SENATE COMMITTEE OF REFERENCE REPORT

_____   ___March 20, 2019___
Chair of Committee   Date

Committee on <u>Judiciary</u>.

After consideration on the merits, the Committee recommends the following:

<u>SB19-143</u>   be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation:

1   Amend printed bill page 2, strike lines 2 through 13.

2   Strike pages 3 through 5.

3   Page 6, strike lines 1 through 3.

4   Renumber succeeding sections accordingly.

5   Page 6, line 4, after **"amend"** insert "(1),".

6   Page 6, strike line 7 and substitute:
7   **"17-1-119.7. Prison population management measures.** (1) The
8   department shall track the prison bed vacancy rate in both correctional
9   facilities and state-funded private contract prison beds on a monthly basis.
10 If the vacancy rate falls below ~~two~~ THREE percent for thirty consecutive
11 days, the department shall notify the governor, the joint budget
12 committee, the parole board, each elected district attorney, the chief judge
13 of each judicial district, the state public defender, and the office of
14 community corrections in the department of public safety. The department
15 shall notify the governor, the joint budget committee, the parole board,
16 each elected district attorney, the chief judge of each judicial district, the
17 state public defender, and the office of community corrections once the
18 vacancy rate exceeds ~~three~~ FOUR percent for thirty consecutive days.".

1   Page 6, line 10, strike "may:" and substitute "~~may~~ SHALL:".

2   Page 6, line 21, strike "AN APPROVED" and substitute "A FAVORABLE".

3   Page 7, line 4, after "INMATE" insert "AND A DATE OF RELEASE".

4   Page 7, strike line 5.

5   Page 7, line 6, strike "RELEASE".

6   Page 7, line 8, after "REVIEW" insert "OR HEARING".

7   Page 8, line 3, after "16-22-102 (9);" insert "OR ANY OTHER OFFENSE, THE
8   UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL
9   BEHAVIOR;".

10   Page 8, line 6, after "**amend**" insert "(1.5)(d), (1.5)(g)(I),".

11   Page 8, strike line 9 and substitute:
12   "**17-2-103.   Arrest of parolee - revocation proceedings.**
13   (1.5) (d) If a parolee has a technical violation, the parolee's community
14   parole officer, with the approval of the director of the division of adult
15   parole or the director's designee, may impose a brief term of confinement
16   in the county jail, not to exceed ~~five~~ FOURTEEN consecutive days, as an
17   intermediate sanction.
18   (g)   Notwithstanding any other provision of this section, a
19   community parole officer may bypass the use of intermediate sanctions
20   or any additional intermediate sanctions in response to a technical
21   violation of parole and file a complaint seeking revocation of parole if:
22   (I)   The parolee has received up to four intermediate sanctions
23   committing the parolee to a brief term of incarceration in jail, EXCEPT FOR
24   A PAROLEE FOR WHOM SUBSECTION (11)(b)(III) OF THIS SECTION APPLIES;
25   or".

26   Page 9, line 11, after "16-22-102 (9);" insert "OR ANY OTHER OFFENSE,
27   THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL
28   BEHAVIOR;".

29   Page 9, strike lines 12 through 19 and substitute "article 6.5 of title 18, or
30   section 18-6-801, the board may revoke parole and request the sheriff of
31   the county in which the hearing is held to transport the parolee to a place

1   of confinement for a period not to exceed thirty days and order the
2   parolee confined at a facility designated by the executive director.".

3   Page 10, line 6, strike "**add** (19)" and substitute "**amend** (3)(h.1)(I),
4   (4)(f)(I)(C), (4)(f)(I)(D), and (5)(c)(II); and **add** (4)(f)(I)(E) and (19)".

5   Page 10, strike line 8 and substitute:
6   "**17-2-201. State board of parole - duties - definitions.** (3) The
7   chairperson, in addition to other provisions of law, has the following
8   powers and duties:
9   (h.1) To contract with qualified individuals to serve as release
10   hearing officers:
11   (I) To conduct parole application hearings for inmates convicted
12   of class 4, class 5, or class 6 felonies or level 3 or level 4 drug felonies
13   who have been assessed to be less than high risk by the Colorado risk
14   assessment scale developed pursuant to section 17-22.5-404 (2)(a), OR
15   HEARINGS PURSUANT TO SUBSECTION (19) OF THIS SECTION pursuant to
16   rules adopted by the parole board; and
17   (4) The board has the following powers and duties:
18   (f) (I) To conduct an initial or subsequent parole release review
19   in lieu of a hearing, without the presence of the inmate, if:
20   (C) The inmate has a statutory discharge date or mandatory
21   release date within six months after his or her next ordinarily scheduled
22   parole hearing and victim notification is not required pursuant to section
23   24-4.1-302.5; ~~or~~
24   (D) The inmate is assessed to be a "low" or "very low" risk on the
25   validated risk assessment instrument developed pursuant to section
26   17-22.5-404 (2), the inmate meets readiness criteria established by the
27   board, and victim notification is not required pursuant to section
28   24-4.1-302.5; OR
29   (E) THE INMATE IS SUBJECT TO SUBSECTION (19) OF THIS SECTION.
30   (5) (c) (II) EXCEPT IF THE OFFENDER IS SUBJECT TO SUBSECTION
31   (19) OF THIS SECTION, if the offender fails to pay the restitution, he or she
32   may be returned to the board and, upon proof of failure to pay, the board
33   shall:".

34   Page 10, line 18, after "PAROLE" insert "BOARD".

35   Page 10, line 25, after "DAYS;" insert "IS REQUIRED TO BE CONSIDERED BY
36   THE FULL BOARD FOR RELEASE;".

1 Page 11, after line 11 insert:

2   "**SECTION 5.** In Colorado Revised Statutes, 17-22.5-402, **add**

3 (4) as follows:

4   **17-22.5-402. Discharge from custody.** (4)   A PERSON

5 DISCHARGED FROM A CORRECTIONAL FACILITY WITHOUT SUPERVISION IS

6 ELIGIBLE TO RECEIVE REENTRY SUPPORT SERVICES FROM THE DEPARTMENT

7 OR COMMUNITY-BASED ORGANIZATIONS THAT RECEIVE FUNDING FROM

8 THE DEPARTMENT TO PROVIDE REENTRY SERVICES FOR UP TO ONE YEAR

9 AFTER THE PERSON'S DATE OF DISCHARGE.".

10 Renumber succeeding sections accordingly

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