit to the department~~  
23 ~~the basis for the denial in writing.~~

24 **SECTION 5.** In Colorado Revised Statutes, 17-2-203, **amend**  
25 **(1.5)(c), (11)(c) introductory portion, and (11)(e); and add (11)(c)(III) as**  
26 **follows:**

27 **17-2-103. Arrest of parolee - revocation proceedings.**



1 (1.5) (c) A community parole officer shall also make referrals to any  
2 needed treatment, CERTIFIED RECOVERY RESIDENCE, AS DEFINED IN  
3 SECTION 27-80-129, or other support services that may help a parolee  
4 become compliant with the conditions of parole and succeed in  
5 reintegrating into society. For the purposes of this section, testing positive  
6 for the use of illegal drugs is considered a technical violation of parole.

7 (11) (c) If the board determines that the parolee is in need of  
8 treatment, the board shall consider placing the parolee in one of the  
9 following treatment OR RECOVERY options and, if appropriate, may  
10 modify the conditions of parole to include:

11 (III) PLACEMENT IN A CERTIFIED RECOVERY RESIDENCE, AS  
12 DEFINED IN SECTION 27-80-129.

13 (e) If the parolee is unsuccessful in participating in a treatment OR  
14 RECOVERY program ordered pursuant to ~~paragraph (c) of this subsection~~  
15 ~~(H)~~ SUBSECTION (11)(c) OF THIS SECTION and ~~his or her~~ THE PAROLEE'S  
16 participation is terminated, the board may consider placement of the  
17 parolee in additional treatment, as appropriate, including a higher level of  
18 treatment OR IN A CERTIFIED RECOVERY RESIDENCE, AS DEFINED IN  
19 SECTION 27-80-129.

20 **SECTION 6.** In Colorado Revised Statutes, **add** 17-22.5-404.9  
21 as follows:

22 **17-22.5-404.9. Presumption of parole - low- and very low-risk**  
23 **offenders - assessment - report.** (1) THERE IS A PRESUMPTION, SUBJECT  
24 TO THE FINAL DISCRETION OF THE PAROLE BOARD, IN FAVOR OF GRANTING  
25 PAROLE AT THE FIRST OR A SUBSEQUENT PAROLE APPLICATION HEARING TO  
26 AN INMATE WHO HAS REACHED THEIR PAROLE ELIGIBILITY DATE AND WHO:

27 (a) HAS BEEN ASSESSED TO BE LOW OR VERY LOW RISK ON THE

1 VALIDATED RISK ASSESSMENT SCALE DEVELOPED PURSUANT TO SECTION  
2 17-22.5-404 (2)(a), AND THE ADMINISTRATIVE RELEASE GUIDELINE  
3 INSTRUMENT DEVELOPED PURSUANT TO SECTION 17-22.5-107 (1)  
4 RECOMMENDS RELEASE;

5 (b) HAS NOT INCURRED A CLASS I CODE OF PENAL DISCIPLINE  
6 VIOLATION WITHIN THE PREVIOUS TWELVE MONTHS AFTER THE DATE OF  
7 CONSIDERATION BY THE PAROLE BOARD OR SINCE INCARCERATION,  
8 WHICHEVER IS SHORTER;

9 (c) HAS NOT, WITHIN THE TWELVE MONTHS PRECEDING THE  
10 INMATE'S PAROLE APPLICATION HEARING, DECLINED IN WRITING TO  
11 PARTICIPATE IN PROGRAMS THAT HAVE BEEN RECOMMENDED AND MADE  
12 AVAILABLE TO THE INMATE;

13 (d) WAS NOT CONVICTED OF A CLASS 1 DRUG FELONY OFFENSE, A  
14 CLASS 1, CLASS 2, OR CLASS 3 FELONY OFFENSE, AND IS NOT SERVING AN  
15 INDETERMINATE SENTENCE PURSUANT TO SECTION 18-1.3-1004; AND

16 (e) HAS NOT BEEN REGRESSED FROM COMMUNITY CORRECTIONS OR  
17 REVOKED FROM PAROLE WITHIN THE PREVIOUS ONE HUNDRED EIGHTY  
18 DAYS.

19 (2) IF THE DEPARTMENT DID NOT SUBMIT AN APPROVED PAROLE  
20 PLAN PRIOR TO THE PAROLE APPLICATION HEARING OR THE PAROLE BOARD  
21 CONSIDERS THE SUBMITTED PAROLE PLAN TO BE INADEQUATE, THE PAROLE  
22 BOARD OR AN INDIVIDUAL MEMBER OF THE PAROLE BOARD SHALL NOT  
23 DENY PAROLE AND SHALL PROCEED PURSUANT TO SECTION 17-2-201 (20).

24 (3) IF AN INMATE WHO OTHERWISE MEETS THE CRITERIA OF  
25 SUBSECTION (1) OF THIS SECTION HAS A DETAINER OR A WARRANT, THE  
26 PAROLE BOARD SHALL DELAY THE HEARING DECISION OR ORDER A  
27 CONDITIONAL RELEASE AND NOTIFY THE DEPARTMENT, WHICH SHALL

1 NOTIFY THE PUBLIC DEFENDER LIAISON TO DETERMINE IF THE WARRANT OR  
2 DETAINEE MAY BE RESOLVED. THE PUBLIC DEFENDER LIAISON SHALL  
3 NOTIFY THE PAROLE BOARD OF THE OUTCOME, AND, IF THE WARRANT OR  
4 DETAINEE HAS BEEN REMOVED, THE PAROLE BOARD MAY ORDER RELEASE  
5 OF THE INMATE. IF THE DETAINEE OR WARRANT IS NOT ABLE TO BE  
6 RESOLVED, THE PAROLE BOARD MAY ONLY RELEASE THE INMATE TO THE  
7 CUSTODY OF THE AGENCY THAT ISSUED THE WARRANT OR DETAINEE.

8 (4) IF THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT  
9 DEVELOPED PURSUANT TO SECTION 17-22.5-107 (1) RECOMMENDS  
10 RELEASE, THE PAROLE BOARD SHALL ONLY DENY PAROLE BY A MAJORITY  
11 VOTE OF THE FULL PAROLE BOARD. THE PAROLE BOARD SHALL NOT DENY  
12 PAROLE FOR NOT COMPLETING TREATMENT OR A PROGRAM THAT CAN BE  
13 ORDERED AS A CONDITION OF PAROLE.

14 (5) IF THE PAROLE BOARD DENIES PAROLE TO AN INMATE  
15 PURSUANT TO THIS SECTION, THE PAROLE BOARD SHALL SUBMIT TO THE  
16 DEPARTMENT AND THE INMATE THE REASONS FOR THE DENIAL IN WRITING.

17 (6) THE DEPARTMENT SHALL ENSURE THAT EVERY INMATE HAS  
18 BEEN ASSESSED ON THE VALIDATED RISK ASSESSMENT SCALE DEVELOPED  
19 PURSUANT TO SECTION 17-22.5-404 (2) AND THAT THE PAROLE BOARD HAS  
20 THE RESULTS OF THAT ASSESSMENT PRIOR TO AN INMATE'S PAROLE  
21 APPLICATION HEARING.

22 (7) THE PAROLE BOARD SHALL PROVIDE A MONTHLY REPORT TO  
23 THE DEPARTMENT FOR INCLUSION IN THE DEPARTMENT'S MONTHLY  
24 REPORTS ON THE NUMBER OF HEARINGS CONDUCTED THAT MET THE  
25 CRITERIA PURSUANT TO THIS SECTION; THE NUMBER OF DECISIONS BY THE  
26 PAROLE BOARD TO GRANT PAROLE, DEFER PAROLE, OR DELAY THE  
27 HEARING; AND, IF PAROLE WAS DEFERRED OR THE HEARING DELAYED, THE

1 GENERAL REASON FOR THE DEFERRAL OR DELAY. THE INFORMATION MUST  
2 BE PROVIDED BOTH FOR THE REPORTING MONTH AND YEAR TO DATE. THE  
3 REPORT IS POSTED ON THE DEPARTMENT'S WEBSITE.

4 (8) ANY PAROLE HEARING CONDUCTED PURSUANT TO THIS SECTION  
5 IS SUBJECT TO PART 3 OF ARTICLE 4.1 OF TITLE 24.

6 (9) THIS PRESUMPTION OF PAROLE DOES NOT APPLY TO AN  
7 OTHERWISE ELIGIBLE INMATE WHO IS IN THE RESIDENTIAL PHASE OF A  
8 COMMUNITY CORRECTIONS PROGRAM AND SUBJECT TO SECTION 17-2-201  
9 (17).

10 SECTION 7. In Colorado Revised Statutes, 18-1.3-301, add  
11 (2)(b.5) as follows:

12 18-1.3-301. Authority to place offenders in community  
13 corrections program. (2) (b.5) IF AN OFFENDER ELIGIBLE FOR REFERRAL  
14 UNDER THIS SUBSECTION (2) HAS A WARRANT OR DETAINER, THE  
15 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL  
16 DELAY REFERRAL AND NOTIFY THE PUBLIC DEFENDER LIAISON TO  
17 DETERMINE IF THE WARRANT OR DETAINER MAY BE RESOLVED. THE  
18 PUBLIC DEFENDER LIAISON SHALL NOTIFY THE DEPARTMENT OF  
19 CORRECTIONS OF THE OUTCOME, AND, IF THE WARRANT OR DETAINER IS  
20 REMOVED, THE DEPARTMENT SHALL MAKE A REFERRAL AS REQUIRED BY  
21 SUBSECTION (2)(b) OF THIS SECTION.

22 SECTION 8. Act subject to petition - effective date -  
23 applicability. (1) This act takes effect September 1, 2025; except that,  
24 if a referendum petition is filed pursuant to section 1 (3) of article V of  
25 the state constitution against this act or an item, section, or part of this act  
26 within the ninety-day period after final adjournment of the general  
27 assembly, then the act, item, section, or part will not take effect unless

1 approved by the people at the general election to be held in November  
2 2026 and, in such case, will take effect January 1, 2027, or on the date of  
3 the official declaration of the vote thereon by the governor, whichever is  
4 later.

5 (2) This act applies to sentences entered and parole board hearings  
6 held on or after the applicable effective date of this act.