

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 21-146

BY SENATOR(S) Lee, Buckner, Fenberg, Hansen, Moreno, Priola, Story;
also REPRESENTATIVE(S) Bacon, Amabile, Benavidez, Bernett, Bird,
Boesenecker, Cutter, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton,
Jackson, Jodeh, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet,
Ortiz, Ricks, Sirota, Snyder, Weissman.

CONCERNING MEASURES TO IMPROVE PRISON RELEASE OUTCOMES, AND, IN
CONNECTION THEREWITH, MAKING AND REDUCING AN
APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 17-1-102, **amend** (7.5);
and **add** (6.7) and (7.4) as follows:

17-1-102. Definitions. As used in this title 17, unless the context
otherwise requires:

(6.7) "INMATE LIAISON" MEANS AN INMATE'S FAMILY MEMBER OR
ATTORNEY, A GOVERNMENT AGENCY, OR A REPRESENTATIVE FROM AN
ORGANIZATION WITH EXPERIENCE IN HELPING INMATES APPLY FOR SPECIAL
NEEDS PAROLE, HIGH-NEEDS PRERELEASE PLANNING, OR REENTRY. THE

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes
through words or numbers indicate deletions from existing law and such material is not part of
the act.*

ORGANIZATION MUST BE IN GOOD STANDING WITH THE COLORADO SECRETARY OF STATE FOR THE PAST TWELVE CONSECUTIVE MONTHS AND THE ORGANIZATION'S INVOLVEMENT MUST BE AT THE REQUEST OF THE INMATE, OR AN INMATE'S FAMILY MEMBER OR ATTORNEY SHOULD THE INMATE BE UNABLE TO MAKE THE REQUEST.

(7.4) "SERIOUS IMPAIRMENT THAT LIMITS A PERSON'S ABILITY TO FUNCTION" MEANS A MEDICALLY DIAGNOSED PHYSICAL OR MENTAL CONDITION THAT IS CHRONIC AND LONG TERM IN NATURE AND SEVERELY LIMITS A PERSON'S ABILITY TO INDEPENDENTLY PERFORM ESSENTIAL DAY-TO-DAY ACTIVITIES WITHOUT DAILY INTERVENTION, ATTENTION, OR SUPPORT FROM AN INMATE AIDE OR PROFESSIONAL CAREGIVER.

(7.5) (a) "Special needs offender" means a person in the custody of the department:

(I) Who is fifty-five years of age or older and has been diagnosed by a licensed health-care provider who is employed by or under contract with the department OR BY A PRIVATE LICENSED HEALTH CARE PROVIDER INVOLVED IN PROVIDING PATIENT CARE TO THE INMATE as suffering from a chronic infirmity, illness, condition, disease, or behavioral or mental health disorder ~~and the department or the state board of parole determines that the person is incapacitated to the extent that he or she is not likely to pose a risk to public safety~~ THAT CAUSES SERIOUS IMPAIRMENT THAT LIMITS THE PERSON'S ABILITY TO FUNCTION;

(II) Who, as determined by a licensed health-care provider who is employed by or under contract with the department OR BY A PRIVATE LICENSED HEALTH-CARE PROVIDER INVOLVED IN PROVIDING PATIENT CARE TO THE INMATE, suffers from a chronic, permanent, terminal, or irreversible physical illness, condition, disease, or a behavioral or mental health disorder that requires costly care or treatment and who is ~~determined by the department or the state board of parole to be incapacitated to the extent that he or she is not likely to pose a risk to public safety;~~ or INCAPACITATED;

(III) ~~(Deleted by amendment, L. 2011, (SB 11-241), ch. 200, p. 831, § 1, effective May 23, 2011.)~~ WHO IS SIXTY-FOUR YEARS OF AGE OR OLDER AND HAS SERVED AT LEAST TWENTY YEARS OF THE PERSON'S SENTENCE AND WAS NOT CONVICTED OF A CLASS 1 OR CLASS 2 FELONY FOR A CRIME AS DEFINED IN SECTION 24-4.1-302 (1), UNLAWFUL SEXUAL BEHAVIOR AS

DEFINED IN SECTION 16-22-102 (9), A CRIME THAT INCLUDES DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), OR STALKING AS DESCRIBED IN SECTION 18-3-602; OR

(IV) Who, as determined by a licensed health-care provider who is employed by or under contract with the department OR A COMPETENCY EVALUATOR AS DEFINED IN SECTION 16-8.5-101 (3) AND APPROVED BY THE DEPARTMENT OF HUMAN SERVICES, on the basis of available evidence, not including evidence resulting from a refusal of the person to accept treatment, IS INCOMPETENT TO PROCEED AND does not have a substantial probability of being restored to competency for the completion of any sentence ~~and is not likely to pose a risk to public safety~~ INCLUDING A PERSON WHO HAS BEEN DIAGNOSED WITH DEMENTIA THAT RENDERS THE PERSON INCOMPETENT TO PROCEED. As used in this subsection (7.5)(a)(IV), "competency" has the same meaning as "competent to proceed", as defined in section 16-8.5-101 (5) AND "INCOMPETENT TO PROCEED" HAS THE SAME MEANING AS DEFINED IN SECTION 16-8.5-101 (12).

(b) (I) ~~Notwithstanding the provisions of paragraph (a) of this subsection (7.5)~~ SUBSECTION (7.5)(a) OF THIS SECTION, "special needs offender" does not include a person who:

~~(F)~~ (A) Was convicted of a class 1 felony ~~unless the offense was committed before July 1, 1990~~; AND SENTENCED TO LIFE WITH THE POSSIBILITY OF PAROLE and the offender has served ~~at least~~ FEWER THAN twenty CALENDAR years in a department of corrections facility for the offense; ~~or~~

(B) WAS CONVICTED OF A CLASS 1 FELONY AND SENTENCED TO LIFE WITHOUT PAROLE; OR

~~(H)~~ (C) Was convicted of a class 2 felony crime of violence as described in section 18-1.3-406 ~~C.R.S.~~; and the offender has served fewer than ten CALENDAR years in a department of corrections facility for the offense.

~~(HH)~~ (II) ~~(Deleted by amendment, L. 2011, (SB 11-241), ch. 200, p. 831, § 1, effective May 23, 2011.)~~ THIS SUBSECTION (7.5)(b) DOES NOT APPLY TO AN INMATE WHO HAS BEEN DIAGNOSED AS HAVING A TERMINAL ILLNESS WITH AN ANTICIPATED LIFE EXPECTANCY OF TWELVE MONTHS OR

LESS BY A LICENSED HEALTH CARE PROVIDER WHO IS EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT OR BY A PRIVATE LICENSED HEALTH CARE PROVIDER INVOLVED IN PROVIDING PATIENT CARE TO THE INMATE.

SECTION 2. In Colorado Revised Statutes, 17-22.5-403.5, **amend** (1), (3), (4)(b), (4)(d), (4)(e), (4.5), (5), and (6); and **add** (4)(f), (4)(g), and (8) as follows:

17-22.5-403.5. Special needs parole - repeal. (1) Notwithstanding any provision of law to the contrary, a special needs offender, as defined in section 17-1-102 (7.5)(a), may be eligible for parole prior to or after the offender's parole eligibility date pursuant to this section if:

(a) ~~The state board of parole determines, based on the special needs offender's condition and a medical evaluation, that he or she does not constitute a threat to public safety and is not likely to commit an offense~~ DEPARTMENT DETERMINES THAT THE INMATE IS A SPECIAL NEEDS OFFENDER; and

(b) The state board of parole DETERMINES THAT THE SPECIAL NEEDS OFFENDER IS NOT LIKELY TO POSE A RISK TO PUBLIC SAFETY AND approves a special needs parole plan that ensures appropriate supervision of and continuity of medical care for the special needs offender.

(3) (a) ~~The department is responsible for identifying inmates who meet the eligibility criteria for special needs parole~~ ARE SPECIAL NEEDS OFFENDERS and shall submit a referral to the state board of parole for all ~~eligible inmates~~ SPECIAL NEEDS OFFENDERS. IF NOTIFICATION TO THE DISTRICT ATTORNEY IS REQUIRED PURSUANT TO SUBSECTION (3)(c)(II) OF THIS SECTION, THE INMATE SHALL AUTHORIZE THE DEPARTMENT TO RELEASE THE INFORMATION DESCRIBED IN SUBSECTIONS (3)(b)(I) AND (3)(b)(I.5) OF THIS SECTION TO THE DISTRICT ATTORNEY. AN INMATE OR INMATE LIAISON, IF THE INMATE IS UNABLE TO, MAY ALSO REQUEST THAT THE DEPARTMENT MAKE A DETERMINATION OF WHETHER AN INMATE IS ELIGIBLE FOR SPECIAL NEEDS PAROLE AND THE DEPARTMENT SHALL MAKE A DETERMINATION WITHIN THIRTY DAYS AFTER RECEIVING THE REQUEST, UNLESS A COMPETENCY EVALUATION HAS BEEN REQUESTED. THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES REGARDING SPECIAL NEEDS PAROLE

TO ENSURE THAT:

(I) ROLES AND RESPONSIBILITIES OF EMPLOYEES AND ANY CONTRACTORS INVOLVED IN SPECIAL NEEDS PAROLE ARE CLEARLY DEFINED, EMPLOYEES AND ANY CONTRACTORS ARE ADEQUATELY TRAINED, AND PERFORMANCE MEASURES ARE DEVELOPED;

(II) ANY INMATE WHO IS A SPECIAL NEEDS OFFENDER IS IDENTIFIED IN A TIMELY MANNER AT ANY POINT IN THE INMATE'S TERM OF INCARCERATION;

(III) ADEQUATE TRACKING AND QUALITY ASSURANCE PROCESSES ARE IN PLACE SO THAT REFERRALS AND ANY RE-REFERRALS, IF APPLICABLE, ARE COMPLETE AND SUBMITTED TO THE PAROLE BOARD IN A TIMELY MANNER;

(IV) FORMAL MECHANISMS ARE IN PLACE TO FACILITATE EFFECTIVE COMMUNICATION BETWEEN THE DEPARTMENT AND THE PAROLE BOARD, INCLUDING BUT NOT LIMITED TO TIMELY RESPONSES FROM THE DEPARTMENT TO REQUESTS FROM THE PAROLE BOARD FOR ADDITIONAL INFORMATION OR FOR A REVISED PAROLE PLAN PRIOR TO THE PAROLE BOARD'S DECISION OR THE CONDITIONS UNDER WHICH THE PAROLE BOARD WOULD CONSIDER A SECOND OR SUBSEQUENT REFERRAL FOR SPECIAL NEEDS PAROLE, IF APPLICABLE; AND

(V) DATA COLLECTION AND DATA SHARING BETWEEN THE DEPARTMENT AND THE PAROLE BOARD ARE ADEQUATE TO ACTIVELY MONITOR THE STATUS OF REFERRALS AND PAROLE BOARD DECISIONS ON A REGULAR BASIS.

(b) ~~The~~ IF AN INMATE MEETS THE ELIGIBILITY REQUIREMENTS PURSUANT TO SECTION 17-1-102, THE DEPARTMENT SHALL SUBMIT A referral TO THE BOARD THAT, IN ADDITION TO THE REQUIREMENTS OF SECTION 17-22.5-404 (4)(a), shall include:

(I) A summary of the inmate's medical, ~~or~~ physical, OR MENTAL condition, ~~and the risk of reoffense that the inmate poses to society. In rendering an opinion regarding the inmate's level of risk of reoffense, the department may consider such factors as the inmate's medical or physical condition, the severity of any disability or incapacitation, risk assessment~~

~~scores, the nature and severity of the offense for which the inmate is currently incarcerated, the inmate's criminal history, institutional conduct, and other relevant factors INCLUDING ANY DIAGNOSIS;~~

(I.5) CRIMINAL HISTORY; RISK AND NEEDS ASSESSMENT SCORES; INSTITUTIONAL DISCIPLINARY HISTORY; WORK HISTORY; AN INMATE'S PARTICIPATION IN ANY PROGRAMS, TREATMENT, VOCATIONAL TRAINING, OR EDUCATION; AND OTHER RELEVANT INFORMATION REGARDING RISK AND RISK-REDUCTION FACTORS AND ANY ADDITIONAL RELEVANT INFORMATION THAT IS REQUESTED BY THE PAROLE BOARD THAT IS IN THE POSSESSION OF THE DEPARTMENT;

(II) The details of a special needs parole plan recommended by the department;

~~(III) A recommendation to the parole board that an offender be released or not be released as a special needs offender pursuant to the provisions of subsection (1) of this section. Prior to making any recommendation pursuant to this subparagraph (III), the department shall establish objective criteria on which to base a recommendation for parole pursuant to the provisions of this section;~~ A STATEMENT BY THE INMATE OR INMATE LIAISON IF THE INMATE IS UNABLE TO SUBMIT A STATEMENT; and

(IV) A victim impact statement ~~or~~ AND response from the district attorney that prosecuted the offender, if received pursuant to ~~paragraph (c) of this subsection (3)~~ SUBSECTION (3)(c) OF THIS SECTION.

(b.5) THE DEPARTMENT SHALL PROVIDE A COPY OF THE REFERRAL PACKET SUBMITTED TO THE PAROLE BOARD TO THE INMATE OR INMATE LIAISON, EXCEPT FOR THE VICTIM IMPACT STATEMENT AND RESPONSE FROM THE DISTRICT ATTORNEY. THE INMATE OR INMATE LIAISON HAS THIRTY CALENDAR DAYS TO SUBMIT ADDITIONAL HEALTH RECORDS OR OTHER RELEVANT INFORMATION NOT INCLUDED IN THE REFERRAL PACKET TO THE DEPARTMENT FOR SUBMISSION TO THE PAROLE BOARD PRIOR TO THE PAROLE BOARD'S DECISION.

(c) (I) IF THE DEPARTMENT DETERMINES THE INMATE IS A SPECIAL NEEDS OFFENDER, the department shall provide notification to any victim, as required ~~under~~ PURSUANT TO section 24-4.1-302.5. ~~C.R.S.~~ A victim shall have thirty days after receiving notification to submit a victim impact

statement to the department. The department shall include any victim impact statement in the referral to the state board of parole.

(II) At the same time that the department completes the notification required by ~~subparagraph (f) of this paragraph (c)~~ SUBSECTION (3)(c)(I) OF THIS SECTION, the department shall notify AND PROVIDE INFORMATION REQUIRED BY SUBSECTIONS (3)(b)(I) AND (3)(b)(I.5) OF THIS SECTION TO the district attorney that prosecuted the offender if the offender is serving a sentence for a conviction of a crime of violence as described in section 18-1.3-406, ~~C.R.S.~~, or a sex offense as listed in section 16-22-102 (9)(j), (9)(k), (9)(l), (9)(n), (9)(o), (9)(p), (9)(q), (9)(r), or (9)(s). ~~C.R.S.~~ A district attorney shall have thirty days after receiving notification to submit a response to the department. The department shall include any district attorney response in the referral to the state board of parole.

(4) (b) The state board of parole shall make a determination of the risk of reoffense that the inmate poses after considering ~~such~~ THE FACTORS IN SECTION 17-22.5-404 (4)(a), AS WELL AS THE NATURE AND SEVERITY OF THE inmate's medical or physical condition, ~~the severity of any disability or incapacitation~~ THE AGE OF THE INMATE, THE ABILITY OF THE DEPARTMENT TO ADEQUATELY PROVIDE NECESSARY MEDICAL OR BEHAVIORAL HEALTH TREATMENT, the inmate's risk AND NEEDS assessment scores, the nature and severity of the offense for which the inmate is currently incarcerated, the inmate's criminal history, the inmate's institutional conduct, PROGRAM AND TREATMENT PARTICIPATION, and other relevant RISK AND RISK-REDUCTION factors.

(d) The state board of parole shall make a determination of whether to grant special needs parole within thirty CALENDAR days after receiving the referral from the department. The PAROLE board may delay the decision in order to request that the department modify the special needs parole plan. ~~If, prior to or during any parole hearing, the board or any member of the board has a substantial and good-faith reason to believe that the offender is incompetent to proceed, as defined in section 16-8.5-101 (12), the board shall suspend all proceedings and notify the trial court that imposed any active sentence, and the court shall determine the competency or incompetency of the defendant pursuant to section 16-8.5-103. The court shall appoint counsel to represent the offender with respect to the determination of competency of the offender, but the presence of the offender is not required for any court proceedings unless good cause is~~

~~shown.~~ THE PAROLE BOARD SHALL NOT DENY PAROLE BASED SOLELY ON THE LACK OF A RECOMMENDED PAROLE PLAN. IF THE PAROLE BOARD CONSIDERS AN INMATE TO BE AN APPROPRIATE CANDIDATE FOR RELEASE EXCEPT FOR THE LACK OF A RECOMMENDED PAROLE PLAN, THE PAROLE BOARD SHALL DELAY THE RELEASE HEARING DECISION OR RENDER A CONDITIONAL RELEASE DECISION AND REQUEST THAT THE DEPARTMENT SUBMIT A REVISED PAROLE PLAN WITHIN THIRTY CALENDAR DAYS. IF THE PAROLE BOARD DENIES PAROLE, IT MAY INFORM THE DEPARTMENT THAT THE INMATE SHOULD NOT BE REFERRED FOR A SECOND OR SUBSEQUENT APPLICATION FOR SPECIAL NEEDS PAROLE UNLESS THE INMATE'S MEDICAL OR MENTAL HEALTH STATUS FURTHER DETERIORATES.

(e) ~~A denial of special needs parole by the state board of parole shall not affect an inmate's eligibility for any other form of parole or release under applicable law.~~ THE DEPARTMENT SHALL PROVIDE A MONTHLY REPORT, BY FACILITY, THE NUMBER OF SPECIAL NEEDS PAROLE APPLICATIONS SUBMITTED TO THE PAROLE BOARD, THE DECISION BY THE PAROLE BOARD, HOW MANY APPLICATIONS ARE PENDING, THE AVERAGE LENGTH OF TIME THE DECISION HAS BEEN PENDING, AND THE GENERAL REASON FOR DELAYING THE DECISION IF THAT IS KNOWN TO THE DEPARTMENT. THE INFORMATION MUST BE PROVIDED BOTH FOR THE REPORTING MONTH AND YEAR TO DATE.

(f) IF, PRIOR TO OR DURING ANY PAROLE HEARING, THE DEPARTMENT OR ANY MEMBER OF THE PAROLE BOARD HAS A SUBSTANTIAL AND GOOD-FAITH REASON TO BELIEVE THAT THE OFFENDER IS INCOMPETENT TO PROCEED, AS DEFINED IN SECTION 16-8.5-101 (12), THE PAROLE BOARD SHALL SUSPEND ALL PROCEEDINGS AND NOTIFY THE PUBLIC DEFENDER LIAISON DESCRIBED IN SECTION 21-1-104 (6). THE OFFICE OF STATE PUBLIC DEFENDER SHALL BE APPOINTED BY THE COURT TO REPRESENT THE INMATE AND SHALL FILE A WRITTEN MOTION WITH THE TRIAL COURT THAT IMPOSED THE SENTENCE TO DETERMINE COMPETENCY. THE MOTION MUST CONTAIN A CERTIFICATE OF COUNSEL STATING THAT THE MOTION IS BASED ON A GOOD-FAITH BELIEF THAT THE INMATE IS INCOMPETENT TO PROCEED. THE MOTION MUST SET FORTH THE SPECIFIC FACTS THAT HAVE FORMED THE BASIS FOR THE MOTION. THE COURT SHALL SEAL THE MOTION. THE COURT SHALL FOLLOW ALL THE RELEVANT PROCEDURES IN ARTICLE 8.5 OF TITLE 16 REGARDING THE DETERMINATION OF COMPETENCY. THE PRESENCE OF THE INMATE IS NOT REQUIRED UNLESS THERE IS GOOD CAUSE SHOWN.

(g) A DENIAL OF SPECIAL NEEDS PAROLE BY THE STATE BOARD OF

PAROLE DOES NOT AFFECT AN INMATE'S ELIGIBILITY FOR ANY OTHER FORM OF PAROLE OR RELEASE UNDER APPLICABLE LAW.

(4.5) If an offender is determined to be incompetent to proceed pursuant to subsection (4) of this section, the court may order the department to provide or arrange for the delivery of appropriate restoration services in any setting authorized by law, by an order of the court, or by any other action as provided by law, INCLUDING CIVIL COMMITMENT. Nothing in this section requires the department of human services to take PHYSICAL custody of an offender for restoration services. The department of human services is not responsible for conducting the competency evaluation. If the court determines that there is not a substantial probability of the offender being restored to competency, the department may refer the inmate for special needs parole with a special needs parole plan pursuant to ~~the provisions of~~ this section AND NOTIFY THE PUBLIC DEFENDER LIAISON DESCRIBED IN SECTION 21-1-104 (6).

(5) The PAROLE board may consider the application for special needs parole pursuant to the proceedings set forth in section 17-2-201 (4)(f) or 17-2-201 (9)(a). ~~If the department recommends to the state board of parole that an offender be released to parole as a special needs offender pursuant to the provisions of subsection (1) of this section,~~ The board may deny parole only by a majority vote ~~of the board and only~~ if the board ~~makes a finding~~ FINDS that granting parole would create a threat to public safety and that the offender is likely to commit an offense.

(6) The department shall not have any responsibility for the payment of medical care for any offender upon ~~his or her~~ THE OFFENDER'S release; EXCEPT THAT, PRIOR TO OR UPON RELEASE, ANY INMATE WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER AND HAS BEEN APPROVED FOR SPECIAL NEEDS PAROLE MUST BE ENROLLED IN THE MOST APPROPRIATE MEDICAL INSURANCE BENEFIT PLAN INCLUDING MEDICARE, MEDICARE SAVINGS PLAN, VETERAN'S BENEFIT, OR OTHER SAFETY-NET HEALTH INSURANCE, OR AN INDIVIDUAL HEALTH BENEFIT PLAN PRIOR TO OR UPON RELEASE, WHICHEVER WILL OFFER THE MORE IMMEDIATE HEALTH CARE COVERAGE. THE DEPARTMENT SHALL PAY ANY INSURANCE PREMIUMS AND PENALTIES FOR UP TO SIX MONTHS FROM THE START OF COVERAGE. THE DEPARTMENT MAY PROVIDE FINANCIAL ASSISTANCE FOR LONGER THAN SIX MONTHS IF THE PERSON IS STILL UNDER THE JURISDICTION OF THE DEPARTMENT AND WOULD OTHERWISE BE UNINSURED OR UNDERINSURED WITHOUT THAT FINANCIAL ASSISTANCE.

(8) (a) THE DEPARTMENT SHALL UPDATE THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AS A PART OF ITS PRESENTATION AT A HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" ON THE STATUS OF THE IMPLEMENTATION OF THE CHANGES TO THIS SECTION AND THE RELATED DEFINITIONS, SECTION 17-2-201 (21), AND SECTION 17-1-113.5 ADOPTED BY SENATE BILL 21-146, AND ON ITS ANALYSIS OF THE NEED FOR AND CURRENT AVAILABILITY OF SPECIALIZED CARE PLACEMENT, INCLUDING BUT NOT LIMITED TO SKILLED NURSING, ASSISTED LIVING, OR OTHER LONG-TERM CARE SERVICES FOR INDIVIDUALS RELEASED FROM PRISON WITH HIGHER CARE NEEDS WHO ARE UNABLE TO MANAGE ACTIVITIES OF DAILY LIVING WITHOUT ASSISTANCE.

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 3. In Colorado Revised Statutes, **add** 17-1-166 as follows:

17-1-166. Department duties - parole plan - report. (1) THE DEPARTMENT SHALL DEVELOP A RECOMMENDED PAROLE PLAN FOR EVERY INMATE PRIOR TO A PAROLE APPLICATION HEARING OR RELEASE FROM PRISON THAT INCLUDES, AT A MINIMUM, AN APPROVED SPONSOR OR OTHER HOUSING OPTION AND A CONTINUITY OF CARE PLAN IF THE INMATE HAS HIGHER NEEDS FOR MEDICAL OR BEHAVIORAL HEALTH CARE. THE DEPARTMENT SHALL COMPLY WITH THIS SUBSECTION (1) REGARDLESS OF WHETHER THE INMATE CAN PROVIDE THE DEPARTMENT WITH THE NAME OF A POTENTIAL PAROLE SPONSOR. IF THE DEPARTMENT IS UNABLE TO DEVELOP A RECOMMENDED PAROLE PLAN, THE DEPARTMENT SHALL INFORM THE PAROLE BOARD IN WRITING AND INCLUDE A LIST OF OPTIONS THAT HAVE BEEN EXPLORED BUT HAVE BEEN REJECTED BY THE DEPARTMENT.

(2) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD OF PAROLE, SHALL DEVELOP NECESSARY POLICIES AND PROCEDURES REGARDING PRERELEASE PLANNING TO ENSURE THAT:

(a) ROLES AND RESPONSIBILITIES OF EMPLOYEES AND ANY CONTRACTORS INVOLVED IN PRE-RELEASE PLANNING ARE CLEARLY DEFINED, EMPLOYEES AND ANY CONTRACTORS ARE ADEQUATELY TRAINED, AND

PERFORMANCE MEASURES ARE DEVELOPED;

(b) ADEQUATE TRACKING AND QUALITY ASSURANCE PROCESSES ARE IN PLACE SO THAT A RECOMMENDED PAROLE PLAN, WHETHER AN IN-STATE OR OUT-OF-STATE PLAN, IS COMPLETED AND SUBMITTED TO THE PAROLE BOARD PRIOR TO THE INITIAL AND ANY SUBSEQUENT PAROLE APPLICATION HEARING;

(c) EXPEDITED PROTOCOLS ARE IN PLACE SO THAT AN INMATE'S APPLICATION FOR PAROLE IS SUBMITTED TO THE PAROLE BOARD AT THE EARLIEST POSSIBLE OPPORTUNITY IF THE INMATE IS A NEW ARRIVAL AT DENVER RECEPTION AND DIAGNOSTIC CENTER OR THE CENTRAL TRANSPORT UNIT AND IS PAST OR WITHIN NINETY DAYS OF THE INMATE'S PAROLE ELIGIBILITY DATE;

(d) FORMAL MECHANISMS ARE IN PLACE TO FACILITATE EFFECTIVE COMMUNICATION BETWEEN THE DEPARTMENT AND THE PAROLE BOARD, INCLUDING TIMELY RESPONSES FROM THE DEPARTMENT TO PAROLE BOARD REQUESTS FOR ADDITIONAL INFORMATION OR FOR A REVISED PAROLE PLAN PRIOR TO THE PAROLE BOARD'S DECISION; AND

(e) DATA COLLECTION AND DATA SHARING BETWEEN THE DEPARTMENT AND THE PAROLE BOARD ARE ADEQUATE TO ACTIVELY MONITOR THE STATUS OF PAROLE APPLICATIONS WHEN THE PAROLE BOARD HAS DELAYED ITS DECISION.

(3) THE DEPARTMENT SHALL PROVIDE A MONTHLY REPORT, BY FACILITY, THE NUMBER OF PAROLE APPLICATIONS WHEN THE PAROLE BOARD HAS DELAYED A DECISION, THE AVERAGE LENGTH OF TIME THE PAROLE APPLICATION HAS BEEN PENDING, AND THE GENERAL REASON FOR DELAYING THE DECISION IF THAT INFORMATION IS KNOWN TO THE DEPARTMENT. THE INFORMATION MUST BE PROVIDED BOTH FOR THE REPORTING MONTH AND YEAR TO DATE.

SECTION 4. In Colorado Revised Statutes, 17-2-201, **add** (20) as follows:

17-2-201. State board of parole - duties - definitions. (20) THE PAROLE BOARD OR AN INDIVIDUAL MEMBER OF THE PAROLE BOARD SHALL NOT DENY PAROLE SOLELY BECAUSE THE INMATE DOES NOT HAVE A

RECOMMENDED PAROLE PLAN. IF THE PAROLE BOARD CONSIDERS AN INMATE APPROPRIATE FOR RELEASE EXCEPT FOR THE LACK OF A RECOMMENDED PAROLE PLAN, THE PAROLE BOARD SHALL DELAY THE RELEASE HEARING DECISION OR RENDER A CONDITIONAL RELEASE DECISION AND REQUEST THAT THE DEPARTMENT SUBMIT A RECOMMENDED PAROLE PLAN OR ANY OTHER INFORMATION REQUESTED BY THE PAROLE BOARD WITHIN THIRTY CALENDAR DAYS.

SECTION 5. In Colorado Revised Statutes, 17-33-101, **amend** (7)(a) as follows:

17-33-101. Reentry planning and programs for adult parole - grant program - rules - reports - repeal. (7) (a) Subject to appropriations, on and after January 1, 2015, the department shall develop and implement a grant program to provide funding to eligible community-based organizations that provide PRERELEASE AND PAROLE PLANNING SERVICES TO PEOPLE IN PRISON AND reentry services to people on parole or inmates transitioning through community corrections. The department shall administer the grant program in accordance with policies developed by the executive director pursuant to subsection (7)(b) of this section.

SECTION 6. In Colorado Revised Statutes, 21-1-104, **add** (6) as follows:

21-1-104. Duties of public defender - report. (6) THE OFFICE OF STATE PUBLIC DEFENDER SHALL PROVIDE ONE OR MORE PUBLIC DEFENDER LIAISONS TO THE DEPARTMENT OF CORRECTIONS AND THE STATE BOARD OF PAROLE TO ASSIST INMATES OR INMATE LIAISONS WITH LEGAL MATTERS RELATED TO DETAINERS, BONDS, HOLDS, WARRANTS, COMPETENCY, SPECIAL NEEDS PAROLE APPLICATIONS, AND COMMUTATION APPLICATIONS. THE OFFICE OF STATE PUBLIC DEFENDER, IN CONSULTATION WITH THE STATE BOARD OF PAROLE AND THE DEPARTMENT OF CORRECTIONS, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES FOR IMPLEMENTATION OF THIS SUBSECTION (6).

SECTION 7. In Colorado Revised Statutes, 17-1-113.5, **add** (1)(c), (1)(d), and (6) as follows:

17-1-113.5. Inmates held in correctional facilities - medical benefits application assistance - county of residence - rules. (1) (c) THE

DEPARTMENT SHALL ENSURE THAT ANY INMATE WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER AND IS BEING RELEASED FROM PRISON IS ENROLLED IN THE MOST APPROPRIATE MEDICAL INSURANCE BENEFIT PLAN INCLUDING MEDICARE, MEDICARE SAVINGS PLAN, VETERAN'S BENEFIT, OR OTHER SAFETY-NET HEALTH INSURANCE, OR AN INDIVIDUAL HEALTH BENEFIT PLAN PRIOR TO RELEASE OR UPON RELEASE, WHICHEVER WILL OFFER THE MORE IMMEDIATE HEALTH CARE COVERAGE. IF AN INMATE WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER IS NOT ENROLLED IN A MEDICAL INSURANCE BENEFIT PLAN PRIOR TO RELEASE AND WOULD BE UNABLE TO PAY FOR COSTS ASSOCIATED WITH ENROLLMENT IN HEALTH INSURANCE OR WOULD NOT OTHERWISE BE COVERED UNDER A SPOUSE'S INDIVIDUAL OR EMPLOYER OFFERED INSURANCE PLAN, THE DEPARTMENT SHALL PAY ANY INSURANCE PREMIUMS, PENALTIES, OR OTHER COSTS RELATED TO ENROLLMENT IN HEALTH INSURANCE FOR UP TO SIX MONTHS FROM THE START OF COVERAGE. THE DEPARTMENT MAY PROVIDE FINANCIAL ASSISTANCE FOR LONGER THAN SIX MONTHS IF THE PERSON IS STILL UNDER THE JURISDICTION OF THE DEPARTMENT AND WHO WOULD OTHERWISE BE UNINSURED OR UNDERINSURED WITHOUT THAT FINANCIAL ASSISTANCE.

(d) THE DEPARTMENT SHALL ENSURE THAT AN INMATE WHO IS ELIGIBLE FOR PREMIUM-FREE MEDICARE COVERAGE IS ENROLLED DURING THE INMATE'S INITIAL OPEN ENROLLMENT PERIOD OR DURING REGULAR OPEN ENROLLMENT.

(6) IF AN INMATE IS RELEASED FROM CONFINEMENT BUT STILL UNDER CRIMINAL JUSTICE SUPERVISION AND IS ELIGIBLE FOR MEDICAL BENEFITS PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, THE SUPERVISING CRIMINAL JUSTICE AGENCY SHALL NOT PLACE ANY RESTRICTION OR MAKE ADDITIONAL REQUIREMENTS A PRECONDITION THAT IN ANY WAY INHIBITS THE INMATE FROM BEING ABLE TO CHOOSE A PROVIDER OR RECEIVE MEDICAL CARE, BEHAVIORAL HEALTH TREATMENT, OR ANY OTHER ASSISTANCE AUTHORIZED UNDER THE MEDICAL BENEFITS.

SECTION 8. In Colorado Revised Statutes, 26-11-105, **add** (1)(g) as follows:

26-11-105. Duties of commission. (1) The commission, through its director, shall carry out the following purposes:

(g) (I) STUDY AND MAKE RECOMMENDATIONS TO ENSURE THAT PEOPLE WHO ARE RELEASED FROM PRISON THAT ARE SIXTY-FIVE YEARS OF AGE OR OLDER ARE ABLE TO ACCESS HEALTH INSURANCE AFTER RELEASE, INCLUDING:

(A) HEALTH INSURANCE OPTIONS THAT MIGHT BE AVAILABLE, INCLUDING MEDICARE, MEDICAID, SOCIAL SECURITY, THE OLD AGE PENSION FUND, OR ANY OTHER POTENTIAL OPTIONS FOR HEALTH CARE INSURANCE, AND ANY ELIGIBILITY CRITERIA THAT MAY UNIQUELY IMPACT A FORMERLY INCARCERATED POPULATION;

(B) ENROLLMENT PROCESSES FOR EACH HEALTH INSURANCE OPTION AND THE COST FOR EACH OPTION;

(C) PROCESSES THE DEPARTMENT OF CORRECTIONS WOULD NEED TO HAVE IN PLACE, BOTH PRIOR TO RELEASE AND AFTER RELEASE, TO ENSURE PEOPLE SIXTY-FIVE YEARS OF AGE OR OLDER ARE ABLE TO ENROLL IN AFFORDABLE HEALTH INSURANCE UPON RELEASE;

(D) POTENTIAL CHALLENGES, GAPS, OR RESOURCES NEEDED TO ENSURE THAT INMATES SIXTY-FIVE YEARS OF AGE OR OLDER HAVE HEALTH INSURANCE UPON RELEASE; AND

(E) ANY OTHER RECOMMENDATIONS RELEVANT TO IMPROVING HEALTH CARE ACCESS FOR PEOPLE SIXTY-FIVE YEARS OF AGE OR OLDER AFTER RELEASE FROM PRISON.

(II) ON OR BEFORE JANUARY 1, 2022, THE COMMISSION SHALL PROVIDE A REPORT WITH ITS FINDINGS AND RECOMMENDATIONS PURSUANT TO THIS SUBSECTION (1)(g) TO THE JUDICIARY AND HEALTH AND INSURANCE COMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE JUDICIARY AND HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT OF HUMAN SERVICES SHALL POST THE REPORT ON THE COLORADO COMMISSION ON AGING'S WEBSITE.

SECTION 9. In Colorado Revised Statutes, 17-27.5-104, **amend** (1), (2), and (3) as follows:

17-27.5-104. Escape from custody - duties of peace officer or community parole officer - definitions. (1) If an offender fails to remain

within the extended limits on ~~his or her~~ THE OFFENDER'S confinement as established under the intensive supervision program; or, having been ordered by the parole board, the executive director, or the administrator of the program to return to the correctional institution, neglects or fails to do so; or knowingly removes or tampers with an electronic monitoring device that ~~he or she~~ THE OFFENDER is required to wear as a condition of parole, ~~he or she shall be~~ THE OFFENDER IS deemed to have ~~escaped from custody~~ COMMITTED THE OFFENSE OF UNAUTHORIZED ABSENCE and shall, upon conviction thereof, be punished as provided in ~~section 18-8-208~~ SECTION 18-8-208.2.

(2) When a peace officer or community parole officer has probable cause to believe that an offender has committed ~~an escape~~ UNAUTHORIZED ABSENCE, as described in subsection (1) of this section and ~~section 18-8-208~~ SECTION 18-8-208.2, by knowingly removing or tampering with an electronic monitoring device that he or she is required to wear as a condition of parole, the officer shall immediately seek a warrant for the offender's arrest or effectuate an immediate arrest if the offender is in the presence of the officer; ~~However,~~ EXCEPT THAT, before an officer arrests an offender pursuant to this subsection (2), the officer, if practicable, shall determine that the notification of removal or tampering was not merely the result of an equipment malfunction.

(3) Subsequent to any arrest pursuant to subsection (2) of this section, if a peace officer or community parole officer has probable cause to believe that a person has committed the offense of ~~escape under~~ UNAUTHORIZED ABSENCE PURSUANT TO this section, the peace officer or community parole officer shall submit charges to the office of the district attorney for consideration of filing pursuant to section 16-5-205.

SECTION 10. In Colorado Revised Statutes, 18-1.3-801, **amend** (5) as follows:

18-1.3-801. Punishment for habitual criminals. (5) A ~~current or~~ prior conviction for escape, as described in section 18-8-208 (1), (2), or (3), or attempt to escape, as described in section 18-8-208.1 ~~(1) or (2)~~ IN EFFECT PRIOR TO MARCH 6, 2020, WITH AN UNDERLYING FACTUAL BASIS THAT SATISFIES THE ELEMENTS OF UNAUTHORIZED ABSENCE AS DESCRIBED IN SECTION 18-8-208.2, OR ATTEMPT THEREOF, may not be used for the purpose of adjudicating a person an habitual criminal as described in subsection

(1.5) or subsection (2) of this section unless the conviction is based on the offender's escape or attempt to escape from a correctional facility, as defined in section 17-1-102, or from physical custody within a county jail; except that, for the purposes of this section, "correctional facility" does not include a community corrections facility, as defined in section 17-27-102 (2.5), or a halfway house, as defined in section 19-1-103 (62).

SECTION 11. In Colorado Revised Statutes, 17-2-201, **add** (21) as follows:

17-2-201. State board of parole - duties - definitions.

(21) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE PAROLE BOARD SHALL CONDUCT A PAROLE HEARING OR THE BOARD MAY REVIEW THE APPLICATION AND ISSUE A DECISION WITHOUT A HEARING, PURSUANT TO SECTION 17-2-201 (4)(f), WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SUBSECTION (21) IF A PERSON CURRENTLY INCARCERATED HAS A CONTROLLING SENTENCE FOR A CRIME ENUMERATED IN SUBSECTION (21)(b) OF THIS SECTION.

(b) ELIGIBLE OFFENSES ARE ESCAPE, AS DESCRIBED IN SECTION 18-8-208, OR ATTEMPT TO ESCAPE, AS DESCRIBED IN SECTION 18-8-208.1, IN EFFECT PRIOR TO MARCH 6, 2020, IF THE UNDERLYING FACTUAL BASIS SATISFIES THE ELEMENTS OF THE CRIME OF UNAUTHORIZED ABSENCE OR ATTEMPTED UNAUTHORIZED ABSENCE, AS DESCRIBED IN SECTION 18-8-208.2 (2)(a) OR (2)(b).

(c) AN INMATE IS NOT ELIGIBLE FOR EXPEDITED PAROLE CONSIDERATION UNDER THIS SUBSECTION (21) IF:

(I) THE INMATE IS NOT CURRENTLY AT OR PAST HIS OR HER PAROLE ELIGIBILITY DATE; OR

(II) THE INMATE IS INELIGIBLE FOR RELEASE TO PAROLE PURSUANT TO SUBSECTION (3.7)(a) OF THIS SECTION.

(d) THE DEPARTMENT SHALL PROVIDE VICTIM NOTIFICATION AS REQUIRED BY SECTION 24-4.1-303 (14)(d).

SECTION 12. In Colorado Revised Statutes, 18-1.3-407, **amend** (2)(b), (3.3) introductory portion, (3.3)(c)(I), (3.5), and (11.5)(a)(I); **repeal**

(2)(a.5), (11), and (11.5)(c); and **add** (14) as follows:

18-1.3-407. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - youthful offender system study - report - definitions.
(2) (a.5) ~~During any period of incarceration under the youthful offender system, privileges including, but not limited to, televisions, radios, and entertainment systems, shall not be available for an offender unless such privileges have been earned under a merit system.~~

(b) Article 22.5 of title 17, C.R.S., concerning time credits, ~~shall not apply~~ APPLIES to any person sentenced to the youthful offender system; except that an offender whose sentence to the youthful offender system is revoked pursuant to subsection (5) of this section may receive one day of credit against the suspended sentence imposed by the court following revocation of the sentence to the youthful offender system for each day the offender served in the youthful offender system, excluding any period of time during which the offender was under community supervision BUT INCLUDING CREDIT FOR PRESENTENCE CONFINEMENT AUTHORIZED PURSUANT TO SECTION 18-1.3-405.

(3.3) The youthful offender system consists of the following components, and the department of corrections has the authority described in ~~paragraphs (a) to (d)~~ of this subsection (3.3) in connection with the administration of the components:

(c) (I) Phase II, which may be administered during the last three TO SIX months of the period of institutional confinement and during which time the department of corrections is authorized to transfer an offender to a twenty-four-hour custody residential program that serves youthful offenders.

(3.5) The executive director of the department of corrections ~~shall have~~ OR THE EXECUTIVE DIRECTOR'S DESIGNEE HAS final approval on the hiring and transferring of staff for the youthful offender system. In staffing the youthful offender system, the executive director OR THE EXECUTIVE DIRECTOR'S DESIGNEE shall select persons who are trained in the treatment of youthful offenders or will be trained in the treatment of youthful offenders, ~~prior to working with such population~~, are trained to act as role

models and mentors pursuant to ~~paragraph (c) of subsection (3)~~ SUBSECTION (3)(c) of this section, and are best equipped to enable the youthful offender system to meet the principles specified in subsection (3) of this section. ALL STAFF MEMBERS MUST BE TRAINED IN THE TREATMENT OF YOUTHFUL OFFENDERS WITHIN FORTY-FIVE DAYS AFTER THEIR FIRST DAY AT THE YOUTHFUL OFFENDER SYSTEM. PRIOR TO RECEIVING THIS TRAINING, A STAFF MEMBER SHALL NOT WORK DIRECTLY WITH JUVENILES AND MUST BE SUPERVISED BY A TRAINED STAFF MEMBER WHEN WORKING WITH ANY YOUNG ADULT OFFENDERS AT THE YOUTHFUL OFFENDER SYSTEM. The executive director OR THE EXECUTIVE DIRECTOR'S DESIGNEE shall make a recommendation to the department of personnel regarding the classification of positions with the youthful offender system, taking into account the level of education and training required for such positions.

~~(11) Any district attorney in the state shall maintain records regarding juveniles who are sentenced to the youthful offender system and such records shall indicate which juveniles have been filed on as adults or are sentenced to the system and the offenses committed by such juveniles.~~

(11.5) (a) (I) An offender who is sentenced to the youthful offender system shall submit to ~~and pay for~~ collection and a chemical testing of a biological substance sample from the offender to determine the genetic markers thereof.

~~(c) Any moneys received from offenders pursuant to paragraph (a) of this subsection (11.5) shall be deposited in the offender identification fund created in section 24-33.5-415.6, C.R.S.~~

(14) THE DEPARTMENT OF CORRECTIONS SHALL CONSULT WITH ONE OR MORE EXTERNAL EXPERTS TO CONDUCT A STUDY OF THE EFFECTIVENESS OF THE CURRENT YOUTHFUL OFFENDER SYSTEM, AS DESIGNED BY THE ENABLING STATUTE AND AS IMPLEMENTED BY THE DEPARTMENT OF CORRECTIONS. THE DEPARTMENT SHALL CONSIDER ALL RELEVANT RESEARCH ON EFFECTIVE PROGRAMMING FOR YOUNG ADULTS AND ALTERNATIVE MANAGEMENT AND PROGRAM MODELS FOR THE YOUTHFUL OFFENDER SYSTEM. ADDITIONALLY, THE STUDY MUST ASSESS THE POTENTIAL EXPANSION OF THE YOUTHFUL OFFENDER SYSTEM TO SERVE OFFENDERS UP TO THE AGE OF TWENTY-FIVE YEARS WHO COMMIT FELONY OFFENSES, INCLUDING THE OFFENSES WHICH CURRENTLY MAKE A YOUNGER OFFENDER ELIGIBLE FOR YOUTHFUL OFFENDER SENTENCING BY THE COURT,

AND HOW THAT EXPANSION COULD BE IMPLEMENTED. THE DEPARTMENT SHALL SEEK ALTERNATIVE FUNDING SOURCES FOR THIS STUDY THROUGH GIFTS, GRANTS, AND DONATIONS OR FUND THE STUDY THROUGH CURRENT APPROPRIATIONS. A REPORT OF FINDINGS MUST BE COMPLETED BY THE EXTERNAL EXPERTS, IN CONJUNCTION WITH THE DEPARTMENT, BY DECEMBER 1, 2021, AND THE REPORT MUST BE MADE AVAILABLE TO THE PUBLIC.

SECTION 13. In Colorado Revised Statutes, 17-1-104.3, **amend** (1)(b.5) as follows:

17-1-104.3. Correctional facilities - locations - security level - report. (1) (b.5) Not more than six hundred and fifty beds at the Centennial south campus of the Centennial correctional facility may be operated by the department for the purpose of housing inmates who are close custody inmates. At the discretion of the executive director, the department may house inmates of a lower than close custody level ~~for no longer than three months from March 6, 2020~~, in order to facilitate the movement of inmates displaced as a result of prison closure, DURING A DECLARED DISASTER EMERGENCY BY THE GOVERNOR, or if the lower than close custody inmate is voluntarily ASSIGNED TO WORK AT THE FACILITY, OR VOLUNTARILY serving as a mentor peer-support, or in another other leadership role as part of departmental programming with the purpose of progressing close custody inmates to lower security levels. THE UNDERLYING DECLARED DISASTER EMERGENCY MUST IMPACT STATE PRISON OPERATIONS.

SECTION 14. In Colorado Revised Statutes, 17-33-101, **add** (7)(f.5)(IV.5) as follows:

17-33-101. Reentry planning and programs for adult parole - grant program - rules - reports - repeal. (7) (f.5) (IV.5) (A) THE GENERAL ASSEMBLY SHALL APPROPRIATE \$1,167,297 TO THE FUND FOR FISCAL YEAR 2021-2022 FROM THE SAVINGS FROM ENACTMENT OF SENATE BILL 21-146. ANY MONEY REMAINING IN THE FUND AFTER JULY 1, 2022, REMAINS IN THE FUND AND MAY BE SPENT BY THE DEPARTMENT IN FISCAL YEAR 2022-2023.

(B) THE GENERAL ASSEMBLY SHALL APPROPRIATE \$1,481,662 TO THE FUND FOR FISCAL YEAR 2022-2023 FROM THE SAVINGS FROM ENACTMENT OF SENATE BILL 21-146.

SECTION 15. Appropriation - adjustments to 2021 long bill.

(1) To implement this act, appropriations made in the annual general appropriation act for the 2021-22 state fiscal year to the department of corrections are adjusted as follows:

(a) The general fund appropriation for use by management for payments to in-state private prisons related to the external capacity subprogram is decreased by \$2,815,470; and

(b) The general fund appropriation for use by institutions for external medical services related to the medical services subprogram is decreased by \$314,630.

(2) For the 2021-22 state fiscal year, \$2,798,098 is appropriated to the department of corrections. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$22,923 for use by management for personal services related to the executive director's office subprogram, which amount is based on an assumption that the department will require an additional 0.5 FTE;

(b) \$6,450 for use by management for operating expenses related to the executive director's office subprogram;

(c) \$30,307 for the purchase of legal services;

(d) \$150 for use by management for operating expenses related to the inspector general subprogram;

(e) \$8,700 for use by institutions for operating expenses related to the superintendents subprogram;

(f) \$66,641 for use by institutions for personal services related to the case management subprogram, which amount is based on an assumption that the department will require an additional 0.9 FTE;

(g) \$6,700 for use by institutions for operating expenses related to the case management subprogram;

(h) \$51,224 for use by institutions for personal services related to the mental health subprogram, which amount is based on an assumption that the department will require an additional 0.5 FTE;

(i) \$6,450 for use by institutions for operating expenses related to the mental health subprogram;

(j) \$1,800 for use by support services for operating expenses related to the communications subprogram;

(k) \$150 for use by support services for operating expenses related to the training subprogram;

(l) \$1,600 for use by support services for operating expenses related to the information systems subprogram;

(m) \$229,220 for use by support services for payments to OIT related to the information systems subprogram;

(n) \$48,734 for use by community services for personal services related to the parole subprogram, which amount is based on an assumption that the department will require an additional 0.9 FTE;

(o) \$191,647 for use by community services for operating expenses related to the parole subprogram;

(p) \$389,196 for use by community services for insurance payments related to the parole subprogram;

(q) \$359,659 for use by community services for parolee supervision and support services related to the parole subprogram;

(r) \$158,052 for use by community services for wrap-around services program related to the parole subprogram;

(s) \$44,498 for use by the parole board for personal services, which amount is based on an assumption that the department will require an additional 0.9 FTE;

(t) \$6,700 for use by the parole board for operating expenses; and

(u) \$1,167,297 is appropriated to the community-based reentry services cash fund created in section 17-33-101 (7)(f.5)(I), C.R.S. This appropriation is from the general fund. The department of corrections is responsible for the accounting related to this appropriation.

(3) For the 2021-22 state fiscal year, \$30,307 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of corrections under subsection (2)(c) of this section and is based on an assumption that the department of law will require an additional 0.2 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of corrections.

(4) For the 2021-22 state fiscal year, \$229,220 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of corrections under subsection (2)(m) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of corrections.

(5) For the 2021-22 state fiscal year, \$157,760 is appropriated to the judicial department for use by the office of the state public defender. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$142,470 for personal services, which amount is based on an assumption that the department will require an additional 1.8 FTE; and

(b) \$15,290 for operating expenses.

(6) For the 2021-22 state fiscal year, \$50,000 is appropriated to the department of human services for use by adult assistance programs. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the Colorado commission on aging.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO