

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0961.01 Michael Dohr

HOUSE BILL 10-1374

HOUSE SPONSORSHIP

Ferrandino, Levy, Waller

SENATE SPONSORSHIP

Penry, Morse, Steadman

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PAROLE.**

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>.)

Section 1. The bill directs the sex offender management board to develop a specific sex offender release guideline instrument for the state board of parole (parole board) to use in determining when to release a sex offender on parole.

Section 2. The bill directs the division of criminal justice in the department of public safety to develop, in consultation with the parole board, an administrative release guideline instrument for the parole board

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.

to use in determining when to release an offender on parole. The bill directs the department of corrections to develop, in consultation with the parole board, administrative revocation guidelines for the parole board to use in determining when to revoke an offender's parole.

Section 3. The bill removes the statutory provision that requires a parole officer to arrest a parolee as a parole violator if the parolee is located in a place without lawful permission to be there.

Section 4. Under current law, certain offenders who are serving sentences for lower-class, nonviolent felonies can earn more earned time per month than other offenders. The bill changes the qualifications that an offender must meet in order to earn additional earned time.

Section 5. The bill repeals and reenacts the parole guideline statute. The parole board will consider a new set of circumstances when considering an offender for parole. The parole board will use both a risk assessment scale and administrative release guidelines that are based on evidence-based practices in addition to their professional judgment in making parole decisions. The parole board will use administrative revocation guidelines and consider a new set of factors when considering a parole revocation.

Section 6. The bill directs the division of criminal justice in the department of public safety to develop the Colorado risk assessment scale and the parole board action form and provide training on the Colorado risk assessment scale and the administrative release guideline instrument.

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

2 **SECTION 1.** 16-11.7-103 (4), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **16-11.7-103. Sex offender management board - creation -**
5 **duties - repeal.** (4) The board shall carry out the following duties:

6 (1) DEVELOP THE SPECIFIC SEX OFFENDER RELEASE GUIDELINE
7 INSTRUMENT AS DESCRIBED BY SECTION 17-22.5-404 (4) (c) (II), C.R.S.

8 **SECTION 2.** Part 1 of article 22.5 of title 17, Colorado Revised
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
10 read:

11 **17-22.5-107. Administrative release and revocation guidelines**
12 **- creation.** (1) (a) THE DIVISION OF CRIMINAL JUSTICE IN THE

1 DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE STATE
2 BOARD OF PAROLE, SHALL DEVELOP AN ADMINISTRATIVE RELEASE
3 GUIDELINE INSTRUMENT FOR USE BY THE BOARD IN EVALUATING
4 APPLICATIONS FOR PAROLE.

5 (b) THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT SHALL
6 BE USED TO PROVIDE THE STATE BOARD OF PAROLE WITH CONSISTENT AND
7 COMPREHENSIVE INFORMATION RELEVANT TO THE FACTORS LISTED IN
8 SECTION 17-22.5-404 (4) (a). THE INSTRUMENT SHALL INCLUDE A MATRIX
9 OF ADVISORY-RELEASE-DECISION RECOMMENDATIONS FOR THE DIFFERENT
10 RISK LEVELS.

11 (2) (a) THE DEPARTMENT OF CORRECTIONS, IN CONSULTATION
12 WITH THE STATE BOARD OF PAROLE, SHALL DEVELOP ADMINISTRATIVE
13 REVOCATION GUIDELINES FOR USE BY THE BOARD IN EVALUATING
14 COMPLAINTS FILED FOR PAROLE REVOCATION.

15 (b) THE ADMINISTRATIVE REVOCATION GUIDELINES SHALL BE USED
16 TO PROVIDE THE STATE BOARD OF PAROLE WITH CONSISTENT AND
17 COMPREHENSIVE INFORMATION BASED ON THE FACTORS IDENTIFIED IN
18 SECTION 17-22.5-404 (5) (a). THE GUIDELINES SHALL INCLUDE A MATRIX
19 OF ADVISORY-DECISION RECOMMENDATIONS FOR THE DIFFERENT RISK
20 LEVELS.

21 **SECTION 3. Repeal.** 17-2-207 (3), Colorado Revised Statutes,
22 is repealed as follows:

23 **17-2-207. Parole - regulations.** (3) ~~Offenders on parole shall~~
24 ~~remain under legal custody and shall be subject at any time to be returned~~
25 ~~to a correctional facility. If any paroled offender leaves the state without~~
26 ~~lawful permission, he shall be held as a parole violator and arrested as~~
27 ~~such. If any parolee not paroled to reside in a county in which a~~

1 ~~correctional facility is located is found within the boundaries of such~~
2 ~~county without lawful permission, or if any parolee who is paroled to~~
3 ~~reside in such county or is in such county without lawful permission is~~
4 ~~found within the boundaries of state property without lawful permission,~~
5 ~~he shall be arrested as a parole violator.~~

6 **SECTION 4.** 17-22.5-405 (1.5) (a) and (6), Colorado Revised
7 Statutes, are amended to read:

8 **17-22.5-405. Earned time - earned release time.**

9 (1.5) (a) Earned time, not to exceed twelve days for each month of
10 incarceration or parole, may be deducted from an inmate's sentence if the
11 inmate:

12 (I) Is serving a sentence for a class 4, class 5, or class 6 felony;

13 (II) Has NOT incurred ~~no~~ A CLASS I code of penal discipline
14 ~~violations while incarcerated~~ VIOLATION WITHIN THE TWENTY-FOUR
15 MONTHS IMMEDIATELY PRECEDING THE TIME OF CREDITING OR DURING HIS
16 OR HER ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS THAN
17 TWENTY-FOUR MONTHS OR A CLASS II CODE OF PENAL DISCIPLINE
18 VIOLATION WITHIN THE TWELVE MONTHS IMMEDIATELY PRECEDING THE
19 TIME OF CREDITING OR DURING HIS OR HER ENTIRE TERM OF
20 INCARCERATION IF THE TERM IS LESS THAN TWELVE MONTHS;

21 (III) ~~Has been~~ IS program-compliant; and

22 (IV) Was not convicted of, and has not previously been convicted
23 of, a FELONY crime DESCRIBED in SECTION 18-3-303, 18-3-305, 18-3-306,
24 OR 18-6-701, sections 18-7-402 to 18-7-407, ~~C.R.S.~~, OR section
25 18-12-102 ~~C.R.S.~~, or ~~section~~ 18-12-109, C.R.S., or a FELONY crime listed
26 in section 24-4.1-302 (1), C.R.S.

27 (6) Earned release time shall be scheduled by the ~~parole board~~

1 STATE BOARD OF PAROLE and the time computation unit in the department
2 of corrections for inmates convicted of class 4 and class 5 felonies up to
3 sixty days prior to the mandatory release date and for inmates convicted
4 of class 6 felonies up to thirty days prior to the mandatory release date for
5 inmates who meet the following criteria:

6 (a) The inmate has ~~no~~ NOT INCURRED A CLASS I code of penal
7 discipline ~~violations~~ VIOLATION WITHIN THE TWENTY-FOUR MONTHS
8 IMMEDIATELY PRECEDING THE TIME OF CREDITING OR DURING HIS OR HER
9 ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS THAN TWENTY-FOUR
10 MONTHS OR A CLASS II CODE OF PENAL DISCIPLINE VIOLATION WITHIN THE
11 TWELVE MONTHS IMMEDIATELY PRECEDING THE TIME OF CREDITING OR
12 DURING HIS OR HER ENTIRE TERM OF INCARCERATION IF THE TERM IS LESS
13 THAN TWELVE MONTHS;

14 (b) The inmate is program-compliant; and

15 (c) The inmate was not convicted of, and has not previously been
16 convicted of, a FELONY crime DESCRIBED in SECTION 18-3-303, 18-3-305,
17 18-3-306, OR 18-6-701, sections 18-7-402 to 18-7-407, ~~C.R.S.~~, OR section
18 18-12-102 ~~C.R.S.~~, or ~~section~~ 18-12-109, C.R.S., or a FELONY crime listed
19 in section 24-4.1-302 (1), C.R.S.

20 **SECTION 5.** 17-22.5-404, Colorado Revised Statutes, is
21 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22 **17-22.5-404. Parole guidelines - repeal.** (1) THE GENERAL
23 ASSEMBLY HEREBY FINDS THAT:

24 (a) THE RISK OF REOFFENSE SHALL BE THE CENTRAL
25 CONSIDERATION BY THE STATE BOARD OF PAROLE IN MAKING DECISIONS
26 RELATED TO THE TIMING AND CONDITIONS OF RELEASE ON PAROLE OR
27 REVOCATION OF PAROLE;

1 (b) RESEARCH DEMONSTRATES THAT ACTUARIAL RISK
2 ASSESSMENT TOOLS CAN PREDICT THE LIKELIHOOD OR RISK OF REOFFENSE
3 WITH SIGNIFICANTLY GREATER ACCURACY THAN PROFESSIONAL JUDGMENT
4 ALONE. EVIDENCE-BASED CORRECTIONAL PRACTICES PRIORITIZE THE USE
5 OF ACTUARIAL RISK ASSESSMENT TOOLS TO PROMOTE PUBLIC SAFETY. THE
6 BEST OUTCOMES ARE DERIVED FROM A COMBINATION OF EMPIRICALLY
7 BASED ACTUARIAL TOOLS AND CLINICAL JUDGMENT.

8 (c) ALTHOUGH THE STATE BOARD OF PAROLE IS MADE UP OF
9 INDIVIDUALS, USING STRUCTURED DECISION-MAKING UNITES THE PAROLE
10 BOARD MEMBERS WITH A COMMON PHILOSOPHY AND SET OF GOALS AND
11 PURPOSES WHILE RETAINING THE AUTHORITY OF INDIVIDUAL PAROLE
12 BOARD MEMBERS TO MAKE DECISIONS THAT ARE APPROPRIATE FOR
13 PARTICULAR SITUATIONS. EVIDENCE-BASED CORRECTIONAL PRACTICES
14 SUPPORT THE USE OF STRUCTURED DECISION-MAKING.

15 (d) STRUCTURED DECISION-MAKING BY THE STATE BOARD OF
16 PAROLE PROVIDES FOR GREATER ACCOUNTABILITY, STANDARDS FOR
17 EVALUATING OUTCOMES, AND TRANSPARENCY OF DECISION-MAKING THAT
18 CAN BE BETTER COMMUNICATED TO VICTIMS, OFFENDERS, OTHER
19 CRIMINAL JUSTICE PROFESSIONALS, AND THE COMMUNITY; AND

20 (e) AN OFFENDER'S LIKELIHOOD OF SUCCESS MAY BE INCREASED
21 BY ALIGNING THE INTENSITY AND TYPE OF PAROLE SUPERVISION,
22 CONDITIONS OF RELEASE, AND SERVICES WITH ASSESSED RISK AND NEED
23 LEVEL.

24 (2) (a) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
25 PUBLIC SAFETY SHALL DEVELOP THE COLORADO RISK ASSESSMENT SCALE
26 TO BE USED BY THE STATE BOARD OF PAROLE IN CONSIDERING INMATES
27 FOR RELEASE ON PAROLE. THE RISK ASSESSMENT SCALE SHALL INCLUDE

1 CRITERIA THAT STATISTICALLY HAVE BEEN SHOWN TO BE GOOD
2 PREDICTORS OF THE RISK OF REOFFENSE. THE DIVISION OF CRIMINAL
3 JUSTICE SHALL VALIDATE THE COLORADO RISK ASSESSMENT SCALE AT
4 LEAST EVERY FIVE YEARS OR MORE OFTEN IF THE PREDICTIVE ACCURACY,
5 AS DETERMINED BY DATA COLLECTION AND ANALYSIS, FALLS BELOW AN
6 ACCEPTABLE LEVEL OF PREDICTIVE ACCURACY AS DETERMINED BY THE
7 DIVISION OF CRIMINAL JUSTICE, THE STATE BOARD OF PAROLE, AND THE
8 DIVISION OF ADULT PAROLE IN THE DEPARTMENT OF CORRECTIONS.

9 (b) THE DIVISION OF CRIMINAL JUSTICE, THE DEPARTMENT OF
10 CORRECTIONS, AND THE STATE BOARD OF PAROLE SHALL COOPERATE TO
11 DEVELOP PAROLE BOARD ACTION FORMS CONSISTENT WITH THIS SECTION
12 THAT CAPTURE THE RATIONALE FOR DECISION-MAKING THAT SHALL BE
13 PUBLISHED AS OFFICIAL FORMS OF THE DEPARTMENT OF CORRECTIONS.
14 VICTIM IDENTITY AND INPUT SHALL BE PROTECTED FROM DISPLAY ON THE
15 PAROLE BOARD ACTION FORM OR ANY PAROLE HEARING REPORT THAT MAY
16 BECOME A PART OF AN INMATE RECORD.

17 (c) THE DIVISION OF CRIMINAL JUSTICE, IN COOPERATION WITH THE
18 DEPARTMENT OF CORRECTIONS AND THE STATE BOARD OF PAROLE, SHALL
19 PROVIDE TRAINING ON THE USE OF THE ADMINISTRATIVE RELEASE
20 GUIDELINE INSTRUMENT DEVELOPED PURSUANT TO SECTION 17-22.5-107
21 (1) AND THE COLORADO RISK ASSESSMENT SCALE TO PERSONNEL OF THE
22 DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF PAROLE,
23 ADMINISTRATIVE HEARING OFFICERS, AND RELEASE HEARING OFFICERS.
24 THE DIVISION SHALL CONDUCT THE TRAINING ON A SEMIANNUAL BASIS.

25 (d) THE DEPARTMENT OF CORRECTIONS, IN COOPERATION WITH
26 THE STATE BOARD OF PAROLE, SHALL PROVIDE TRAINING ON THE USE OF
27 THE ADMINISTRATIVE REVOCATION GUIDELINES DEVELOPED PURSUANT TO

1 SECTION 17-22.5-107 (2) TO PERSONNEL OF THE DEPARTMENT OF
2 CORRECTIONS, THE STATE BOARD OF PAROLE, AND ADMINISTRATIVE
3 HEARING OFFICERS. THE DEPARTMENT SHALL CONDUCT THE TRAINING
4 SEMIANNUALLY.

5 (3) FOR A PERSON SENTENCED FOR A CLASS 2, CLASS 3, CLASS 4,
6 CLASS 5, OR CLASS 6 FELONY WHO IS ELIGIBLE FOR PAROLE PURSUANT TO
7 SECTION 17-22.5-403, OR A PERSON WHO IS ELIGIBLE FOR PAROLE
8 PURSUANT TO SECTION 17-22.5-403.7, THE STATE BOARD OF PAROLE MAY
9 CONSIDER ALL APPLICATIONS FOR PAROLE, AS WELL AS ALL PERSONS TO BE
10 SUPERVISED UNDER ANY INTERSTATE COMPACT. THE STATE BOARD OF
11 PAROLE MAY PAROLE ANY PERSON WHO IS SENTENCED OR COMMITTED TO
12 A CORRECTIONAL FACILITY WHEN THE BOARD DETERMINES, BY USING,
13 WHERE AVAILABLE, EVIDENCE-BASED PRACTICES AND THE GUIDELINES
14 ESTABLISHED BY THIS SECTION, THAT THERE IS A REASONABLE
15 PROBABILITY THAT THE PERSON WILL NOT VIOLATE THE LAW WHILE ON
16 PAROLE AND THAT THE PERSON'S RELEASE FROM INSTITUTIONAL CUSTODY
17 IS COMPATIBLE WITH PUBLIC SAFETY AND THE WELFARE OF SOCIETY. THE
18 STATE BOARD OF PAROLE SHALL FIRST CONSIDER THE RISK OF REOFFENSE
19 IN EVERY RELEASE DECISION IT MAKES.

20 (4) (a) IN CONSIDERING OFFENDERS FOR PAROLE, THE STATE
21 BOARD OF PAROLE SHALL CONSIDER THE TOTALITY OF THE
22 CIRCUMSTANCES, WHICH INCLUDE, BUT NEED NOT BE LIMITED TO, THE
23 FOLLOWING FACTORS:

24 (I) THE TESTIMONY OR WRITTEN STATEMENT FROM THE VICTIM OF
25 THE CRIME, OR A RELATIVE OF THE VICTIM, OR A DESIGNEE, PURSUANT TO
26 SECTION 17-2-214;

27 (II) THE ACTUARIAL RISK OF REOFFENSE;

1 (III) THE OFFENDER'S ASSESSED CRIMINOGENIC NEED LEVEL;

2 (IV) THE OFFENDER'S PROGRAM OR TREATMENT PARTICIPATION
3 AND PROGRESS;

4 (V) THE OFFENDER'S INSTITUTIONAL CONDUCT;

5 (VI) THE ADEQUACY OF THE OFFENDER'S PAROLE PLAN;

6 (VII) WHETHER THE OFFENDER WHILE UNDER SENTENCE HAS
7 THREATENED OR HARASSED THE VICTIM OR THE VICTIM'S FAMILY OR HAS
8 CAUSED THE VICTIM OR THE VICTIM'S FAMILY TO BE THREATENED OR
9 HARASSED, EITHER VERBALLY OR IN WRITING;

10 (VIII) AGGRAVATING OR MITIGATING FACTORS FROM THE
11 CRIMINAL CASE;

12 (IX) THE TESTIMONY OR WRITTEN STATEMENT FROM A
13 PROSPECTIVE PAROLE SPONSOR, EMPLOYER, OR OTHER PERSON WHO
14 WOULD BE AVAILABLE TO ASSIST THE OFFENDER IF RELEASED ON PAROLE;
15 AND

16 (X) WHETHER THE OFFENDER HAD PREVIOUSLY ABSCONDED OR
17 ESCAPED OR ATTEMPTED TO ABSCOND OR ESCAPE WHILE ON COMMUNITY
18 SUPERVISION.

19 (b) THE STATE BOARD OF PAROLE SHALL USE THE COLORADO RISK
20 ASSESSMENT SCALE THAT IS DEVELOPED BY THE DIVISION OF CRIMINAL
21 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO PARAGRAPH
22 (a) OF SUBSECTION (2) OF THIS SECTION IN CONSIDERING INMATES FOR
23 RELEASE ON PAROLE.

24 (c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
25 PARAGRAPH (c), THE STATE BOARD OF PAROLE SHALL ALSO USE THE
26 ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT DEVELOPED PURSUANT
27 TO SECTION 17-22.5-107 (1) IN EVALUATING AN APPLICATION FOR PAROLE.

1 (II) THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT SHALL
2 NOT BE USED IN CONSIDERING THOSE INMATES CLASSIFIED AS SEX
3 OFFENDERS WITH INDETERMINATE SENTENCES FOR WHOM THE SEX
4 OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION 18-1.3-1009,
5 C.R.S., HAS ESTABLISHED SEPARATE AND DISTINCT RELEASE GUIDELINES.
6 THE SEX OFFENDER MANAGEMENT BOARD IN COLLABORATION WITH THE
7 DEPARTMENT OF CORRECTIONS, THE JUDICIAL DEPARTMENT, THE DIVISION
8 OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, AND THE
9 STATE BOARD OF PAROLE SHALL DEVELOP A SPECIFIC SEX OFFENDER
10 RELEASE GUIDELINE INSTRUMENT FOR USE BY THE STATE BOARD OF
11 PAROLE FOR THOSE INMATES CLASSIFIED AS SEX OFFENDERS WITH
12 DETERMINATE SENTENCES.

13 (5) (a) IN CONDUCTING A PAROLE REVOCATION HEARING, THE
14 STATE BOARD OF PAROLE AND THE ADMINISTRATIVE HEARING OFFICER
15 SHALL CONSIDER, WHERE AVAILABLE, EVIDENCE-BASED PRACTICES AND
16 SHALL CONSIDER, BUT NEED NOT BE LIMITED TO, THE FOLLOWING
17 FACTORS:

18 (I) A DETERMINATION BY THE STATE BOARD OF PAROLE THAT A
19 PAROLEE COMMITTED A NEW CRIME WHILE ON PAROLE, IF APPLICABLE;

20 (II) THE PAROLEE'S ACTUARIAL RISK OF REOFFENSE;

21 (III) THE SERIOUSNESS OF THE TECHNICAL VIOLATION, IF
22 APPLICABLE;

23 (IV) THE PAROLEE'S FREQUENCY OF TECHNICAL VIOLATIONS, IF
24 APPLICABLE;

25 (V) THE PAROLEE'S EFFORTS TO COMPLY WITH A PREVIOUS
26 CORRECTIVE ACTION PLAN OR OTHER REMEDIATION PLAN REQUIRED BY
27 THE STATE BOARD OF PAROLE OR PAROLE OFFICER;

1 (VI) THE IMPOSITION OF INTERMEDIATE SANCTIONS BY THE
2 PAROLE OFFICER IN RESPONSE TO THE TECHNICAL VIOLATIONS THAT MAY
3 FORM THE BASIS OF THE COMPLAINT FOR REVOCATION; AND

4 (VII) WHETHER MODIFICATION OF PAROLE CONDITIONS IS
5 APPROPRIATE AND CONSISTENT WITH PUBLIC SAFETY IN LIEU OF
6 REVOCATION.

7 (b) THE STATE BOARD OF PAROLE SHALL USE THE ADMINISTRATIVE
8 REVOCATION GUIDELINES DEVELOPED PURSUANT TO SECTION 17-22.5-107
9 (2), IN EVALUATING COMPLAINTS FILED FOR PAROLE REVOCATION.

10 (c) THE STATE BOARD OF PAROLE OR THE ADMINISTRATIVE
11 HEARING OFFICER SHALL NOT REVOKE PAROLE FOR A TECHNICAL
12 VIOLATION UNLESS THE BOARD OR ADMINISTRATIVE HEARING OFFICER
13 DETERMINES ON THE RECORD THAT APPROPRIATE INTERMEDIATE
14 SANCTIONS HAVE BEEN UTILIZED AND HAVE BEEN INEFFECTIVE OR THAT
15 THE MODIFICATION OF CONDITIONS OF PAROLE OR THE IMPOSITION OF
16 INTERMEDIATE SANCTIONS IS NOT APPROPRIATE OR CONSISTENT WITH
17 PUBLIC SAFETY.

18 (6) (a) THE STATE BOARD OF PAROLE SHALL WORK IN
19 CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE IN THE
20 DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF CORRECTIONS
21 TO DEVELOP AND IMPLEMENT A PROCESS TO COLLECT AND ANALYZE DATA
22 RELATED TO THE BASIS FOR AND THE OUTCOMES OF THE BOARD'S PAROLE
23 DECISIONS. THE PROCESS SHALL COLLECT DATA RELATED TO THE BOARD'S
24 RATIONALE FOR GRANTING, REVOKING, OR DENYING PAROLE. ANY
25 INFORMATION RELATING TO VICTIM IDENTIFICATION OR VICTIM INPUT
26 THAT IS IDENTIFIABLE TO AN INDIVIDUAL DEFENDANT OR CASE SHALL BE
27 MAINTAINED, BUT KEPT CONFIDENTIAL AND RELEASED ONLY TO OTHER

1 GOVERNMENT AGENCIES, PURSUANT TO A NONDISCLOSURE AGREEMENT,
2 FOR THE PURPOSE OF ANALYSIS AND REPORTING, PURSUANT TO
3 PARAGRAPH (c) OF THIS SUBSECTION (6). WHEN THE BOARD GRANTS
4 PAROLE, THE PROCESS SHALL ALSO COLLECT DATA RELATED TO WHETHER
5 THE OFFENDER HAS PREVIOUSLY RECIDIVATED, THE TYPE OF REENTRY
6 PROGRAM GIVEN TO THE OFFENDER AS A PART OF THE OFFENDER'S PAROLE
7 PLAN, AND WHETHER THE OFFENDER RECIDIVATES WHILE ON PAROLE.

8 (b) THE STATE BOARD OF PAROLE SHALL ALSO DETERMINE
9 WHETHER A DECISION GRANTING, REVOKING, OR DENYING PAROLE
10 CONFORMED WITH OR DEPARTED FROM THE ADMINISTRATIVE GUIDELINES
11 CREATED PURSUANT TO SECTION 17-22.5-107 AND, IF THE DECISION WAS
12 A DEPARTURE FROM THE GUIDELINES, THE REASON FOR THE DEPARTURE.
13 THE DATA COLLECTED PURSUANT TO THIS PARAGRAPH (b) ARE SUBJECT
14 TO THE SAME VICTIM PROTECTIONS DESCRIBED IN PARAGRAPH (a) OF THIS
15 SUBSECTION (6).

16 (c) THE STATE BOARD OF PAROLE SHALL PROVIDE THE DATA
17 COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE DIVISION OF
18 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY FOR ANALYSIS.
19 THE DIVISION OF CRIMINAL JUSTICE SHALL ANALYZE THE DATA RECEIVED
20 PURSUANT TO THIS PARAGRAPH (c) AND SHALL PROVIDE ITS ANALYSIS TO
21 THE BOARD. THE BOARD AND THE DIVISION OF CRIMINAL JUSTICE SHALL
22 USE THE DATA AND ANALYSIS TO IDENTIFY SPECIFIC FACTORS THAT ARE
23 IMPORTANT IN THE DECISION-MAKING PROCESS.

24 (d) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
25 PUBLIC SAFETY SHALL PROVIDE THE STATE BOARD OF PAROLE WITH
26 TRAINING REGARDING HOW TO USE THE DATA OBTAINED AND ANALYZED
27 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (6) TO FACILITATE THE

1 BOARD'S FUTURE DECISION-MAKING.

2 (e) (I) ON OR BEFORE NOVEMBER 1, 2009, THE STATE BOARD OF
3 PAROLE AND THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
4 PUBLIC SAFETY SHALL ISSUE A REPORT TO THE GENERAL ASSEMBLY
5 REGARDING THE PROGRESS IN IMPLEMENTING THIS SUBSECTION (6), AND
6 NOVEMBER 1 EACH YEAR THEREAFTER, THE STATE BOARD OF PAROLE AND
7 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY
8 SHALL UPDATE THE REPORT. THE DATA SHALL BE REPORTED TO THE
9 GENERAL ASSEMBLY ONLY IN THE AGGREGATE.

10 (II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1, 2012.

11 (7) THE DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF
12 PAROLE, THE DIVISION OF ADULT PAROLE, AND THE DIVISION OF CRIMINAL
13 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL COOPERATE IN
14 IMPLEMENTING ALL ASPECTS OF THIS SECTION.

15 (8) THIS SECTION SHALL APPLY TO ANY PERSON TO WHOM SECTION
16 17-22.5-303.5, AS IT EXISTED PRIOR TO MAY 18, 1991, WOULD APPLY
17 PURSUANT TO THE OPERATION OF SECTION 17-22.5-406, BECAUSE THE
18 PROVISIONS OF SUCH SECTIONS ARE SUBSTANTIALLY SIMILAR.

19 (9) FOR PURPOSES OF THIS SECTION, "TECHNICAL VIOLATION"
20 MEANS A VIOLATION OF A CONDITION OF PAROLE THAT IS NOT A
21 CONVICTION FOR A NEW CRIMINAL OFFENSE OR NOT DETERMINED BY THE
22 STATE BOARD OF PAROLE TO BE A COMMISSION OF A NEW OFFENSE.

23 **SECTION 6.** 24-33.5-503 (1), Colorado Revised Statutes, is
24 amended BY THE ADDITION OF THE FOLLOWING NEW
25 PARAGRAPHS to read:

26 **24-33.5-503. Duties of division.** (1) The division has the
27 following duties:

1 (u) TO DEVELOP THE ADMINISTRATIVE RELEASE GUIDELINE
2 INSTRUMENT FOR USE BY THE STATE BOARD OF PAROLE AS DESCRIBED IN
3 SECTION 17-22.5-107 (1), C.R.S.;

4 (v) TO DEVELOP THE COLORADO RISK ASSESSMENT SCALE AS
5 DESCRIBED IN SECTION 17-22.5-404 (2) (a), C.R.S.;

6 (w) TO DEVELOP, IN COOPERATION WITH THE DEPARTMENT OF
7 CORRECTIONS AND THE STATE BOARD OF PAROLE, A PAROLE BOARD
8 ACTION FORM; AND

9 (x) TO PROVIDE TRAINING ON THE COLORADO RISK ASSESSMENT
10 SCALE AND THE ADMINISTRATIVE RELEASE GUIDELINE INSTRUMENT AS
11 REQUIRED BY SECTION 17-22.5-404 (2) (c), C.R.S.

12 **SECTION 7.** 22-33-107.5 (1) (b), Colorado Revised Statutes, is
13 amended to read:

14 **22-33-107.5. Notice of failure to attend.** (1) Except as
15 otherwise provided in subsection (2) of this section, a school district shall
16 notify the appropriate court or parole board if a student fails to attend all
17 or any portion of a school day, where the school district has received
18 notice from the court or parole board:

19 (b) Pursuant to section 17-22.5-404, ~~(4-5)~~, 18-1.3-204 (2.3),
20 19-2-907 (4), 19-2-925 (5), or 19-2-1002 (1) or (3), C.R.S., that the
21 student is required to attend school as a condition of or in connection with
22 any sentence imposed by the court, including a condition of probation or
23 parole; or

24 **SECTION 8. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.