

CHAPTER 261

CORRECTIONS

HOUSE BILL 10-1374

BY REPRESENTATIVE(S) Ferrandino, Levy, Waller, Casso, Fischer, Frangas, Kagan, Labuda, May, McCann, Middleton, Pace, Pommer, Ryden, Schafer S., Solano, Todd, Vigil, Carroll T., Court, Massey;
also SENATOR(S) Penry, Morse, Steadman.

AN ACT

CONCERNING PAROLE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 16-11.7-103 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16-11.7-103. Sex offender management board - creation - duties - repeal.
(4) The board shall carry out the following duties:

(I) DEVELOP THE SPECIFIC SEX OFFENDER RELEASE GUIDELINE INSTRUMENT AS DESCRIBED BY SECTION 17-22.5-404 (4) (c) (II), C.R.S.

SECTION 2. 16-11.7-103 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16-11.7-103. Sex offender management board - creation - duties - repeal.
(4) The board shall carry out the following duties:

(I) THE BOARD SHALL DEVELOP THE SPECIFIC SEX OFFENDER RELEASE GUIDELINE INSTRUMENT AS DESCRIBED BY SECTION 17-22.5-404 (4) (c) (II), C.R.S.

SECTION 3. Part 1 of article 22.5 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-22.5-107. Administrative release and revocation guidelines - creation.
(1) (a) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE STATE BOARD OF PAROLE, SHALL DEVELOP AN

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

ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT FOR USE BY THE BOARD IN EVALUATING APPLICATIONS FOR PAROLE.

(b) THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT SHALL BE USED TO PROVIDE THE STATE BOARD OF PAROLE WITH CONSISTENT AND COMPREHENSIVE INFORMATION RELEVANT TO THE FACTORS LISTED IN SECTION 17-22.5-404 (4) (a). THE INSTRUMENT SHALL INCLUDE A MATRIX OF ADVISORY-RELEASE-DECISION RECOMMENDATIONS FOR THE DIFFERENT RISK LEVELS.

(2) (a) THE DEPARTMENT OF CORRECTIONS, IN CONSULTATION WITH THE STATE BOARD OF PAROLE, SHALL DEVELOP ADMINISTRATIVE REVOCATION GUIDELINES FOR USE BY THE BOARD IN EVALUATING COMPLAINTS FILED FOR PAROLE REVOCATION.

(b) THE ADMINISTRATIVE REVOCATION GUIDELINES SHALL BE USED TO PROVIDE THE STATE BOARD OF PAROLE WITH CONSISTENT AND COMPREHENSIVE INFORMATION BASED ON THE FACTORS IDENTIFIED IN SECTION 17-22.5-404 (5) (a). THE GUIDELINES SHALL INCLUDE A MATRIX OF ADVISORY-DECISION RECOMMENDATIONS FOR THE DIFFERENT RISK LEVELS.

SECTION 4. 17-2-207 (3), Colorado Revised Statutes, is amended to read:

17-2-207. Parole - regulations. (3) Offenders on parole shall remain under legal custody and shall be subject at any time to be returned to a correctional facility. ~~If any paroled offender leaves the state without lawful permission, he shall be held as a parole violator and arrested as such. If any parolee not paroled to reside in a county in which a correctional facility is located is found within the boundaries of such county without lawful permission, or if any parolee who is paroled to reside in such county or is in such county without lawful permission is found within the boundaries of state property without lawful permission, he shall be arrested as a parole violator.~~

SECTION 5. 17-22.5-405 (1.5) (a) and (6), Colorado Revised Statutes, are amended to read:

17-22.5-405. Earned time - earned release time. (1.5) (a) Earned time, not to exceed twelve days for each month of incarceration or parole, may be deducted from an inmate's sentence if the inmate:

(I) Is serving a sentence for a class 4, class 5, or class 6 felony;

(II) ~~Has NOT incurred no~~ A CLASS I code of penal discipline ~~violations while incarcerated~~ VIOLATION WITHIN THE TWENTY-FOUR MONTHS IMMEDIATELY PRECEDING THE TIME OF CREDITING OR DURING HIS OR HER ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS THAN TWENTY-FOUR MONTHS OR A CLASS II CODE OF PENAL DISCIPLINE VIOLATION WITHIN THE TWELVE MONTHS IMMEDIATELY PRECEDING THE TIME OF CREDITING OR DURING HIS OR HER ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS THAN TWELVE MONTHS;

(III) ~~Has been~~ Is program-compliant; and

(IV) Was not convicted of, and has not previously been convicted of, a FELONY

crime DESCRIBED in SECTION 18-3-303, 18-3-305, 18-3-306, OR 18-6-701, sections 18-7-402 to 18-7-407, ~~C.R.S.~~; OR section 18-12-102 ~~C.R.S.~~; or ~~section~~ 18-12-109, C.R.S., or a FELONY crime listed in section 24-4.1-302 (1), C.R.S.

(6) Earned release time shall be scheduled by the ~~parole board~~ STATE BOARD OF PAROLE and the time computation unit in the department of corrections for inmates convicted of class 4 and class 5 felonies up to sixty days prior to the mandatory release date and for inmates convicted of class 6 felonies up to thirty days prior to the mandatory release date for inmates who meet the following criteria:

(a) The inmate has ~~no~~ NOT INCURRED A CLASS I code of penal discipline ~~violations~~ VIOLATION WITHIN THE TWENTY-FOUR MONTHS IMMEDIATELY PRECEDING THE TIME OF CREDITING OR DURING HIS OR HER ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS THAN TWENTY-FOUR MONTHS OR A CLASS II CODE OF PENAL DISCIPLINE VIOLATION WITHIN THE TWELVE MONTHS IMMEDIATELY PRECEDING THE TIME OF CREDITING OR DURING HIS OR HER ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS THAN TWELVE MONTHS;

(b) The inmate is program-compliant; and

(c) The inmate was not convicted of, and has not previously been convicted of, a FELONY crime DESCRIBED in SECTION 18-3-303, 18-3-305, 18-3-306, OR 18-6-701, sections 18-7-402 to 18-7-407, ~~C.R.S.~~; OR section 18-12-102 ~~C.R.S.~~; or ~~section~~ 18-12-109, C.R.S., or a FELONY crime listed in section 24-4.1-302 (1), C.R.S.

SECTION 6. 17-22.5-404, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

17-22.5-404. Parole guidelines - repeal. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) THE RISK OF REOFFENSE SHALL BE THE CENTRAL CONSIDERATION BY THE STATE BOARD OF PAROLE IN MAKING DECISIONS RELATED TO THE TIMING AND CONDITIONS OF RELEASE ON PAROLE OR REVOCATION OF PAROLE;

(b) RESEARCH DEMONSTRATES THAT ACTUARIAL RISK ASSESSMENT TOOLS CAN PREDICT THE LIKELIHOOD OR RISK OF REOFFENSE WITH SIGNIFICANTLY GREATER ACCURACY THAN PROFESSIONAL JUDGMENT ALONE. EVIDENCE-BASED CORRECTIONAL PRACTICES PRIORITIZE THE USE OF ACTUARIAL RISK ASSESSMENT TOOLS TO PROMOTE PUBLIC SAFETY. THE BEST OUTCOMES ARE DERIVED FROM A COMBINATION OF EMPIRICALLY BASED ACTUARIAL TOOLS AND CLINICAL JUDGMENT.

(c) ALTHOUGH THE STATE BOARD OF PAROLE IS MADE UP OF INDIVIDUALS, USING STRUCTURED DECISION-MAKING UNITES THE PAROLE BOARD MEMBERS WITH A COMMON PHILOSOPHY AND SET OF GOALS AND PURPOSES WHILE RETAINING THE AUTHORITY OF INDIVIDUAL PAROLE BOARD MEMBERS TO MAKE DECISIONS THAT ARE APPROPRIATE FOR PARTICULAR SITUATIONS. EVIDENCE-BASED CORRECTIONAL PRACTICES SUPPORT THE USE OF STRUCTURED DECISION-MAKING.

(d) STRUCTURED DECISION-MAKING BY THE STATE BOARD OF PAROLE PROVIDES FOR GREATER ACCOUNTABILITY, STANDARDS FOR EVALUATING OUTCOMES, AND

TRANSPARENCY OF DECISION-MAKING THAT CAN BE BETTER COMMUNICATED TO VICTIMS, OFFENDERS, OTHER CRIMINAL JUSTICE PROFESSIONALS, AND THE COMMUNITY; AND

(e) AN OFFENDER'S LIKELIHOOD OF SUCCESS MAY BE INCREASED BY ALIGNING THE INTENSITY AND TYPE OF PAROLE SUPERVISION, CONDITIONS OF RELEASE, AND SERVICES WITH ASSESSED RISK AND NEED LEVEL.

(2)(a) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL DEVELOP THE COLORADO RISK ASSESSMENT SCALE TO BE USED BY THE STATE BOARD OF PAROLE IN CONSIDERING INMATES FOR RELEASE ON PAROLE. THE RISK ASSESSMENT SCALE SHALL INCLUDE CRITERIA THAT STATISTICALLY HAVE BEEN SHOWN TO BE GOOD PREDICTORS OF THE RISK OF REOFFENSE. THE DIVISION OF CRIMINAL JUSTICE SHALL VALIDATE THE COLORADO RISK ASSESSMENT SCALE AT LEAST EVERY FIVE YEARS OR MORE OFTEN IF THE PREDICTIVE ACCURACY, AS DETERMINED BY DATA COLLECTION AND ANALYSIS, FALLS BELOW AN ACCEPTABLE LEVEL OF PREDICTIVE ACCURACY AS DETERMINED BY THE DIVISION OF CRIMINAL JUSTICE, THE STATE BOARD OF PAROLE, AND THE DIVISION OF ADULT PAROLE IN THE DEPARTMENT OF CORRECTIONS.

(b) THE DIVISION OF CRIMINAL JUSTICE, THE DEPARTMENT OF CORRECTIONS, AND THE STATE BOARD OF PAROLE SHALL COOPERATE TO DEVELOP PAROLE BOARD ACTION FORMS CONSISTENT WITH THIS SECTION THAT CAPTURE THE RATIONALE FOR DECISION-MAKING THAT SHALL BE PUBLISHED AS OFFICIAL FORMS OF THE DEPARTMENT OF CORRECTIONS. VICTIM IDENTITY AND INPUT SHALL BE PROTECTED FROM DISPLAY ON THE PAROLE BOARD ACTION FORM OR ANY PAROLE HEARING REPORT THAT MAY BECOME A PART OF AN INMATE RECORD.

(c) THE DIVISION OF CRIMINAL JUSTICE, IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONS AND THE STATE BOARD OF PAROLE, SHALL PROVIDE TRAINING ON THE USE OF THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT DEVELOPED PURSUANT TO SECTION 17-22.5-107 (1) AND THE COLORADO RISK ASSESSMENT SCALE TO PERSONNEL OF THE DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF PAROLE, ADMINISTRATIVE HEARING OFFICERS, AND RELEASE HEARING OFFICERS. THE DIVISION SHALL CONDUCT THE TRAINING ON A SEMIANNUAL BASIS.

(d) THE DEPARTMENT OF CORRECTIONS, IN COOPERATION WITH THE STATE BOARD OF PAROLE, SHALL PROVIDE TRAINING ON THE USE OF THE ADMINISTRATIVE REVOCATION GUIDELINES DEVELOPED PURSUANT TO SECTION 17-22.5-107 (2) TO PERSONNEL OF THE DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF PAROLE, AND ADMINISTRATIVE HEARING OFFICERS. THE DEPARTMENT SHALL CONDUCT THE TRAINING SEMIANNUALLY.

(3) FOR A PERSON SENTENCED FOR A CLASS 2, CLASS 3, CLASS 4, CLASS 5, OR CLASS 6 FELONY WHO IS ELIGIBLE FOR PAROLE PURSUANT TO SECTION 17-22.5-403, OR A PERSON WHO IS ELIGIBLE FOR PAROLE PURSUANT TO SECTION 17-22.5-403.7, THE STATE BOARD OF PAROLE MAY CONSIDER ALL APPLICATIONS FOR PAROLE, AS WELL AS ALL PERSONS TO BE SUPERVISED UNDER ANY INTERSTATE COMPACT. THE STATE BOARD OF PAROLE MAY PAROLE ANY PERSON WHO IS SENTENCED OR COMMITTED TO A CORRECTIONAL FACILITY WHEN THE BOARD DETERMINES, BY USING, WHERE AVAILABLE, EVIDENCE-BASED PRACTICES AND THE GUIDELINES

ESTABLISHED BY THIS SECTION, THAT THERE IS A REASONABLE PROBABILITY THAT THE PERSON WILL NOT VIOLATE THE LAW WHILE ON PAROLE AND THAT THE PERSON'S RELEASE FROM INSTITUTIONAL CUSTODY IS COMPATIBLE WITH PUBLIC SAFETY AND THE WELFARE OF SOCIETY. THE STATE BOARD OF PAROLE SHALL FIRST CONSIDER THE RISK OF REOFFENSE IN EVERY RELEASE DECISION IT MAKES.

(4) (a) IN CONSIDERING OFFENDERS FOR PAROLE, THE STATE BOARD OF PAROLE SHALL CONSIDER THE TOTALITY OF THE CIRCUMSTANCES, WHICH INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING FACTORS:

(I) THE TESTIMONY OR WRITTEN STATEMENT FROM THE VICTIM OF THE CRIME, OR A RELATIVE OF THE VICTIM, OR A DESIGNEE, PURSUANT TO SECTION 17-2-214;

(II) THE ACTUARIAL RISK OF REOFFENSE;

(III) THE OFFENDER'S ASSESSED CRIMINOGENIC NEED LEVEL;

(IV) THE OFFENDER'S PROGRAM OR TREATMENT PARTICIPATION AND PROGRESS;

(V) THE OFFENDER'S INSTITUTIONAL CONDUCT;

(VI) THE ADEQUACY OF THE OFFENDER'S PAROLE PLAN;

(VII) WHETHER THE OFFENDER WHILE UNDER SENTENCE HAS THREATENED OR HARASSED THE VICTIM OR THE VICTIM'S FAMILY OR HAS CAUSED THE VICTIM OR THE VICTIM'S FAMILY TO BE THREATENED OR HARASSED, EITHER VERBALLY OR IN WRITING;

(VIII) AGGRAVATING OR MITIGATING FACTORS FROM THE CRIMINAL CASE;

(IX) THE TESTIMONY OR WRITTEN STATEMENT FROM A PROSPECTIVE PAROLE SPONSOR, EMPLOYER, OR OTHER PERSON WHO WOULD BE AVAILABLE TO ASSIST THE OFFENDER IF RELEASED ON PAROLE;

(X) WHETHER THE OFFENDER HAD PREVIOUSLY ABSCONDED OR ESCAPED OR ATTEMPTED TO ABSCOND OR ESCAPE WHILE ON COMMUNITY SUPERVISION; AND

(XI) WHETHER THE OFFENDER COMPLETED OR WORKED TOWARDS COMPLETING A HIGH SCHOOL DIPLOMA, A GENERAL EQUIVALENCY DEGREE, OR A COLLEGE DEGREE DURING HIS OR HER PERIOD OF INCARCERATION.

(b) THE STATE BOARD OF PAROLE SHALL USE THE COLORADO RISK ASSESSMENT SCALE THAT IS DEVELOPED BY THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION IN CONSIDERING INMATES FOR RELEASE ON PAROLE.

(c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), THE STATE BOARD OF PAROLE SHALL ALSO USE THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT DEVELOPED PURSUANT TO SECTION 17-22.5-107 (1) IN EVALUATING AN APPLICATION FOR PAROLE.

(II) THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT SHALL NOT BE USED IN CONSIDERING THOSE INMATES CLASSIFIED AS SEX OFFENDERS WITH INDETERMINATE SENTENCES FOR WHOM THE SEX OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION 18-1.3-1009, C.R.S., HAS ESTABLISHED SEPARATE AND DISTINCT RELEASE GUIDELINES. THE SEX OFFENDER MANAGEMENT BOARD IN COLLABORATION WITH THE DEPARTMENT OF CORRECTIONS, THE JUDICIAL DEPARTMENT, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, AND THE STATE BOARD OF PAROLE SHALL DEVELOP A SPECIFIC SEX OFFENDER RELEASE GUIDELINE INSTRUMENT FOR USE BY THE STATE BOARD OF PAROLE FOR THOSE INMATES CLASSIFIED AS SEX OFFENDERS WITH DETERMINATE SENTENCES.

(5) (a) IN CONDUCTING A PAROLE REVOCATION HEARING, THE STATE BOARD OF PAROLE AND THE ADMINISTRATIVE HEARING OFFICER SHALL CONSIDER, WHERE AVAILABLE, EVIDENCE-BASED PRACTICES AND SHALL CONSIDER, BUT NEED NOT BE LIMITED TO, THE FOLLOWING FACTORS:

(I) A DETERMINATION BY THE STATE BOARD OF PAROLE THAT A PAROLEE COMMITTED A NEW CRIME WHILE ON PAROLE, IF APPLICABLE;

(II) THE PAROLEE'S ACTUARIAL RISK OF REOFFENSE;

(III) THE SERIOUSNESS OF THE TECHNICAL VIOLATION, IF APPLICABLE;

(IV) THE PAROLEE'S FREQUENCY OF TECHNICAL VIOLATIONS, IF APPLICABLE;

(V) THE PAROLEE'S EFFORTS TO COMPLY WITH A PREVIOUS CORRECTIVE ACTION PLAN OR OTHER REMEDIATION PLAN REQUIRED BY THE STATE BOARD OF PAROLE OR PAROLE OFFICER;

(VI) THE IMPOSITION OF INTERMEDIATE SANCTIONS BY THE PAROLE OFFICER IN RESPONSE TO THE TECHNICAL VIOLATIONS THAT MAY FORM THE BASIS OF THE COMPLAINT FOR REVOCATION; AND

(VII) WHETHER MODIFICATION OF PAROLE CONDITIONS IS APPROPRIATE AND CONSISTENT WITH PUBLIC SAFETY IN LIEU OF REVOCATION.

(b) THE STATE BOARD OF PAROLE SHALL USE THE ADMINISTRATIVE REVOCATION GUIDELINES DEVELOPED PURSUANT TO SECTION 17-22.5-107 (2), IN EVALUATING COMPLAINTS FILED FOR PAROLE REVOCATION.

(c) THE STATE BOARD OF PAROLE OR THE ADMINISTRATIVE HEARING OFFICER SHALL NOT REVOKE PAROLE FOR A TECHNICAL VIOLATION UNLESS THE BOARD OR ADMINISTRATIVE HEARING OFFICER DETERMINES ON THE RECORD THAT APPROPRIATE INTERMEDIATE SANCTIONS HAVE BEEN UTILIZED AND HAVE BEEN INEFFECTIVE OR THAT THE MODIFICATION OF CONDITIONS OF PAROLE OR THE IMPOSITION OF INTERMEDIATE SANCTIONS IS NOT APPROPRIATE OR CONSISTENT WITH PUBLIC SAFETY AND THE WELFARE OF SOCIETY.

(6) (a) THE STATE BOARD OF PAROLE SHALL WORK IN CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY AND THE

DEPARTMENT OF CORRECTIONS TO DEVELOP AND IMPLEMENT A PROCESS TO COLLECT AND ANALYZE DATA RELATED TO THE BASIS FOR AND THE OUTCOMES OF THE BOARD'S PAROLE DECISIONS. THE PROCESS SHALL COLLECT DATA RELATED TO THE BOARD'S RATIONALE FOR GRANTING, REVOKING, OR DENYING PAROLE. ANY INFORMATION RELATING TO VICTIM IDENTIFICATION OR VICTIM INPUT THAT IS IDENTIFIABLE TO AN INDIVIDUAL DEFENDANT OR CASE SHALL BE MAINTAINED, BUT KEPT CONFIDENTIAL AND RELEASED ONLY TO OTHER GOVERNMENT AGENCIES, PURSUANT TO A NONDISCLOSURE AGREEMENT, FOR THE PURPOSE OF ANALYSIS AND REPORTING, PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (6). WHEN THE BOARD GRANTS PAROLE, THE PROCESS SHALL ALSO COLLECT DATA RELATED TO WHETHER THE OFFENDER HAS PREVIOUSLY RECIDIVATED, THE TYPE OF REENTRY PROGRAM GIVEN TO THE OFFENDER AS A PART OF THE OFFENDER'S PAROLE PLAN, AND WHETHER THE OFFENDER RECIDIVATES WHILE ON PAROLE.

(b) THE STATE BOARD OF PAROLE SHALL ALSO DETERMINE WHETHER A DECISION GRANTING, REVOKING, OR DENYING PAROLE CONFORMED WITH OR DEPARTED FROM THE ADMINISTRATIVE GUIDELINES CREATED PURSUANT TO SECTION 17-22.5-107 AND, IF THE DECISION WAS A DEPARTURE FROM THE GUIDELINES, THE REASON FOR THE DEPARTURE. THE DATA COLLECTED PURSUANT TO THIS PARAGRAPH (b) ARE SUBJECT TO THE SAME VICTIM PROTECTIONS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (6).

(c) THE STATE BOARD OF PAROLE SHALL PROVIDE THE DATA COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY FOR ANALYSIS. THE DIVISION OF CRIMINAL JUSTICE SHALL ANALYZE THE DATA RECEIVED PURSUANT TO THIS PARAGRAPH (c) 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 PROCESS.

(d) THE DIVISION OF CRIMINAL JUSTICE IN 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 PARAGRAPH (c) OF THIS SUBSECTION (6) TO FACILITATE THE BOARD'S FUTURE DECISION-MAKING.

(e) (I) ON OR BEFORE NOVEMBER 1, 2009, THE STATE BOARD OF PAROLE AND THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL ISSUE A REPORT TO THE GENERAL ASSEMBLY REGARDING THE PROGRESS IN IMPLEMENTING THIS SUBSECTION (6), AND NOVEMBER 1 EACH YEAR THEREAFTER, THE STATE BOARD OF PAROLE AND THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL UPDATE THE REPORT. THE DATA SHALL BE REPORTED TO THE GENERAL ASSEMBLY ONLY IN THE AGGREGATE.

(II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1, 2012.

(7) THE DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF PAROLE, THE DIVISION OF ADULT PAROLE, AND THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL COOPERATE IN IMPLEMENTING ALL ASPECTS OF THIS SECTION.

(8) THIS SECTION SHALL APPLY TO ANY PERSON TO WHOM SECTION 17-22.5-303.5,

AS IT EXISTED PRIOR TO MAY 18, 1991, WOULD APPLY PURSUANT TO THE OPERATION OF SECTION 17-22.5-406, BECAUSE THE PROVISIONS OF SUCH SECTIONS ARE SUBSTANTIALLY SIMILAR.

(9) FOR PURPOSES OF THIS SECTION, "TECHNICAL VIOLATION" MEANS A VIOLATION OF A CONDITION OF PAROLE THAT IS NOT A CONVICTION FOR A NEW CRIMINAL OFFENSE OR NOT DETERMINED BY THE STATE BOARD OF PAROLE TO BE A COMMISSION OF A NEW CRIMINAL OFFENSE.

SECTION 7. 24-33.5-503 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

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

(w) TO DEVELOP THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT FOR USE BY THE STATE BOARD OF PAROLE AS DESCRIBED IN SECTION 17-22.5-107 (1), C.R.S.;

(x) TO DEVELOP THE COLORADO RISK ASSESSMENT SCALE AS DESCRIBED IN SECTION 17-22.5-404 (2) (a), C.R.S.;

(y) TO DEVELOP, IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONS AND THE STATE BOARD OF PAROLE, A PAROLE BOARD ACTION FORM; AND

(z) TO PROVIDE TRAINING ON THE COLORADO RISK ASSESSMENT SCALE AND THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT AS REQUIRED BY SECTION 17-22.5-404 (2) (c), C.R.S.

SECTION 8. 22-33-107.5 (1) (b), Colorado Revised Statutes, is amended to read:

22-33-107.5. Notice of failure to attend. (1) Except as otherwise provided in subsection (2) of this section, a school district shall notify the appropriate court or parole board if a student fails to attend all or any portion of a school day, where the school district has received notice from the court or parole board:

(b) Pursuant to section 17-22.5-404, ~~(4.5)~~, 18-1.3-204 (2.3), 19-2-907 (4), 19-2-925 (5), or 19-2-1002 (1) or (3), C.R.S., that the student is required to attend school as a condition of or in connection with any sentence imposed by the court, including a condition of probation or parole; or

SECTION 9. 17-2-201, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-2-201. State board of parole. (3.5) THE CHAIRPERSON SHALL ANNUALLY MAKE A PRESENTATION TO JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE OPERATIONS OF THE BOARD.

SECTION 10. Appropriation - adjustments to the 2010 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for

allocation to the executive director's office and parole subprograms, for research and parole services, for the fiscal year beginning July 1, 2010, the sum of three hundred fifty-three thousand seven hundred eighty-six dollars (\$353,786) and 7.9 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to the division of criminal justice, for parole guideline duties and actuarial consultation, for the fiscal year beginning July 1, 2010, the sum of eighty thousand one hundred fifty-four dollars (\$80,154) and 0.7 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to the division of criminal justice, for costs associated with the Colorado criminal and juvenile justice commission, for the fiscal year beginning July 1, 2010, the sum of one hundred fourteen thousand one hundred twenty-seven dollars (\$114,127).

(4) For the implementation of this act, the general fund appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2010, to the department of corrections, management, external capacity subprogram, for payments to house state prisoners, is decreased by five hundred forty-eight thousand sixty-seven dollars (\$548,067).

SECTION 11. Specified effective date. (1) Sections 3 through 12 of this act shall take effect upon passage.

(2) Section 1 of this act shall take effect only if House Bill 10-1364 is not enacted and shall take effect upon passage of this act.

(3) Section 2 of this act shall take effect only if House 10-1364 is enacted and becomes law and shall have the same effective date as House Bill 10-1364.

SECTION 12. 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: May 25, 2010