

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 16-1179.01 Richard Sweetman x4333

SENATE BILL 16-180

SENATE SPONSORSHIP

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Senate Committees

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Appropriations

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A BILL FOR AN ACT

101 **CONCERNING A SPECIALIZED PROGRAM WITHIN THE DEPARTMENT OF**
102 **CORRECTIONS FOR CERTAIN OFFENDERS WHO WERE CONVICTED**
103 **AS ADULTS FOR OFFENSES THEY COMMITTED AS JUVENILES, AND,**
104 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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://www.leg.state.co.us/billsummaries>.)

The bill requires the department of corrections (department) to develop and implement a program for offenders who were sentenced to an adult prison for a felony offense committed while the offender was

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

less than 18 years of age and who are determined to be appropriate for placement in the program. An offender serving a sentence for a felony committed while the offender was a juvenile may apply for placement in the program if he or she has served 20 calendar years of his or her sentence and has not been released on parole.

Upon receiving a petition from an eligible offender, the executive director of the department or his or her designee shall review the petition. In determining whether to place an offender in the program, the executive director or his or her designee shall consider certain criteria.

An offender who successfully completes the program may apply to the governor for early parole. The governor may grant early parole to such an offender if, in the governor's opinion, extraordinary mitigating circumstances exist and the offender's release from custody is compatible with the safety and welfare of society. The state board of parole shall make a recommendation to the governor concerning whether early parole should be granted to such an offender.

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

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

4 (a) The United States supreme court has held in several recent
5 decisions regarding the criminal sentencing of juveniles that children are
6 constitutionally different than adults for purposes of sentencing and
7 should be given a meaningful opportunity for release based on
8 demonstrated maturity and rehabilitation;

9 (b) Colorado recognizes that children have not yet reached
10 developmental maturity before the age of eighteen years and therefore
11 have a heightened capacity to change behavior and a greater potential for
12 rehabilitation;

13 (c) Colorado has many offenders currently serving sentences in
14 the department of corrections who committed crimes when they were less
15 than eighteen years old and who no longer present a threat to public
16 safety; and

1 (d) Colorado is committed to research-based best practices in the
2 development and implementation of correctional policies and practices.

3 (2) Now, therefore, Colorado desires to implement a system that
4 allows any offender who committed a serious crime as a juvenile, was
5 treated as an adult by the criminal justice system, and has served more
6 than twenty calendar years of a sentence to the department of corrections,
7 during which he or she has exhibited growth and rehabilitation, the
8 opportunity to further demonstrate rehabilitation and earn early release in
9 a specialized program in a less secure setting without compromising
10 public safety.

11 **SECTION 2.** In Colorado Revised Statutes, **add** article 34 to title
12 17 as follows:

13 **ARTICLE 34**

14 **Specialized Program For Juveniles**

15 **Convicted As Adults**

16 **17-34-101. Juveniles who are convicted as adults in district**
17 **court - eligibility for specialized program placement - petitions.**

18 (1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN OFFENDER
19 SERVING A SENTENCE IN THE DEPARTMENT FOR A FELONY OFFENSE AS A
20 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR
21 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER
22 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION
23 19-2-518, C.R.S., OR PURSUANT TO EITHER OF THESE SECTIONS AS THEY
24 EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT, WITH AMENDMENTS,
25 BY HOUSE BILL 96-1005, AND WHO REMAINS IN THE CUSTODY OF THE
26 DEPARTMENT FOR THAT FELONY OFFENSE MAY PETITION FOR PLACEMENT
27 IN THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,

1 REFERRED TO WITHIN THIS SECTION AS THE "SPECIALIZED PROGRAM", IF HE
2 OR SHE:

3 (I) HAS SERVED TWENTY CALENDAR YEARS OF HIS OR HER
4 SENTENCE;

5 (II) HAS NOT BEEN RELEASED ON PAROLE;

6 (III) HAS NOT BEEN CONVICTED OF A SEX OFFENSE, AS DEFINED IN
7 SECTION 16-11.7-102 (3), C.R.S.; AND

8 (IV) HAS NOT BEEN DETERMINED TO SUFFER FROM A SERIOUS
9 MENTAL ILLNESS BY THE DEPARTMENT.

10 (b) AN OFFENDER WHO IS DESCRIBED IN PARAGRAPH (a) OF THIS
11 SUBSECTION (1) MAY APPLY FOR PLACEMENT IN THE SPECIALIZED
12 PROGRAM NOTWITHSTANDING HIS OR HER SENTENCE OR PAROLE
13 ELIGIBILITY DATE.

14 (2) UPON RECEIVING A PETITION FROM AN OFFENDER DESCRIBED
15 IN SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR OR HIS OR
16 HER DESIGNEE SHALL REVIEW THE PETITION AND DETERMINE WHETHER TO
17 PLACE THE OFFENDER IN THE SPECIALIZED PROGRAM. IN MAKING THIS
18 DETERMINATION, THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE
19 SHALL CONSIDER THE FOLLOWING CRITERIA:

20 (a) THE NATURE OF THE OFFENSE AND THE CIRCUMSTANCES
21 SURROUNDING THE OFFENSE, INCLUDING THE EXTENT OF THE OFFENDER'S
22 PARTICIPATION IN THE CRIMINAL CONDUCT;

23 (b) THE AGE AND MATURITY OF THE OFFENDER AT THE TIME OF THE
24 OFFENSE;

25 (c) THE BEHAVIOR OF THE OFFENDER IN ANY INSTITUTION FOR THE
26 DURATION OF HIS OR HER SENTENCE, INCLUDING CONSIDERATION OF ANY
27 VIOLATIONS OF THE INMATE CODE OF CONDUCT AND DATES OF THE

1 VIOLATIONS OR, IN THE ALTERNATIVE, THE LACK OF ANY SUCH
2 VIOLATIONS;

3 (d) THE ASSESSED RISK AND NEEDS OF THE OFFENDER;

4 (e) THE IMPACT OF THE OFFENSE ON ANY VICTIM AND ANY VICTIM'S
5 IMMEDIATE FAMILY MEMBER; AND

6 (f) ANY OTHER FACTOR DETERMINED TO BE RELEVANT BY THE
7 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IN ASSESSING AND MAKING
8 A DETERMINATION REGARDING THE OFFENDER'S DEMONSTRATED
9 REHABILITATION.

10 (3) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE
11 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE
12 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE
13 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED
14 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT
15 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO
16 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S.

17 (4) (a) IF AFTER REVIEW OF AN OFFENDER'S PETITION, THE
18 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DETERMINES THAT THE
19 OFFENDER IS AN APPROPRIATE CANDIDATE FOR PLACEMENT IN THE
20 SPECIALIZED PROGRAM, THE DEPARTMENT SHALL PLACE THE OFFENDER IN
21 THE SPECIALIZED PROGRAM AS SOON AS PRACTICABLE.

22 (b) ANY VICTIM OR VICTIM'S IMMEDIATE FAMILY MEMBER, AS
23 DEFINED IN SECTION 24-4.1-302 (5) AND (6), C.R.S., HAS THE RIGHT TO BE
24 INFORMED OF THE PLACEMENT OF AN OFFENDER PURSUANT TO SECTIONS
25 24-4.1-302.5 (1) (q) AND 24-4.1-303 (14), C.R.S.

26 (5) IF THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DENIES
27 AN OFFENDER'S PETITION FOR PLACEMENT IN THE SPECIALIZED PROGRAM

1 BASED ON A DETERMINATION THAT THE OFFENDER IS INAPPROPRIATE FOR
2 SUCH PLACEMENT AFTER CONSIDERATION OF THE CRITERIA SET FORTH IN
3 SUBSECTION (2) OF THIS SECTION, THE OFFENDER MAY PETITION THE
4 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE FOR PLACEMENT IN THE
5 SPECIALIZED PROGRAM NOT SOONER THAN THREE YEARS AFTER THE
6 ISSUANCE OF THE DENIAL.

7 (6) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES
8 FOR THE PREPARATION, SUBMISSION, AND REVIEW OF PETITIONS FOR
9 PLACEMENT OF OFFENDERS IN THE SPECIALIZED PROGRAM, AS DESCRIBED
10 IN THIS SECTION.

11 **17-34-102. Specialized program for juveniles convicted as**
12 **adults - report - repeal.** (1) THE DEPARTMENT SHALL DEVELOP AND
13 IMPLEMENT A SPECIALIZED PROGRAM FOR OFFENDERS WHO HAVE BEEN
14 SENTENCED TO AN ADULT PRISON FOR A FELONY OFFENSE COMMITTED
15 WHILE THE OFFENDER WAS LESS THAN EIGHTEEN YEARS OF AGE AS A
16 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR
17 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER
18 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION
19 19-2-518, C.R.S., OR PURSUANT TO EITHER OF THESE SECTIONS AS THEY
20 EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT, WITH AMENDMENTS,
21 BY HOUSE BILL 96-1005, AND WHO ARE DETERMINED TO BE APPROPRIATE
22 FOR PLACEMENT IN THE SPECIALIZED PROGRAM. THE DEPARTMENT SHALL
23 IMPLEMENT THE SPECIALIZED PROGRAM WITHIN OR IN CONJUNCTION WITH
24 A _____ FACILITY OPERATED BY, OR UNDER CONTRACT WITH, THE
25 DEPARTMENT.

26 (2) THE SPECIALIZED PROGRAM MUST INCLUDE COMPONENTS THAT
27 ALLOW AN OFFENDER TO EXPERIENCE A LESS SECURE OR LESS RESTRICTIVE

1 PLACEMENT WITH MORE INDEPENDENCE IN DAILY LIFE, WITH ADDITIONAL
2 WORK-RELATED RESPONSIBILITIES AND OTHER PROGRAM COMPONENTS
3 THAT WILL ASSIST AND SUPPORT THE OFFENDER'S SUCCESSFUL
4 REINTEGRATION INTO THE COMMUNITY OF _____ OFFENDERS WHO HAVE
5 NEVER LIVED INDEPENDENTLY OR FUNCTIONED IN THE COMMUNITY AS AN
6 ADULT. THE SPECIALIZED PROGRAM MUST ALSO INCLUDE BEST AND
7 PROMISING PRACTICES IN INDEPENDENT LIVING SKILLS DEVELOPMENT,
8 REENTRY SERVICES FOR LONG-TERM OFFENDERS, AND INTENSIVE
9 SUPERVISION AND MONITORING.

10 (3) THE DEPARTMENT SHALL NOT ALLOW ANY PARTICIPATING
11 OFFENDER TO COMPLETE THE SPECIALIZED PROGRAM IN LESS THAN THREE
12 YEARS.

13 (4) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE
14 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE
15 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE
16 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED
17 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT
18 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO
19 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S. _____

20 (5) (a) THE DEPARTMENT SHALL COMPLETE THE DESIGN OF THE
21 SPECIALIZED PROGRAM ON OR BEFORE AUGUST 10, 2017. THE
22 DEPARTMENT SHALL COMMENCE PLACEMENT OF ELIGIBLE OFFENDERS IN
23 THE SPECIALIZED PROGRAM ON OR BEFORE NOVEMBER 10, 2017. IF THE
24 SPECIALIZED PROGRAM IS NOT OPERATIONAL BY THIS DATE, THE
25 EXECUTIVE DIRECTOR SHALL REPORT TO THE GENERAL ASSEMBLY ON OR
26 BEFORE NOVEMBER 30, 2017, THE REASONS FOR THE DELAY AND THE
27 DATE THAT THE SPECIALIZED PROGRAM WILL BE OPERATIONAL.

1 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE DECEMBER 1,
2 2017.

3 (6) (a) THE DEPARTMENT SHALL INCLUDE IN THE SPECIALIZED
4 PROGRAM RULES OF CONDUCT FOR PROGRAM PARTICIPANTS AND A POLICY
5 WHEREBY PROGRAM PARTICIPANTS WHO FAIL TO COMPLY WITH THE RULES
6 OF CONDUCT ARE TERMINATED FROM PARTICIPATION IN THE SPECIALIZED
7 PROGRAM AND RETURNED TO AN APPROPRIATE PRISON PLACEMENT.

8 (b) AN OFFENDER WHO IS TERMINATED FROM THE SPECIALIZED
9 PROGRAM MAY NOT RE-PETITION FOR PLACEMENT IN THE SPECIALIZED
10 PROGRAM SOONER THAN THREE YEARS FROM THE DATE OF SUCH
11 TERMINATION.

12 (7) NOTWITHSTANDING ANY PROVISION OF LAW, AN OFFENDER
13 WHO SUCCESSFULLY COMPLETES THE SPECIALIZED PROGRAM IS ELIGIBLE
14 TO APPLY FOR EARLY PAROLE PURSUANT TO THE PROVISIONS OF SECTION
15 17-22.5-403 (4.5) OR 17-22.5-403.7.

16 (8) IF AN OFFENDER HAS SERVED AT LEAST TWENTY-FIVE
17 CALENDAR YEARS OF HIS OR HER SENTENCE AND SUCCESSFULLY
18 COMPLETED THE SPECIALIZED PROGRAM, IT IS PRESUMED THAT:

19 (a) THE OFFENDER HAS MET THE FACTUAL BURDEN OF PRESENTING
20 EXTRAORDINARY MITIGATING CIRCUMSTANCES; AND

21 (b) THE OFFENDER'S RELEASE TO EARLY PAROLE IS COMPATIBLE
22 WITH THE SAFETY AND WELFARE OF SOCIETY

23 ==
24 (9) ON AND AFTER JANUARY 1, 2018, DURING ITS ANNUAL
25 PRESENTATION BEFORE THE JOINT JUDICIARY COMMITTEE OF THE GENERAL
26 ASSEMBLY, OR ANY SUCCESSOR JOINT COMMITTEE, PURSUANT TO SECTION
27 2-7-203, C.R.S., THE DEPARTMENT SHALL INCLUDE A STATUS REPORT

1 REGARDING THE PROGRESS AND OUTCOMES OF THE SPECIALIZED PROGRAM
2 DEVELOPED AND IMPLEMENTED BY THE DEPARTMENT PURSUANT TO THIS
3 SECTION DURING THE PRECEDING YEAR. THE REPORT, AT A MINIMUM,
4 SHALL INCLUDE:

5 (a) A DESCRIPTION OF THE SPECIALIZED PROGRAM, INCLUDING THE
6 EVIDENCE-BASED AND PROMISING PRACTICES THAT ARE INCLUDED IN THE
7 SPECIALIZED PROGRAM;

8 (b) THE POLICIES AND PROCEDURES DEVELOPED BY THE
9 DEPARTMENT TO DETERMINE WHICH ELIGIBLE OFFENDERS MAY BE PLACED
10 IN THE SPECIALIZED PROGRAM;

11 (c) THE POLICIES AND PROCEDURES DEVELOPED BY THE
12 DEPARTMENT TO ADDRESS THE CONDUCT OF PARTICIPANTS IN THE
13 SPECIALIZED PROGRAM;

14 (d) THE LOCATION OF THE PROGRAM AND THE NUMBER OF BEDS
15 AVAILABLE FOR SPECIALIZED PROGRAM PARTICIPANTS;

16 (e) THE NUMBER OF OFFENDERS SELECTED TO PARTICIPATE IN THE
17 SPECIALIZED PROGRAM; THE NUMBER OF OFFENDERS WHO WERE DENIED
18 PLACEMENT IN THE SPECIALIZED PROGRAM, INCLUDING THE REASONS FOR
19 SUCH DENIALS; AND THE NUMBER OF OFFENDERS WHO WERE REMOVED
20 FROM THE SPECIALIZED PROGRAM AND THE REASONS FOR THEIR REMOVAL;

21 (f) A SUMMARY CONCERNING THE STAFFING OF THE SPECIALIZED
22 PROGRAM;

23 (g) INFORMATION CONCERNING THE BEHAVIOR PATTERNS OF THE
24 OFFENDERS IN THE SPECIALIZED PROGRAM;

25 (h) THE NUMBER OF OFFENDERS WHO SUCCESSFULLY COMPLETED
26 THE SPECIALIZED PROGRAM;

27 (i) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO

1 HAVE BEEN REFERRED TO THE PAROLE BOARD FOR EARLY PAROLE; AND
2 (j) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO
3 WERE GRANTED EARLY PAROLE BY THE GOVERNOR.

4 **SECTION 3.** In Colorado Revised Statutes, 17-22.5-403, **add**
5 (4.5) as follows:

6 **17-22.5-403. Parole eligibility.** (4.5) (a) AFTER CONSIDERING
7 THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102(8), THE GOVERNOR
8 MAY GRANT EARLY PAROLE TO AN OFFENDER TO WHOM SUBSECTION (1) OR
9 (2.5) OF THIS SECTION APPLIES WHEN THE OFFENDER SUCCESSFULLY
10 COMPLETES THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102
11 IF, IN THE GOVERNOR'S OPINION, EXTRAORDINARY MITIGATING
12 CIRCUMSTANCES EXIST AND THE OFFENDER'S RELEASE FROM
13 INSTITUTIONAL CUSTODY IS COMPATIBLE WITH THE SAFETY AND WELFARE
14 OF SOCIETY.

15 (b) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT TO
16 PARAGRAPH (a) OF THIS SUBSECTION (4.5) AFTER HAVING SUCCESSFULLY
17 COMPLETED THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,
18 THE OFFENDER SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S
19 OFFICE WITH NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE
20 BOARD OF PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF
21 PAROLE SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL
22 SUPPORTING DOCUMENTS AND SCHEDULE A HEARING IF THE BOARD
23 CONSIDERS MAKING A RECOMMENDATION FOR EARLY PAROLE, AT WHICH
24 HEARING ANY VICTIM MUST HAVE THE OPPORTUNITY TO BE HEARD,
25 PURSUANT TO SECTION 24-4.1-302.5 (1) (j), C.R.S. NOT LATER THAN
26 NINETY DAYS AFTER RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION
27 FOR EARLY PAROLE, THE STATE BOARD OF PAROLE, AFTER CONSIDERING

1 THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8), SHALL MAKE A
2 RECOMMENDATION TO THE GOVERNOR CONCERNING WHETHER EARLY
3 PAROLE SHOULD BE GRANTED TO THE OFFENDER.

4 (c) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD
5 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES
6 TO IMPLEMENT THIS SUBSECTION (4.5), INCLUDING PROCEDURES FOR
7 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTIONS
8 24-4.1-302.5 (1) (j) AND 24-4.1-303 (14), C.R.S., AND TO THE DISTRICT
9 ATTORNEY'S OFFICE THAT PROSECUTED THE CRIME FOR WHICH THE
10 OFFENDER WAS SENTENCED.

11 **SECTION 4.** In Colorado Revised Statutes, 17-22.5-403.7,
12 **amend** (2); and **add** (6) as follows:

13 **17-22.5-403.7. Parole eligibility - class 1 felony - juvenile**
14 **offender convicted as adult.** (2) AFTER CONSIDERING THE
15 PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8), the governor may
16 grant parole to an inmate prior to the inmate's parole eligibility date if, in
17 the governor's opinion, extraordinary mitigating circumstances exist and
18 the inmate's release from institutional custody is compatible with the
19 safety and welfare of society.

20 (6)(a) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT
21 TO THIS SECTION AFTER HAVING SUCCESSFULLY COMPLETED THE
22 SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102, THE OFFENDER
23 SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S OFFICE WITH
24 NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE BOARD OF
25 PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF PAROLE
26 SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL SUPPORTING
27 DOCUMENTS AND SCHEDULE A HEARING IF THE BOARD CONSIDERS MAKING

1 A RECOMMENDATION FOR EARLY PAROLE, AT WHICH HEARING ANY VICTIM
2 MUST HAVE THE OPPORTUNITY TO BE HEARD, PURSUANT TO SECTION
3 24-4.1-302.5 (1) (j), C.R.S. NOT LATER THAN NINETY DAYS AFTER
4 RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION FOR EARLY PAROLE,
5 THE STATE BOARD OF PAROLE, AFTER CONSIDERING THE PRESUMPTIONS
6 SET FORTH IN SECTION 17-34-102 (8), SHALL MAKE A RECOMMENDATION
7 TO THE GOVERNOR CONCERNING WHETHER EARLY PAROLE SHOULD BE
8 GRANTED TO THE OFFENDER.

9 (b) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD
10 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES
11 TO IMPLEMENT THIS SUBSECTION (6), INCLUDING PROCEDURES FOR
12 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTIONS
13 24-4.1-302.5 (1) (j) AND 24-4.1-303 (14), C.R.S., AND TO THE DISTRICT
14 ATTORNEY'S OFFICE THAT PROSECUTED THE CRIME FOR WHICH THE
15 OFFENDER WAS SENTENCED.

16 **SECTION 5. Appropriation.** For the 2016-17 state fiscal year,
17 \$95,504 is appropriated to the department of corrections. This
18 appropriation is from the general fund and is based on an assumption that
19 the department will require an additional 0.8 FTE. To implement this act,
20 the department may use this appropriation as follows:

21	<u>Inspector General Subprogram</u>	
22	<u>Operating Expenses</u>	<u>\$25</u>
23	<u>Superintendents Subprogram</u>	
24	<u>Personal Services</u>	<u>\$44,071 (0.8 FTE)</u>
25	<u>Operating Expenses</u>	<u>\$5,450</u>
26	<u>Start-up costs</u>	<u>\$45,328</u>
27	<u>Communications Subprogram</u>	

1	<u>Operating Expenses</u>	<u>\$405</u>
2	<u>Training Subprogram</u>	
3	<u>Operating Expenses</u>	<u>\$25</u>
4	<u>Information Systems Subprogram</u>	
5	<u>Operating Expenses</u>	<u>\$200</u>

6 **SECTION 6. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2016 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.