

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 23-0513.01 Conrad Imel x2313

**HOUSE BILL 23-1037**

---

**HOUSE SPONSORSHIP**

**Martinez and Pugliese**, Amabile, Armagost, Bacon, Bird, Boesenecker, Daugherty, deGruy Kennedy, Dickson, Duran, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Lieder, Lindsay, Lindstedt, Luck, Lukens, Mabrey, Marshall, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ortiz, Parenti, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Valdez, Velasco, Vigil, Weinberg, Weissman, Willford, Wilson, Winter T., Woodrow, Young

**SENATE SPONSORSHIP**

**Gonzales,**

---

**House Committees**

Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING AWARDING EARNED TIME TO NONVIOLENT OFFENDERS**  
102         **WHO COMPLETE AN ACCREDITED HIGHER EDUCATION**  
103         **PROGRAM.**

---

**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>.)*

Under existing law, an inmate in the custody of the department of corrections (department) may have earned time deducted from the inmate's sentence for meeting certain statutory requirements. The bill permits an inmate sentenced for a nonviolent felony offense to have earned time deducted from the inmate's sentence for each accredited

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.

HOUSE  
3rd Reading Unamended  
February 21, 2023

HOUSE  
Amended 2nd Reading  
February 17, 2023

degree or other credential awarded by an accredited institution of higher education to the inmate while the inmate is incarcerated, in the following amounts:

- One year of earned time for receiving an associate, baccalaureate, or graduate degree; and
- 6 months of earned time for receiving a certificate or other credential.

The bill requires the general assembly to annually appropriate the savings incurred during the prior state fiscal year as a result of the release of inmates from correctional facilities because of earned time granted for completion of a higher education degree or credential, as follows:

- 50% of the savings to the department of corrections to facilitate inmates enrolling in and completing accredited higher education programs; and
- 50% of the savings to the department of higher education for allocation to institutions of higher education that offer accredited programs in correctional facilities.

---

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

2             **SECTION 1.** In Colorado Revised Statutes, 17-22.5-405, **add**  
3     (3.7) **and (9)(a.3)** as follows:

4             **17-22.5-405. Earned time - earned release time - achievement**  
5     **earned time - definition.** (3.7) FOR AN INMATE SENTENCED FOR A  
6     NONVIOLENT FELONY OFFENSE AS DESCRIBED IN SUBSECTION (5) OF THIS  
7     SECTION, IN ADDITION TO THE EARNED TIME DEDUCTED PURSUANT TO  
8     SUBSECTION (1) **OR (1.5)** OF THIS SECTION, EARNED TIME SHALL BE  
9     DEDUCTED FROM THE INMATE'S SENTENCE FOR EACH ACCREDITED DEGREE  
10    OR OTHER CREDENTIAL AWARDED BY A **REGIONALLY** ACCREDITED  
11    INSTITUTION OF HIGHER EDUCATION TO THE INMATE WHILE THE INMATE IS  
12    ~~INCARCERATED OR ON PAROLE~~ AS FOLLOWS:

13             (a) **EIGHTEEN MONTHS OF EARNED TIME FOR A MASTER'S DEGREE**  
14    ~~AND TWO YEARS OF EARNED TIME FOR A DOCTORAL DEGREE;~~  
15             (b) **ONE YEAR OF EARNED TIME FOR AN ASSOCIATE DEGREE OR A**  
16    **BACCALAUREATE DEGREE; AND**

4 (9) (a.3) THE DEPARTMENT SHALL NOT AWARD EARNED TIME TO  
5 AN OFFENDER PURSUANT TO THIS SUBSECTION (9) FOR COMPLETION OF AN  
6 ASSOCIATE, BACCALAUREATE, OR GRADUATE DEGREE OR A CERTIFICATE  
7 OR OTHER CREDENTIAL FOR WHICH EARNED TIME IS DEDUCTED PURSUANT  
8 TO SUBSECTION (3.7) OF THIS SECTION.

9                   **SECTION 2.** In Colorado Revised Statutes, **add** 17-22.5-108 as  
10                  follows:

11                   **17-22.5-108. Appropriation of savings from earned time**  
12                   **awarded for completing an accredited higher education program -**  
13                   **budget request requirement.** (1) FOR STATE FISCAL YEAR 2024-25, AND  
14                   FOR EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY  
15                   SHALL ANNUALLY APPROPRIATE THE SAVINGS INCURRED DURING THE  
16                   PRIOR STATE FISCAL YEAR RESULTING FROM THE DEDUCTION OF EARNED  
17                   TIME PURSUANT TO SECTION 17-22.5-405 (3.7) FOR COMPLETION OF AN  
18                   ACCREDITED DEGREE, CERTIFICATE, OR OTHER CREDENTIAL PROGRAM AS  
19                   FOLLOWS:

20 (a) AN AMOUNT EQUAL TO FIFTY PERCENT OF THE SAVINGS TO THE  
21 DEPARTMENT OF CORRECTIONS TO FACILITATE INMATES ENROLLING IN  
22 AND COMPLETING ACCREDITED HIGHER EDUCATION PROGRAMS; AND

23 (b) AN AMOUNT EQUAL TO FIFTY PERCENT OF THE SAVINGS TO THE  
24 DEPARTMENT OF HIGHER EDUCATION CREATED PURSUANT TO SECTION  
25 24-1-114 FOR ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION THAT  
26 OFFER ACCREDITED DEGREE, CERTIFICATE, OR OTHER CREDENTIAL  
27 PROGRAMS IN A CORRECTIONAL FACILITY.

8

**SECTION 3. Act subject to petition - effective date -**

**applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.