

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 11-0239.01 Michael Dohr

**HOUSE BILL 11-1064**

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**HOUSE SPONSORSHIP**

**Waller,**

**SENATE SPONSORSHIP**

**Steadman,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING A PAROLE PRESUMPTION PILOT PROGRAM FOR CERTAIN**  
102             **DRUG OFFENDERS.**

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**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 creates a pilot program establishing a presumption in favor of granting parole for an inmate who is parole-eligible and serving a sentence for a drug use or drug possession crime that was committed prior to August 11, 2011. The inmate must meet other criteria related to previous criminal behavior and institutional behavior to be eligible for 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.*

presumption. Once the inmate is eligible for the presumption, he or she must have a parole hearing within 90 days. The chair of the parole board shall provide an annual report to the judiciary committees regarding the presumption.

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

2           **SECTION 1.** Part 4 of article 22.5 of title 17, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **17-22.5-404.5. Presumption of parole - drug offenders - repeal.**

6 (1) THERE SHALL BE A PRESUMPTION, SUBJECT TO THE FINAL DISCRETION  
7 OF THE PAROLE BOARD, IN FAVOR OF GRANTING PAROLE TO AN INMATE  
8 WHO HAS REACHED HIS OR HER PAROLE ELIGIBILITY DATE AND WHO:

9           (a) IS SERVING A SENTENCE FOR WHICH THE CONTROLLING TERM  
10 OF INCARCERATION IS BASED ON A FELONY POSSESSION OR USE OFFENSE  
11 DESCRIBED IN SECTION 18-18-404, OR SECTION 18-18-405, C.R.S., AS IT  
12 EXISTED PRIOR TO AUGUST 11, 2010;

13           (b) HAS NOT INCURRED A CLASS I CODE OF PENAL DISCIPLINE  
14 VIOLATION WITHIN THE LAST TWELVE MONTHS OR A CLASS II CODE OF  
15 PENAL DISCIPLINE VIOLATION WITHIN THE LAST THREE MONTHS;

16           (c) IS PROGRAM-COMPLIANT;

17           (d) WAS NOT CONVICTED OF, AND HAS NOT PREVIOUSLY BEEN  
18 CONVICTED OF, A FELONY CRIME DESCRIBED IN SECTION 18-3-303,  
19 18-3-305, 18-3-306, OR 18-6-701; SECTIONS 18-7-402 TO 18-7-407; OR  
20 SECTION 18-12-102 OR 18-12-109, C.R.S.; OR A FELONY CRIME LISTED IN  
21 SECTION 24-4.1-302 (1), C.R.S.; AND

22           (e) DOES NOT HAVE AN ACTIVE FELONY OR IMMIGRATION  
23 DETAINER.

1           (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
2 CONTRARY, AN INMATE WHO IS ELIGIBLE FOR THE PRESUMPTION IN  
3 SUBSECTION (1) OF THIS SECTION SHALL HAVE A PAROLE RELEASE HEARING  
4 WITHIN NINETY DAYS AFTER BECOMING ELIGIBLE FOR THE PRESUMPTION  
5 IN SUBSECTION (1) OF THIS SECTION.

6           (3) IF THE PAROLE BOARD GRANTS PAROLE TO AN INMATE  
7 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE PAROLE BOARD SHALL  
8 REQUIRE AS A CONDITION OF PAROLE THAT THE PAROLEE PARTICIPATE IN  
9 SUBSTANCE ABUSE TREATMENT CONSISTENT WITH THE ASSESSED  
10 TREATMENT NEED OF THE PAROLEE.

11           (4) (a) THE CHAIRPERSON OF THE PAROLE BOARD SHALL PROVIDE  
12 A REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF  
13 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, BY  
14 JANUARY 30, 2012, AND BY EACH JANUARY 30 THEREAFTER REGARDING  
15 THE IMPACT OF THIS SECTION ON THE DEPARTMENT OF CORRECTIONS'  
16 POPULATION AND PUBLIC SAFETY.

17           (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE FEBRUARY 1,  
18 2016.

19           (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE  
20 DISCRETION OF THE PAROLE BOARD IN CONSIDERING THE STATUTORY  
21 RELEASE GUIDELINES IN SECTION 17-22.5-404 OR THE ADMINISTRATIVE  
22 RELEASE GUIDELINES DEVELOPED PURSUANT TO SECTION 17-22.5-107 (1)  
23 IN MAKING A DECISION REGARDING AN INMATE'S APPLICATION FOR  
24 RELEASE TO PAROLE.

25           **SECTION 2.** 17-2-201 (3.5), Colorado Revised Statutes, is  
26 amended to read:

27           **17-2-201. State board of parole.** (3.5) The chairperson shall

1 annually make a presentation to the judiciary committees of the house of  
2 representatives and the senate, or any successor committees, regarding the  
3 operations of the board AND THE INFORMATION REQUIRED BY SECTION  
4 17-22.5-404.5 (4).

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