

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

INTRODUCED

LLS NO. 25-0831.01 Michael Dohr x4347

SENATE BILL 25-190

SENATE SPONSORSHIP

Ball,

HOUSE SPONSORSHIP

Bacon and Soper,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROCESSES FOR OFFENDER RELEASE FROM CUSTODY.**

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>.)

Under current law, a sheriff may allow an individual to choose to stay in jail overnight after release when extenuating circumstances exist. The bill states it is an extenuating circumstance to facilitate a connection to a service provider. If a defendant remains in jail overnight, the defendant must be released by 10 a.m. the next morning.

Under current law, there is a distinction for those who are 55 years of age or older, and for those under that age with certain medical conditions, for special needs parole. The bill changes that distinction. The

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.

bill makes an inmate eligible for special needs parole if the inmate is 55 years of age or older and suffers from a diagnosed severe cognitive impairment or serious impairment that limits the person's ability to function. The bill makes an inmate eligible for special needs parole if the inmate is under 55 years of age and suffers from a diagnosed severe cognitive impairment or serious impairment that limits the person's ability to function; has served at least 25% of the inmate's sentence, or 10 years imprisonment, whichever is shorter; and has not incurred a class I code of penal discipline violation within the 12 months before the date of the application for special needs parole. The bill makes a person eligible for special needs parole if the person has a condition such as advanced or metastatic cancer; end-stage renal disease; end-stage chronic obstructive pulmonary disorder; end-stage heart disease; end-stage liver disease; progressive neurodegenerative disease such as Huntington's disease, Parkinson's disease, and amyotrophic lateral sclerosis; intractable seizure disorder; severe dementia; or Alzheimer's disease. The bill provides that when a health-care provider who is providing care to the person makes a determination that the person's medical condition meets the standard for special needs parole, then a referral must be made to the parole board.

The department of corrections is required to include in each contract with a licensed health-care provider involved in providing patient care to an inmate a requirement that the provider screen each patient for eligibility for special needs parole.

The bill requires legislative council staff to conduct a study of options for releasing aging and seriously ill offenders from secure custody to appropriate care or placing offenders in alternative programs that can better provide the offender's needed medical care.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-4-102, **amend**
3 (2)(b)(I) as follows:

4 **16-4-102. Right to bail - before conviction.** (2) (b) (I) A judge,
5 judicial officer, or bond hearing officer shall not require a monetary bond
6 to be paid in the defendant's name. Bond may be paid, at a minimum, by
7 cash, money order, or cashier's check. If bond is paid by money order or
8 cashier's check, the money order or cashier's check may be payable to the
9 holding county. Before bond is posted, the sheriff shall provide the
10 defendant and surety, if any, a copy of the notice described in subsection

1 (2)(h)(I) of this section. When the bond is posted, the sheriff shall provide
2 the defendant and surety, if any, a copy of the bond paperwork and
3 information regarding the defendant's next court date. The individual
4 processing the bond shall certify, in writing, that the ~~payor~~ PAYER
5 received a copy of the bond paperwork, the notice described in subsection
6 (2)(h)(I) of this section, and information regarding the defendant's next
7 court date and shall place a copy of the certification in the defendant's
8 file. Notwithstanding the provisions of this section, a sheriff may allow
9 an individual to choose to stay in jail overnight after release when
10 extenuating circumstances exist, including inclement weather, lack of
11 transportation, ~~or~~ lack of shelter, OR TO FACILITATE A CONNECTION TO A
12 SERVICE PROVIDER. IF A DEFENDANT REMAINS IN JAIL OVERNIGHT, THE
13 DEFENDANT MUST BE RELEASED BY 10 A.M. THE NEXT MORNING.

14 **SECTION 2.** In Colorado Revised Statutes, 17-1-102, **amend**
15 (6.7), (7.4), and (7.5); and **add** (7.6) as follows:

16 **17-1-102. Definitions.** As used in this title 17, unless the context
17 otherwise requires:

18 (6.7) "Inmate liaison" means an inmate's family member or
19 attorney; a government agency; A PUBLIC DEFENDER LIAISON, DESCRIBED
20 IN SECTION 21-1-104, TO THE DEPARTMENT OF CORRECTIONS AND THE
21 STATE BOARD OF PAROLE; or a representative from an organization with
22 experience in helping inmates apply for special needs parole, high-needs
23 prerelease planning, or reentry. The organization must be in good
24 standing with the Colorado secretary of state for the past twelve
25 consecutive months, and the organization's involvement must be at the
26 request of the inmate, or an inmate's family member or attorney should
27 the inmate be unable to make the request.

1 (7.4) "Serious impairment that limits a person's ability to function"
2 means a medically diagnosed physical or mental condition that is chronic
3 and long term in nature and severely limits a person's ability to
4 independently perform essential day-to-day activities without daily
5 intervention, attention, or support from an inmate aide or professional
6 caregiver A MEDICALLY DIAGNOSED PHYSICAL OR MENTAL CONDITION
7 THAT IS CHRONIC AND LONG TERM IN NATURE AND THAT CAUSES THE
8 INMATE TO REQUIRE ASSISTANCE WITH TWO OR MORE ACTIVITIES OF DAILY
9 LIVING. SUCH CONDITIONS INCLUDE, BUT ARE NOT LIMITED TO, ADVANCED
10 OR METASTATIC CANCER; END-STAGE RENAL DISEASE; END-STAGE
11 CHRONIC OBSTRUCTIVE PULMONARY DISORDER; END-STAGE HEART
12 DISEASE; END-STAGE LIVER DISEASE; PROGRESSIVE NEURODEGENERATIVE
13 DISEASE SUCH AS HUNTINGTON'S DISEASE, PARKINSON'S DISEASE, AND
14 AMYOTROPHIC LATERAL SCLEROSIS; AND INTRACTABLE SEIZURE
15 DISORDER.

16 (7.5) (a) "Special needs offender" means a person in the custody
17 of the department:

18 (I) Who is fifty-five years of age or older and has been diagnosed
19 by a licensed health-care provider who is employed by or under contract
20 with the department or by a private licensed health-care provider involved
21 in providing patient care to the inmate as suffering from a chronic
22 infirmity, illness, condition, disease, or behavioral or mental health
23 disorder that causes serious impairment that limits the person's ability to
24 function;

25 (II) Who, as determined by a licensed health-care provider who
26 is employed by or under contract with the department or by a private
27 licensed health-care provider involved in providing patient care to the

1 inmate, suffers from a chronic, permanent, terminal, or irreversible
2 physical illness, condition, disease, or a behavioral or mental health
3 disorder that requires costly care or treatment and who is incapacitated;

4 (III) Who is sixty-four years of age or older and has served at least
5 twenty years of the person's sentence and was not convicted of a class 1
6 or class 2 felony for a crime as defined in section 24-4.1-302 (1),
7 unlawful sexual behavior as defined in section 16-22-102 (9), a crime that
8 includes domestic violence as defined in section 18-6-800.3 (1), or
9 stalking as described in section 18-3-602; or

10 (IV) Who, as determined by a licensed health-care provider who
11 is employed by or under contract with the department or a competency
12 evaluator as defined in section 16-8.5-101 (3) and approved by the
13 department of human services, on the basis of available evidence, not
14 including evidence resulting from a refusal of the person to accept
15 treatment, is incompetent to proceed and does not have a substantial
16 probability of being restored to competency for the completion of any
17 sentence including a person who has been diagnosed with dementia that
18 renders the person incompetent to proceed. As used in this subsection
19 (7.5)(a)(IV), "competency" has the same meaning as "competent to
20 proceed", as defined in section 16-8.5-101 (5), and "incompetent to
21 proceed" has the same meaning as defined in section 16-8.5-101 (12).

22 (b)(I) Notwithstanding subsection (7.5)(a) of this section, "special
23 needs offender" does not include a person who:

24 (A) Was convicted of a class 1 felony and sentenced to life with
25 the possibility of parole and the offender has served fewer than twenty
26 calendar years in a department of corrections facility for the offense;

27 (B) Was convicted of a class 1 felony and sentenced to life

1 without parole; or

2 ~~(C) Was convicted of a class 2 felony crime of violence as~~
3 ~~described in section 18-1.3-406 and the offender has served fewer than~~
4 ~~ten calendar years in a department of corrections facility for the offense.~~

5 ~~(H) This subsection (7.5)(b) does not apply to an inmate who has~~
6 ~~been diagnosed as having a terminal illness with an anticipated life~~
7 ~~expectancy of twelve months or less by a licensed health-care provider~~
8 ~~who is employed by or under contract with the department or by a private~~
9 ~~licensed health-care provider involved in providing patient care to the~~

10 ~~inmate. "SEVERE COGNITIVE IMPAIRMENT" MEANS A SUBSTANTIAL~~
11 ~~DISORDER OF COGNITIVE ABILITY OR MENTAL ILLNESS THAT RESULTS IN~~
12 ~~MARKED FUNCTIONAL DISABILITY, SIGNIFICANTLY INTERFERING WITH~~
13 ~~ADAPTIVE BEHAVIOR AND CAUSING AN INMATE TO REQUIRE ASSISTANCE~~
14 ~~WITH TWO OR MORE ACTIVITIES OF DAILY LIVING. SUCH CONDITIONS~~
15 ~~INCLUDE, BUT ARE NOT LIMITED TO, SEVERE DEMENTIA AND ALZHEIMER'S~~
16 ~~DISEASE.~~

17 (7.6) (a) "SPECIAL NEEDS OFFENDER" MEANS AN INMATE IN THE
18 CUSTODY OF THE DEPARTMENT:

19 (I) WHO HAS BEEN DIAGNOSED BY A LICENSED HEALTH-CARE
20 PROVIDER WHO IS INVOLVED IN PROVIDING PATIENT CARE TO THE INMATE,
21 OR WHO HAS PERSONALLY ASSESSED THE INMATE'S CONDITION, AS
22 SUFFERING SERIOUS IMPAIRMENT THAT LIMITS THE PERSON'S ABILITY TO
23 FUNCTION AND:

- 24 (A) IS FIFTY-FIVE YEARS OF AGE OR OLDER; OR
25 (B) IS UNDER FIFTY-FIVE YEARS OF AGE; HAS SERVED AT LEAST
26 TWENTY-FIVE PERCENT OF THE INMATE'S SENTENCE, OR TEN YEARS
27 IMPRISONMENT, WHICHEVER IS SHORTER; AND HAS NOT INCURRED A CLASS

1 I CODE OF PENAL DISCIPLINE VIOLATION WITHIN TWELVE MONTHS BEFORE
2 THE DATE OF THE APPLICATION FOR SPECIAL NEEDS PAROLE;

3 (II) WHO HAS BEEN DETERMINED BY A LICENSED HEALTH-CARE
4 PROVIDER WHO IS INVOLVED IN PROVIDING PATIENT CARE TO THE INMATE,
5 OR WHO HAS PERSONALLY ASSESSED THE INMATE'S CONDITION, AS
6 SUFFERING FROM SEVERE COGNITIVE IMPAIRMENT AND:

7 (A) IS FIFTY-FIVE YEARS OF AGE OR OLDER; OR

8 (B) IS UNDER FIFTY-FIVE YEARS OF AGE; HAS SERVED AT LEAST
9 TWENTY-FIVE PERCENT OF THE INMATE'S SENTENCE, OR TEN YEARS
10 IMPRISONMENT, WHICHEVER IS SHORTER; AND HAS NOT INCURRED A CLASS
11 I CODE OF PENAL DISCIPLINE VIOLATION WITHIN TWELVE MONTHS BEFORE
12 THE DATE OF THE APPLICATION FOR SPECIAL NEEDS PAROLE.

13 (b) (I) NOTWITHSTANDING SUBSECTION (7.6)(a) OF THIS SECTION,
14 "SPECIAL NEEDS OFFENDER" DOES NOT INCLUDE AN INMATE WHO:

15 (A) WAS CONVICTED OF A CLASS 1 FELONY AND SENTENCED TO
16 LIFE IMPRISONMENT WITH THE POSSIBILITY OF PAROLE AND THE INMATE
17 HAS SERVED FEWER THAN TWENTY CALENDAR YEARS IN A DEPARTMENT
18 OF CORRECTIONS FACILITY FOR THE OFFENSE;

19 (B) WAS CONVICTED OF A CLASS 1 FELONY AND SENTENCED TO
20 LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; OR

21 (C) WAS CONVICTED OF A CLASS 2 FELONY CRIME OF VIOLENCE AS
22 DESCRIBED IN SECTION 18-1.3-406 AND THE INMATE HAS SERVED FEWER
23 THAN TEN CALENDAR YEARS IN A DEPARTMENT OF CORRECTIONS FACILITY
24 FOR THE OFFENSE.

25 (II) THIS SUBSECTION (7.6)(b) DOES NOT APPLY TO AN INMATE
26 WHO HAS BEEN DIAGNOSED AS HAVING A TERMINAL ILLNESS THAT IS
27 IRREVERSIBLE, UNLIKELY TO BE CURED, AND LIKELY TO CAUSE DEATH BY

1 THE LICENSED HEALTH-CARE PROVIDER WHO IS PROVIDING PATIENT CARE
2 TO THE INMATE FOR THE TERMINAL ILLNESS.

3 **SECTION 3.** In Colorado Revised Statutes, 17-22.5-403.5,
4 **amend** (1) introductory portion, (3)(a) introductory portion, (3)(b)
5 introductory portion, (3)(b.5), (4)(a), (4)(b), and (4)(f); **repeal** (2); and
6 **add** (3)(a)(III.5), (3)(b)(V), and (9) as follows:

7 **17-22.5-403.5. Special needs parole.** (1) Notwithstanding any
8 provision of law to the contrary, a special needs offender, as defined in
9 ~~section 17-1-102 (7.5)(a)~~ SECTION 17-1-102 (7.6), may be eligible for
10 parole prior to or after the offender's parole eligibility date pursuant to
11 this section if:

12 (2) ~~This section shall apply to any inmate applying for parole on~~
13 ~~or after July 1, 2001, regardless of when the inmate was sentenced. The~~
14 ~~provisions of this section shall not affect the length of the parole period~~
15 ~~to which a special needs offender would otherwise be subject.~~

16 (3) (a) The department is responsible for identifying inmates who
17 are special needs offenders. ~~and~~ ONCE A LICENSED HEALTH-CARE
18 PROVIDER WHO IS INVOLVED IN PROVIDING PATIENT CARE TO AN INMATE
19 DETERMINES, AND DOCUMENTS IN THE PATIENT'S MEDICAL RECORD, THAT
20 THE INMATE SUFFERS FROM A SERIOUS IMPAIRMENT THAT LIMITS THE
21 INMATE'S ABILITY TO FUNCTION, OR A SEVERE COGNITIVE IMPAIRMENT,
22 THE DEPARTMENT shall submit a referral to the state board of parole for
23 ~~all special needs offenders~~ THE INMATE. A LICENSED HEALTH-CARE
24 PROVIDER MUST NOT BE LIABLE TO ANY PERSON REGARDING A
25 DETERMINATION WHETHER AN INMATE HAS A SERIOUS IMPAIRMENT THAT
26 LIMITS A PERSON'S ABILITY TO FUNCTION OR SEVERE COGNITIVE
27 IMPAIRMENT. IF THE INMATE HAS BEEN DIAGNOSED BY A LICENSED

1 HEALTH-CARE PROVIDER AS SUFFERING FROM A SERIOUS IMPAIRMENT
2 THAT LIMITS THE INMATE'S ABILITY TO FUNCTION, OR A SEVERE COGNITIVE
3 IMPAIRMENT, THE DEPARTMENT SHALL NOT SET ASIDE OR DISREGARD
4 THAT DETERMINATION ON THE BASIS THAT AN EMPLOYEE OF THE
5 DEPARTMENT DOES NOT CONCUR IN THAT ASSESSMENT. THE DEPARTMENT
6 SHALL NOT DETERMINE THAT AN INMATE DOES NOT HAVE A SERIOUS
7 IMPAIRMENT THAT LIMITS AN INMATE'S ABILITY TO FUNCTION BASED ON
8 THE DEPARTMENT'S ABILITY TO ACCOMMODATE THE INMATE'S PHYSICAL
9 OR MENTAL IMPAIRMENT. THE DEPARTMENT SHALL SUBMIT A REFERRAL
10 TO THE STATE BOARD OF PAROLE FOR ALL OTHER SPECIAL NEEDS
11 OFFENDERS IDENTIFIED BY THE DEPARTMENT. If notification to the district
12 attorney is required pursuant to subsection (3)(c)(II) of this section, the
13 inmate shall authorize the department to release the information described
14 in subsections (3)(b)(I) and (3)(b)(I.5) of this section to the district
15 attorney. An inmate or inmate liaison, if the inmate is unable to, may also
16 request that the department make a determination of whether an inmate
17 is eligible for special needs parole and the department shall make a
18 determination within thirty days after receiving the request. ~~unless a~~
19 ~~competency evaluation has been requested.~~ The department, in
20 consultation with the state board of parole, shall develop any necessary
21 policies and procedures regarding special needs parole to ensure that:

22 (III.5) THE DEPARTMENT SHARES RELEVANT AND NECESSARY
23 DATA AND INFORMATION WITH THE PUBLIC DEFENDER LIAISONS AS
24 DESCRIBED IN SECTION 21-1-104 IN ORDER TO ALLOW THE LIAISONS TO
25 EFFECTIVELY ASSIST SPECIAL NEEDS PAROLE APPLICANTS.

26 (b) If an inmate meets the eligibility requirements pursuant to
27 section 17-1-102, the department shall submit a referral to the board that,

1 in addition to the requirements of section 17-22.5-404 (4)(a), ~~shall include~~
2 INCLUDES:

3 (V) ANY INFORMATION, STATEMENTS, LETTERS, AND DOCUMENTS
4 PROVIDED BY THE INMATE LIAISON OR BY THE PUBLIC DEFENDER LIAISON
5 AS DESCRIBED IN SECTION 21-1-104, IF THE PUBLIC DEFENDER LIAISON
6 PROGRAM IS ASSISTING THE INMATE. THE PAROLE BOARD SHALL REVIEW
7 AND CONSIDER THE SUBMISSION BY THE PUBLIC DEFENDER LIAISON.

8 (b.5) The department shall provide a copy of the referral packet
9 submitted to the parole board to the inmate or inmate liaison AND TO THE
10 PUBLIC DEFENDER LIAISON AS DESCRIBED IN SECTION 21-1-104, IF THE
11 PUBLIC DEFENDER LIAISON PROGRAM IS ASSISTING THE INMATE, except for
12 the victim impact statement and response from the district attorney. The
13 inmate, ~~or~~ inmate liaison, OR THE PUBLIC DEFENDER LIAISON AS
14 DESCRIBED IN SECTION 21-1-104, has thirty calendar days to submit
15 additional health records or other relevant information not included in the
16 referral packet to the department for submission to the parole board prior
17 to the parole board's decision.

18 (4) (a) The state board of parole shall consider an inmate for
19 special needs parole upon referral by the department and SHALL CONSIDER
20 ALL OF THE INFORMATION PROVIDED TO THE BOARD PURSUANT TO
21 SUBSECTION (3) OF THIS SECTION AND ANY VICTIM IMPACT STATEMENT.

22 (b) The state board of parole shall make a determination of the
23 risk of reoffense that the inmate poses after considering ~~the factors in~~
24 ~~section 17-22.5-404 (4)(a), as well as~~ the nature and severity of the
25 inmate's medical or physical condition, the age of the inmate, ~~the ability~~
26 ~~of the department to adequately provide necessary medical or behavioral~~
27 ~~health treatment,~~ the inmate's CURRENT AND UP-TO-DATE risk and needs

1 assessment scores, the nature and severity of the offense for which the
2 inmate is currently incarcerated, the inmate's criminal history, the inmate's
3 institutional conduct, program and treatment participation, and other
4 relevant risk and risk-reduction factors.

5 (f) If, prior to or during any parole REVOCATION hearing,
6 INCLUDING HEARINGS FOR OFFENDERS GRANTED PAROLE PURSUANT TO
7 SUBSECTION (5) OF THIS SECTION, the department or ~~any~~ A member of the
8 parole board has a substantial and good-faith reason to believe that the
9 offender is incompetent to proceed, as defined in section 16-8.5-101 (12),
10 the parole board shall suspend all proceedings and notify the public
11 defender liaison described in section 21-1-104 (6). The office of state
12 public defender shall be appointed by the court to represent the inmate
13 and shall file a written motion with the trial court that imposed the
14 sentence to determine competency. The motion must contain a certificate
15 of counsel stating that the motion is based on a good-faith belief that the
16 inmate is incompetent to proceed. The motion must set forth the specific
17 facts that have formed the basis for the motion. The court shall seal the
18 motion. The court shall follow all the relevant procedures in article 8.5 of
19 title 16 regarding the determination of competency. The presence of the
20 inmate is not required unless there is good cause shown.

21 (9) THE DEPARTMENT SHALL INCLUDE IN EACH CONTRACT WITH A
22 LICENSED HEALTH-CARE PROVIDER INVOLVED IN PROVIDING PATIENT CARE
23 TO AN INMATE A REQUIREMENT THAT THE PROVIDER SCREEN EACH
24 PATIENT FOR ELIGIBILITY FOR SPECIAL NEEDS PAROLE.

25 **SECTION 4.** In Colorado Revised Statutes, **add** 2-3-313 as
26 follows:

27 **2-3-313. Legislative council staff - study correctional release**

1 **options for aging and seriously ill offenders.** (1) LEGISLATIVE COUNCIL
2 STAFF SHALL CONDUCT A STUDY OF OPTIONS FOR RELEASING AGING AND
3 SERIOUSLY ILL OFFENDERS FROM SECURE CUSTODY TO APPROPRIATE CARE
4 OR PLACING OFFENDERS IN ALTERNATIVE PROGRAMS THAT CAN BETTER
5 PROVIDE THE OFFENDER'S NEEDED MEDICAL CARE.

6 (2) THE STUDY MUST INCLUDE, BUT IS NOT LIMITED TO:

7 (a) A REVIEW OF THE COMPASSIONATE RELEASE OR SPECIAL NEEDS
8 PAROLE LAWS OF OTHER STATES, INCLUDING A REVIEW OF THE FEDERAL
9 COMPASSIONATE RELEASE LAWS;

10 (b) A DESCRIPTION OF PLACEMENT PROGRAMS IN USE IN OTHER
11 STATES THAT HAVE BEEN SHOWN TO BE EFFECTIVE IN ADDRESSING THE
12 TRANSITION AND PLACEMENT OF THE AGING AND SERIOUSLY ILL OFFENDER
13 POPULATION, INCLUDING A DESCRIPTION OF THE FUNDING SOURCES USED
14 TO SUPPORT THE PROGRAMS, WHICH MUST INCLUDE MEDICAID, MEDICARE,
15 SOCIAL SECURITY, AND ANY OTHER GOVERNMENTAL RESOURCES;

16 (c) IDENTIFYING ALTERNATIVE FACILITIES THAT ARE AVAILABLE
17 IN COLORADO TO RECEIVE AGING AND SERIOUSLY ILL OFFENDERS,
18 INCLUDING NURSING HOMES AND OTHER COMMUNITY-BASED RESIDENTIAL
19 OR NON-RESIDENTIAL PROGRAMS;

20 (d) A DESCRIPTION OF THE ABILITY OF CURRENT OR FUTURE
21 COMMUNITY CORRECTIONS PROVIDERS TO DEVELOP PLACEMENTS AND
22 PROGRAMS TO SERVE THE AGING AND SERIOUSLY ILL OFFENDER
23 POPULATION, INCLUDING WHETHER THE EXISTING COMMUNITY
24 CORRECTIONS RESIDENTIAL PROGRAMS ARE COMPLIANT WITH THE
25 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
26 12101 ET SEQ.;

27 (e) A DESCRIPTION OF THE ABILITY OF THE DEPARTMENT TO

1 ACCESS MEDICAID OR OTHER HEALTH-CARE FUNDS FOR PLACEMENTS
2 OUTSIDE OF THE DEPARTMENT, THE EXTENT OF THE FUNDING, AND HOW
3 THE FUNDING COULD BE INCREASED BY THE PLACEMENT OF AGING AND
4 SERIOUSLY ILL OFFENDERS IN THE COMMUNITY; AND

5 (f) IDENTIFYING ANY STATUTORY OR OTHER LEGAL REGULATIONS
6 THAT CREATE BARRIERS TO THE IMPLEMENTATION OF COMMUNITY-BASED
7 PROGRAMS FOR THE PLACEMENT AND TRANSITION OF OFFENDERS.

8 (3) LEGISLATIVE COUNCIL STAFF SHALL PREPARE A REPORT
9 SUMMARIZING THE RESULTS OF THE STUDY REQUIRED BY THIS SECTION
10 BEFORE DECEMBER 15, 2025, AND SHALL SUBMIT THE REPORT TO THE
11 DEPARTMENT, THE JOINT BUDGET COMMITTEE, THE LEGISLATIVE AUDIT
12 COMMITTEE, AND THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE
13 AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR
14 COMMITTEES.

15 **SECTION 5. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2026 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.