

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 10-0282.01 Michael Dohr

HOUSE BILL 10-1360

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING CHANGES TO CERTAIN PAROLE-RELATED STATUTES TO**
102 **REDUCE THE NUMBER OF PAROLEES WHO RETURN TO THE**
103 **DEPARTMENT OF CORRECTIONS, AND MAKING AN**
104 **APPROPRIATION IN 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 clarifies that parole officers' duties include helping offenders reintegrate into society.

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
3rd Reading Unamended
April 28, 2010

HOUSE
Amended 2nd Reading
April 27, 2010

Section 2. The bill creates a recidivism reduction grant program administered by the division of adult parole in the department of corrections (DOC). The program will provide grants to branch parole offices that partner with a local treatment provider or other service provider to implement evidence-based practices designed to reduce recidivism among parolees by 20% over the 2-year period of the grant. A multidisciplinary team selected and led by the director of the division of parole in the DOC shall review the applications and recommend award recipients to the executive director of the DOC (executive director). The executive director shall award the grants.

Section 2 of the bill also requires the division of criminal justice in the department of public safety (DCJ) to prepare a status report on the grant program awards and a report that is a research-based process evaluation of the services and practices offered by grant recipients. The DCJ will annually submit the reports to the general assembly.

Section 3. The bill lowers the maximum amount of time that the state board of parole (parole board) may revoke parole for a parolee who has committed a technical parole violation.

The bill creates a new option for the parole board at a revocation hearing for a parolee who commits a parole violation based on a substance abuse problem, mental illness, or both. If the parole board finds the parolee would be amenable to treatment, the parole board can continue the parole revocation hearing and modify the parolee's parole conditions to allow the parolee to be placed in a treatment program that suits the parolee's needs. If the parolee completes the treatment program, the parole board shall dismiss the parole revocation complaint. If the parolee is terminated from the treatment program, the parole board shall set a new revocation hearing.

The bill creates a cash fund to support the treatment costs needed for the new parole revocation option and directs the general assembly to appropriate a portion of the cost savings generated by the bill to the cash fund.

Section 4. The bill requires the DCJ to analyze annually and report the fiscal savings generated by the bill.

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

2 **SECTION 1.** 16-2.5-136, Colorado Revised Statutes, is amended
3 to read:

4 **16-2.5-136. Community parole officer.** A community parole
5 officer employed by the department of corrections IS responsible for the

1 supervision of SUPERVISING offenders in the community AND SUPPORTING
2 THE DIVISION OF ADULT PAROLE IN PROVIDING ASSISTANCE TO PAROLEES
3 TO SECURE EMPLOYMENT, HOUSING, AND OTHER SERVICES TO SUPPORT
4 THEIR SUCCESSFUL REINTEGRATION INTO THE COMMUNITY WHILE
5 RECOGNIZING THE NEED FOR PUBLIC SAFETY. A COMMUNITY PAROLE
6 OFFICER is a peace officer whose authority shall be pursuant to section
7 17-27-105.5, C.R.S., and whose authority shall include the enforcement
8 of all laws of the state of Colorado, and who shall be certified by the
9 P.O.S.T. board.

10 SECTION 2. The introductory portion to 17-2-103 (11) (b) (II),
11 Colorado Revised Statutes, is amended, and the said 17-2-103 (11) (b) is
12 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH,
13 to read:

14 17-2-103. Arrest of parolee - revocation proceedings.
15 (11) (b) (II) If the board determines that the parolee has violated any
16 condition of parole other than commission of a crime and is not subject
17 to the provisions of subparagraph (III), (III.5), or ~~subparagraph~~ (IV) of
18 this paragraph (b), the board may:

19 (III.5) IF THE BOARD DETERMINES THAT THE PAROLEE HAS
20 VIOLATED ANY CONDITION OF PAROLE THAT DOES NOT INVOLVE THE
21 COMMISSION OF A CRIME, THE PAROLEE HAS NO ACTIVE FELONY WARRANT,
22 FELONY DETAINER, OR PENDING FELONY CRIMINAL CHARGE, AND THE
23 PAROLEE WAS ON PAROLE FOR AN OFFENSE THAT WAS A CLASS 4
24 NONVIOLENT FELONY AS DEFINED IN SECTION 17-22.5-405 (5) (b), EXCEPT
25 FOR STALKING AS DESCRIBED IN SECTION 18-9-111 (4), C.R.S., OR ANY
26 UNLAWFUL SEXUAL BEHAVIOR DESCRIBED IN SECTION 16-22-102 (9),
27 C.R.S., OR UNLESS THE PAROLEE WAS SUBJECT TO ARTICLE 6.5 OF TITLE

1 18, C.R.S., OR SECTION 18-6-801, C.R.S., AND THE BOARD REVOKES
2 PAROLE, THE BOARD MAY REQUEST THE SHERIFF OF THE COUNTY IN WHICH
3 THE HEARING IS HELD TO TRANSPORT THE PAROLEE TO THE FACILITY
4 DESCRIBED IN SECTION 17-1-206.5 (3) FOR A PERIOD NOT TO EXCEED ONE
5 HUNDRED EIGHTY DAYS.

6 **SECTION 3.** The introductory portion to 17-2-103 (11) (b) (II),
7 Colorado Revised Statutes, is amended, and the said 17-2-103 (11) (b) is
8 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH,
9 to read:

10 **17-2-103. Arrest of parolee - revocation proceedings.**
11 (11) (b) (II) If the board determines that the parolee has violated any
12 condition of parole other than commission of a crime and is not subject
13 to the provisions of subparagraph (III), (III.5), or ~~subparagraph~~ (IV) of
14 this paragraph (b), the board may:

15 (III.5) IF THE BOARD DETERMINES THAT THE PAROLEE HAS
16 VIOLATED ANY CONDITION OF PAROLE THAT DOES NOT INVOLVE THE
17 COMMISSION OF A CRIME, THE PAROLEE HAS NO ACTIVE FELONY WARRANT,
18 FELONY DETAINER, OR PENDING FELONY CRIMINAL CHARGE, AND THE
19 PAROLEE WAS ON PAROLE FOR AN OFFENSE THAT WAS A CLASS 4
20 NONVIOLENT FELONY AS DEFINED IN SECTION 17-22.5-405 (5) (b), EXCEPT
21 FOR STALKING AS DESCRIBED IN SECTION 18-9-111 (4), C.R.S., AS IT
22 EXISTED PRIOR TO THE EFFECTIVE DATE OF HOUSE BILL 10-1233, ENACTED
23 IN 2010, OR SECTION 18-3-602, C.R.S., OR ANY UNLAWFUL SEXUAL
24 BEHAVIOR DESCRIBED IN SECTION 16-22-102 (9), C.R.S., OR UNLESS THE
25 PAROLEE WAS SUBJECT TO ARTICLE 6.5 OF TITLE 18, C.R.S., OR SECTION
26 18-6-801, C.R.S., AND THE BOARD REVOKES PAROLE, THE BOARD MAY
27 REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE HEARING IS HELD TO

1 TRANSPORT THE PAROLEE TO THE FACILITY DESCRIBED IN SECTION
2 17-1-206.5 (3) FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY DAYS.

3 **SECTION 4.** 17-2-103 (11) (b) (IV) and (11) (b) (V), Colorado
4 Revised Statutes, are amended, and the said 17-2-103 (11) is further
5 amended BY THE ADDITION OF THE FOLLOWING NEW
6 PARAGRAPHS, to read:

7 **17-2-103. Arrest of parolee - revocation proceedings.**
8 (11) (b) (IV) If the board determines that the parolee has violated any
9 condition of parole other than commission of a new crime and the parolee
10 was not on parole for a crime of violence as defined in section 18-1.3-406
11 (2), C.R.S., the board may:

12 (A) Revoke parole for a period not to exceed ~~one hundred eighty~~
13 NINETY days and request the sheriff of the county in which the hearing is
14 held to transport the parolee to a place of confinement designated by the
15 executive director IF, AT THE TIME OF THE REVOCATION HEARING, THE
16 INMATE IS ASSESSED AS BELOW HIGH RISK BASED UPON A
17 RESEARCH-BASED RISK ASSESSMENT INSTRUMENT APPROVED BY THE
18 DEPARTMENT OF CORRECTIONS AND THE STATE BOARD OF PAROLE; or

19 (B) REVOKE PAROLE FOR A PERIOD NOT TO EXCEED ONE HUNDRED
20 EIGHTY DAYS AND REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE
21 HEARING IS HELD TO TRANSPORT THE PAROLEE TO A PLACE OF
22 CONFINEMENT DESIGNATED BY THE EXECUTIVE DIRECTOR IF, AT THE TIME
23 OF THE REVOCATION HEARING, THE INMATE IS ASSESSED AS HIGH RISK OR
24 GREATER BASED UPON A RESEARCH-BASED RISK ASSESSMENT INSTRUMENT
25 APPROVED BY THE DEPARTMENT OF CORRECTIONS AND THE STATE BOARD
26 OF PAROLE; OR

27 ~~(B)~~ (C) Revoke parole for a period not to exceed one hundred

1 eighty days and request the sheriff of the county in which the hearing is
2 held to transport the parolee to a community corrections program; or

3 ~~(C)~~ (D) Revoke parole for a period not to exceed one hundred
4 eighty days and request the sheriff of the county in which the hearing is
5 held to transport the parolee to the facility described in section
6 17-1-206.5.

7 (V) The board may extend a period of parole revocation imposed
8 pursuant to sub-subparagraph (A), (B), ~~or~~ (C), OR (D) of subparagraph
9 (IV) of this paragraph (b) beyond the specified maximum if the parolee
10 violates a condition of the parolee's placement pursuant to the notice and
11 hearing procedures in this section.

12 (c) IF THE BOARD DETERMINES THAT THE PAROLEE IS IN NEED OF
13 TREATMENT AND IS AMENABLE TO TREATMENT, THE BOARD SHALL
14 CONSIDER PLACING THE PAROLEE IN ONE OF THE FOLLOWING TREATMENT
15 OPTIONS AND, IF APPROPRIATE, MAY MODIFY THE CONDITION OF PAROLE
16 TO INCLUDE:

17 (I) PARTICIPATION IN AN OUTPATIENT PROGRAM FOR THE
18 TREATMENT OF SUBSTANCE ABUSE, MENTAL ILLNESS, OR CO-OCCURRING
19 DISORDERS; OR

20 (II) (A) PLACEMENT IN A RESIDENTIAL TREATMENT PROGRAM FOR
21 THE TREATMENT OF SUBSTANCE ABUSE, MENTAL ILLNESS, OR
22 CO-OCCURRING DISORDERS, WHICH PROGRAM IS UNDER CONTRACT WITH
23 THE DEPARTMENT OF PUBLIC SAFETY AND MAY INCLUDE, BUT NEED NOT
24 BE LIMITED TO, INTENSIVE RESIDENTIAL TREATMENT, THERAPEUTIC
25 COMMUNITY, AND MENTAL HEALTH PROGRAMS.

26 (B) A PAROLEE MAY BE PLACED IN A RESIDENTIAL TREATMENT
27 PROGRAM ONLY UPON ACCEPTANCE BY THE RESIDENTIAL TREATMENT

1 PROGRAM AND ANY COMMUNITY CORRECTIONS BOARD WITH JURISDICTION
2 OVER THE RESIDENTIAL TREATMENT PROGRAM. RESIDENTIAL TREATMENT
3 PROGRAMS AND COMMUNITY CORRECTIONS BOARDS ARE ENCOURAGED TO
4 DEVELOP AN EXPEDITED REVIEW PROCESS TO FACILITATE
5 DECISION-MAKING AND PLACEMENT OF THE PAROLEE, IF ACCEPTED.

6 (d) IF THE PAROLE BOARD ORDERS THE PAROLEE TO PARTICIPATE
7 IN A TREATMENT PROGRAM AS A CONDITION OF PAROLE PURSUANT TO
8 PARAGRAPH (c) OF THIS SUBSECTION (11), THE LEVEL OF TREATMENT
9 ORDERED SHALL BE CONSISTENT WITH THE TREATMENT LEVEL NEED OF
10 THE PAROLEE BASED UPON AN ASSESSMENT INSTRUMENT APPROVED FOR
11 USE BY THE DIVISION OF BEHAVIORAL HEALTH WITHIN THE DEPARTMENT
12 OF HUMAN SERVICES.

13 (e) IF THE PAROLEE IS UNSUCCESSFUL IN PARTICIPATING IN A
14 TREATMENT PROGRAM ORDERED PURSUANT TO PARAGRAPH (c) OF THIS
15 SUBSECTION (11) AND HIS OR HER PARTICIPATION IS TERMINATED, THE
16 BOARD MAY CONSIDER PLACEMENT OF THE PAROLEE IN ADDITIONAL
17 TREATMENT, AS APPROPRIATE, INCLUDING A HIGHER LEVEL OF
18 TREATMENT.

19 **SECTION 5.** 17-2-103, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **17-2-103. Arrest of parolee - revocation proceedings.**
22 (11.5) EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE
23 A PORTION OF THE SAVINGS GENERATED BY HOUSE BILL 10-1360,
24 ENACTED IN 2010. THIS APPROPRIATION SHALL BE USED ONLY FOR
25 RE-ENTRY SUPPORT SERVICES FOR PAROLEES RELATED TO OBTAINING
26 EMPLOYMENT, HOUSING, TRANSPORTATION, SUBSTANCE ABUSE
27 TREATMENT, MENTAL HEALTH TREATMENT, MENTAL HEALTH MEDICATION,

1 OR OFFENDER SPECIFIC SERVICES. THE APPROPRIATION SHALL BE MADE
2 AFTER CONSIDERATION OF THE DIVISION OF ADULT PAROLE'S STATUS
3 REPORT REQUIRED PURSUANT TO SECTION 17-2-102 (11).

4 **SECTION 6.** 24-33.5-503 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **24-33.5-503. Duties of division.** (1) The division has the
7 following duties:

8 (u) TO PROVIDE TO THE JUDICIARY COMMITTEES OF THE SENATE
9 AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES,
10 A STATUS REPORT ON THE EFFECT ON PAROLE OUTCOMES AND USE OF ANY
11 MONEYS ALLOCATED PURSUANT TO HOUSE BILL 10-1360, ENACTED IN
12 2010.

13 **SECTION 7.** 17-2-102, Colorado Revised Statutes, is amended
14 BY THE ADDITION OF A NEW SUBSECTION to read:

15 **17-2-102. Division of adult parole - general powers, duties, and**
16 **functions - definitions.** (11) THE DIVISION OF ADULT PAROLE SHALL
17 PROVIDE TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE
18 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A STATUS REPORT
19 ON THE EFFECT ON PAROLE OUTCOMES AND USE OF ANY MONEYS
20 ALLOCATED PURSUANT TO HOUSE BILL 10-1360, ENACTED IN 2010.

21 **SECTION 8. Appropriation - adjustments to the 2010 long**
22 **bill.** (1) In addition to any other appropriation, there is hereby
23 appropriated, out of any moneys in the general fund not otherwise
24 appropriated, to the department of public safety, for allocation to the
25 division of criminal justice, for community corrections residential
26 treatment beds, for the fiscal year beginning July 1, 2010, the sum of one
27 million two hundred eighty-five thousand four hundred nine dollars

1 (\$1,285,409) and 0.8 FTE, or so much thereof as may be necessary, for
2 the implementation of this act.

3 (2) In addition to any other appropriation, there is hereby
4 appropriated, out of any moneys in the general fund not otherwise
5 appropriated, to the department of public safety, for allocation to the
6 division of criminal justice, for ten transition community corrections beds
7 specifically for sex offenders, which beds may not be transferred for
8 diversion, for the fiscal year beginning July 1, 2010, the sum of two
9 hundred sixty thousand dollars (\$260,000).

10 (3) 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 corrections, for allocation to the parole
13 subprogram, for community parole officers, for the fiscal year beginning
14 July 1, 2010, the sum of one hundred seventy-four thousand one hundred
15 seven dollars (\$174,107) and 2.1 FTE, or so much thereof as may be
16 necessary, for the implementation of this act.

17 (4) 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 corrections, for allocation to the parole
20 subprogram, for administrative support, for the fiscal year beginning July
21 1, 2010, the sum of eighty thousand seven hundred seventy-four dollars
22 (\$80,774) and 2.0 FTE, or so much thereof as may be necessary, for the
23 implementation of this act.

24 (5) In addition to any other appropriation, there is hereby
25 appropriated, out of any moneys in the general fund not otherwise
26 appropriated, to the department of corrections, for allocation to the
27 business operations subprogram, for information technology support, for

1 the fiscal year beginning July 1, 2010, the sum of sixty-five thousand five
2 hundred fifty-three dollars (\$65,553) and 1.0 FTE, or so much thereof as
3 may be necessary, for the implementation of this act.

4 (6) In addition to any other appropriation, there is hereby
5 appropriated, out of any moneys in the general fund not otherwise
6 appropriated, to the department of corrections, for allocation to the parole
7 subprogram, for parole wrap-around services, for the fiscal year
8 beginning July 1, 2010, the sum of one million eight hundred seven
9 thousand two hundred twenty-five dollars (\$1,807,225).

10 (7) 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 corrections, for allocation to the parole
13 subprogram, for employment and job training services, for the fiscal year
14 beginning July 1, 2010, the sum of five hundred thousand dollars
15 (\$500,000).

16 (8) In addition to any other appropriation, there is hereby
17 appropriated, out of any moneys in the general fund not otherwise
18 appropriated, to the department of corrections, for allocation to the parole
19 subprogram, for outpatient mental health treatment for transition parolees,
20 for the fiscal year beginning July 1, 2010, the sum of two hundred fifty
21 thousand dollars (\$250,000).

22 (9) In addition to any other appropriation, there is hereby
23 appropriated, out of any moneys in the general fund not otherwise
24 appropriated, to the department of corrections, for allocation to the parole
25 board, for a parole revocation hearing officer, for the fiscal year
26 beginning July 1, 2010, the sum of seventy-five thousand dollars
27 (\$75,000) and 1.0 FTE.

1 (10) For the implementation of this act, the general fund
2 appropriation made in the annual general appropriation act for the fiscal
3 year beginning July 1, 2010, to the department of corrections,
4 management, external capacity subprogram, for payments to house state
5 prisoners, is decreased by four million seven hundred thirty-eight
6 thousand eight hundred twenty-three dollars (\$4,738,823).

7 **SECTION 9. Specified effective date.** (1) This section and
8 sections 1, 4, 5, 7, 8, and 10 of this act shall take effect upon passage.

9 (2) Section 2 of this act shall take effect upon passage and:

10 (a) Shall remain in effect only if House Bill 10-1233 does not
11 become law; or

12 (b) Shall remain in effect only until House Bill 10-1233 is enacted
13 and becomes law.

14 (3) Section 3 of this act shall take effect only if House Bill
15 10-1233 is enacted and becomes law and shall have the same effective
16 date as House Bill 10-1233.

17 **SECTION 10. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.