

**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

HOUSE SPONSORSHIP

Clifford,

SENATE SPONSORSHIP

Gonzales J.,

House Committees

Judiciary
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO MAKE APPROPRIATE USE OF PRISON BEDS,**
102 **AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN**
103 **APPROPRIATION.**

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

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.

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 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.

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;



1 (d) 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 (e) 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 (f) 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 ■ ■

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

3 **16-11-301. Sentences - commitments - correctional facilities -**
4 **county jail - age limit.** (1) (a) As a general rule, imprisonment for the
5 conviction of a felony by an adult offender ~~shall be~~ IS served by
6 confinement in an appropriate facility as determined by the executive
7 director of the department of corrections. In such cases, the court ~~will~~
8 SHALL sentence the offender to the custody of the executive director of
9 the department of corrections.

10 (b) [REDACTED] PRIOR TO THE IMPOSITION OF A SENTENCE TO THE
11 DEPARTMENT OF CORRECTIONS FOR A CONVICTION OF A CLASS 5 FELONY,
12 CLASS 6 FELONY, CLASS 3 DRUG FELONY, OR CLASS 4 DRUG FELONY AT
13 SENTENCING OR RESENTENCING AFTER A REVOCATION OF PROBATION OR
14 COMMUNITY CORRECTIONS SENTENCE, THE COURT SHALL DETERMINE
15 WHETHER INCARCERATION IS THE MOST SUITABLE OPTION GIVEN THE
16 FACTS AND CIRCUMSTANCES OF THE CASE AND THE PURPOSES OF
17 SENTENCING PURSUANT TO SECTION 18-1-102.5.

18 [REDACTED]
19 (5) UNLESS THE PRISON SENTENCE IS THE RESULT OF A STIPULATED
20 PLEA AGREEMENT FOR AN EXACT NUMBER OF YEARS IN PRISON, IF A
21 SENTENCING COURT RECEIVES A NOTICE FROM THE EXECUTIVE DIRECTOR
22 OF THE DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 17-1-103
23 (1)(s) THAT, AT THE TIME OF ADMISSION, AN OFFENDER SENTENCED TO
24 PRISON BY THE COURT IS EITHER PAST OR WITHIN NINETY DAYS OF THE
25 OFFENDER'S PAROLE ELIGIBILITY DATE IN THE SENTENCED CASE, THE
26 COURT SHALL NOTIFY COUNSEL FOR THE DEFENDANT AND THE
27 PROSECUTION AND REQUEST THAT THE DEFENDANT FILE A MOTION IF THE

1 DEFENDANT WANTS TO MOVE FOR RECONSIDERATION. IF THE COURT
2 RECEIVES A MOTION FOR RECONSIDERATION, THE COURT SHALL SCHEDULE
3 A HEARING ON THE MOTION WITHIN THIRTY-FIVE DAYS AFTER FILING AND,
4 AT THE HEARING, MAY IMPOSE AN ALTERNATIVE SENTENCE. THIS HEARING
5 IS SUBJECT TO PART 3 OF ARTICLE 4.1 OF TITLE 24.

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

8 **17-1-103. Duties of the executive director.** (1) The duties of the
9 executive director are:

10 (s) IF AN OFFENDER IS ADMITTED TO THE CUSTODY OF THE
11 EXECUTIVE DIRECTOR AS A NEW COURT COMMITMENT SERVING A
12 SENTENCE WHERE THE CONTROLLING SENTENCE IS FOR A CLASS 5 OR
13 CLASS 6 FELONY OR A CLASS 3 OR CLASS 4 DRUG FELONY AND THE
14 OFFENDER IS DETERMINED BY THE DEPARTMENT AT ADMISSION TO BE PAST
15 OR WITHIN NINETY DAYS OF THE OFFENDER'S PAROLE ELIGIBILITY DATE,
16 THE DEPARTMENT SHALL NOTIFY THE SENTENCING COURT WITHIN
17 FOURTEEN DAYS AFTER ADMISSION AND PROVIDE THE COURT WITH
18 INFORMATION ON THE PAROLE ELIGIBILITY DATE, THE MANDATORY
19 RELEASE DATE, AND THE RESULTS OF ANY INTAKE ASSESSMENTS FOR THE
20 OFFENDER.

21 **SECTION 4.** In Colorado Revised Statutes, 17-2-201, **amend**
22 (3)(h.1)(I), (4)(f)(I)(B), (4)(f)(I)(C), (5)(c)(II) introductory portion,
23 (5.5)(d)(I), (5.7) introductory portion, and (5.7)(a); and **repeal**
24 (4)(f)(I)(D), (4)(f)(I)(E), and (19) as follows:

25 **17-2-201. State board of parole - duties - definitions.** (3) The
26 chairperson, in addition to other provisions of law, has the following
27 powers and duties:

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

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

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

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

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

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

20 (D) ~~The inmate is assessed to be a low or very low risk on the~~
21 ~~validated risk assessment instrument developed pursuant to section~~
22 ~~17-22.5-404 (2), the inmate meets readiness criteria established by the~~
23 ~~board, and victim notification is not required pursuant to section~~
24 ~~24-4.1-302.5; or~~

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

26 (5) (c) (II) ~~Except if the offender is subject to subsection (19) of~~
27 ~~this section,~~ If the offender fails to pay the restitution, ~~he or she~~ THE

1 OFFENDER may be returned to the board and, upon proof of failure to pay,
2 the board shall:

3 (5.5) (d) (I) If a chemical test administered pursuant to the
4 requirements of this subsection (5.5) reflects the presence of drugs or
5 alcohol, the parolee may be required to participate ~~at his own expense~~ in
6 an appropriate drug or alcohol program; community correctional
7 nonresidential program; mental health program; CERTIFIED RECOVERY
8 RESIDENCE, AS DEFINED IN SECTION 27-80-129; or other fee-based or
9 non-fee-based treatment program approved by the parole board.

10 (5.7) If, as a condition of parole, an offender is required to
11 undergo counseling, ~~or~~ treatment, OR PARTICIPATE IN A CERTIFIED
12 RECOVERY RESIDENCE, AS DEFINED IN SECTION 27-80-129, unless the
13 parole board determines that treatment at another facility or with another
14 person is warranted, the treatment or counseling must be at a facility or
15 with a person:

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

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

25 ~~(b) An inmate is not eligible for release pursuant to subsection~~
26 ~~(19)(a) of this section if he or she has had a class I code of penal~~
27 ~~discipline violation within the previous twelve months from the date of~~

1 consideration by the parole board or since incarceration, whichever is
2 shorter, has been terminated for lack of progress or has declined in
3 writing to participate in programs that have been recommended and made
4 available to the inmate within the previous twelve months or since
5 incarceration, whichever is shorter, has been regressed from community
6 corrections or revoked from parole within the previous one hundred
7 eighty days; is required to be considered by the full board for release; or
8 has a pending felony charge, detainer, or an extraditable warrant.

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

12 **SECTION 5.** In Colorado Revised Statutes, 17-2-203, **amend**
13 (1.5)(c), (11)(c) introductory portion, and (11)(e); and **add** (11)(c)(III) as
14 follows:

15 **17-2-103. Arrest of parolee - revocation proceedings.**

16 (1.5) (c) A community parole officer shall also make referrals to any
17 needed treatment, CERTIFIED RECOVERY RESIDENCE, AS DEFINED IN
18 SECTION 27-80-129, or other support services that may help a parolee
19 become compliant with the conditions of parole and succeed in
20 reintegrating into society. For the purposes of this section, testing positive
21 for the use of illegal drugs is considered a technical violation of parole.

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

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

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

8

9 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-301, **add**
10 (2)(b.5) as follows:

11 **18-1.3-301. Authority to place offenders in community**
12 **corrections program.** (2) (b.5) IF AN OFFENDER ELIGIBLE FOR REFERRAL
13 UNDER THIS SUBSECTION (2) HAS A WARRANT OR DETAINER, THE
14 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL
15 DELAY REFERRAL AND NOTIFY THE PUBLIC DEFENDER LIAISON TO
16 DETERMINE IF THE WARRANT OR DETAINER MAY BE RESOLVED. THE
17 PUBLIC DEFENDER LIAISON SHALL NOTIFY THE DEPARTMENT OF
18 CORRECTIONS OF THE OUTCOME, AND, IF THE WARRANT OR DETAINER IS
19 REMOVED, THE DEPARTMENT SHALL MAKE A REFERRAL AS REQUIRED BY
20 SUBSECTION (2)(b) OF THIS SECTION.

21 **SECTION 7.** In Colorado Revised Statutes, 17-33-101, **add**
22 (7)(f.5)(IV.5)(C) as follows:

23 **17-33-101. Reentry planning and programs for adult parole -**
24 **grant program - appropriation - rules - definition - repeal.**
25 (7) (f.5) (IV.5) (C) FROM THE SAVINGS FROM THE ENACTMENT OF HOUSE
26 BILL 25-1214, THE GENERAL ASSEMBLY SHALL APPROPRIATE \$886,023 TO
27 THE FUND FOR FISCAL YEAR 2025-26 AND \$2,707,387 TO THE FUND FOR

1 FISCAL YEAR 2026-27.

2 **SECTION 8. Appropriation - adjustments to 2025 long bill.**

3 (1) To implement this act, appropriations made in the annual general
4 appropriation act for the 2025-26 state fiscal year to the department of
5 corrections are adjusted as follows:

6 (a) The general fund appropriation for use by the executive
7 director's office for payments to in-state private prisons is decreased by
8 \$946,497; and

9 (b) The general fund appropriation for use by community services
10 for operating expenses related to the parole subprogram is decreased by
11 \$31,017.

12 (2) For the 2025-26 state fiscal year, \$886,023 is appropriated to
13 the community-based reentry services cash fund created in section 17-33-
14 101 (7)(f.5)(I), C.R.S.. This appropriation is from the general fund. The
15 department of corrections is responsible for the accounting related to this
16 appropriation.

17 (3) For the 2025-26 state fiscal year, \$75,448 is appropriated to
18 the judicial department for use by probation and related services division.
19 This appropriation is from the general fund and is based on an assumption
20 that the division will require an additional 0.8 FTE. To implement this
21 act, the division may use this appropriation for probation programs.

22 **SECTION 9. 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.