

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB26-1315 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 17-1-169 as
4 follows:

5 **17-1-169. Review of risk assessments - legislative declaration**
6 **- definition - repeal.**

7 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

8 (a) IN 2025, A COLORADO NEWS OUTLET REPORTED ON
9 HIGH-PROFILE CRIMES AND RAISED QUESTIONS REGARDING THE ACCURACY
10 AND CONSISTENCY OF PAROLE RISK ASSESSMENTS, INCLUDING WHETHER
11 CERTAIN PAROLEES MAY HAVE RECEIVED RISK ASSESSMENT
12 CLASSIFICATIONS THAT DID NOT FULLY ALIGN WITH THEIR DOCUMENTED
13 CRIMINAL HISTORY OR RISK FACTORS;

14 (b) REPORTERS AND LEGISLATORS USED PART 3 OF ARTICLE 72 OF
15 TITLE 24, COMMONLY REFERRED TO AS THE COLORADO CRIMINAL JUSTICE
16 RECORDS ACT, TO OBTAIN RECORDS RELATED TO THE CORRECTIONAL
17 SUPERVISION TOOL, WHICH IS AN ACTUARIAL RISK ASSESSMENT TOOL USED
18 BY THE DIVISION OF ADULT PAROLE TO INFORM SUPERVISION PLANNING
19 AND RESOURCE ALLOCATION;

20 (c) EVIDENCE-BASED RISK ASSESSMENT TOOLS ARE DESIGNED TO
21 SUPPORT CONSISTENT AND OBJECTIVE SUPERVISION DECISIONS BY
22 APPLYING STRUCTURED CRITERIA TO ASSESS RISK AND IDENTIFY
23 CRIMINOGENIC NEEDS CONSISTENT WITH NATIONALLY RECOGNIZED
24 PRACTICES;

25 (d) IT IS ESSENTIAL TO ENSURE ACCURATE AND CONSISTENT
26 INFORMATION IN RISK ASSESSMENTS TO INFORM PAROLE SUPERVISION
27 PLANNING, IDENTIFY AND APPLY APPROPRIATE PAROLE SUPERVISION
28 STRATEGIES AND RESOURCES, PROMOTE PUBLIC SAFETY, AND SUPPORT
29 SUCCESSFUL REENTRY OUTCOMES;

30 (e) THE DEPARTMENT OF CORRECTIONS CONFIRMED TO THE JOINT
31 BUDGET COMMITTEE AND THE JOINT JUDICIARY COMMITTEE THAT A
32 RANDOM SAMPLE AUDIT REVEALED HIGH ERROR RATES FOR RISK
33 ASSESSMENTS, UP TO NINETY-EIGHT PERCENT IN SOME CASES. IN 2026, THE
34 DEPARTMENT OF CORRECTIONS REPORTED THAT THEY ARE REEXAMINING
35 OVER ONE THOUSAND SEVEN HUNDRED RISK ASSESSMENTS AND
36 IMPLEMENTING MANDATORY SUPERVISORY REVIEW FOR ALL
37 CORRECTIONAL SUPERVISION TOOL REASSESSMENTS.

38 (f) ESTABLISHING A SYSTEM AND CADENCE OF QUALITY CONTROLS
39 AND QUALITY ASSURANCE PRACTICES, PAIRED WITH ONGOING TRAINING,
40 REVIEW, AND SUPPORT, ARE NECESSARY TO ENSURE ACCURATE AND

1 CONSISTENT APPLICATION OF RISK ASSESSMENT TOOLS ACROSS THE
2 DIVISION OF ADULT PAROLE;

3 (g) IN JANUARY OF 2026, THE DEPARTMENT OF CORRECTIONS
4 STATED THAT IT WILL NO LONGER SUPPLY REQUESTED RISK ASSESSMENTS
5 OR RISK ASSESSMENT SCORES, CITING AN INABILITY TO DISCLOSE THESE
6 RECORDS DUE TO CONTRACT LANGUAGE. HOWEVER, THROUGHOUT 2025,
7 THE DEPARTMENT OF CORRECTIONS SUPPLIED RISK ASSESSMENTS AND RISK
8 ASSESSMENT SCORES TO JOURNALISTS AND LEGISLATORS IN RESPONSE TO
9 OPEN RECORDS REQUESTS, AND IT WAS THROUGH THESE OPEN RECORDS
10 REQUESTS THAT THE PATTERN OF INACCURACIES AND INCONSISTENCIES
11 WERE DISCOVERED. IT IS THE GENERAL ASSEMBLY'S INTENT TO KEEP THESE
12 RECORDS OPEN TO THE PUBLIC TO HOLD GOVERNMENTAL ACTORS
13 ACCOUNTABLE.

14 (h) FOR THE PURPOSES OF TRANSPARENCY AND ACCOUNTABILITY,
15 IT IS NECESSARY FOR THE GENERAL ASSEMBLY TO CREATE REPORTING
16 EXPECTATIONS TO ENSURE THAT REVIEWS OF RISK ASSESSMENT PRACTICES
17 ARE ESTABLISHED AND ONGOING.

18 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
19 REQUIRES, "RISK ASSESSMENT" MEANS A VALIDATED INSTRUMENT THAT
20 ASSESSES A PAROLEE'S CRIMINOGENIC NEEDS AND RISK OF RECIDIVISM,
21 AND IS USED TO GUIDE PAROLE SUPERVISION PLANNING, IDENTIFY
22 APPROPRIATE INTERVENTIONS, AND ESTABLISH PAROLE SUPERVISION
23 LEVELS OR CATEGORIES.

24 (3) (a) THE DEPARTMENT SHALL ESTABLISH A RISK ASSESSMENT
25 QUALITY REVIEW TEAM TO DEVELOP POLICIES AND IMPLEMENT PRACTICES
26 THAT DETERMINE WHETHER RISK ASSESSMENTS ARE COMPLETED
27 ACCURATELY AND CONSISTENTLY, AND TO ENSURE A SUSTAINED PROCESS
28 OF REVIEW AND TRAINING.

29 (b) (I) ON OR BEFORE AUGUST 31, 2026, THE RISK ASSESSMENT
30 QUALITY REVIEW TEAM SHALL ESTABLISH POLICIES AND PRACTICES FOR A
31 CADENCED SYSTEM OF REVIEW THAT ENSURES, AT A MINIMUM, THE
32 FOLLOWING:

33 (A) SYSTEMATIC REVIEWS OF COMPLETED RISK ASSESSMENTS,
34 INCLUDING REVIEWS FOR COMPLETED RISK ASSESSMENTS AT EACH RISK
35 ASSESSMENT LEVEL OR CATEGORY;

36 (B) DEFINED, PERIODIC FIDELITY REVIEWS OF AN ASSESSOR'S
37 WORK; AND

38 (C) APPROPRIATE TRAINING FOR SUSTAINED AND ACCURATE
39 COMPLETION OF RISK ASSESSMENTS.

40 (II) ON OR BEFORE AUGUST 31, 2026, THE RISK ASSESSMENT
41 QUALITY REVIEW POLICIES AND PRACTICES ESTABLISHED PURSUANT TO
42 SUBSECTION (3)(b)(I) OF THIS SECTION MUST BE IMPLEMENTED.

43 (4) (a) IN JANUARY OF 2027, AND IN EACH JANUARY THEREAFTER,

1 THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING
2 ITS "SMART ACT" HEARING REQUIRED PURSUANT TO SECTION 2-7-203,
3 INFORMATION CONCERNING:

4 (I) THE TOTAL NUMBER OF RISK ASSESSMENTS REVIEWED
5 PURSUANT TO SUBSECTION (3) OF THIS SECTION;

6 (II) OF THE TOTAL NUMBER OF RISK ASSESSMENTS REVIEWED
7 PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE TOTAL NUMBER OF
8 RISK ASSESSMENTS THAT CONTAINED INACCURATE OR INCONSISTENT
9 INFORMATION THAT RESULTED IN AN INACCURATE SUPERVISION LEVEL;
10 AND

11 (III) A COMPREHENSIVE DESCRIPTION OF THE FINDINGS OF THE
12 REVIEWS AND ANY MEASURES IMPLEMENTED TO ENSURE PROCESS
13 IMPROVEMENT TO MITIGATE THE FINDINGS OF THE 2025 RANDOMIZED
14 SURVEY AUDIT THAT FOUND A NINETY-EIGHT PERCENT ERROR RATE IN
15 RISK ASSESSMENTS.

16 (b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
17 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
18 SUBSECTION (4) CONTINUES INDEFINITELY.

19 **SECTION 2.** In Colorado Revised Statutes, 24-72-302, **amend**
20 (4); and **add** (12) as follows:

21 **24-72-302. Definitions.**

22 As used in this part 3, unless the context otherwise requires:

23 (4) "Criminal justice records" means all books, papers, cards,
24 photographs, tapes, recordings, or other documentary materials,
25 regardless of form or characteristics, that are made, maintained, or kept
26 by any criminal justice agency in the state for use in the exercise of
27 functions required or authorized by law or administrative rule, including,
28 but not limited to, the results of chemical biological substance testing to
29 determine genetic markers conducted pursuant to sections 16-11-102.4
30 and 16-23-104, ~~C.R.S.~~ OR A RISK ASSESSMENT.

31 (12) "RISK ASSESSMENT" MEANS A VALIDATED INSTRUMENT THAT
32 ASSESSES A PAROLEE'S CRIMINOGENIC NEEDS AND RISK OF RECIDIVISM,
33 AND IS USED TO GUIDE PAROLE SUPERVISION PLANNING, IDENTIFY
34 APPROPRIATE INTERVENTIONS, AND ESTABLISH PAROLE SUPERVISION
35 LEVELS.

36 **SECTION 3.** In Colorado Revised Statutes, 24-72-304, **add** (6)
37 as follows:

38 **24-72-304. Inspection of criminal justice records.**

39 (6) (a) NOTWITHSTANDING ANY PROVISION OF THIS PART 3 TO THE
40 CONTRARY, INFORMATION ABOUT A PAROLEE'S MEDICAL OR MENTAL
41 HEALTH TREATMENT OR DIAGNOSIS IN A RISK ASSESSMENT IS NOT A
42 CRIMINAL JUSTICE RECORD AND MUST BE REDACTED FROM THE RISK
43 ASSESSMENT PRIOR TO THE RELEASE OF THE RECORD.

1 (b) (I) IF A LICENSING AGREEMENT OR OTHER CONTRACT THAT
2 PERMITS A CRIMINAL JUSTICE AGENCY TO USE A RISK ASSESSMENT LIMITS
3 PUBLIC DISCLOSURE OF CONTENTS IN THE RISK ASSESSMENT, THE CRIMINAL
4 JUSTICE RECORD THAT IS A RISK ASSESSMENT IS OPEN FOR INSPECTION
5 PURSUANT TO THIS PART 3, SUBJECT TO THE REQUIREMENTS OF THIS
6 SECTION.

7 (II) THE CRIMINAL JUSTICE AGENCY MAY REQUIRE THE PERSON
8 REQUESTING TO INSPECT A CRIMINAL JUSTICE RECORD THAT IS A RISK
9 ASSESSMENT TO AGREE TO A NONDISCLOSURE AGREEMENT THAT
10 PROHIBITS THE REQUESTOR FROM PUBLISHING, IN WHOLE OR IN PART,
11 CONTENT CONTAINED IN THE RISK ASSESSMENT OR DISSEMINATING ANY
12 INFORMATION OR CONTENT ACQUIRED FROM THE INSPECTION OF THE
13 RECORD THAT WOULD ALLOW ANOTHER PERSON TO PUBLISH THE RISK
14 ASSESSMENT.

15 (III) IF A PERSON WILLFULLY OR KNOWINGLY VIOLATES A
16 NONDISCLOSURE AGREEMENT DESCRIBED IN SUBSECTION (6)(b)(II) OF THIS
17 SECTION, THE COURT SHALL IMPOSE UPON THE PERSON A CIVIL PENALTY
18 NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH VIOLATION. FOR A
19 FIRST VIOLATION, THE COURT, IN ITS DISCRETION, MAY WAIVE THE
20 IMPOSITION OF A CIVIL PENALTY.

21 **SECTION 4. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 12, 2026, if adjournment sine die is on May 13,
25 2026); except that, if a referendum petition is filed pursuant to section 1
26 (3) of article V of the state constitution against this act or an item, section,
27 or part of this act within such period, then the act, item, section, or part
28 will not take effect unless approved by the people at the general election
29 to be held in November 2026 and, in such case, will take effect on the
30 date of the official declaration of the vote thereon by the governor.

31 (2) Section 3 of this act applies to criminal justice record requests
32 made on or after the applicable effective date of this act."

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