

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB23-164 be amended as follows:

1 Amend printed bill, page 2, line 15, strike "(2)" and substitute "(2); and
2 **add** (1.5) and (1.6)".

3 Page 3, strike line 1 and substitute "**upon evaluation and identification**
4 **required - subcommittee created.** (1.5) (a) THE DEPARTMENT OF
5 CORRECTIONS SHALL IDENTIFY ALL INMATES WHO ARE CLASSIFIED TO
6 UNDERGO TREATMENT, ARE ELIGIBLE TO RECEIVE TREATMENT PURSUANT
7 TO THE DEPARTMENT OF CORRECTIONS' POLICY, AND HAVE NOT BEEN
8 PROVIDED WITH THE OPPORTUNITY TO UNDERGO TREATMENT WHILE
9 INCARCERATED. FOR EACH INMATE, THE DEPARTMENT OF CORRECTIONS
10 SHALL PROVIDE THE FOLLOWING DATA TO THE BOARD ON OR BEFORE JULY
11 31, 2023:

12 (I) THE INMATE'S DEPARTMENT OF CORRECTIONS IDENTIFICATION
13 NUMBER;

14 (II) THE DATE OF THE INMATE'S SENTENCE, THE CRIME OF
15 CONVICTION, AND LENGTH OF THE SENTENCE, INCLUDING LENGTH OF
16 PAROLE;

17 (III) WHETHER THE SENTENCE TO THE DEPARTMENT OF
18 CORRECTIONS WAS A RESULT OF A PROBATION OR COMMUNITY PAROLE
19 REVOCATION;

20 (IV) THE DATE THE INMATE WAS PLACED ON THE GLOBAL
21 REFERRAL LIST AS ESTABLISHED BY THE DEPARTMENT OF CORRECTIONS;

22 (V) THE ACTUAL OR PROJECTED PAROLE ELIGIBILITY DATE AND
23 MANDATORY RELEASE DATE, AS OF JULY 31, 2023, AS WELL AS A RECORD
24 OF THE INMATE'S TREATMENT OR WHETHER THE INMATE HAS BEEN PLACED
25 IN THE MAINTENANCE PHASE; AND

26 (VI) THE DEPARTMENT OF CORRECTIONS S5 QUALIFIER CODE FOR
27 THE INMATE, IF ANY.

28 (b) THE DEPARTMENT OF CORRECTIONS SHALL FURTHER IDENTIFY,
29 IN WRITING:

30 (I) IN THE AGGREGATE, STATIC 99 SCORES OF THE INMATES
31 DESCRIBED IN THIS SECTION, IF AVAILABLE, SEPARATELY IDENTIFYING
32 THOSE SERVING INDETERMINATE AND DETERMINATE SENTENCES;

33 (II) THE TOTAL TREATMENT CAPACITY IN THE DEPARTMENT OF
34 CORRECTIONS AND, FOR EACH FACILITY PROVIDING SEX OFFENDER
35 TREATMENT AND MONITORING PROGRAM TREATMENT SERVICES, THE
36 TREATMENT PROGRAM CAPACITY AND THE PHASES OF TREATMENT
37 OFFERED;

38 (III) THE NAMES OF ALL BOARD-APPROVED PROVIDERS EMPLOYED
39 BY OR CONTRACTING WITH THE DEPARTMENT OF CORRECTIONS, THE

1 AMOUNT OF TIME EACH PROVIDER OR CONTRACTOR HAS BEEN WORKING
2 WITH THE DEPARTMENT OF CORRECTIONS, AND AT WHICH LOCATION EACH
3 PROVIDER OR CONTRACTOR IS PROVIDING SERVICES EACH MONTH;
4 (IV) THE FREQUENCY OF SEX OFFENDER TREATMENT AND
5 MONITORING PROGRAM TREATMENT GROUPS AND THE FREQUENCY OF
6 CANCELLATION OF SUCH GROUPS IN ALL FACILITIES;
7 (V) THE NUMBER OF OPEN POSITIONS FOR ANY SEX OFFENDER
8 TREATMENT AND MONITORING PROGRAM PROVIDERS, INCLUDING GROUP
9 THERAPY POSITIONS, POLYGRAPH PROVIDERS, OR ANY OTHER POSITIONS
10 NECESSARY TO OPERATE THE PROGRAM; AND
11 (VI) ANY AND ALL EFFORTS MADE BY THE DEPARTMENT OF
12 CORRECTIONS IN THE PAST FIVE YEARS TO INCREASE THE CAPACITY OF THE
13 SEX OFFENDER TREATMENT AND MONITORING PROGRAM, FILL AND
14 MAINTAIN THE ALLOCATED FULL-TIME OR CONTRACT POSITIONS, AND ANY
15 DATA AVAILABLE TO ADDRESS ANY HIRING CHALLENGES IDENTIFIED BY
16 THE DEPARTMENT.
17 (c) THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE THIS DATA
18 TO THE BOARD PRIOR TO JULY 31, 2023. THE BOARD SHALL FORM A
19 SUBCOMMITTEE WITH REPRESENTATIVES FROM THE BOARD, SEX OFFENDER
20 TREATMENT PROVIDERS, THE DEPARTMENT OF CORRECTIONS, THE DIVISION
21 OF ADULT PAROLE IN THE DEPARTMENT OF CORRECTIONS, AND THE STATE
22 PAROLE BOARD CREATED PURSUANT TO SECTION 17-2-201. THE PURPOSE
23 OF THE SUBCOMMITTEE IS TO DEVELOP SOLUTIONS TO ADDRESS
24 TREATMENT RESOURCES FOR SEX OFFENDERS WHO ARE INCARCERATED OR
25 IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS, INCLUDING A
26 LEGAL AND EVIDENCE-BASED ANALYSIS OF INMATES WHO ARE REQUIRED
27 TO PROGRESS IN TREATMENT IN THE DEPARTMENT OF CORRECTIONS PRIOR
28 TO ANY RELEASE PURSUANT TO SECTION 18-1.3-1006 AND THOSE WHO ARE
29 CLASSIFIED BY THE DEPARTMENT OF CORRECTIONS AS AN INMATE WHO IS
30 REQUIRED TO PARTICIPATE IN TREATMENT. THE SUBCOMMITTEE SHALL:
31 (I) ANALYZE THE DATA PROVIDED BY THE DEPARTMENT OF
32 CORRECTIONS AND PREPARE A COMPREHENSIVE REPORT ON THE CURRENT
33 PRISON POPULATION TO IDENTIFY INMATES WHO ARE ELIGIBLE TO RECEIVE
34 TREATMENT, WITH SPECIAL PRIORITY TOWARDS INMATES WHO ARE PAST
35 PAROLE ELIGIBILITY DATE, HAVE NOT BEEN PROVIDED A TREATMENT
36 OPPORTUNITY, AND REQUIRE TREATMENT TO MEET COMMUNITY
37 CORRECTIONS OR PAROLE ELIGIBILITY REQUIREMENTS PURSUANT TO
38 SECTION 18-1.3-301 (1)(f), 18-1.3-1006, AND 17-22.5-404 (4)(c)(II);
39 (II) IDENTIFY ALL BARRIERS THE DEPARTMENT OF CORRECTIONS
40 FACES IN PROVIDING TIMELY ACCESS TO TREATMENT TO INMATES WHO
41 REQUIRE TREATMENT TO MEET PAROLE ELIGIBILITY REQUIREMENTS
42 PURSUANT TO SECTION 18-1.3-1006 AND MAKE RECOMMENDATIONS FOR
43 WORKABLE SOLUTIONS TO INCREASE TREATMENT ACCESS IN THE

1 DEPARTMENT OF CORRECTIONS, INCLUDING EVIDENCE-BASED, VALIDATED
2 PROJECTIONS DEVELOPED IN CONJUNCTION WITH THE DIVISION OF
3 CRIMINAL JUSTICE EXPERTS IN PRISON POPULATION PROJECTIONS, FOR THE
4 DECREASE IN BACKLOG THAT WOULD OCCUR WITH THE IMPLEMENTATION
5 OF ANY SOLUTIONS;
6 (III) DETERMINE WHICH, IF ANY, STANDARDS ARE BARRIERS TO
7 PROVIDING TIMELY ACCESS TO TREATMENT AND MAKE
8 RECOMMENDATIONS CONCERNING CHANGES OR EXCEPTIONS TO THE
9 STANDARDS FOR SEX OFFENDERS INCARCERATED IN THE DEPARTMENT OF
10 CORRECTIONS;
11 (IV) REVIEW AND CONSIDER REVISIONS TO THE DEPARTMENT OF
12 CORRECTIONS POLICIES AND ADMINISTRATIVE REGULATIONS TO PREVENT
13 UNNECESSARY BACKLOG IN MAKING TREATMENT ACCESSIBLE TO INMATES
14 WHO REQUIRE TREATMENT TO MEET PAROLE ELIGIBILITY REQUIREMENTS;
15 (V) REVIEW THE CRITERIA ESTABLISHED PURSUANT TO SECTION
16 18-1.3-1009 AND MAKE REVISIONS TO POLICIES OF THE DEPARTMENT OF
17 CORRECTIONS AND ADMINISTRATIVE REGULATIONS TO PREVENT
18 UNNECESSARY BACKLOG IN MAKING TREATMENT ACCESSIBLE TO INMATES
19 WHO REQUIRE TREATMENT TO MEET PAROLE ELIGIBILITY REQUIREMENTS
20 PURSUANT TO SECTION 18-1.3-1006;
21 (VI) REVIEW PAROLE GUIDELINES FOR THOSE INMATES CLASSIFIED
22 AS SEX OFFENDERS WITH DETERMINATE SENTENCES ESTABLISHED
23 PURSUANT TO SECTION 17-22.5-404 AND MAKE REVISIONS AS NECESSARY
24 TO PREVENT UNNECESSARY BACKLOG IN MAKING TREATMENT ACCESSIBLE
25 TO INMATES WHO REQUIRE TREATMENT TO MEET PAROLE ELIGIBILITY
26 REQUIREMENTS;
27 (VII) DETERMINE WHETHER ADDITIONAL TREATMENT PROVIDERS
28 WILL CONTRACT WITH THE DEPARTMENT OF CORRECTIONS TO PROVIDE
29 EVALUATION OR TREATMENT SERVICES TO INCARCERATED INDIVIDUALS
30 AND MAKE WORKABLE RECOMMENDATIONS CONCERNING HOW TO
31 IMMEDIATELY INCREASE INMATE ACCESS TO THOSE APPROVED PROVIDERS;
32 (VIII) DETERMINE WHETHER NECESSARY INCREASED FUNDING OR
33 ANY OTHER RESOURCES COULD MAKE ACCESS TO TELEHEALTH TREATMENT
34 VIABLE FOR INMATES AND THE AMOUNT OF INCREASED FUNDING OR
35 RESOURCES NECESSARY TO ACCOMPLISH THIS GOAL; AND
36 (IX) IN CONSIDERATION OF ANY EXISTING TREATMENT BACKLOG
37 AND OF FINITE TREATMENT RESOURCES, MAKE RECOMMENDATIONS FOR
38 PROCURING OR MAKING AVAILABLE SUFFICIENT TREATMENT RESOURCES
39 WITHOUT NEGATIVELY IMPACTING PUBLIC SAFETY AND PROTECTION OF
40 VICTIMS.
41 (2) For offenders who".

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