

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 10-0961.01 Michael Dohr

HOUSE BILL 10-1374

HOUSE SPONSORSHIP

Ferrandino, Levy, Waller

SENATE SPONSORSHIP

Penry, Morse, Steadman

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PAROLE, AND MAKING AN APPROPRIATION IN
102 CONNECTION THEREWITH.

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

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.

HOUSE
Amended 2nd Reading
April 27, 2010

department of public safety to develop, in consultation with the parole board, an administrative release guideline instrument for the parole board 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**

1 - **creation.** (1) (a) THE DIVISION OF CRIMINAL JUSTICE IN THE
2 DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE STATE
3 BOARD OF PAROLE, SHALL DEVELOP AN ADMINISTRATIVE RELEASE
4 GUIDELINE INSTRUMENT FOR USE BY THE BOARD IN EVALUATING
5 APPLICATIONS FOR PAROLE.

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

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

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

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23 is repealed as follows:

24 **17-2-207. Parole - regulations.** (3) Offenders on parole shall
25 remain under legal custody and shall be subject at any time to be returned
26 to a correctional facility. ~~If any paroled offender leaves the state without~~
27 ~~lawful permission, he shall be held as a parole violator and arrested as~~

1 such. ~~If any parolee not paroled to reside in a county in which a~~
2 ~~correctional facility is located is found within the boundaries of such~~
3 ~~county without lawful permission, or if any parolee who is paroled to~~
4 ~~reside in such county or is in such county without lawful permission is~~
5 ~~found within the boundaries of state property without lawful permission,~~
6 ~~he shall be arrested as a parole violator.~~

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

9 **17-22.5-405. Earned time - earned release time.**

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

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

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

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

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

1 (6) Earned release time shall be scheduled by the ~~parole board~~
2 STATE BOARD OF PAROLE and the time computation unit in the department
3 of corrections for inmates convicted of class 4 and class 5 felonies up to
4 sixty days prior to the mandatory release date and for inmates convicted
5 of class 6 felonies up to thirty days prior to the mandatory release date for
6 inmates who meet the following criteria:

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

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

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

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

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

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

1 REVOCATION OF PAROLE;

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

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

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

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

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

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

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

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

26 (d) THE DEPARTMENT OF CORRECTIONS, IN COOPERATION WITH
27 THE STATE BOARD OF PAROLE, SHALL PROVIDE TRAINING ON THE USE OF

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

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

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

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

- 1 (II) THE ACTUARIAL RISK OF REOFFENSE;
- 2 (III) THE OFFENDER'S ASSESSED CRIMINOGENIC NEED LEVEL;
- 3 (IV) THE OFFENDER'S PROGRAM OR TREATMENT PARTICIPATION
- 4 AND PROGRESS;
- 5 (V) THE OFFENDER'S INSTITUTIONAL CONDUCT;
- 6 (VI) THE ADEQUACY OF THE OFFENDER'S PAROLE PLAN;
- 7 (VII) WHETHER THE OFFENDER WHILE UNDER SENTENCE HAS
- 8 THREATENED OR HARASSED THE VICTIM OR THE VICTIM'S FAMILY OR HAS
- 9 CAUSED THE VICTIM OR THE VICTIM'S FAMILY TO BE THREATENED OR
- 10 HARASSED, EITHER VERBALLY OR IN WRITING;
- 11 (VIII) AGGRAVATING OR MITIGATING FACTORS FROM THE
- 12 CRIMINAL CASE;
- 13 (IX) THE TESTIMONY OR WRITTEN STATEMENT FROM A
- 14 PROSPECTIVE PAROLE SPONSOR, EMPLOYER, OR OTHER PERSON WHO
- 15 WOULD BE AVAILABLE TO ASSIST THE OFFENDER IF RELEASED ON PAROLE;
- 16 [REDACTED]
- 17 (X) WHETHER THE OFFENDER HAD PREVIOUSLY ABSCONDED OR
- 18 ESCAPED OR ATTEMPTED TO ABSCOND OR ESCAPE WHILE ON COMMUNITY
- 19 SUPERVISION; AND
- 20 (XI) WHETHER THE OFFENDER COMPLETED OR WORKED TOWARDS
- 21 COMPLETING A HIGH SCHOOL DIPLOMA, A GENERAL EQUIVALENCY DEGREE,
- 22 OR A COLLEGE DEGREE DURING HIS OR HER PERIOD OF INCARCERATION.
- 23 (b) THE STATE BOARD OF PAROLE SHALL USE THE COLORADO RISK
- 24 ASSESSMENT SCALE THAT IS DEVELOPED BY THE DIVISION OF CRIMINAL
- 25 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO PARAGRAPH
- 26 (a) OF SUBSECTION (2) OF THIS SECTION IN CONSIDERING INMATES FOR
- 27 RELEASE ON PAROLE.

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

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

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

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

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

25 (III) THE SERIOUSNESS OF THE TECHNICAL VIOLATION, IF
26 APPLICABLE;

27 (IV) THE PAROLEE'S FREQUENCY OF TECHNICAL VIOLATIONS, IF

1 APPLICABLE;

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

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

8 (VII) WHETHER MODIFICATION OF PAROLE CONDITIONS IS
9 APPROPRIATE AND CONSISTENT WITH PUBLIC SAFETY IN LIEU OF
10 REVOCATION.

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

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

22 (6) (a) THE STATE BOARD OF PAROLE SHALL WORK IN
23 CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE IN THE
24 DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF CORRECTIONS
25 TO DEVELOP AND IMPLEMENT A PROCESS TO COLLECT AND ANALYZE DATA
26 RELATED TO THE BASIS FOR AND THE OUTCOMES OF THE BOARD'S PAROLE
27 DECISIONS. THE PROCESS SHALL COLLECT DATA RELATED TO THE BOARD'S

1 RATIONALE FOR GRANTING, REVOKING, OR DENYING PAROLE. ANY
2 INFORMATION RELATING TO VICTIM IDENTIFICATION OR VICTIM INPUT
3 THAT IS IDENTIFIABLE TO AN INDIVIDUAL DEFENDANT OR CASE SHALL BE
4 MAINTAINED, BUT KEPT CONFIDENTIAL AND RELEASED ONLY TO OTHER
5 GOVERNMENT AGENCIES, PURSUANT TO A NONDISCLOSURE AGREEMENT,
6 FOR THE PURPOSE OF ANALYSIS AND REPORTING, PURSUANT TO
7 PARAGRAPH (c) OF THIS SUBSECTION (6). WHEN THE BOARD GRANTS
8 PAROLE, THE PROCESS SHALL ALSO COLLECT DATA RELATED TO WHETHER
9 THE OFFENDER HAS PREVIOUSLY RECIDIVATED, THE TYPE OF REENTRY
10 PROGRAM GIVEN TO THE OFFENDER AS A PART OF THE OFFENDER'S PAROLE
11 PLAN, AND WHETHER THE OFFENDER RECIDIVATES WHILE ON PAROLE.

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

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

1 (d) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
2 PUBLIC SAFETY SHALL PROVIDE THE STATE BOARD OF PAROLE WITH
3 TRAINING REGARDING HOW TO USE THE DATA OBTAINED AND ANALYZED
4 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (6) TO FACILITATE THE
5 BOARD'S FUTURE DECISION-MAKING.

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

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

15 (7) THE DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF
16 PAROLE, THE DIVISION OF ADULT PAROLE, AND THE DIVISION OF CRIMINAL
17 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL COOPERATE IN
18 IMPLEMENTING ALL ASPECTS OF THIS SECTION.

19 (8) THIS SECTION SHALL APPLY TO ANY PERSON TO WHOM SECTION
20 17-22.5-303.5, AS IT EXISTED PRIOR TO MAY 18, 1991, WOULD APPLY
21 PURSUANT TO THE OPERATION OF SECTION 17-22.5-406, BECAUSE THE
22 PROVISIONS OF SUCH SECTIONS ARE SUBSTANTIALLY SIMILAR.

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

27 **SECTION 6.** 24-33.5-503 (1), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF THE FOLLOWING NEW
2 PARAGRAPHS to read:

3 **24-33.5-503. Duties of division.** (1) The division has the
4 following duties:

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

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

10 (w) TO DEVELOP, IN COOPERATION WITH THE DEPARTMENT OF
11 CORRECTIONS AND THE STATE BOARD OF PAROLE, A PAROLE BOARD
12 ACTION FORM; AND

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

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

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

23 (b) Pursuant to section 17-22.5-404, ~~(4.5)~~, 18-1.3-204 (2.3),
24 19-2-907 (4), 19-2-925 (5), or 19-2-1002 (1) or (3), C.R.S., that the
25 student is required to attend school as a condition of or in connection with
26 any sentence imposed by the court, including a condition of probation or
27 parole; or

1 **SECTION 8. Appropriation - adjustments to the 2010 long**

2 **bill.** (1) In addition to any other appropriation, there is hereby
3 appropriated, out of any moneys in the general fund not otherwise
4 appropriated, to the department of corrections, for allocation to the
5 executive director's office and parole subprograms, for research and
6 parole services, for the fiscal year beginning July 1, 2010, the sum of
7 three hundred fifty-three thousand seven hundred eighty-six dollars
8 (\$353,786) and 7.9 FTE, or so much thereof as may be necessary, for the
9 implementation of this act.

10 (2) In addition to any other appropriation, there is hereby
11 appropriated, out of any moneys in the general fund not otherwise
12 appropriated, to the department of public safety, for allocation to the
13 division of criminal justice, for parole guideline duties and actuarial
14 consultation, for the fiscal year beginning July 1, 2010, the sum of eighty
15 thousand one hundred fifty-four dollars (\$80,154) and 0.7 FTE, or so
16 much thereof as may be necessary, for the implementation of this act.

17 (3) In addition to any other appropriation, there is hereby
18 appropriated, out of any moneys in the general fund not otherwise
19 appropriated, to the department of public safety, for allocation to the
20 division of criminal justice, for costs associated with the Colorado
21 criminal and juvenile justice commission, for the fiscal year beginning
22 July 1, 2010, the sum of one hundred fourteen thousand one hundred
23 twenty-seven dollars (\$114,127).

24 (4) For the implementation of this act, the general fund
25 appropriation made in the annual general appropriation act for the fiscal
26 year beginning July 1, 2010, to the department of corrections,
27 management, external capacity subprogram, for payments to house state

1 prisoners, is decreased by five hundred forty-eight thousand sixty-seven
2 dollars (\$548,067).

3 **SECTION 9. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.