

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0731.01 Jerry Barry x4341

HOUSE BILL 25-1214

HOUSE SPONSORSHIP

Clifford,

SENATE SPONSORSHIP

Gonzales J.,

House Committees

Judiciary
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO MAKE APPROPRIATE USE OF PRISON BEDS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Before an individual is sentenced to the department of corrections (department) for a class 5 or 6 felony, the bill requires the court to review certain available information and to make additional findings.

The bill directs the executive director of the department (executive director) to notify the sentencing court that a person sentenced to prison for certain lower-class felonies is either past or within 90 days or less of the person's parole eligibility date.

The bill adds certified recovery residences to the lists of possible

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

treatment or recovery options for a parolee.

The bill eliminates the requirement that a parolee who tests positive for drugs or alcohol must pay for any treatment program ordered as a new condition of parole.

The bill repeals provisions that require approval by a majority of the members of the state board of parole (state board) for a denial of parole to certain low- or very low-risk inmates. The bill replaces these provisions by creating a presumption that certain low- or very low-risk inmates who have reached their parole eligibility dates will be granted parole. The bill also requires the state board to provide a monthly report to the department on the status of hearings for these low- and very low-risk inmates.

If an offender is otherwise eligible for parole or placement in a community corrections program but has an outstanding warrant or detainer, the parole board or the executive director shall notify the public defender liaison, who shall determine if the warrant or detainer may be resolved and notify the executive director of the outcome.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds:

4 (a) The department of corrections' budget has grown by over
5 \$246.7 million over the past six years, and its fiscal year 2024-25 budget
6 is almost \$1.2 billion;

7 (b) Prison population projections indicate continued growth in the
8 prison population, and the department has requested an additional 427
9 male prison beds in its initial budget request for fiscal year 2025-26;

10 (c) It is essential that the state's costly prison resources are used
11 for those offenders for whom a different sentence is not appropriate or
12 will not properly meet the goals of community safety and rehabilitation
13 of the offender;

14 (d) Making changes to internal processes within the department
15 of corrections and parole board can result in better utilization of prison
16 beds;

27 (h) Current law allows the parole board to deny parole to an

1 inmate by a majority vote of the parole board when the inmate is assessed
2 to be low or very low risk, has good institutional conduct, is program
3 compliant, has an approved parole plan, has not been regressed from
4 community corrections or parole within the past 180 days, does not have
5 a warrant or detainer, and the parole release guidelines recommend
6 release. Requiring that the inmate have an approved parole plan prior to
7 release, rather than at the time of the parole hearing, provides greater
8 flexibility for the parole board to work with the department of corrections
9 if the parole board believes the parole plan is not adequate. Similarly, the
10 criteria that makes an inmate ineligible for parole due to a warrant or
11 detainer was enacted prior to the creation of the public defender liaison,
12 and this exclusionary criterion should only be applied if the public
13 defender liaison is unable to resolve the warrant or detainer.

14 **SECTION 2.** In Colorado Revised Statutes, 16-11-301, **amend**
15 (1); and **add** (5) as follows:

16 **16-11-301. Sentences - commitments - correctional facilities -**
17 **county jail - age limit.** (1) (a) As a general rule, imprisonment for the
18 conviction of a felony by an adult offender ~~shall be~~ IS served by
19 confinement in an appropriate facility as determined by the executive
20 director of the department of corrections. In such cases, the court ~~will~~
21 SHALL sentence the offender to the custody of the executive director of
22 the department of corrections.

23 (b) **PRIOR TO THE IMPOSITION OF A SENTENCE TO THE**
24 **DEPARTMENT OF CORRECTIONS FOR A CONVICTION OF A CLASS 5 FELONY,**
25 **CLASS 6 FELONY, CLASS 3 DRUG FELONY, OR CLASS 4 DRUG FELONY AT**
26 **SENTENCING OR RESENTENCING AFTER A REVOCATION OF PROBATION OR**
27 **COMMUNITY CORRECTIONS SENTENCE, THE COURT SHALL DETERMINE**

1 WHETHER INCARCERATION IS THE MOST SUITABLE OPTION GIVEN THE
2 FACTS AND CIRCUMSTANCES OF THE CASE.

3 [REDACTED]

4 (5) UNLESS THE PRISON SENTENCE IS THE RESULT OF A STIPULATED
5 PLEA AGREEMENT FOR AN EXACT NUMBER OF YEARS IN PRISON, IF A
6 SENTENCING COURT RECEIVES A NOTICE FROM THE EXECUTIVE DIRECTOR
7 OF THE DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 17-1-103
8 (1)(s) THAT, AT THE TIME OF ADMISSION, AN OFFENDER SENTENCED TO
9 PRISON BY THE COURT IS EITHER PAST OR WITHIN NINETY DAYS OF THE
10 OFFENDER'S PAROLE ELIGIBILITY DATE IN THE SENTENCED CASE, THE
11 COURT SHALL NOTIFY COUNSEL FOR THE DEFENDANT AND THE
12 PROSECUTION AND REQUEST THAT THE DEFENDANT FILE A MOTION IF THE
13 DEFENDANT WANTS TO MOVE FOR RECONSIDERATION. IF THE COURT
14 RECEIVES A MOTION FOR RECONSIDERATION, THE COURT SHALL SCHEDULE
15 A HEARING ON THE MOTION WITHIN THIRTY-FIVE DAYS AFTER FILING AND,
16 AT THE HEARING, MAY IMPOSE AN ALTERNATIVE SENTENCE. THIS HEARING
17 IS SUBJECT TO PART 3 OF ARTICLE 4.1 OF TITLE 24.

18 **SECTION 3.** In Colorado Revised Statutes, 17-1-103, **add** (1)(s)
19 as follows:

20 **17-1-103. Duties of the executive director.** (1) The duties of the
21 executive director are:

22 (s) IF AN OFFENDER IS ADMITTED TO THE CUSTODY OF THE
23 EXECUTIVE DIRECTOR AS A NEW COURT COMMITMENT SERVING A
24 SENTENCE WHERE THE CONTROLLING SENTENCE IS FOR A CLASS 5 OR
25 CLASS 6 FELONY OR A CLASS 3 OR CLASS 4 DRUG FELONY AND THE
26 OFFENDER IS DETERMINED BY THE DEPARTMENT AT ADMISSION TO BE PAST
27 OR WITHIN NINETY DAYS OF THE OFFENDER'S PAROLE ELIGIBILITY DATE,

1 THE DEPARTMENT SHALL NOTIFY THE SENTENCING COURT WITHIN
2 FOURTEEN DAYS AFTER ADMISSION AND PROVIDE THE COURT WITH
3 INFORMATION ON THE PAROLE ELIGIBILITY DATE, THE MANDATORY
4 RELEASE DATE, AND THE RESULTS OF ANY INTAKE ASSESSMENTS FOR THE
5 OFFENDER.

6 **SECTION 4.** In Colorado Revised Statutes, 17-2-201, **amend**
7 (3)(h.1)(I), (4)(f)(I)(B), (4)(f)(I)(C), (5)(c)(II) introductory portion,
8 (5.5)(d)(I), (5.7) introductory portion, and (5.7)(a); and **repeal**
9 (4)(f)(I)(D), (4)(f)(I)(E), and (19) as follows:

10 **17-2-201. State board of parole - duties - definitions.** (3) The
11 chairperson, in addition to other provisions of law, has the following
12 powers and duties:

13 (h.1) To contract with qualified individuals to serve as release
14 hearing officers:

15 (I) To conduct parole application hearings for inmates convicted
16 of class 4, class 5, or class 6 felonies or level 3 or level 4 drug felonies
17 who have been assessed to be less than high risk by the Colorado risk
18 assessment scale developed pursuant to section 17-22.5-404 (2)(a); **or**
19 ~~hearings pursuant to subsection (19) of this section pursuant to rules~~
20 ~~adopted by the parole board;~~ and

21 (4) The board has the following powers and duties:

22 (f) (I) To conduct an initial or subsequent parole release review
23 in lieu of a hearing, without the presence of the inmate, if:

24 (B) A detainer from the United States immigration and customs
25 enforcement agency has been filed with the department, the inmate meets
26 the criteria for the presumption of parole in section 17-22.5-404.7, and
27 victim notification is not required pursuant to section 24-4.1-302.5; OR

5 (D) The inmate is assessed to be a low or very low risk on the
6 validated risk assessment instrument developed pursuant to section
7 17-22.5-404 (2), the inmate meets readiness criteria established by the
8 board, and victim notification is not required pursuant to section
9 24-4.1-302.5; or

10 (E) The inmate is subject to subsection (19) of this section.

22 (5.7) If, as a condition of parole, an offender is required to
23 undergo counseling, ~~or~~ treatment, OR PARTICIPATE IN A CERTIFIED
24 RECOVERY RESIDENCE, AS DEFINED IN SECTION 27-80-129, unless the
25 parole board determines that treatment at another facility or with another
26 person is warranted, the treatment or counseling must be at a facility or
27 with a person:

(a) Approved by the behavioral health administration in the department of human services if the treatment is for alcohol or drug abuse OR A CERTIFIED RECOVERY RESIDENCE, AS DEFINED IN SECTION 27-80-129;

(19) (a) Except as provided in subsection (19)(b) of this section, if a person has an approved parole plan, has been assessed to be low or very low risk on the validated risk assessment scale developed pursuant to section 17-22.5-404 (2), and the parole release guidelines recommend release, the parole board may deny parole only by a majority vote of the full parole board.

(b) An inmate is not eligible for release pursuant to subsection (19)(a) of this section if he or she has had a class I code of penal discipline violation within the previous twelve months from the date of consideration by the parole board or since incarceration, whichever is shorter; has been terminated for lack of progress or has declined in writing to participate in programs that have been recommended and made available to the inmate within the previous twelve months or since incarceration, whichever is shorter; has been regressed from community corrections or revoked from parole within the previous one hundred eighty days; is required to be considered by the full board for release; or has a pending felony charge, detainer, or an extraditable warrant.

(c) If the parole board denies parole to an inmate pursuant to subsection (19)(a) of this section, the board shall submit to the department the basis for the denial in writing.

SECTION 5. In Colorado Revised Statutes, 17-2-203, **amend** (1.5)(c), (11)(c) introductory portion, and (11)(e); and **add** (11)(c)(III) as follows:

17-2-103. Arrest of parolee - revocation proceedings.

1 (1.5) (c) A community parole officer shall also make referrals to any
2 needed treatment, CERTIFIED RECOVERY RESIDENCE, AS DEFINED IN
3 SECTION 27-80-129, or other support services that may help a parolee
4 become compliant with the conditions of parole and succeed in
5 reintegrating into society. For the purposes of this section, testing positive
6 for the use of illegal drugs is considered a technical violation of parole.

7 (11) (c) If the board determines that the parolee is in need of
8 treatment, the board shall consider placing the parolee in one of the
9 following treatment OR RECOVERY options and, if appropriate, may
10 modify the conditions of parole to include:

11 (III) PLACEMENT IN A CERTIFIED RECOVERY RESIDENCE, AS
12 DEFINED IN SECTION 27-80-129.

13 (e) If the parolee is unsuccessful in participating in a treatment OR
14 RECOVERY program ordered pursuant to ~~paragraph (c) of this subsection~~
15 ~~(11)~~ SUBSECTION (11)(c) OF THIS SECTION and ~~his or her~~ THE PAROLEE'S
16 participation is terminated, the board may consider placement of the
17 parolee in additional treatment, as appropriate, including a higher level of
18 treatment OR IN A CERTIFIED RECOVERY RESIDENCE, AS DEFINED IN
19 SECTION 27-80-129.

20 **SECTION 6.** In Colorado Revised Statutes, **add 17-22.5-404.9**
21 as follows:

22 **17-22.5-404.9. Presumption of parole - low- and very low-risk
23 offenders - assessment - report.** (1) THERE IS A PRESUMPTION, SUBJECT
24 TO THE FINAL DISCRETION OF THE PAROLE BOARD, IN FAVOR OF GRANTING
25 PAROLE AT THE FIRST OR A SUBSEQUENT PAROLE APPLICATION HEARING TO
26 AN INMATE WHO HAS REACHED THEIR PAROLE ELIGIBILITY DATE AND WHO:

27 (a) HAS BEEN ASSESSED TO BE LOW OR VERY LOW RISK ON THE

1 VALIDATED RISK ASSESSMENT SCALE DEVELOPED PURSUANT TO SECTION
2 17-22.5-404 (2)(a), AND THE ADMINISTRATIVE RELEASE GUIDELINE
3 INSTRUMENT DEVELOPED PURSUANT TO SECTION 17-22.5-107 (1)
4 RECOMMENDS RELEASE;

5 (b) HAS NOT INCURRED A CLASS I CODE OF PENAL DISCIPLINE
6 VIOLATION WITHIN THE PREVIOUS TWELVE MONTHS AFTER THE DATE OF
7 CONSIDERATION BY THE PAROLE BOARD OR SINCE INCARCERATION,
8 WHICHEVER IS SHORTER;

9 (c) HAS NOT, WITHIN THE TWELVE MONTHS PRECEDING THE
10 INMATE'S PAROLE APPLICATION HEARING, DECLINED IN WRITING TO
11 PARTICIPATE IN PROGRAMS THAT HAVE BEEN RECOMMENDED AND MADE
12 AVAILABLE TO THE INMATE;

13 (d) WAS NOT CONVICTED OF A CLASS 1 DRUG FELONY OFFENSE, A
14 CLASS 1, CLASS 2, OR CLASS 3 FELONY OFFENSE, AND IS NOT SERVING AN
15 INDETERMINATE SENTENCE PURSUANT TO SECTION 18-1.3-1004; AND

16 (e) HAS NOT BEEN REGRESSED FROM COMMUNITY CORRECTIONS OR
17 REVOKE FROM PAROLE WITHIN THE PREVIOUS ONE HUNDRED EIGHTY
18 DAYS.

19 (2) IF THE DEPARTMENT DID NOT SUBMIT AN APPROVED PAROLE
20 PLAN PRIOR TO THE PAROLE APPLICATION HEARING OR THE PAROLE BOARD
21 CONSIDERS THE SUBMITTED PAROLE PLAN TO BE INADEQUATE, THE PAROLE
22 BOARD OR AN INDIVIDUAL MEMBER OF THE PAROLE BOARD SHALL NOT
23 DENY PAROLE AND SHALL PROCEED PURSUANT TO SECTION 17-2-201 (20).

24 (3) IF AN INMATE WHO OTHERWISE MEETS THE CRITERIA OF
25 SUBSECTION (1) OF THIS SECTION HAS A DETAINER OR A WARRANT, THE
26 PAROLE BOARD SHALL DELAY THE HEARING ~~DECISION~~ OR ORDER A
27 CONDITIONAL RELEASE AND NOTIFY ~~THE DEPARTMENT~~, WHICH SHALL

1 NOTIFY THE PUBLIC DEFENDER LIAISON TO DETERMINE IF THE WARRANT OR
2 DETAINER MAY BE RESOLVED. THE PUBLIC DEFENDER LIAISON SHALL
3 NOTIFY THE PAROLE BOARD OF THE OUTCOME, AND, IF THE WARRANT OR
4 DETAINER HAS BEEN REMOVED, THE PAROLE BOARD MAY ORDER RELEASE
5 OF THE INMATE. IF THE DETAINER OR WARRANT IS NOT ABLE TO BE
6 RESOLVED, THE PAROLE BOARD MAY ONLY RELEASE THE INMATE TO THE
7 CUSTODY OF THE AGENCY THAT ISSUED THE WARRANT OR DETAINER.

8 (4) IF THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT
9 DEVELOPED PURSUANT TO SECTION 17-22.5-107 (1) RECOMMENDS
10 RELEASE, THE PAROLE BOARD SHALL ONLY DENY PAROLE BY A MAJORITY
11 VOTE OF THE FULL PAROLE BOARD. ~~THE PAROLE BOARD SHALL NOT DENY~~
12 PAROLE FOR NOT COMPLETING TREATMENT OR A PROGRAM THAT CAN BE
13 ORDERED AS A CONDITION OF PAROLE.

14 (5) IF THE PAROLE BOARD DENIES PAROLE TO AN INMATE
15 PURSUANT TO THIS SECTION, THE PAROLE BOARD SHALL SUBMIT TO THE
16 DEPARTMENT AND THE INMATE THE REASONS FOR THE DENIAL IN WRITING.

17 (6) THE DEPARTMENT SHALL ENSURE THAT EVERY INMATE HAS
18 BEEN ASSESSED ON THE VALIDATED RISK ASSESSMENT SCALE DEVELOPED
19 PURSUANT TO SECTION 17-22.5-404(2) AND THAT THE PAROLE BOARD HAS
20 THE RESULTS OF THAT ASSESSMENT PRIOR TO AN INMATE'S PAROLE
21 APPLICATION HEARING.

22 (7) THE PAROLE BOARD SHALL PROVIDE A MONTHLY REPORT TO
23 THE DEPARTMENT FOR INCLUSION IN THE DEPARTMENT'S MONTHLY
24 REPORTS ON THE NUMBER OF HEARINGS CONDUCTED THAT MET THE
25 CRITERIA PURSUANT TO THIS SECTION; THE NUMBER OF DECISIONS BY THE
26 PAROLE BOARD TO GRANT PAROLE, DEFER PAROLE, OR DELAY THE
27 HEARING; AND, IF PAROLE WAS DEFERRED OR THE HEARING DELAYED, THE

1 GENERAL REASON FOR THE DEFERRAL OR DELAY. THE INFORMATION MUST
2 BE PROVIDED BOTH FOR THE REPORTING MONTH AND YEAR TO DATE. THE
3 REPORT IS POSTED ON THE DEPARTMENT'S WEBSITE.

4 (8) ANY PAROLE HEARING CONDUCTED PURSUANT TO THIS SECTION
5 IS SUBJECT TO PART 3 OF ARTICLE 4.1 OF TITLE 24.

6 (9) THIS PRESUMPTION OF PAROLE DOES NOT APPLY TO AN
7 OTHERWISE ELIGIBLE INMATE WHO IS IN THE RESIDENTIAL PHASE OF A
8 COMMUNITY CORRECTIONS PROGRAM AND SUBJECT TO SECTION 17-2-201
9 (17).

10 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-301, **add**
11 (2)(b.5) as follows:

12 **18-1.3-301. Authority to place offenders in community**
13 **corrections program.** (2) (b.5) IF AN OFFENDER ELIGIBLE FOR REFERRAL
14 UNDER THIS SUBSECTION (2) HAS A WARRANT OR DETAINER, THE
15 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL
16 DELAY REFERRAL AND NOTIFY THE PUBLIC DEFENDER LIAISON TO
17 DETERMINE IF THE WARRANT OR DETAINER MAY BE RESOLVED. THE
18 PUBLIC DEFENDER LIAISON SHALL NOTIFY THE DEPARTMENT OF
19 CORRECTIONS OF THE OUTCOME, AND, IF THE WARRANT OR DETAINER IS
20 REMOVED, THE DEPARTMENT SHALL MAKE A REFERRAL AS REQUIRED BY
21 SUBSECTION (2)(b) OF THIS SECTION.

22 **SECTION 8. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect September 1, 2025; except that,
24 if a referendum petition is filed pursuant to section 1 (3) of article V of
25 the state constitution against this act or an item, section, or part of this act
26 within the ninety-day period after final adjournment of the general
27 assembly, then the act, item, section, or part will not take effect unless

1 approved by the people at the general election to be held in November
2 2026 and, in such case, will take effect January 1, 2027, or on the date of
3 the official declaration of the vote thereon by the governor, whichever is
4 later.

5 (2) This act applies to sentences entered and parole board hearings
6 held on or after the applicable effective date of this act.