

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
10.2.17

BILL 7

LLS NO. 18-0249.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

**County Courthouse and County Jail Funding and Overcrowding Solutions
Interim Study Committee**

BILL TOPIC: "Nondiscretionary Parole Based On Risk Assessment"

A BILL FOR AN ACT

101 **CONCERNING PAROLE, AND, IN CONNECTION THEREWITH, CHANGING**
102 **THE LENGTH OF MANDATORY PAROLE FROM BEING BASED ON**
103 **THE CRIME COMMITTED TO BEING BASED ON RISK ASSESSMENT**
104 **AND ELIMINATING DISCRETIONARY PAROLE.**

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/>.)

County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. Under current law, an offender's sentence includes a mandatory period of parole based on the

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

offense level for the offender's crime, and the parole board has the discretion to grant parole to the offender prior to his or her mandatory release date. The bill eliminates the mandatory period of parole based on the offense level and the parole board's authority to grant discretionary parole.

The bill requires a person who is serving a sentence for a crime that is not a crime of violence to serve a minimum of 50% of his or her sentence based on the amount of earned time credited to the offender's sentence and then be released on a mandatory period of parole that is based on the offender's risk assessment score. A person who is serving a sentence for a crime of violence would serve a minimum of 75% of his or her sentence based on the amount of earned time credited to the offender's sentence and then be released on a mandatory period of parole that is based on the offender's risk assessment score. If the score is very low or low, mandatory parole is 12 months; if the score is medium, mandatory parole is 18 months; and if the score is high or very high, mandatory parole is 24 months. The division of parole can place the offender in a community corrections program 12 months before his or her release date. An offender on parole may earn up to 5 days of earned time per month while on parole.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-401, **amend**
3 (1)(a)(V)(A) introductory portion; and **add** (1)(a)(V.5) as follows:

4 **18-1.3-401. Felonies classified - presumptive penalties.**

5 (1) (a) (V) (A) Except as otherwise provided in section 18-1.3-401.5 for
6 offenses contained in article 18 of this ~~title~~ TITLE 18 committed on or after
7 October 1, 2013, as to any person sentenced for a felony committed on or
8 after July 1, 1993, BUT BEFORE JULY 1, 2018, felonies are divided into six
9 classes that are distinguished from one another by the following
10 presumptive ranges of penalties that are authorized upon conviction:

11 (V.5) AS TO ANY PERSON SENTENCED FOR A FELONY COMMITTED
12 ON OR AFTER JULY 1, 2018, FELONIES ARE DIVIDED INTO SIX CLASSES THAT
13 ARE DISTINGUISHED FROM ONE ANOTHER BY THE FOLLOWING
14 PRESUMPTIVE RANGES OF PENALTIES THAT ARE AUTHORIZED UPON

1 CONVICTION:

2	CLASS	MINIMUM	MAXIMUM
3		SENTENCE	SENTENCE
4	1	LIFE IMPRISONMENT	DEATH
5	2	EIGHT YEARS	TWENTY-FOUR YEARS
6		IMPRISONMENT	IMPRISONMENT
7	3	FOUR YEARS	TWELVE YEARS
8		IMPRISONMENT	IMPRISONMENT
9	4	TWO YEARS	SIX YEARS
10		IMPRISONMENT	IMPRISONMENT
11	5	ONE YEAR	THREE YEARS
12		IMPRISONMENT	IMPRISONMENT
13	6	ONE YEAR	EIGHTEEN MONTHS
14		IMPRISONMENT	IMPRISONMENT

15 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-401.5, **amend**
 16 (2)(a) and (4) as follows:

17 **18-1.3-401.5. Drug felonies classified - presumptive and**
 18 **aggravated penalties.** (2) (a) (I) For offenses committed on or after
 19 October 1, 2013, BUT BEFORE JULY 1, 2018, drug felonies are divided into
 20 four levels that are distinguished from one another by the ranges of
 21 penalties, which are authorized upon conviction of a drug felony:

22	Level	Presumptive Range		Period of Parole
23	DF1	Eight years	Thirty-two years	Three years
24	DF2	Four years	Eight years	Two years
25	DF3	Two years	Four years	One year
26	DF4	Six months	One year	One year
27	Level	Aggravated Range		

1	DF2	Eight years	Sixteen years	Two years
2	DF3	Four years	Six years	One year
3	DF4	One year	Two years	One year

4 (II) FOR OFFENSES COMMITTED ON OR AFTER JULY 1, 2018, DRUG
5 FELONIES ARE DIVIDED INTO FOUR LEVELS THAT ARE DISTINGUISHED FROM
6 ONE ANOTHER BY THE RANGES OF PENALTIES, WHICH ARE AUTHORIZED
7 UPON CONVICTION OF A DRUG FELONY:

8	LEVEL	PRESUMPTIVE RANGE	
9	DF1	EIGHT YEARS	THIRTY-TWO YEARS
10	DF2	FOUR YEARS	EIGHT YEARS
11	DF3	TWO YEARS	FOUR YEARS
12	DF4	SIX MONTHS	ONE YEAR

13	LEVEL	AGGRAVATED RANGE	
14	DF2	EIGHT YEARS	SIXTEEN YEARS
15	DF3	FOUR YEARS	SIX YEARS
16	DF4	ONE YEAR	TWO YEARS

17 (4) The mandatory period of parole imposed pursuant to
18 ~~paragraph (a) of subsection (2)~~ SUBSECTION (2)(a)(I) of this section
19 commences immediately upon the discharge of an offender from
20 imprisonment in the custody of the department of corrections. If the
21 offender has been granted release to parole supervision by the state board
22 of parole, the offender is deemed to have discharged the offender's
23 sentence to imprisonment provided for in subsection (2) of this section in
24 the same manner as if such sentence were discharged pursuant to law.
25 When an offender is released by the state board of parole or released
26 because the offender's sentence was discharged pursuant to law, the
27 mandatory period of parole must be served by the offender. An offender

1 sentenced for a drug felony may receive earned time pursuant to section
2 17-22.5-405 ~~C.R.S.~~, while serving a mandatory parole period in
3 accordance with this section.

4 **SECTION 3.** In Colorado Revised Statutes, **add** part 5 to article
5 22.5 of title 17 as follows:

6 PART 5

7 EARNED TIME, PAROLE ELIGIBILITY,
8 AND DISCHARGE FROM CUSTODY FOR OFFENDERS
9 WHO COMMITTED CRIMES ON OR AFTER JULY 1, 2018

10 **17-22.5-501. Earned time.** (1) FOR AN OFFENDER SENTENCED
11 FOR AN OFFENSE OTHER THAN A CRIME OF VIOLENCE AS DESCRIBED IN
12 SECTION 18-1.3-406, COMMITTED ON OR AFTER JULY 1, 2018, THE
13 DEPARTMENT OF CORRECTIONS MAY DEDUCT UP TO TEN DAYS FOR EACH
14 MONTH OF INCARCERATION FROM THE OFFENDER'S SENTENCE UPON A
15 DEMONSTRATION TO THE DEPARTMENT BY THE OFFENDER, WHICH IS
16 CERTIFIED BY THE OFFENDER'S CASE MANAGER, THAT HE OR SHE HAS MADE
17 CONSISTENT PROGRESS IN THE FOLLOWING CATEGORIES AS REQUIRED BY
18 THE DEPARTMENT OF CORRECTIONS:

19 (a) WORK AND TRAINING, INCLUDING ATTENDANCE, PROMPTNESS,
20 PERFORMANCE, COOPERATION, CARE OF MATERIALS, AND SAFETY;

21 (b) GROUP LIVING, INCLUDING HOUSEKEEPING, PERSONAL
22 HYGIENE, COOPERATION, SOCIAL ADJUSTMENT, AND DOUBLE BUNKING;

23 (c) PARTICIPATION IN COUNSELING SESSIONS AND INVOLVEMENT
24 IN SELF-HELP GROUPS;

25 (d) PROGRESS TOWARD THE GOALS AND PROGRAMS ESTABLISHED
26 BY THE COLORADO DIAGNOSTIC PROGRAM;

27 (e) FOR ANY OFFENDERS WHO HAVE BEEN PAROLED, COMPLIANCE

1 WITH THE CONDITIONS OF PAROLE RELEASE;

2 (f) THE OFFENDER HAS NOT HARASSED THE VICTIM EITHER
3 VERBALLY OR IN WRITING; AND

4 (g) POSITIVE PROGRESS, IN ACCORDANCE WITH PERFORMANCE
5 STANDARDS ESTABLISHED BY THE DEPARTMENT, IN THE LITERACY
6 CORRECTIONS PROGRAM OR THE CORRECTIONAL EDUCATION PROGRAM
7 ESTABLISHED PURSUANT TO ARTICLE 32 OF THIS TITLE 17.

8 (2) FOR AN OFFENDER SENTENCED FOR A CRIME OF VIOLENCE AS
9 DESCRIBED IN SECTION 18-1.3-406, COMMITTED ON OR AFTER JULY 1,
10 2018, THE DEPARTMENT OF CORRECTIONS MAY DEDUCT UP TO FIVE DAYS
11 FOR EACH MONTH OF INCARCERATION FROM THE OFFENDER'S SENTENCE
12 UPON A DEMONSTRATION TO THE DEPARTMENT BY THE OFFENDER, WHICH
13 IS CERTIFIED BY THE OFFENDER'S CASE MANAGER, THAT HE OR SHE HAS
14 MADE CONSISTENT PROGRESS IN THE CATEGORIES DESCRIBED IN
15 SUBSECTION (1) OF THIS SECTION.

16 (3) THE DEPARTMENT SHALL DEVELOP OBJECTIVE STANDARDS FOR
17 MEASURING CONSISTENT PROGRESS IN THE CATEGORIES LISTED IN
18 SUBSECTION (1) OF THIS SECTION. SUCH STANDARDS MUST BE APPLIED IN
19 ALL EVALUATIONS OF OFFENDERS FOR THE EARNED TIME AUTHORIZED IN
20 THIS SECTION.

21 (4) FOR EACH OFFENDER SENTENCED TO THE CUSTODY OF THE
22 DEPARTMENT, THE DEPARTMENT SHALL REVIEW THE PERFORMANCE
23 RECORD OF THE OFFENDER AND MAY GRANT, WITHHOLD, WITHDRAW, OR
24 RESTORE, CONSISTENT WITH THE PROVISIONS OF THIS SECTION, AN EARNED
25 TIME DEDUCTION FROM THE SENTENCE IMPOSED. THE DEPARTMENT SHALL
26 CONDUCT THE REVIEW ANNUALLY WHILE SUCH PERSON IS INCARCERATED,
27 AND THE EARNED TIME VESTS UPON BEING GRANTED. IN ADDITION TO ANY

1 OTHER SANCTIONS, THE EXECUTIVE DIRECTOR MAY REFER TO THE DISTRICT
2 ATTORNEY ALL CASES WHERE THE OFFENDER TESTS POSITIVE FOR THE
3 PRESENCE OF DRUGS.

4 (5) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
5 SECTION, EARNED TIME MAY NOT REDUCE THE SENTENCE OF AN OFFENDER
6 AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION BY A PERIOD OF TIME
7 THAT IS MORE THAN FIFTY PERCENT OF THE SENTENCE.

8 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
9 EARNED TIME MAY NOT REDUCE THE SENTENCE OF AN OFFENDER AS
10 DESCRIBED IN SUBSECTION (2) OF THIS SECTION BY A PERIOD OF TIME THAT
11 IS MORE THAN TWENTY-FIVE PERCENT OF THE SENTENCE.

12 **17-22.5-502. Discharge from custody.** (1) AN OFFENDER MAY
13 NOT BE DISCHARGED FROM THE DEPARTMENT UNTIL HE OR SHE HAS
14 REMAINED FOR THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, TO
15 BE COMPUTED ON AND AFTER THE DATE UPON WHICH THE SENTENCE
16 BECOMES EFFECTIVE AND EXCLUDING ANY TIME THE OFFENDER MAY HAVE
17 BEEN AT LARGE BY REASON OF ESCAPE THEREFROM, UNLESS HE OR SHE IS
18 PARDONED OR OTHERWISE RELEASED BY THE LEGAL AUTHORITY.

19 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE
20 FULL TERM FOR WHICH AN OFFENDER IS SENTENCED MUST BE REDUCED BY
21 ANY EARNED TIME GRANTED PURSUANT TO SECTION 17-22.5-501.

22 **17-22.5-503. Parole eligibility.** (1) (a) ANY PERSON SENTENCED
23 FOR A CRIME THAT IS NOT A CRIME OF VIOLENCE AS DESCRIBED IN SECTION
24 18-1.3-406 IS ELIGIBLE FOR PAROLE ONLY AFTER THE PERSON HAS SERVED
25 FIFTY PERCENT OF THE SENTENCE IMPOSED UPON THE PERSON. THIS
26 CALCULATION OF FIFTY PERCENT INCLUDES ANY TIME AUTHORIZED FOR
27 EARNED TIME GRANTED PURSUANT TO SECTION 17-22.5-501. HOWEVER,

1 THE DATE ESTABLISHED BY THIS SUBSECTION (1) UPON WHICH ANY PERSON
2 IS ELIGIBLE FOR PAROLE MAY BE EXTENDED BY THE EXECUTIVE DIRECTOR
3 FOR MISCONDUCT DURING INCARCERATION.

4 (b) ANY PERSON SENTENCED FOR A CRIME OF VIOLENCE AS
5 DESCRIBED IN SECTION 18-1.3-406 IS ELIGIBLE FOR PAROLE ONLY AFTER
6 THE PERSON HAS SERVED SEVENTY-FIVE PERCENT OF THE SENTENCE
7 IMPOSED UPON THE PERSON. THIS CALCULATION OF SEVENTY-FIVE
8 PERCENT INCLUDES ANY TIME AUTHORIZED FOR EARNED TIME GRANTED
9 PURSUANT TO SECTION 17-22.5-501. HOWEVER, THE DATE ESTABLISHED
10 BY THIS SUBSECTION (1) UPON WHICH ANY PERSON IS ELIGIBLE FOR PAROLE
11 MAY BE EXTENDED BY THE EXECUTIVE DIRECTOR FOR MISCONDUCT
12 DURING INCARCERATION.

13 (c) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES
14 CONCERNING WHEN AND UNDER WHAT CONDITIONS AN OFFENDER'S
15 PAROLE ELIGIBILITY DATE MAY BE EXTENDED. THE RULES MUST BE
16 PROMULGATED IN SUCH A MANNER AS TO PROMOTE FAIRNESS AND
17 CONSISTENCY IN THE TREATMENT OF ALL OFFENDERS.

18 (2) THE GOVERNOR MAY GRANT PAROLE TO AN OFFENDER PRIOR
19 TO THE OFFENDER'S PAROLE ELIGIBILITY DATE OR DISCHARGE DATE IF, IN
20 THE GOVERNOR'S OPINION, EXTRAORDINARY MITIGATING CIRCUMSTANCES
21 EXIST AND THE INMATE'S RELEASE FROM INSTITUTIONAL CUSTODY IS
22 COMPATIBLE WITH THE SAFETY AND WELFARE OF SOCIETY.

23 (3) (a) FOR ANY OFFENDER WHO IS INCARCERATED FOR AN
24 OFFENSE COMMITTED ON OR AFTER JULY 1, 2018, THE STATE BOARD OF
25 PAROLE SHALL PAROLE THE OFFENDER AFTER THE OFFENDER IS ELIGIBLE
26 FOR PAROLE PURSUANT TO SUBSECTION (1) OF THIS SECTION.

27 (b) AN OFFENDER MUST SERVE A MANDATORY PERIOD OF PAROLE

1 BASED ON HIS OR HER **COLORADO ACTUARIAL RISK ASSESSMENT SCALE** <{
2 "... AND HIS OR HER "LSI" SCORE" (?) WHAT IS THE LSI SCORE, AND
3 CAN IT BE INCORPORATED TO FIT THE THREE POTENTIAL OUTCOMES
4 DESCRIBED BELOW?}> SCORE AS FOLLOWS:

5 SCORE	MANDATORY PERIOD OF PAROLE
6 VERY LOW/LOW RISK	TWELVE MONTHS
7 MEDIUM RISK	EIGHTEEN MONTHS
8 HIGH/VERY HIGH RISK	TWENTY-FOUR MONTHS

9 (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(b) OF
10 THIS SECTION, FOR ANY SEX OFFENDER, AS DEFINED IN SECTION
11 18-1.3-1003 (4), WHO IS SENTENCED PURSUANT TO THE PROVISIONS OF
12 PART 10 OF ARTICLE 1.3 OF TITLE 18, FOR COMMISSION OF A SEX OFFENSE
13 COMMITTED ON OR AFTER JULY 1, 2018, THE STATE BOARD OF PAROLE
14 SHALL DETERMINE WHETHER OR NOT TO GRANT PAROLE AS PROVIDED IN
15 SECTION 18-1.3-1006. IF THE STATE BOARD OF PAROLE DETERMINES THAT
16 PLACING A SEX OFFENDER ON PAROLE IS APPROPRIATE, IT SHALL SET AN
17 INDETERMINATE PERIOD OF PAROLE AS PROVIDED IN SECTION 18-1.3-1006.

18 (4) EARNED TIME, NOT TO EXCEED FIVE DAYS FOR EACH MONTH OF
19 PAROLE, MAY BE DEDUCTED FROM THE OFFENDER'S SENTENCE UPON A
20 DEMONSTRATION TO THE DEPARTMENT BY THE OFFENDER, WHICH IS
21 CERTIFIED BY THE OFFENDER'S COMMUNITY PAROLE OFFICER, THAT HE OR
22 SHE HAS MADE CONSISTENT PROGRESS IN THE FOLLOWING CATEGORIES AS
23 REQUIRED BY THE DEPARTMENT OF CORRECTIONS:

24 (a) WORK AND TRAINING, INCLUDING ATTENDANCE, PROMPTNESS,
25 PERFORMANCE, COOPERATION, CARE OF MATERIALS, AND SAFETY;

26 (b) GROUP LIVING, INCLUDING HOUSEKEEPING, PERSONAL
27 HYGIENE, COOPERATION, SOCIAL ADJUSTMENT, AND DOUBLE BUNKING;

1 (c) PARTICIPATION IN COUNSELING SESSIONS AND INVOLVEMENT
2 IN SELF-HELP GROUPS;

3 (d) PROGRESS TOWARD THE GOALS AND PROGRAMS ESTABLISHED
4 BY THE COLORADO DIAGNOSTIC PROGRAM;

5 (e) COMPLIANCE WITH THE CONDITIONS OF PAROLE RELEASE;

6 (f) THE OFFENDER HAS NOT HARASSED THE VICTIM EITHER
7 VERBALLY OR IN WRITING; AND

8 (g) POSITIVE PROGRESS, IN ACCORDANCE WITH PERFORMANCE
9 STANDARDS ESTABLISHED BY THE DEPARTMENT, IN THE LITERACY
10 CORRECTIONS PROGRAM OR THE CORRECTIONAL EDUCATION PROGRAM
11 ESTABLISHED PURSUANT TO ARTICLE 32 OF THIS TITLE 17.

12 (5) THE DIVISION OF ADULT PAROLE SHALL PROVIDE PAROLE
13 SUPERVISION AND ASSISTANCE IN SECURING EMPLOYMENT, HOUSING, AND
14 SUCH OTHER SERVICES AS MAY EFFECT THE SUCCESSFUL REINTEGRATION
15 OF SUCH OFFENDER INTO THE COMMUNITY WHILE RECOGNIZING THE NEED
16 FOR PUBLIC SAFETY.

17 (6) (a) THE STATE BOARD OF PAROLE SHALL ESTABLISH THE
18 CONDITIONS FOR PAROLE FOR AN OFFENDER RELEASED ON PAROLE PRIOR
19 TO SUCH OFFENDER'S RELEASE FROM INCARCERATION.

20 (b) THE DIVISION OF PAROLE MAY ORDER AN OFFENDER TO BE
21 PLACED IN A COMMUNITY CORRECTIONS PROGRAM TWELVE MONTHS PRIOR
22 TO HIS OR HER PAROLE ELIGIBILITY DATE APPROVAL OF THE LOCAL
23 COMMUNITY CORRECTIONS BOARD. THE OFFENDER IS ELIGIBLE TO EARN
24 EARNED TIME WHILE PLACED IN A COMMUNITY CORRECTIONS PROGRAM.

25 (7) UPON A DETERMINATION IN A PAROLE REVOCATION
26 PROCEEDING THAT THE CONDITIONS OF PAROLE HAVE BEEN VIOLATED, THE
27 STATE BOARD OF PAROLE SHALL CONTINUE THE PAROLE IN EFFECT;

1 MODIFY THE CONDITIONS OF PAROLE IF CIRCUMSTANCES THEN SHOWN TO
2 EXIST REQUIRE SUCH MODIFICATIONS, WHICH CIRCUMSTANCES MUST BE
3 SET FORTH IN WRITING; OR REVOKE THE PAROLE AND ORDER THE RETURN
4 OF THE OFFENDER TO A PLACE OF CONFINEMENT DESIGNATED BY THE
5 EXECUTIVE DIRECTOR FOR ANY PERIOD OF TIME UP TO THE PERIOD
6 REMAINING ON SUCH OFFENDER'S SENTENCE, INCLUDING THE REMAINDER
7 OF THE OFFENDER'S NATURAL LIFE IF APPLICABLE, UNTIL THE DISCHARGE
8 DATE AS DETERMINED BY THIS SECTION OR ONE YEAR, WHICHEVER IS
9 LONGER. IN COMPUTING THE PERIOD OF REINCARCERATION FOR AN
10 OFFENDER OTHER THAN AN OFFENDER SENTENCED FOR A NONVIOLENT
11 FELONY OFFENSE, AS DEFINED IN SECTION 17-22.5-405 (5), THE TIME
12 BETWEEN THE OFFENDER'S RELEASE ON PAROLE AND RETURN TO CUSTODY
13 IN COLORADO FOR REVOCATION OF SUCH PAROLE IS NOT CONSIDERED TO
14 BE PART OF THE TERM OF THE SENTENCE. THE STATE BOARD OF PAROLE
15 MAY DISCHARGE AN OFFENDER GRANTED PAROLE UNDER THIS SECTION AT
16 ANY TIME DURING THE TERM OF PAROLE UPON A DETERMINATION THAT
17 THE OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND
18 REINTEGRATED INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE
19 SUPERVISION.

20 (8) THE STATE BOARD OF PAROLE SHALL CONSIDER THE PAROLE OF
21 A PERSON WHOSE PAROLE IS REVOKED EITHER FOR A TECHNICAL
22 VIOLATION OR BASED ON A SELF-REVOCATION AT LEAST ONCE WITHIN ONE
23 HUNDRED EIGHTY DAYS AFTER THE REVOCATION IF THE PERSON'S RELEASE
24 DATE IS MORE THAN NINE MONTHS FROM THE DATE OF THE PERSON'S
25 REVOCATION; EXCEPT THAT A PERSON WHOSE PAROLE IS REVOKED BASED
26 ON A TECHNICAL VIOLATION THAT INVOLVED THE USE OF A WEAPON MAY
27 NOT BE CONSIDERED FOR PAROLE FOR ONE YEAR.

1 **SECTION 4.** In Colorado Revised Statutes, 17-2-201, **amend**
2 (3.7)(a) introductory portion, (4)(f)(I) introductory portion, (5)(a.3), (6),
3 and (9)(a) as follows:

4 **17-2-201. State board of parole - duties - definitions.**

5 (3.7) (a) Notwithstanding any other provision in this section, an inmate
6 WHO IS SERVING A SENTENCE FOR A CRIME COMMITTED BEFORE JULY 1,
7 2018, is not eligible for parole if the inmate:

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

9 (f) (I) To conduct an initial or subsequent parole release review
10 in lieu of a hearing, without the presence of the inmate WHO IS SERVING
11 A SENTENCE FOR A CRIME COMMITTED BEFORE JULY 1, 2018, if:

12 (5) (a.3) (I) Any person sentenced as a habitual criminal
13 pursuant to section 18-1.3-801 (1.5) or (2), ~~C.R.S.~~, for an offense
14 committed on or after July 1, 2003, ~~shall be~~ BUT BEFORE JULY 1, 2018, IS
15 subject to the mandatory parole set forth in section 18-1.3-401
16 (1)(a)(V)(A) or 18-1.3-401.5, ~~C.R.S.~~, for the class or level of felony of
17 which the person is convicted.

18 (II) As to any person sentenced as a habitual criminal pursuant to
19 section 18-1.3-801 (1) or (2.5), ~~C.R.S.~~, for an offense committed on or
20 after July 1, 2003, BUT BEFORE JULY 1, 2018, upon completion of forty
21 calendar years of incarceration in the department of corrections, the
22 parole board may schedule a hearing to determine whether the inmate
23 may be released on parole. If the inmate is released on parole, the life
24 sentence shall continue and shall not be deemed to be discharged until
25 such time as the parole board may discharge the offender. The offender
26 shall serve at least five years on parole prior to discharge. If the parole
27 board revokes the parole, the offender shall be returned to the department

1 of corrections to serve the remainder of the life sentence. The parole
2 board need only reconsider granting parole to such inmate once every
3 three years.

4 (6) ~~The board has the authority~~ At any time after the period of any
5 parole is fixed, ~~to~~ THE BOARD MAY shorten the period thereof or ~~to~~
6 lengthen said period within the limits specified in subsection (5) of this
7 section; except that the provisions of this subsection (6) ~~shall~~ DO not
8 apply to any person sentenced as a sex offender pursuant to part 10 of
9 article 1.3 of title 18, ~~C.R.S.~~ OR TO ANY PERSON SERVING A SENTENCE FOR
10 A CRIME COMMITTED ON OR AFTER JULY 1, 2018.

11 (9) (a) (I) Except as otherwise provided in ~~subparagraph (f) of~~
12 ~~paragraph (f) of subsection (4)~~ SUBSECTION (4)(f)(I) of this section,
13 whenever an inmate WHO IS SERVING A SENTENCE FOR A CRIME
14 COMMITTED BEFORE JULY 1, 2018, initially applies for parole, the board
15 shall conduct an interview with the inmate. ~~At such~~ THE interview, at least
16 one member of the board shall be present. Any final action on an
17 application ~~shall~~ IS not be required to be made in the presence of the
18 inmate or parolee, and any such action ~~shall require~~ REQUIRES the
19 concurrence of at least two members of the board. When the two
20 members do not concur, a third member shall review the record and, if
21 deemed necessary, interview the applicant and cast the deciding vote. THE
22 BOARD SHALL CONSIDER any subsequent application for parole ~~shall be~~
23 ~~considered by the board~~ in accordance with the provisions of ~~paragraph~~
24 ~~(a) of subsection (4)~~ SUBSECTION (4)(a) of this section.

25 (II) The provisions of ~~subparagraph (f) of this paragraph (a)~~ shall
26 ~~also~~ SUBSECTION (9)(a)(I) OF THIS SECTION apply to all interviews of
27 inmates who apply for parole pursuant to section 17-22.5-303, who were

1 sentenced for an offense committed on or after July 1, 1979, BUT BEFORE
2 JULY 1, 2018.

3 **SECTION 5.** In Colorado Revised Statutes, 17-2-204, **amend** (1)
4 and (2)(a) as follows:

5 **17-2-204. Parole may issue - when.** (1) The board, pursuant to
6 rules, ~~and regulations~~, may issue a parole or permit to go at large to any
7 inmate who ~~now~~ IS SERVING A SENTENCE FOR A CRIME COMMITTED
8 BEFORE JULY 1, 2018, AND WHO is imprisoned in a correctional facility
9 and who may have served the minimum term pronounced by the court or,
10 in the absence of such minimum term pronounced by the court, the
11 minimum term provided by law for the crime for which he was convicted.

12 (2) (a) Any inmate SERVING A SENTENCE FOR A CRIME COMMITTED
13 BEFORE JULY 1, 2018, who does not wish to be considered for parole shall
14 sign a waiver witnessed by an institutional supervisory employee no later
15 than thirty days prior to the date of the scheduled parole hearing. Except
16 as otherwise provided in this subsection (2), any waiver signed by an
17 inmate in accordance with this subsection (2) ~~shall become~~ BECOMES
18 effective on the date of signing and ~~shall remain~~ REMAINS in effect for six
19 months after the date of the scheduled parole hearing. The inmate may not
20 withdraw such waiver or submit an application for parole at any time
21 during the six-month period.

22 **SECTION 6.** In Colorado Revised Statutes, **amend** 17-2-213 as
23 follows:

24 **17-2-213. Application of part.** Effective July 1, 1979, the
25 provisions of this part 2 relating to the power of the state board of parole
26 to grant parole and to establish the duration of the term of parole ~~shall~~
27 apply only to persons sentenced for conviction of a felony committed

1 prior to July 1, 1979; persons sentenced for conviction of a misdemeanor
2 COMMITTED ON OR BEFORE JULY 1, 2018; persons sentenced for
3 conviction of a sex offense, as defined in section 18-1.3-903 (5), ~~C.R.S.~~;
4 or a class 1 felony; and persons sentenced as habitual criminals pursuant
5 to section 18-1.3-801 ~~C.R.S.~~ FOLLOWING CONVICTION FOR A CRIME
6 COMMITTED BEFORE JULY 1, 2018. Parole for persons sentenced for
7 conviction of a class 2, class 3, class 4, or class 5 felony committed on or
8 after July 1, 1979, BUT BEFORE JULY 1, 2018, or a level 1, level 2, level 3,
9 or level 4 drug felony committed on or after October 1, 2013, ~~shall be~~
10 BUT BEFORE JULY 1, 2018, IS DETERMINED as provided in sections
11 18-1.3-401 and 18-1.3-401.5 ~~C.R.S.~~, and IN article 22.5 of this ~~title~~ TITLE
12 17.

13 **SECTION 7.** In Colorado Revised Statutes, **amend** 17-2-215 as
14 follows:

15 **17-2-215. Notification of parole proceeding.** In addition to the
16 notice required by section 17-2-214 (2), the department of corrections
17 shall establish a system of notification under which any person may make
18 a written request to the department of corrections or the board for the
19 notification of any parole proceeding concerning an offender, INCLUDING
20 SETTING PAROLE CONDITIONS FOR OFFENDERS RELEASED PURSUANT TO
21 SECTION 17-22.5-503 (6) AND EARLY DISCHARGE RECOMMENDATIONS,
22 which notice shall be given by the department of corrections, working in
23 cooperation with the board, at least thirty days before the hearing. ~~Such~~
24 THE notice ~~shall~~ MUST be sent to the last-known address of the person
25 making a written request for notification in the possession of the
26 department of corrections or the board, and the person making ~~such~~ THE
27 written request for notification has the duty to keep the department of

1 corrections or the board informed of his or her current address.

2 **SECTION 8.** In Colorado Revised Statutes, 17-22.5-104, **amend**
3 (1) as follows:

4 **17-22.5-104. Parole - regulations.** (1) Any inmate in the custody
5 of the department may be allowed to go on parole in accordance with
6 section 17-22.5-403 OR SECTION 17-22.5-503, subject to the provisions
7 and conditions contained in this ~~article~~ ARTICLE 22.5 and article 2 of this
8 ~~title~~ TITLE 17.

9 **SECTION 9.** In Colorado Revised Statutes, 17-22.5-301, **amend**
10 (3) as follows:

11 **17-22.5-301. Good time.** (3) Each person sentenced for a crime
12 committed on or after July 1, 1985, ~~shall be~~ BUT BEFORE JULY 1, 2018, IS
13 subject to all the provisions of this part 3; except that the good time
14 authorized by this section ~~shall~~ DOES not vest and may be withheld or
15 deducted by the department.

16 **SECTION 10.** In Colorado Revised Statutes, 17-22.5-302,
17 **amend** (1) introductory portion, (4), and (5) as follows:

18 **17-22.5-302. Earned time.** (1) In addition to the good time
19 authorized in section 17-22.5-301, FOR EACH PERSON SENTENCED FOR A
20 CRIME COMMITTED BEFORE JULY 1, 2018, earned time, not to exceed thirty
21 days for every six months of incarceration, may be deducted from the
22 inmate's sentence upon a demonstration to the department by the inmate
23 that he has made substantial and consistent progress in each of the
24 following categories:

25 (4) For each inmate sentenced for a crime committed on or after
26 July 1, 1985, BUT BEFORE JULY 1, 2018, the department shall review the
27 performance record of the inmate and may grant, withhold, withdraw, or

1 restore, consistent with the provisions of this section, an earned time
2 deduction from the sentence imposed. ~~Such~~ THE DEPARTMENT SHALL
3 CONDUCT THE review ~~shall be conducted~~ as specified in subsection (3) of
4 this section; except that the earned time deduction authorized by this
5 subsection (4) ~~shall~~ DOES not vest upon being granted and may be
6 withdrawn. ~~once it is granted.~~

7 (5) For each inmate sentenced for a crime committed on or after
8 July 1, 1987, BUT BEFORE JULY 1, 2018, the department shall not credit
9 ~~such~~ THE inmate with more than one-half of his OR HER allowable earned
10 time for any six-month period or portion thereof unless ~~such~~ THE inmate
11 was employed or was participating in institutional training or treatment
12 programs provided by the department or was participating in some
13 combination of such employment, training, or treatment programs. This
14 subsection (5) ~~shall~~ DOES not apply to ~~those~~ inmates excused from such
15 employment or programs for medical reasons.

16 **SECTION 11.** In Colorado Revised Statutes, 17-22.5-303,
17 **amend** (5) and (6) as follows:

18 **17-22.5-303. Parole.** (5) Pursuant to section 17-2-201 (9)(a), an
19 interview of an inmate who applies for parole, who was sentenced for an
20 offense committed on or after July 1, 1979, BUT BEFORE JULY 1, 2018,
21 may be conducted by one member of the parole board.

22 (6) Any person sentenced for a class 2, class 3, class 4, class 5, or
23 class 6 felony committed on or after July 1, 1985, ~~shall be~~ BUT BEFORE
24 JULY 1, 2018, IS eligible for parole after ~~such~~ THE person has served the
25 sentence imposed less any time authorized for good time earned pursuant
26 to section 17-22.5-301 and for earned time pursuant to section
27 17-22.5-302. Upon an application for parole, the state board of parole,

1 working in conjunction with the department and using the guidelines
2 established pursuant to section 17-22.5-404, shall determine whether or
3 not to grant parole and, if granted, the length of the period of parole,
4 which may be for a period of up to five years. If an application for parole
5 is refused by the state board of parole, the state board shall reconsider
6 within one year ~~thereafter~~ AFTER the granting of parole to ~~such~~ THE
7 person and shall continue the reconsideration each year thereafter until
8 ~~such~~ THE person is granted parole or until ~~such~~ THE person is discharged
9 pursuant to law; except that, if the person applying for parole was
10 convicted of any class 3 sexual offense described in part 4 of article 3 of
11 title 18, ~~C.R.S.~~, a habitual criminal offense as defined in section
12 18-1.3-801 (2.5), ~~C.R.S.~~, or of any offense subject to the requirements of
13 section 18-1.3-904, ~~C.R.S.~~, the board need only reconsider granting
14 parole to ~~such~~ THE person once every three years, until the board grants
15 ~~such~~ THE person parole or until ~~such~~ THE person is discharged pursuant
16 to law, or if the person applying for parole was convicted of a class 1 or
17 class 2 felony that constitutes a crime of violence, as defined in section
18 18-1.3-406, ~~C.R.S.~~, the board need only reconsider granting parole to
19 ~~such~~ THE person once every five years, until the board grants ~~such~~ THE
20 person parole or until ~~such~~ THE person is discharged pursuant to law.

21 **SECTION 12.** In Colorado Revised Statutes, 17-22.5-303.3,
22 **amend** (1) as follows:

23 **17-22.5-303.3. Violent offenders - parole.** (1) Any person
24 sentenced for second degree murder, first degree assault, first degree
25 kidnapping, unless the first degree kidnapping is a class 1 felony, first or
26 second degree sexual assault, first degree arson, first degree burglary, or
27 aggravated robbery, committed on or after July 1, 1987, BUT BEFORE JULY

1 1, 2018, who has previously been convicted of a crime of violence, shall
2 be eligible for parole after he OR SHE has served seventy-five percent of
3 the sentence imposed less any time authorized for earned time pursuant
4 to section 17-22.5-302. Thereafter, the provisions of section 17-22.5-303
5 (6) and (7) shall apply.

6 **SECTION 13.** In Colorado Revised Statutes, **amend** 17-22.5-304
7 as follows:

8 **17-22.5-304. Part affects only certain inmates.** The good time
9 provisions of this part 3 are effective July 1, 1979, and shall apply only
10 to those persons convicted of crimes committed on or after said date, BUT
11 BEFORE JULY 1, 2018. No person subject to the good time provisions of
12 part 2 of this ~~article shall be~~ ARTICLE 22.5 IS eligible for any of the
13 provisions authorized by this part 3.

14 **SECTION 14.** In Colorado Revised Statutes, 17-22.5-403,
15 **amend** (1), (2.5)(a), (3.5)(a), and (7)(a) as follows:

16 **17-22.5-403. Parole eligibility.** (1) Any person sentenced for a
17 class 2, class 3, class 4, class 5, or class 6 felony, or a level 1, level 2,
18 level 3, or level 4 drug felony, or any unclassified felony ~~shall be~~ FOR AN
19 OFFENSE COMMITTED BEFORE JULY 1, 2018, IS eligible for parole after
20 ~~such~~ THE person has served fifty percent of the sentence imposed upon
21 ~~such~~ THE person, less any time authorized for earned time granted
22 pursuant to section 17-22.5-405. However, the date established by this
23 subsection (1) upon which any person shall be eligible for parole may be
24 extended by the executive director for misconduct during incarceration.
25 The executive director shall promulgate rules and regulations concerning
26 when and under what conditions any inmate's parole eligibility date may
27 be extended. Such rules and regulations shall be promulgated in such a

1 manner as to promote fairness and consistency in the treatment of all
2 inmates.

3 (2.5) (a) Notwithstanding subsection (1) of this section, any
4 person convicted and sentenced for second degree murder, first degree
5 assault, first degree kidnapping unless the first degree kidnapping is a
6 class 1 felony, first degree arson, first degree burglary, or aggravated
7 robbery, committed on or after July 1, 2004, ~~shall be~~ BUT BEFORE JULY 1,
8 2018, IS eligible for parole after ~~such~~ THE person has served seventy-five
9 percent of the sentence imposed upon ~~such~~ THE person, less any time
10 authorized for earned time granted pursuant to section 17-22.5-405.

11 (3.5) (a) Notwithstanding subsection (1) or (2.5) of this section,
12 any person convicted and sentenced for any crime enumerated in
13 subsection (2.5) of this section, committed on or after July 1, 2004, BUT
14 BEFORE JULY 1, 2018, who has previously been convicted for a crime
15 ~~which~~ THAT would have been a crime of violence as defined in section
16 18-1.3-406, ~~C.R.S.~~, ~~shall be~~ IS eligible for parole after ~~such~~ THE person
17 has served seventy-five percent of the sentence served upon ~~such~~ THE
18 person, at which time ~~such~~ THE person shall be referred by the department
19 to the state board of parole which may place the person on parole for the
20 period of time specified in section 18-1.3-401 (1)(a)(V). ~~C.R.S.~~ Section
21 17-22.5-402 (2) ~~shall~~ DOES not apply to any such offender.

22 (7) (a) For any offender who is incarcerated for an offense
23 committed on or after July 1, 1993, BUT BEFORE JULY 1, 2018, upon
24 application for parole, the state board of parole, working in conjunction
25 with the department and using the guidelines established pursuant to
26 section 17-22.5-404, shall determine whether or not to grant parole. The
27 state board of parole, if it determines that placing an offender on parole

1 is appropriate, shall set the length of the period of parole at the mandatory
2 period of parole established in section 18-1.3-401 (1)(a)(V) or
3 18-1.3-401.5 (2)(a), ~~C.R.S.~~, except as otherwise provided for specified
4 offenses in section 17-2-201 (5)(a), (5)(a.5), and (5)(a.7).

5 **SECTION 15.** In Colorado Revised Statutes, 17-22.5-404.5,
6 **amend** (1) introductory portion as follows:

7 **17-22.5-404.5. Presumption of parole - drug offenders.** (1) FOR
8 AN INMATE WHO IS INCARCERATED FOR AN OFFENSE COMMITTED BEFORE
9 JULY 1, 2018, there ~~shall be~~ IS a presumption, subject to the final
10 discretion of the parole board, in favor of granting parole to ~~an~~ THE
11 inmate ~~who~~ IF THE INMATE has reached his or her parole eligibility date
12 and ~~who~~ HE OR SHE:

13 **SECTION 16.** In Colorado Revised Statutes, 17-22.5-404.7,
14 **amend** (1) introductory portion as follows:

15 **17-22.5-404.7. Presumption of parole - nonviolent offenders**
16 **with ICE detainees.** (1) FOR AN OFFENDER WHO IS INCARCERATED FOR
17 AN OFFENSE COMMITTED BEFORE JULY 1, 2018, there ~~shall be~~ IS a
18 presumption, subject to the final discretion of the parole board, in favor
19 of granting parole to ~~an~~ THE inmate ~~who~~ IF THE INMATE has reached his
20 or her parole eligibility date and ~~who~~ HE OR SHE:

21 **SECTION 17.** In Colorado Revised Statutes, 17-22.5-405,
22 **amend** (1) introductory portion, (1.5)(a) introductory portion, (3.5), and
23 (5)(a) as follows:

24 **17-22.5-405. Earned time - earned release time - achievement**
25 **earned time - definition.** (1) FOR AN INMATE SENTENCED FOR AN
26 OFFENSE COMMITTED BEFORE JULY 1, 2018, earned time, not to exceed ten
27 days for each month of incarceration or parole, may be deducted from the

1 inmate's sentence upon a demonstration to the department by the inmate,
2 which is certified by the inmate's case manager or community parole
3 officer, that he or she has made consistent progress in the following
4 categories as required by the department of corrections:

5 (1.5) (a) FOR AN INMATE SENTENCED FOR AN OFFENSE COMMITTED
6 ON OR BEFORE JULY 1, 2018, earned time, not to exceed twelve days for
7 each month of incarceration or parole, may be deducted from an inmate's
8 sentence if the inmate:

9 (3.5) FOR AN INMATE SENTENCED FOR AN OFFENSE COMMITTED ON
10 OR BEFORE JULY 1, 2018, in addition to the earned time deducted pursuant
11 to subsection (1) of this section, ~~an~~ THE inmate ~~working at a disaster site~~
12 ~~pursuant to section 17-24-124 shall be~~ IS entitled to additional earned time
13 in the amount of one day of earned time for every day spent WORKING at
14 a disaster site PURSUANT TO SECTION 17-24-124.

15 (5) (a) Notwithstanding subsections (1), (2), and (3) of this
16 section, an offender who is sentenced and paroled for a felony offense
17 other than a nonviolent felony committed on or after July 1, 1993, ~~shall~~
18 ~~not be~~ BUT BEFORE JULY 1, 2018, IS NOT eligible to receive any earned
19 time while the offender is on parole. An offender who is sentenced and
20 paroled for a nonviolent felony offense committed on or after July 1,
21 1993, ~~shall be~~ IS eligible to receive any earned time while the offender is
22 on parole.

23 **SECTION 18.** In Colorado Revised Statutes, 17-22.5-406,
24 **amend** (1)(a) as follows:

25 **17-22.5-406. Applicability of part.** (1) (a) This part 4 applies to
26 all offenders sentenced for crimes committed on or after July 1, 1979,
27 BUT BEFORE JULY 1, 2018; EXCEPT THAT SECTION 17-22.5-403.5 APPLIES

1 TO ANY INMATE APPLYING FOR PAROLE ON OR AFTER JULY 1, 2001,
2 REGARDLESS OF WHEN THE INMATE WAS SENTENCED.

3 **SECTION 19.** In Colorado Revised Statutes, 17-24-124, **amend**
4 (3) as follows:

5 **17-24-124. Inmate disaster relief program - legislative**
6 **declaration.** (3) There is ~~hereby~~ established in the division the inmate
7 disaster relief program, referred to in this section as the "program". The
8 purpose of the program ~~shall be~~ IS to establish one or more inmate
9 disaster relief crews composed of inmates from minimum restrictive, or
10 minimum security facilities. An inmate shall receive an additional amount
11 of earned time pursuant to section 17-22.5-405 OR SECTION 17-22.5-501
12 in the amount of one day of earned time for every day spent at the site of
13 a disaster. An inmate disaster relief crew may be utilized by the state or
14 by local or federal governmental agencies that apply to the division for
15 assistance.

16 **SECTION 20.** In Colorado Revised Statutes, 18-1.3-1006,
17 **amend** (1)(a) as follows:

18 **18-1.3-1006. Release from incarceration - parole - conditions.**
19 (1) (a) On completion of the minimum period of incarceration specified
20 in a sex offender's indeterminate sentence, less any earned time credited
21 to the sex offender pursuant to section 17-22.5-405 ~~C.R.S.~~, OR
22 17-22.5-501, the parole board shall schedule a hearing to determine
23 whether the sex offender may be released on parole. In determining
24 whether to release the sex offender on parole, the parole board shall
25 determine whether the sex offender has successfully progressed in
26 treatment and would not pose an undue threat to the community if
27 released under appropriate treatment and monitoring requirements and

1 whether there is a strong and reasonable probability that the person will
2 not thereafter violate the law. The department shall make
3 recommendations to the parole board concerning whether the sex
4 offender should be released on parole and the level of treatment and
5 monitoring that should be imposed as a condition of parole. The
6 recommendation shall be based on the criteria established by the
7 management board pursuant to section 18-1.3-1009.

8 **SECTION 21.** In Colorado Revised Statutes, 24-4.1-302, **amend**
9 (2)(m) as follows:

10 **24-4.1-302. Definitions.** As used in this part 3, and for no other
11 purpose, including the expansion of the rights of any defendant:

12 (2) "Critical stages" means the following stages of the criminal
13 justice process:

14 (m) Any parole application hearing, ~~and~~ ANY full parole board
15 review hearing, AND ANY HEARING TO SET THE CONDITIONS OF PAROLE OR
16 EARLY DISCHARGE RECOMMENDATION HEARING;

17 **SECTION 22. Effective date - applicability.** This act takes
18 effect July 1, 2018, and applies to offenses committed on or after said
19 date.

20 **SECTION 23. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.