

# Proposition 128: Parole Eligibility for Crimes of Violence

Placed on the ballot by citizen initiative • Passes with a majority vote

## 1 **Proposition 128 proposes amending the Colorado statutes to:**

- 2 • increase the amount of prison time a person convicted of certain crimes of
- 3 violence must serve before becoming eligible for discretionary parole or earned
- 4 time reductions; and
- 5 • make a person convicted of a third crime of violence ineligible for discretionary
- 6 parole or earned time reductions.

## 7 **What Your Vote Means**

### 8 **YES**

9 A “yes” vote on Proposition 128 would  
 10 require a person convicted of certain  
 11 crimes of violence to serve at least  
 12 85 percent of their sentence in prison  
 13 before being eligible for discretionary  
 14 parole or earned time reductions, and  
 15 make a person convicted of a third or  
 16 subsequent crime of violence ineligible for  
 17 earned time or discretionary parole.

### 18 **NO**

19 A “no” vote on Proposition 128 keeps the  
 20 current requirement that a person  
 21 convicted of certain crimes of violence  
 22 serve 75 percent of their sentence in  
 23 prison before being eligible for  
 24 discretionary parole, minus earned time  
 25 for progressing in personal, professional,  
 26 or educational programs.

## 27 **Summary and Analysis of Proposition 128**

### 28 **What is parole and how does discretionary parole differ from mandatory parole?**

29 Parole is a system to supervise convicted persons after they are released from prison. Every  
 30 person sentenced to prison in Colorado is released through either discretionary or  
 31 mandatory parole, unless they are sentenced to life without parole. Discretionary parole  
 32 occurs when a person reaches a prescribed eligibility date, which is the minimum amount of  
 33 time a person must stay in prison before parole can be considered. Thereafter, the person  
 34 may apply to appear before the State Board of Parole to determine if the remaining  
 35 sentence may be completed under community supervision. Mandatory parole occurs when a  
 36 person reaches their mandatory release date, which is the maximum amount of time a  
 37 person must stay in prison before they are automatically released on parole. In both cases,  
 38 the State Board of Parole sets the conditions of community supervision, such as requiring  
 39 employment, housing, or substance abuse treatment.

**1 How does parole for crimes of violence work under current law?**

2 Under current law, a person convicted for certain crimes of violence must serve 75 percent of  
3 their sentence in prison before being eligible for discretionary parole, minus earned time.  
4 Earned time reduces a person's time in prison as an incentive for progressing towards  
5 certain personal, professional, or educational goals by up to 10 or 12 days a month,  
6 depending on the crime for which the person was convicted. When a person becomes  
7 eligible for discretionary parole, they appear before the State Board of Parole which  
8 determines whether they will be released from prison ahead of their mandatory release date  
9 and placed on supervised parole.

**10 What does Proposition 128 do?**

11 Proposition 128 requires a person convicted of certain crimes of violence committed on or  
12 after January 1, 2025, to serve at least 85 percent of their sentence in prison before they can  
13 become eligible for discretionary parole or reduce their sentence by receiving earned time.  
14 Crimes of violence covered by the measure are murder (second degree), sexual assault (first  
15 or second degree), aggravated robbery, and the most serious cases of assault (first degree),  
16 kidnapping (class 2 felony), arson (first degree), and burglary (first degree). A person who is  
17 convicted of a third or subsequent crime of violence is ineligible for earned time or  
18 discretionary parole, meaning their entire sentence must be served in prison before the  
19 person is released on mandatory parole.

20 An estimated 220 individuals per year are sentenced to prison for crimes of violence and  
21 currently serve an average of about 23 years in prison, which will increase under the  
22 measure. The measure does not impact the parole eligibility of a person who is incarcerated  
23 for crimes committed before January 1, 2025.

**24 How does Proposition 128 change parole eligibility?**

25 Table 1 below shows an example comparing a 20-year court-ordered prison sentence for a  
26 first or second conviction of a crime of violence under current law to the same sentence  
27 under the measure. The measure's change to the requirement to serve 75 percent of the  
28 sentence to 85 percent in this example results in an additional two years served in prison.  
29 Additionally, under current law, a person can reduce their discretionary parole eligibility date  
30 with earned time; under the measure, 85 percent of the sentence must be served in prison  
31 before a person can be eligible for earned time reductions. This results in one additional year  
32 served in prison under the measure in this example. It should be noted that discretionary  
33 parole eligibility does not guarantee a person will be released from prison as the State Board  
34 of Parole has final decision-making authority over this matter, and that mandatory parole  
35 eligibility remains the same under current law and Proposition 128.

Table 1

Crimes of Violence Sentencing Under Current Law Compared to Proposition 128

This example assumes a 20-year court-ordered sentence and 1-year of earned time

20-year Court-Ordered Sentence	Years Served Before Discretionary Parole Eligible	1-Year Earned Time	Parole Timeframe with Earned Time
Current Law	75% or 15 years	Can reduce discretionary parole eligibility date	14 years to 19 years
Proposition 128	85% or 17 years	Cannot reduce discretionary parole eligibility date	17 years to 19 years

For information on those issue committees that support or oppose the measures on the ballot at the November 5, 2024, election, go to the Colorado Secretary of State’s elections center web site hyperlink for ballot and initiative information:

<https://coloradosos.gov/pubs/elections/Initiatives/InitiativesHome.html>

Argument For Proposition 128

1) Proposition 128 keeps people convicted of crimes of violence in prison for a longer period of time in an effort to increase public safety and ensure that justice is served. People who commit these dangerous crimes should be kept away from their victims and the community without opportunities for discretionary parole or earned time. Victims and their family members deserve the sense of security that prolonged periods of incarceration will provide.

Argument Against Proposition 128

1) Proposition 128 removes the opportunity for convicted people to achieve earned time, giving them less incentive to comply with prison rules or take advantage of rehabilitation opportunities offered in prison. The prison population will grow, which will increase costs and require additional staff when many prisons are already short-staffed and have difficulty recruiting and retaining employees. Finally, there is no evidence that the measure will reduce crime rates.

Fiscal Impact of Proposition 128

State spending. The measure increases state spending in two ways. In the short term, the measure requires one-time computer system updates to the Department of Corrections’ case management system, estimated at \$12,000. Beginning in approximately 20 years, state spending will increase by between \$12 million and \$28 million per year due to the measure’s increase in the percentage of prison sentences that must be served. This estimate is based

- 1 on current costs and average lengths of stay for persons in state prison, and assumes that
- 2 the number and types of convictions and total sentence lengths remain constant. Actual
- 3 costs will likely increase with inflation and depend on offender behavior and decisions by the
- 4 State Board of Parole.