

CHAPTER 300

CORRECTIONS

HOUSE BILL 03-1263

BY REPRESENTATIVE(S) Plant, Boyd, Carroll, Coleman, Frangas, Madden, Marshall, Merrifield, Ragsdale, Veiga, Vigil, Weddig, Weissmann, and Young;
also SENATOR(S) Owen, Teck, Arnold, Chlouber, Groff, Kester, and Linkhart.

AN ACT**CONCERNING THE GRANTING OF PAROLE TO SPECIAL NEEDS OFFENDERS.**

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

SECTION 1. 17-1-102 (7.5) (a), Colorado Revised Statutes, is amended 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:

(I) Who is physically handicapped, mentally ill, ~~terminally ill~~, or developmentally disabled; or

(II) WHO is sixty-five years of age or older and incapable of taking care of himself or herself; OR

(III) (A) WHO HAS A MEDICAL CONDITION, OTHER THAN A MENTAL ILLNESS, THAT IS SERIOUS ENOUGH TO REQUIRE COSTLY CARE OR TREATMENT; AND

(B) WHO IS PHYSICALLY INCAPACITATED DUE TO AGE OR THE MEDICAL CONDITION.

SECTION 2. The introductory portion to 17-22.5-403.5 (1), Colorado Revised Statutes, is amended, and the said 17-22.5-403.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

17-22.5-403.5. Special needs parole. (1) Notwithstanding any provision of 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 PRIOR TO THE OFFENDER'S

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

PAROLE ELIGIBILITY DATE pursuant to this section if:

(3) THE DEPARTMENT MAY RECOMMEND TO THE PAROLE BOARD THAT AN OFFENDER BE CONSIDERED FOR PAROLE PRIOR TO THE OFFENDER'S PAROLE ELIGIBILITY DATE AS A SPECIAL NEEDS OFFENDER PURSUANT TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION. PRIOR TO MAKING ANY RECOMMENDATION PURSUANT TO THIS SUBSECTION (3), THE DEPARTMENT SHALL ESTABLISH OBJECTIVE CRITERIA ON WHICH TO BASE A RECOMMENDATION FOR PAROLE PRIOR TO THE OFFENDER'S PAROLE ELIGIBILITY DATE PURSUANT TO THE PROVISIONS OF THIS SECTION.

SECTION 3. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of 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; except that, if 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, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to a request for parole heard on or after the applicable effective date of this act.

Approved: May 22, 2003