

CHAPTER 89

CRIMINAL LAW AND PROCEDURE

SENATE BILL 03-097

BY SENATOR(S) Takis, Hagedorn, Grossman, Nichol, and Tapia;
also REPRESENTATIVE(S) Stafford and Cadman.

AN ACT

**CONCERNING RECONSIDERATION OF THE PAROLE APPLICATION OF A PERSON CONVICTED OF CERTAIN
CRIMES OF VIOLENCE.**

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

SECTION 1. 17-22.5-303 (6), Colorado Revised Statutes, is amended to read:

17-22.5-303. Parole. (6) Any person sentenced for a class 2, class 3, class 4, class 5, or class 6 felony committed on or after July 1, 1985, shall be eligible for parole after such person has served the sentence imposed less any time authorized for good time earned pursuant to section 17-22.5-301 and for earned time pursuant to section 17-22.5-302. Upon an application for parole, the state board of parole, working in conjunction with the department and using the guidelines established pursuant to section 17-22.5-404, shall determine whether or not to grant parole and, if granted, the length of the period of parole, which may be for a period of up to five years. If an application for parole is refused by the state board of parole, the state board shall reconsider within one year thereafter the granting of parole to such person and shall continue the reconsideration each year thereafter until such person is granted parole or until such person is discharged pursuant to law; except that, if the person applying for parole was convicted of ~~a class 1 or class 2 crime of violence, as defined in section 18-1.3-406, C.R.S.~~; any class 3 sexual offense described in part 4 of article 3 of title 18, C.R.S., a habitual criminal offense as defined in section 18-1.3-801 (2.5), C.R.S., or of any offense subject to the requirements of section 18-1.3-904, C.R.S., the board need only reconsider granting parole to such person once every three years, until the board grants such person parole or until such person is discharged pursuant to law, **OR IF THE PERSON APPLYING FOR PAROLE WAS CONVICTED OF A CLASS 1 OR CLASS 2 FELONY THAT CONSTITUTES A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., THE BOARD NEED ONLY RECONSIDER GRANTING PAROLE TO SUCH PERSON ONCE EVERY FIVE YEARS, UNTIL THE**

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

BOARD GRANTS SUCH PERSON PAROLE OR UNTIL SUCH PERSON IS DISCHARGED PURSUANT TO LAW.

SECTION 2. 17-22.5-403 (7) (a), Colorado Revised Statutes, is amended to read:

17-22.5-403. Parole eligibility. (7) (a) For any offender who is incarcerated for an offense committed on or after July 1, 1993, upon application for parole, the state board of parole, working in conjunction with the department and using the guidelines established pursuant to section 17-22.5-404, shall determine whether or not to grant parole. The state board of parole, if it determines that placing an offender on parole is appropriate, shall set the length of the period of parole at the mandatory period of parole established in section 18-1.3-401 (1) (a) (V), C.R.S., except as otherwise provided for specified offenses in section 17-2-201 (5) (a), (5) (a.5), and (5) (a.7). If an application for parole is refused by the state board of parole, the state board of parole shall reconsider within one year thereafter whether such inmate should be granted parole. The state board of parole shall continue such reconsideration each year thereafter until such inmate is granted parole or until such inmate is discharged pursuant to law; except that, if the inmate applying for parole was convicted of ~~a class 1 or class 2 crime of violence, as defined in section 18-1.3-406, C.R.S.,~~ any sex offense, as defined in section 18-1.3-1003 (5), C.R.S., a habitual criminal offense as defined in section 18-1.3-801 (2.5), C.R.S., or of any offense subject to the requirements of section 18-1.3-904, C.R.S., the board need only reconsider granting parole to such inmate once every three years, until the board grants such inmate parole or until such inmate is discharged pursuant to law, OR IF THE PERSON APPLYING FOR PAROLE WAS CONVICTED OF A CLASS 2 FELONY THAT CONSTITUTES A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., THE BOARD NEED ONLY RECONSIDER GRANTING PAROLE TO SUCH PERSON ONCE EVERY FIVE YEARS, UNTIL THE BOARD GRANTS SUCH PERSON PAROLE OR UNTIL SUCH PERSON IS DISCHARGED PURSUANT TO LAW.

SECTION 3. 17-2-201 (4) (a), Colorado Revised Statutes, is amended to read:

17-2-201. State board of parole. (4) The board has the following powers and duties:

(a) To meet as often as necessary every month to consider all applications for parole. The board may parole any person who is sentenced or committed to a correctional facility when such person has served his or her minimum sentence, less time allowed for good behavior, and there is a strong and reasonable probability that the person will not thereafter violate the law and that release of such person from institutional custody is compatible with the welfare of society. If the board refuses an application for parole, the board shall reconsider the granting of parole to such person within one year thereafter, or earlier if the board so chooses, and shall continue to reconsider the granting of parole each year thereafter until such person is granted parole or until such person is discharged pursuant to law; except that, if the person applying for parole was convicted of ~~a class 1 or class 2 crime of violence, as defined in section 18-1.3-406, C.R.S.,~~ any class 3 sexual offense described in part 4 of article 3 of title 18, C.R.S., a habitual criminal offense as defined in section 18-1.3-801 (2.5), C.R.S., or of any offense subject to the requirements of section 18-1.3-904, C.R.S., the board need only reconsider granting parole to such person once every three years, until the board grants such person parole or until such person

is discharged pursuant to law, OR IF THE PERSON APPLYING FOR PAROLE WAS CONVICTED OF A CLASS 1 OR CLASS 2 FELONY THAT CONSTITUTES A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., THE BOARD NEED ONLY RECONSIDER GRANTING PAROLE TO SUCH PERSON ONCE EVERY FIVE YEARS, UNTIL THE BOARD GRANTS SUCH PERSON PAROLE OR UNTIL SUCH PERSON IS DISCHARGED PURSUANT TO LAW.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to parole applications refused on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 28, 2003