

## CHAPTER 329

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**CORRECTIONS**

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## SENATE BILL 09-135

BY SENATOR(S) Penry, Boyd, Newell, Tapia, Tochtrop;  
also REPRESENTATIVE(S) Miklosi, Baumgardner, Frangas, Gerou, Green, Merrifield, Nikkel, Stephens, Todd, Vigil, Waller,  
Weissmann, Carroll T.

**AN ACT****CONCERNING INFORMATION COLLECTION REGARDING PAROLE DECISIONS.**

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

**SECTION 1.** 17-22.5-404 (6) (d), Colorado Revised Statutes, is amended to read:

**17-22.5-404. Parole guidelines - repeal.** (6) (d) (I) ~~The division of criminal justice shall collect data on parole decisions and report the results of such data collection quarterly to the state board of parole and the division of adult parole. The state board of parole shall provide copies of the parole guidelines forms and parole action forms to the division for such purpose.~~ THE STATE BOARD OF PAROLE SHALL WORK IN CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE OF THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP AND IMPLEMENT A PROCESS TO CAPTURE AND ANALYZE DATA RELATED TO THE BASIS FOR AND THE OUTCOMES OF THE BOARD'S PAROLE DECISIONS. THE PROCESS SHALL TRACK DATA RELATED TO THE BOARD'S RATIONALE FOR GRANTING, REVOKING, OR DENYING PAROLE. WHEN THE BOARD GRANTS PAROLE, THE PROCESS SHALL ALSO TRACK DATA RELATED TO WHETHER THE OFFENDER HAS PREVIOUSLY RECIDIVATED, THE TYPE OF RE-ENTRY PROGRAM GIVEN TO THE OFFENDER AS A PART OF THE OFFENDER'S PAROLE PLAN, AND WHETHER THE OFFENDER RECIDIVATES WHILE ON PAROLE.

(II) THE STATE BOARD OF PAROLE SHALL PROVIDE THE DATA TO THE DIVISION OF CRIMINAL JUSTICE OF THE DEPARTMENT OF PUBLIC SAFETY FOR ANALYSIS. THE DIVISION OF CRIMINAL JUSTICE SHALL ANALYZE THE DATA RECEIVED PURSUANT TO THIS SUBPARAGRAPH (II) AND SHALL PROVIDE ITS ANALYSIS TO THE BOARD. THE BOARD AND THE DIVISION OF CRIMINAL JUSTICE SHALL USE THE DATA AND ANALYSIS TO IDENTIFY SPECIFIC FACTORS THAT ARE IMPORTANT IN THE DECISION-MAKING

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

PROCESS.

(III) THE DIVISION OF CRIMINAL JUSTICE OF THE DEPARTMENT OF PUBLIC SAFETY SHALL PROVIDE THE STATE BOARD OF PAROLE WITH TRAINING REGARDING HOW TO USE THE DATA OBTAINED AND ANALYZED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (d) TO FACILITATE THE BOARD'S FUTURE DECISION-MAKING.

(IV) (A) ON OR BEFORE NOVEMBER 1, 2009, THE STATE BOARD OF PAROLE AND THE DIVISION OF CRIMINAL JUSTICE OF THE DEPARTMENT OF PUBLIC SAFETY SHALL ISSUE A REPORT TO THE GENERAL ASSEMBLY REGARDING THE PROGRESS OF THE IMPLEMENTATION OF THIS PARAGRAPH (d) AND EACH NOVEMBER 1 THEREAFTER, THE STATE BOARD OF PAROLE AND THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL UPDATE THE REPORT.

(B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1, 2012.

**SECTION 2.** 24-33.5-503 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-33.5-503. Duties of division.** (1) The division has the following duties:

(t) TO ANALYZE THE DATA FROM THE STATE BOARD OF PAROLE PROVIDED TO THE DIVISION PURSUANT TO SECTION 17-22.5-404 (6), C.R.S., AND TO PROVIDE TRAINING TO THE BOARD, PURSUANT TO SECTION 17-22.5-404 (6), C.R.S., REGARDING HOW TO USE THE DATA OBTAINED AND ANALYZED TO FACILITATE THE BOARD'S DECISION-MAKING.

**SECTION 3. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**SECTION 4. Act subject to petition - effective date.** 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, (August 5, 2009, if adjournment sine die is on May 6, 2009); 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.

Approved: June 1, 2009