

CHAPTER 312

CORRECTIONS

HOUSE BILL 00-1150

BY REPRESENTATIVE Leyba, Coleman, Gagliardi, Mace, Tapia, Tate, Tochtrop, Veiga, Vigil, S. Williams, and Zimmerman; also SENATOR Feeley, Linkhart, Martinez, Pascoe, Reeves, Rupert, Tanner, Thiebaut, Weddig, and Wham.

AN ACT

CONCERNING CREATION OF SPECIFIC PAROLE PROVISIONS FOR SPECIAL NEEDS OFFENDERS.

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

SECTION 1. 17-1-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(7.5) (a) "SPECIAL NEEDS OFFENDER" MEANS A PERSON IN THE CUSTODY OF THE DEPARTMENT WHO IS PHYSICALLY HANDICAPPED, MENTALLY ILL, TERMINALLY ILL, OR DEVELOPMENTALLY DISABLED, OR IS SIXTY-FIVE YEARS OF AGE OR OLDER AND INCAPABLE OF TAKING CARE OF HIMSELF OR HERSELF.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (7.5), "SPECIAL NEEDS OFFENDER" DOES NOT INCLUDE A PERSON WHO:

(I) HAS BEEN CONVICTED OF A CLASS 1 FELONY; OR

(II) HAS EVER BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 16-11-309, C.R.S.; OR

(III) IS OR HAS EVER BEEN A SEX OFFENDER AS DEFINED IN SECTION 16-13-803 (4), C.R.S.

SECTION 2. Part 4 of article 22.5 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-22.5-403.5 Special needs parole. (1) NOTWITHSTANDING ANY PROVISION OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

LAW TO THE CONTRARY, A SPECIAL NEEDS OFFENDER, AS DETERMINED PURSUANT TO RULES ADOPTED BY THE STATE BOARD OF PAROLE, MAY BE ELIGIBLE FOR PAROLE PURSUANT TO THIS SECTION IF:

(a) THE STATE BOARD OF PAROLE DETERMINES, BASED ON THE SPECIAL NEEDS OFFENDER'S CONDITION AND A MEDICAL EVALUATION, THAT HE OR SHE DOES NOT CONSTITUTE A THREAT TO PUBLIC SAFETY AND IS NOT LIKELY TO COMMIT AN OFFENSE; AND

(b) THE BOARD PREPARES A SPECIAL NEEDS PAROLE PLAN THAT ENSURES APPROPRIATE SUPERVISION AND PLACEMENT OF THE SPECIAL NEEDS OFFENDER.

(2) THIS SECTION SHALL APPLY TO ANY INMATE APPLYING FOR PAROLE ON OR AFTER JULY 1, 2001, REGARDLESS OF WHEN THE INMATE WAS SENTENCED. THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE LENGTH OF THE PAROLE PERIOD TO WHICH A SPECIAL NEEDS OFFENDER WOULD OTHERWISE BE SUBJECT.

SECTION 3. 17-2-201 (3) (a), Colorado Revised Statutes, is amended to read:

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

(a) To promulgate rules ~~and regulations~~ governing the granting and revocation of parole, INCLUDING SPECIAL NEEDS PAROLE PURSUANT TO SECTION 17-22.5-403.5, from correctional facilities where adult offenders are confined and the fixing of terms of parole and release dates. All rules ~~and regulations~~ governing the granting and revocation of parole promulgated by the chairperson shall be subject to the approval of a majority of the board and shall be promulgated pursuant to the provisions of section 24-4-103, C.R.S.

SECTION 4. Effective date. This act shall take effect July 1, 2001, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, shall take effect on the specified date only if approved by the people.

Approved: June 1, 2000