

2023

Regulatory Agenda Report



COLORADO
Department of Corrections

Overview

The Colorado Department of Corrections submits the following 2023-24 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colorado Revised Statute 2-7-203(4). Pursuant to state law, annually on November 1, executive branch agencies must file a Departmental Regulatory Agenda containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous Departmental Regulatory Agenda was filed.

The Departmental Regulatory Agenda also includes, pursuant to Colorado Revised Statute 24-4-103.3, rules to be reviewed as part of the Department “Regulatory Efficiency Reviews” during 2023-24 (which are denoted in the “purpose” column). The Departmental Regulatory Agenda is to be filed with the Legislative Council staff for distribution to Committee(s) of reference, posted on the department’s website, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its Departmental Regulatory Agenda as a part of its “Smart Act” hearing and presentation pursuant to the Colorado Revised Statute 2-7-203(2)(a)(III)(A).

The following constitutes Colorado Department of Corrections Departmental Regulatory Agenda for 2023-24 and is provided in accordance with Colorado Revised Statute 24-7-203(2)(a)(IV):

- *The term “ARs” are the Departmental Administrative Regulations.*

Schedule Month, Year	Rule Number and Title	Division	New rule, revision, or repeal	Statutory or Other Basis	Purpose / Detail	Stakeholders
October 2023	AR 300-16RD, Use of Force, AR 300-56, Special Controls, AR 700-29, Mental Health Interventions will be impacted - Working Group in progress	Clinical, Prison Operations, Compliance, Planning and Analysis	Revision	HB 23-1013: Use of Restrictive Practices in Prisons	This bill modifies how clinical restraints may be used in correctional facilities by requiring the Department of Corrections to adhere to National Commission on Correctional Health Care standards. It also requires CDOC to capture more data regarding use of restraints.	Offenders, Staff, Community members, Reporting
October 2023	AR 625-02, Earned Time - Draft created and submitted to the Director	Time and Release, Case Management	Revision	HB 23-1037: Department of Corrections Earned Time for College Completion	The bill provides earned time to inmates sentenced for a nonviolent felony offense who complete a higher education degree or certificate.	Offenders, Staff, Community members
September 2023	This has been implemented and notifications have been completed. Administrative Regulation change not needed.	Finance and Administration	Revision	HB 23-1133: Cost of Phone Calls for Persons in Custody	The bill requires the state to cover free phone calls in Department of Corrections facilities. Starting in FY 2023-24, the bill increases state expenditures on an ongoing basis.	Offenders, Staff, Community members
October 2023	AR 1300-01, Interstate Transfer of Parole Supervision to Compact States - Draft submitted to Executive Director	Parole	Revision	HB 23-1268: Private Treatment for Out-of-State Defendant	The bill updates the process and parameters for private treatment standards for interstate compact offenders.	Offenders, Staff, Community members
August 2023	Many ARs and the Glossary have been updated to include: 100-33, 150-01, 250-03, 250-13, 250-21, 250-22, 250-31RD, 250-37, 250-75, 300-01, 300-16RD, 300-27, 300-36RD, 300-48RD, 600-09, 625-02, 650-06, 650-10, 700-	Prison Operations and Parole	Revision	SB 23-034: Definition of Serious Bodily Injury	The bill amends the definition of "serious bodily injury" to include Penetrating gunshot wounds or Penetrating knife wounds.	Offenders, Staff

	29, 850-07, 850-10, 950-02, 1150-07, 1350-02, 1350-05, 1450-01, 1450-30, 1450-36					
October 2023	AR 625-04, Court Services and Detainer Operations, and AR 750-03, Litigation Management - Working group in progress	Policy & Legislative Affairs, Legal, Court Services, Offender Services	Revision	SB 23-039: Reduce Child and Incarcerated Parent Separation	The bill makes several changes to the dependency and neglect process for parents who are incarcerated in a state prison or local jail. Starting in FY 2023-24, the bill increases state and local expenditures on an ongoing basis.	Offenders, Staff, Family Community members
October 2023	AR 250-82, Renew - draft with Deputy Executive Director	Prison Operations, Finance and Administration	New	SB 23-067: Participant Facilitate Recidivism Reduction Program	The bill requires the Department of Corrections to contract with a nonprofit to develop a pre-release and reentry program at the Sterling Correctional Facility. The bill increases state expenditures in FY 2023-24 only.	Offenders, Staff, Community members
October 2023	Possibly AR 1450-24, Employee Grievance System - Working group in progress	Human Resources	Revision	SB 23-105: Equal pay for Equal Work	The bill requires the Colorado Department of Labor and Employment to investigate and take enforcement action regarding complaints alleging violations of state pay equity laws, and makes updates to job posting and employee notification requirements for employers when hiring employees.	Staff
October 2023	AR 250-22, Intensive Supervision Program for Inmates, AR 250-58, Community Re-Entry - In progress - Working group meeting November 2023	Parole	Revision	SB 23-157: Sunset Offender Reentry and Education Programs	This bill continues the Work and Gain Education & Employment Skills Program in the Department of Corrections, which is scheduled to repeal on September 1, 2023. State fiscal impacts include both increases in workload from changes to the program under the bill, as well as the continuation of the program's current expenditures. The program is continued through September 1, 2028.	Offenders, Staff, Community members

October 2023	No AR change needed. Continuing to participate in the interim committee.	Clinical	N/A	SB 23-164: Sunset Process Sex Offender Management Board	This bill continues the Sex Offender Management Board in the Department of Public Safety, which is scheduled to repeal on September 1, 2023. State fiscal impacts include both increased expenditures from changes to the program under the bill, as well as the continuation of the program's current revenue and expenditures. The program is continued through September 1, 2028.	Staff
October 2023	AR 1450-05, Unlawful Discrimination/ Discriminatory Harassment - HR working group	Human Resources	Revision	SB 23-172: Protecting Opportunities and Workers' Rights Act	For purposes of addressing discriminatory or unfair employment practices pursuant to Colorado's anti-discrimination laws, the act enacts the "Protecting Opportunities and Workers' Rights (POWR) Act"	Staff
October 2023	AR 700-02, Medical Scope of Service. Draft at Executive Director	Clinical	Revision	SB 23-176: Protections for People with an Eating Disorder	The bill creates prohibitions and requirements related to health care services for individuals with disordered eating.	Offenders, Staff
October 2023	AR 250-29, Earned/Early Parole Discharge. Submitted to Executive Director	Parole Board, Policy and Legislative Affairs, Victim Services, Time and Release	Revision	SB 23-193: Victim Notification of Proceedings	The bill requires an offender's discharge date from parole to occur 15 days after notification of the victim and requires information presented to victims to be in easy to-understand language.	Offenders, Staff, Victims, Community members
October 2023	AR 1150-15, Responsibility and Authority of the Office of Inspector General. Submitted to Executive Director	Office of Inspector General	Revision	SB 23-203: Authorize Department of Corrections Inspector General to Apprehend Fugitives	The bill gives the Inspector General in the Department of Corrections the authority to arrest a fugitive.	Offenders, Staff, Community members

<p>October 2023</p>	<p>AR 100-37, Employee Scheduling, Use of Leave, Internal Movement, and Staffing Plans. Submitted to the Deputy Executive Director</p>	<p>Human Resources, Employee Compensation Unit</p>	<p>Revision</p>	<p>SB 23-017: Additional Uses Paid Sick Leave</p>	<p>Employers must also now allow employees to use accrued paid sick leave to: (1) grieve, attend funerals or memorial services, or deal with financial and legal matters related to the death of a family member; (2) care for a family member whose school or place of care has been closed because of inclement weather, loss of power, heating, or water, or another unexpected occurrence or event; or (3) evacuate their residence because of inclement weather, loss of power, heating, or water, or another unexpected occurrence or event.</p>	<p>Staff</p>
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