

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
10.13.17

BILL 4

LLS NO. 18-0300.02 Michael Dohr x4347

INTERIM COMMITTEE BILL

Sentencing in the Criminal Justice System Interim Study Committee

**BILL TOPIC: "Parole 50% Nonviolent Crime 75% Violent Crime"**

**A BILL FOR AN ACT**

101 **CONCERNING PAROLE, AND, IN CONNECTION THEREWITH, PROVIDING**  
102 **COMMUNITY-BASED SERVICES FOR VICTIMS AND OFFENDERS.**

**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://leg.colorado.gov/>.)*

**Sentencing in the Criminal Justice System Interim Study Committee.** Under current law, the parole board has the discretion to grant parole to the offender prior to his or her mandatory release date. The bill would require a person who is serving a sentence for a crime that is not a crime of violence to serve a minimum of 50% of his or her sentence based on the amount of earned time credited to the offender's sentence

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

and then be released on a mandatory period of parole. A person who is serving a sentence for a crime of violence would serve a minimum of 75% of his or her sentence based on the amount of earned time credited to the offender's sentence and then be released on a mandatory period of parole. The division of parole can place that offender in a community corrections program 12 months before his or her release date. An offender on parole may earn up to 10 days of earned time per month while on parole.

The cost savings associated with the changes will be split evenly between community-based services for victims and offenders.

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

**SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article 22.5 of title 17 as follows:

PART 5

EARNED TIME, PAROLE ELIGIBILITY,  
AND DISCHARGE FROM CUSTODY FOR OFFENDERS  
WHO COMMITTED CRIMES ON OR AFTER JULY 1, 2018

**17-22.5-501. Earned time - achievement earned time - definition.** (1) FOR AN OFFENDER SENTENCED FOR AN OFFENSE OTHER THAN A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, COMMITTED ON OR AFTER OCTOBER 1, 2018, THE OFFENDER MAY BE AWARDED UP TO SIXTEEN DAYS EARNED TIME SENTENCE CREDIT FOR EACH MONTH OF INCARCERATION UPON A DEMONSTRATION TO THE DEPARTMENT BY THE OFFENDER, WHICH IS CERTIFIED BY THE OFFENDER'S CASE MANAGER, THAT HE OR SHE HAS MADE CONSISTENT PROGRESS IN THE FOLLOWING CATEGORIES AS REQUIRED BY THE DEPARTMENT:

(a) WORK AND TRAINING, INCLUDING ATTENDANCE, PROMPTNESS, PERFORMANCE, COOPERATION, CARE OF MATERIALS, AND SAFETY;

(b) GROUP LIVING, INCLUDING HOUSEKEEPING, PERSONAL HYGIENE, COOPERATION, AND SOCIAL ADJUSTMENT;

1 (c) PARTICIPATION IN COUNSELING SESSIONS AND INVOLVEMENT  
2 IN OTHER THERAPEUTIC GROUPS;

3 (d) PROGRESS TOWARD THE GOALS AND PROGRAMS ESTABLISHED  
4 BY THE COLORADO DIAGNOSTIC PROGRAM;

5 (e) THE OFFENDER HAS NOT HAD ANY UNAUTHORIZED CONTACT  
6 WITH THE VICTIM EITHER VERBALLY OR IN WRITING; AND

7 (f) POSITIVE PROGRESS, IN ACCORDANCE WITH PERFORMANCE  
8 STANDARDS ESTABLISHED BY THE DEPARTMENT, IN THE LITERACY  
9 CORRECTIONS PROGRAM OR THE CORRECTIONAL EDUCATION PROGRAM  
10 ESTABLISHED PURSUANT TO ARTICLE 32 OF THIS TITLE 17.

11 (2) FOR AN OFFENDER SENTENCED FOR A CRIME OF VIOLENCE AS  
12 DESCRIBED IN SECTION 18-1.3-406, COMMITTED ON OR AFTER OCTOBER 1,  
13 2018, THE OFFENDER MAY BE AWARDED UP TO EIGHT DAYS SENTENCE  
14 CREDIT FOR EACH MONTH OF INCARCERATION UPON A DEMONSTRATION TO  
15 THE DEPARTMENT BY THE OFFENDER, WHICH IS CERTIFIED BY THE  
16 OFFENDER'S CASE MANAGER, THAT HE OR SHE HAS MADE CONSISTENT  
17 PROGRESS IN THE CATEGORIES DESCRIBED IN SUBSECTION (1) OF THIS  
18 SECTION.

19 (3) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
20 THE CONTRARY, IN ADDITION TO THE EARNED TIME AUTHORIZED IN THIS  
21 SECTION, AN OFFENDER WHO SUCCESSFULLY COMPLETES A MILESTONE OR  
22 PHASE OF AN EDUCATIONAL, VOCATIONAL, THERAPEUTIC, OR REENTRY  
23 PROGRAM, OR WHO DEMONSTRATES EXCEPTIONAL CONDUCT THAT  
24 PROMOTES THE SAFETY OF CORRECTIONAL STAFF, VOLUNTEERS,  
25 CONTRACTORS, OR OTHER PERSONS UNDER THE SUPERVISION OF THE  
26 DEPARTMENT, MAY BE AWARDED AS MANY AS SIXTY DAYS OF  
27 ACHIEVEMENT EARNED TIME PER PROGRAM MILESTONE OR PHASE OR PER

1 INSTANCE OF EXCEPTIONAL CONDUCT, AT THE DISCRETION OF THE  
2 EXECUTIVE DIRECTOR; EXCEPT THAT AN OFFENDER SHALL NOT BE  
3 AWARDED MORE THAN ONE HUNDRED TWENTY DAYS OF ACHIEVEMENT  
4 EARNED TIME PURSUANT TO THIS SUBSECTION (3).

5 (b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
6 REQUIRES, "EXCEPTIONAL CONDUCT" INCLUDES, BUT IS NOT LIMITED TO:

7 (I) SAVING OR ATTEMPTING TO SAVE THE LIFE OF ANOTHER  
8 PERSON;

9 (II) AIDING IN THE PREVENTION OF SERIOUS BODILY INJURY OR  
10 LOSS OF LIFE;

11 (III) PROVIDING SIGNIFICANT ASSISTANCE IN THE PREVENTION OF  
12 A MAJOR FACILITY DISRUPTION;

13 (IV) PROVIDING SIGNIFICANT ASSISTANCE IN THE SOLVING OF A  
14 COLD CASE, AS DEFINED IN SECTION 24-4.1-302 (1.2);

15 (V) ACTING TO PREVENT AN ESCAPE; OR

16 (VI) PROVIDING DIRECT ASSISTANCE IN A DOCUMENTED FACILITY  
17 OR COMMUNITY EMERGENCY.

18 (4) THE DEPARTMENT SHALL DEVELOP OBJECTIVE STANDARDS FOR  
19 MEASURING CONSISTENT PROGRESS IN THE CATEGORIES LISTED IN  
20 SUBSECTION (1) OF THIS SECTION. SUCH STANDARDS MUST BE APPLIED IN  
21 ALL EVALUATIONS OF OFFENDERS FOR THE EARNED TIME AUTHORIZED IN  
22 THIS SECTION.

23 (5) FOR EACH OFFENDER SENTENCED TO THE CUSTODY OF THE  
24 DEPARTMENT, THE DEPARTMENT SHALL REVIEW MONTHLY THE  
25 PERFORMANCE RECORD OF THE OFFENDER CONSISTENT WITH THE  
26 PROVISIONS OF THIS SECTION. ALL EARNED TIME AWARDED VESTS AT THE  
27 TIME OF THE AWARD. THE DEPARTMENT RETAINS THE AUTHORITY TO

1 DETERMINE AN OFFENDER IS INELIGIBLE FOR EARNED TIME PROSPECTIVELY  
2 FOR A DETERMINATE PERIOD OF TIME IF IT IS DETERMINED THE OFFENDER  
3 VIOLATED THE CODE OF PENAL DISCIPLINE.

4 (6) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
5 SECTION, EARNED TIME, ACHIEVEMENT EARNED TIME, OR INMATE  
6 DISASTER RELIEF EARNED TIME PURSUANT TO SECTION 17-24-124 MAY  
7 NOT REDUCE THE SENTENCE OF AN OFFENDER AS DESCRIBED IN  
8 SUBSECTION (1) OF THIS SECTION BY A PERIOD OF TIME THAT IS MORE THAN  
9 FIFTY PERCENT OF THE SENTENCE.

10 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
11 EARNED TIME, ACHIEVEMENT EARNED TIME, OR INMATE DISASTER RELIEF  
12 EARNED TIME PURSUANT TO SECTION 17-24-124 MAY NOT REDUCE THE  
13 SENTENCE OF AN OFFENDER AS DESCRIBED IN SUBSECTION (2) OF THIS  
14 SECTION BY A PERIOD OF TIME THAT IS MORE THAN TWENTY-FIVE PERCENT  
15 OF THE SENTENCE.

16 (7) EARNED TIME, NOT TO EXCEED TEN DAYS FOR EACH MONTH OF  
17 PAROLE, MAY BE DEDUCTED FROM THE OFFENDER'S SENTENCE UPON A  
18 DEMONSTRATION TO THE DEPARTMENT BY THE OFFENDER, WHICH IS  
19 CERTIFIED BY THE OFFENDER'S COMMUNITY PAROLE OFFICER, THAT HE OR  
20 SHE HAS MADE CONSISTENT PROGRESS IN THE FOLLOWING CATEGORIES AS  
21 REQUIRED BY THE DEPARTMENT:

22 (a) SUBSTANTIAL COMPLIANCE WITH THE CONDITIONS OF PAROLE  
23 RELEASE; AND

24 (b) THE OFFENDER HAS NOT HAD ANY UNAUTHORIZED CONTACT  
25 WITH THE VICTIM EITHER VERBALLY OR IN WRITING.

26 **17-22.5-502. Discharge from custody.** (1) AN OFFENDER MUST  
27 BE DISCHARGED FROM THE DEPARTMENT UPON COMPLETION OF HIS OR HER

1 FULL TERM FOR WHICH HE OR SHE WAS SENTENCED LESS ANY EARNED TIME  
2 GRANTED PURSUANT TO SECTION 17-22.5-501 (1) OR (2), ACHIEVEMENT  
3 EARNED TIME GRANTED PURSUANT TO SECTION 17-22.5-501 (3), AND  
4 INMATE DISASTER RELIEF EARNED TIME GRANTED PURSUANT TO SECTION  
5 17-24-124, EXCLUDING ANY TIME THE OFFENDER MAY HAVE BEEN AT  
6 LARGE BY REASON OF ESCAPE THEREFROM, UNLESS HE OR SHE IS  
7 PARDONED OR OTHERWISE RELEASED BY THE LEGAL AUTHORITY.

8 (2) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION,  
9 EARNED TIME, ACHIEVEMENT EARNED TIME, OR INMATE DISASTER RELIEF  
10 EARNED TIME GRANTED PURSUANT TO SECTION 17-24-124 MAY NOT  
11 REDUCE THE SENTENCE OF AN OFFENDER AS DESCRIBED IN SECTION  
12 17-22.5-501 (1) BY A PERIOD OF TIME THAT IS MORE THAN FIFTY PERCENT  
13 OF THE SENTENCE.

14 (b) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, EARNED  
15 TIME, ACHIEVEMENT EARNED TIME, OR INMATE DISASTER RELIEF EARNED  
16 TIME GRANTED PURSUANT TO SECTION 17-24-124 MAY NOT REDUCE THE  
17 SENTENCE OF AN OFFENDER AS DESCRIBED IN SECTION 17-22.5-501 (2) BY  
18 A PERIOD OF TIME THAT IS MORE THAN TWENTY-FIVE PERCENT OF THE  
19 SENTENCE.

20 **17-22.5-503. Parole eligibility - rules.** (1) (a) ANY PERSON  
21 SENTENCED FOR A CRIME THAT IS NOT A CRIME OF VIOLENCE AS DESCRIBED  
22 IN SECTION 18-1.3-406 MUST BE GRANTED PAROLE AFTER THE PERSON HAS  
23 SERVED FIFTY PERCENT OF THE SENTENCE IMPOSED UPON THE PERSON,  
24 LESS ANY EARNED TIME GRANTED PURSUANT TO SECTION 17-22.5-501 (1)  
25 OR (2), ACHIEVEMENT EARNED TIME GRANTED PURSUANT TO SECTION  
26 17-22.5-501 (3), INMATE DISASTER RELIEF EARNED TIME PURSUANT TO  
27 SECTION 17-24-124, AND PRESENTENCE CONFINEMENT CREDIT.

1           (b) ANY PERSON SENTENCED FOR A CRIME OF VIOLENCE AS  
2 DESCRIBED IN SECTION 18-1.3-406 MUST BE GRANTED PAROLE AFTER THE  
3 PERSON HAS SERVED SEVENTY-FIVE PERCENT OF THE SENTENCE IMPOSED  
4 UPON THE PERSON, LESS ANY TIME AUTHORIZED FOR EARNED TIME  
5 GRANTED PURSUANT TO SECTION 17-22.5-501 (1) OR (2), ACHIEVEMENT  
6 EARNED TIME GRANTED PURSUANT TO SECTION 17-22.5-501 (3), INMATE  
7 DISASTER RELIEF EARNED TIME PURSUANT TO SECTION 17-24-124, AND  
8 PRESENTENCE CONFINEMENT CREDIT.

9           (2) THE GOVERNOR MAY GRANT PAROLE TO AN OFFENDER PRIOR  
10 TO THE OFFENDER'S PAROLE ELIGIBILITY DATE OR DISCHARGE DATE IF, IN  
11 THE GOVERNOR'S OPINION, EXTRAORDINARY MITIGATING CIRCUMSTANCES  
12 EXIST AND THE INMATE'S RELEASE FROM INSTITUTIONAL CUSTODY IS  
13 COMPATIBLE WITH THE SAFETY AND WELFARE OF SOCIETY.

14           (3) FOR ANY SEX OFFENDER, AS DEFINED IN SECTION 18-1.3-1003  
15 (4), WHO IS SENTENCED PURSUANT TO THE PROVISIONS OF PART 10 OF  
16 ARTICLE 1.3 OF TITLE 18, FOR COMMISSION OF A SEX OFFENSE COMMITTED  
17 ON OR AFTER OCTOBER 1, 2018, THE STATE BOARD OF PAROLE SHALL  
18 DETERMINE WHETHER OR NOT TO GRANT PAROLE AS PROVIDED IN SECTION  
19 18-1.3-1006. IF THE STATE BOARD OF PAROLE DETERMINES THAT PLACING  
20 A SEX OFFENDER ON PAROLE IS APPROPRIATE, IT SHALL SET AN  
21 INDETERMINATE PERIOD OF PAROLE AS PROVIDED IN SECTION 18-1.3-1006.

22           (4) THE DIVISION OF ADULT PAROLE SHALL PROVIDE PAROLE  
23 SUPERVISION AND ASSISTANCE IN SECURING EMPLOYMENT, HOUSING, AND  
24 SUCH OTHER SERVICES AS MAY EFFECT THE SUCCESSFUL REINTEGRATION  
25 OF SUCH OFFENDER INTO THE COMMUNITY WHILE RECOGNIZING THE NEED  
26 FOR PUBLIC SAFETY.

27           (5) (a) THE STATE BOARD OF PAROLE SHALL ESTABLISH THE

1 CONDITIONS FOR PAROLE FOR AN OFFENDER RELEASED ON PAROLE PRIOR  
2 TO SUCH OFFENDER'S RELEASE FROM INCARCERATION.

3 (b) THE DIVISION OF PAROLE MAY ORDER AN OFFENDER TO BE  
4 PLACED IN A COMMUNITY CORRECTIONS PROGRAM TWELVE MONTHS PRIOR  
5 TO THE COMPLETION OF HIS OR HER PRISON SENTENCE PENDING APPROVAL  
6 OF THE LOCAL COMMUNITY CORRECTIONS BOARD. THE OFFENDER IS  
7 ELIGIBLE TO EARN EARNED TIME WHILE PLACED IN A COMMUNITY  
8 CORRECTIONS PROGRAM IN THE SAME AMOUNTS AS DESCRIBED IN SECTION  
9 17-22.501 (1) AND (2).

10 (6) UPON A DETERMINATION IN A PAROLE REVOCATION  
11 PROCEEDING THAT THE CONDITIONS OF PAROLE HAVE BEEN VIOLATED, THE  
12 STATE BOARD OF PAROLE SHALL CONTINUE THE PAROLE IN EFFECT;  
13 MODIFY THE CONDITIONS OF PAROLE IF CIRCUMSTANCES THEN SHOWN TO  
14 EXIST REQUIRE SUCH MODIFICATIONS, WHICH CIRCUMSTANCES MUST BE  
15 SET FORTH IN WRITING; OR REVOKE THE PAROLE AND ORDER THE RETURN  
16 OF THE OFFENDER TO A PLACE OF CONFINEMENT DESIGNATED BY THE  
17 EXECUTIVE DIRECTOR FOR ANY PERIOD OF TIME UP TO THE PERIOD  
18 REMAINING ON SUCH OFFENDER'S SENTENCE, INCLUDING THE REMAINDER  
19 OF THE OFFENDER'S NATURAL LIFE IF APPLICABLE, UNTIL THE DISCHARGE  
20 DATE AS DETERMINED BY THIS SECTION OR ONE YEAR, WHICHEVER IS  
21 LONGER. IN COMPUTING THE PERIOD OF REINCARCERATION FOR AN  
22 OFFENDER OTHER THAN AN OFFENDER SENTENCED FOR A NONVIOLENT  
23 FELONY OFFENSE, AS DEFINED IN SECTION 17-22.5-405 (5), THE TIME  
24 BETWEEN THE OFFENDER'S RELEASE ON PAROLE AND RETURN TO CUSTODY  
25 IN COLORADO FOR REVOCATION OF SUCH PAROLE IS NOT CONSIDERED TO  
26 BE PART OF THE TERM OF THE SENTENCE. THE STATE BOARD OF PAROLE  
27 MAY DISCHARGE AN OFFENDER GRANTED PAROLE UNDER THIS SECTION AT

1 ANY TIME DURING THE TERM OF PAROLE UPON A DETERMINATION THAT  
2 THE OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND  
3 REINTEGRATED INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE  
4 SUPERVISION.

5 (7) THE STATE BOARD OF PAROLE SHALL CONSIDER THE PAROLE OF  
6 A PERSON WHOSE PAROLE IS REVOKED EITHER FOR A TECHNICAL  
7 VIOLATION OR BASED ON A SELF-REVOCATION AT LEAST ONCE WITHIN ONE  
8 HUNDRED EIGHTY DAYS AFTER THE REVOCATION IF THE PERSON'S RELEASE  
9 DATE IS MORE THAN NINE MONTHS FROM THE DATE OF THE PERSON'S  
10 REVOCATION; EXCEPT THAT A PERSON WHOSE PAROLE IS REVOKED BASED  
11 ON A TECHNICAL VIOLATION THAT INVOLVED THE USE OF A WEAPON MAY  
12 NOT BE CONSIDERED FOR PAROLE FOR ONE YEAR.

13 **17-22.5-504. Savings - funds - appropriations - grant program**  
14 **- rules.** (1) COMMENCING WITH THE 2019-20 STATE FISCAL YEAR, AND  
15 EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL  
16 APPROPRIATE ONE-HALF OF THE SAVINGS GENERATED IN THE PRIOR FISCAL  
17 YEAR BY \_\_\_\_\_ BILL 18-XXXX, ENACTED IN 2018, TO THE DIVISION OF  
18 CRIMINAL JUSTICE FOR ALLOCATION TO COMMUNITY-BASED VICTIM  
19 SERVICES, AND ONE-HALF OF THE SAVINGS TO THE GRANT PROGRAM FOR  
20 ELIGIBLE COMMUNITY-BASED ORGANIZATIONS THAT PROVIDE REENTRY  
21 SERVICES TO OFFENDERS IN THE COMMUNITY PURSUANT TO SECTION  
22 17-33-101 (7).

23 (2) THE MONEY ALLOCATED TO THE DIVISION OF CRIMINAL JUSTICE  
24 FOR COMMUNITY-BASED VICTIM SERVICES MUST BE USED TO AWARD  
25 GRANTS TO COMMUNITY-BASED NONPROFIT AGENCIES PROVIDING DIRECT  
26 SERVICES TO ANY PERSON AGAINST WHOM A CRIME HAS BEEN  
27 PERPETRATED OR ATTEMPTED, REGARDLESS OF WHETHER THE CRIME WAS

1 REPORTED OR PROSECUTED AND REGARDLESS OF WHEN THE CRIME  
2 OCCURRED. FUNDING PRIORITY MUST BE GIVEN TO UNDERSERVED VICTIMS  
3 INCLUDING PEOPLE OF COLOR, MEN, AND YOUTH. DIRECT SERVICES MAY  
4 INCLUDE STABILIZATION SUPPORT, INCLUDING SHORT- OR LONG-TERM  
5 HOUSING, EMPLOYMENT ASSISTANCE, BENEFIT ACQUISITION,  
6 IDENTIFICATION, SAFETY PLANNING, TRAUMA OR OTHER CLINICAL  
7 SERVICES, AND REFERRALS TO OTHER SERVICES.

8 **SECTION 2.** In Colorado Revised Statutes, 17-33-101, **add**  
9 (7)(e.5) as follows:

10 **17-33-101. Reentry planning and programs for adult parole**  
11 **- grant program - rules - reports - repeal.** (7) (e.5) SUBJECT TO THE  
12 APPROPRIATIONS FROM \_\_\_\_\_ BILL 18-XXXX, ENACTED IN 2018, THE  
13 EXECUTIVE DIRECTOR MAY EXPAND THE POPULATION THAT CAN BE  
14 SERVED BY THE COMMUNITY GRANT PROGRAM CREATED IN THIS  
15 SUBSECTION (7) TO INCLUDE PEOPLE ON PROBATION AND DIVERSION,  
16 TRANSITION CLIENTS IN COMMUNITY CORRECTIONS, AND THOSE  
17 DISCHARGING FROM PRISON WITHOUT PAROLE.

18 **SECTION 3.** In Colorado Revised Statutes, 16-11-102, **amend**  
19 (1)(a)(II) as follows:

20 **16-11-102. Presentence or probation investigation.**

21 (1) (a) (II) Except as described in ~~subparagraph (VI) of this paragraph (a)~~  
22 SUBSECTION (1)(a)(VI) OF THIS SECTION, if the defendant is convicted of  
23 a felony that occurred after July 1, 2004, BUT BEFORE OCTOBER 1, 2018,  
24 and he or she is eligible to receive a sentence to the department of  
25 corrections, the report described in ~~subparagraph (I) of this paragraph (a)~~  
26 SUBSECTION (1)(a)(I) OF THIS SECTION must include the following  
27 statement:

1            "If the defendant is sentenced to the Department of  
2            Corrections, he or she may not serve his or her entire sentence in  
3            prison but may be released to community corrections or parole.  
4            The defendant's Parole Eligibility Date (PED) occurs after he or  
5            she has served fifty or seventy-five percent of his or her sentence,  
6            as provided in section 17-22.5-403, Colorado Revised Statutes,  
7            less any authorized earned time.

8            If the defendant is sentenced to the Department of  
9            Corrections, he or she may be eligible for a reduction in the length  
10           of his or her sentence by earned time. Regular earned time is up to  
11           ten or twelve days per month, not to exceed thirty percent of the  
12           defendant's sentence; however, the defendant may be eligible for  
13           further limited reductions through the application of various types  
14           of earned time provided in statute and administered pursuant to the  
15           policy of the Department of Corrections.

16           If the defendant is sentenced to the Department of  
17           Corrections, he or she may be eligible for release, to await parole  
18           in a community corrections facility, if such release is approved by  
19           the local community corrections board. If the defendant was not  
20           convicted of a crime of violence, as defined in section 18-1.3-406  
21           (2), Colorado Revised Statutes, he or she may be moved to a  
22           community corrections placement as early as sixteen months prior  
23           to his or her PED. If the defendant was convicted of a crime of  
24           violence, he or she cannot be moved to a community corrections  
25           placement earlier than one hundred eighty days prior to his or her  
26           PED.

27           A defendant's eligibility for community corrections or

1 parole does not necessarily mean that community corrections or  
2 parole will be granted. The inmate locator on the internet website  
3 of the Department of Corrections can provide additional  
4 information regarding the sentence of an individual defendant.

5 The provisions of this statement do not apply to a defendant  
6 who has been sentenced to the youthful offender system within the  
7 Department of Corrections."

8 **SECTION 4.** In Colorado Revised Statutes, 16-11.5-105, **repeal**  
9 (2) as follows:

10 **16-11.5-105. Departments shall develop testing programs -**  
11 **punitive sanctions.** (2) ~~Any offender who tests positive for the use of~~  
12 ~~alcohol or controlled substances subsequent to the initial test required by~~  
13 ~~section 18-1.3-209, C.R.S., shall be subjected to a punitive sanction. The~~  
14 ~~judicial department, the department of corrections, the state board of~~  
15 ~~parole, and the division of criminal justice of the department of public~~  
16 ~~safety shall cooperate to develop and make public a range of punitive~~  
17 ~~sanctions for those offenders under the jurisdiction of each agency which~~  
18 ~~are appropriate to the offenders supervised by each particular agency.~~  
19 ~~Such punitive sanctions shall be formulated in such a way as to promote~~  
20 ~~fairness and consistency in the treatment of offenders and may include,~~  
21 ~~but shall not be limited to, increases in the level of an offender's~~  
22 ~~supervision, increases in the use of electronic monitoring of an offender,~~  
23 ~~loss of earned time granted pursuant to section 17-22.5-405, C.R.S., and~~  
24 ~~referral of the offender to the court or the state board of parole for~~  
25 ~~resentencing or revocation of probation or parole. It is the intent of the~~  
26 ~~general assembly that any offender's test which is positive for the use of~~  
27 ~~controlled substances or alcohol shall result in an intensified level of~~

1 ~~testing, treatment, supervision, or other sanctions designed to control~~  
2 ~~abuse of substances for such offender.~~

3 **SECTION 5.** In Colorado Revised Statutes, 17-2-201, **amend**  
4 (3.7)(a) introductory portion, (4)(f)(I) introductory portion, (5)(a.3), (6),  
5 and (9)(a) as follows:

6 **17-2-201. State board of parole - duties - definitions.**

7 (3.7) (a) Notwithstanding any other provision in this section, an inmate  
8 WHO IS SERVING A SENTENCE FOR A CRIME COMMITTED BEFORE OCTOBER  
9 1, 2018, is not eligible for parole if the inmate:

10 (4) The board has the following powers and duties:

11 (f) (I) To conduct an initial or subsequent parole release review  
12 in lieu of a hearing, without the presence of the inmate WHO IS SERVING  
13 A SENTENCE FOR A CRIME COMMITTED BEFORE OCTOBER 1, 2018, if:

14 (5) (a.3) (I) Any person sentenced as ~~a~~ AN habitual criminal  
15 pursuant to section 18-1.3-801 (1.5) or (2) ~~C.R.S.~~, for an offense  
16 committed on or after July 1, 2003, ~~shall be~~ BUT BEFORE OCTOBER 1,  
17 2018, IS subject to the mandatory parole set forth in section 18-1.3-401  
18 (1)(a)(V)(A) or 18-1.3-401.5 ~~C.R.S.~~, for the class or level of felony of  
19 which the person is convicted.

20 (II) As to any person sentenced as ~~a~~ AN habitual criminal pursuant  
21 to section 18-1.3-801 (1) or (2.5), ~~C.R.S.~~, for an offense committed on or  
22 after July 1, 2003, BUT BEFORE OCTOBER 1, 2018, upon completion of  
23 forty calendar years of incarceration in the department of corrections, the  
24 parole board may schedule a hearing to determine whether the inmate  
25 may be released on parole. If the inmate is released on parole, the life  
26 sentence shall continue and shall not be deemed to be discharged until  
27 such time as the parole board may discharge the offender. The offender

1 shall serve at least five years on parole prior to discharge. If the parole  
2 board revokes the parole, the offender shall be returned to the department  
3 of corrections to serve the remainder of the life sentence. The parole  
4 board need only reconsider granting parole to such inmate once every  
5 three years.

6 (6) ~~The board has the authority~~ At any time after the period of any  
7 parole is fixed, ~~to~~ THE BOARD MAY shorten the period thereof or ~~to~~  
8 lengthen said period within the limits specified in subsection (5) of this  
9 section; except that the provisions of this subsection (6) ~~shall~~ DO not  
10 apply to any person sentenced as a sex offender pursuant to part 10 of  
11 article 1.3 of title 18, ~~C.R.S.~~ OR TO ANY PERSON SERVING A SENTENCE FOR  
12 A CRIME COMMITTED ON OR AFTER OCTOBER 1, 2018.

13 (9) (a) (I) Except as otherwise provided in ~~subparagraph (f) of~~  
14 ~~paragraph (f) of subsection (4)~~ SUBSECTION (4)(f)(I) of this section,  
15 whenever an inmate WHO IS SERVING A SENTENCE FOR A CRIME  
16 COMMITTED ON OR AFTER OCTOBER 1, 2018, initially applies for parole,  
17 the board shall conduct an interview with the inmate. At ~~such~~ THE  
18 interview, at least one member of the board shall be present. Any final  
19 action on an application ~~shall~~ IS not ~~be~~ required to be made in the  
20 presence of the inmate or parolee, and any such action ~~shall require~~  
21 REQUIRES the concurrence of at least two members of the board. When  
22 the two members do not concur, a third member shall review the record  
23 and, if deemed necessary, interview the applicant and cast the deciding  
24 vote. THE BOARD SHALL CONSIDER any subsequent application for parole  
25 ~~shall be considered by the board~~ in accordance with the provisions of  
26 ~~paragraph (a) of subsection (4)~~ SUBSECTION (4)(a) of this section.

27 (II) The provisions of ~~subparagraph (f) of this paragraph (a)~~ shall

1 ~~also~~ SUBSECTION (9)(a)(I) OF THIS SECTION apply to all interviews of  
2 inmates who apply for parole pursuant to section 17-22.5-303, who were  
3 sentenced for an offense committed on or after July 1, 1979, BUT BEFORE  
4 OCTOBER 1, 2018.

5 **SECTION 6.** In Colorado Revised Statutes, 17-2-204, **amend** (1)  
6 and (2)(a) as follows:

7 **17-2-204. Parole may issue - when.** (1) The board, pursuant to  
8 rules, ~~and regulations,~~ may issue a parole or permit to go at large to any  
9 inmate who ~~now~~ IS SERVING A SENTENCE FOR A CRIME COMMITTED  
10 BEFORE OCTOBER 1, 2018, AND WHO is imprisoned in a correctional  
11 facility and who may have served the minimum term pronounced by the  
12 court or, in the absence of such minimum term pronounced by the court,  
13 the minimum term provided by law for the crime for which he was  
14 convicted.

15 (2) (a) Any inmate SERVING A SENTENCE FOR A CRIME COMMITTED  
16 BEFORE OCTOBER 1, 2018, who does not wish to be considered for parole  
17 shall sign a waiver witnessed by an institutional supervisory employee no  
18 later than thirty days prior to the date of the scheduled parole hearing.  
19 Except as otherwise provided in this subsection (2), any waiver signed by  
20 an inmate in accordance with this subsection (2) ~~shall become~~ BECOMES  
21 effective on the date of signing and ~~shall remain~~ REMAINS in effect for six  
22 months after the date of the scheduled parole hearing. The inmate may not  
23 withdraw such waiver or submit an application for parole at any time  
24 during the six-month period.

25 **SECTION 7.** In Colorado Revised Statutes, **amend** 17-2-213 as  
26 follows:

27 **17-2-213. Application of part.** Effective July 1, 1979, the

1 provisions of this part 2 relating to the power of the state board of parole  
2 to grant parole and to establish the duration of the term of parole ~~shall~~  
3 apply only to persons sentenced for conviction of a felony committed  
4 prior to July 1, 1979; persons sentenced for conviction of a misdemeanor  
5 COMMITTED BEFORE OCTOBER 1, 2018; persons sentenced for conviction  
6 of a sex offense, as defined in section 18-1.3-903 (5), ~~C.R.S.~~, or a class  
7 1 felony; and persons sentenced as habitual criminals pursuant to section  
8 18-1.3-801 ~~C.R.S.~~ FOLLOWING CONVICTION FOR A CRIME COMMITTED  
9 BEFORE OCTOBER 1, 2018. Parole for persons sentenced for conviction of  
10 a class 2, class 3, class 4, or class 5 felony committed on or after July 1,  
11 1979, BUT BEFORE OCTOBER 1, 2018, or a level 1, level 2, level 3, or level  
12 4 drug felony committed on or after October 1, 2013, ~~shall be~~ BUT BEFORE  
13 OCTOBER 1, 2018, IS DETERMINED as provided in sections 18-1.3-401 and  
14 18-1.3-401.5 ~~C.R.S.~~, and IN article 22.5 of this ~~title~~ TITLE 17.

15 **SECTION 8.** In Colorado Revised Statutes, **amend** 17-2-215 as  
16 follows:

17 **17-2-215. Notification of parole proceeding.** In addition to the  
18 notice required by section 17-2-214 (2), the department of corrections  
19 shall establish a system of notification under which any person may make  
20 a written request to the department of corrections or the board for the  
21 notification of any parole proceeding concerning an offender, INCLUDING  
22 SETTING PAROLE CONDITIONS FOR OFFENDERS RELEASED PURSUANT TO  
23 SECTION 17-22.5-503 (6) AND EARLY DISCHARGE RECOMMENDATIONS,  
24 which notice shall be given by the department of corrections, working in  
25 cooperation with the board, at least thirty days before the hearing. ~~Such~~  
26 THE notice ~~shall~~ MUST be sent to the last-known address of the person  
27 making a written request for notification in the possession of the

1 department of corrections or the board, and the person making ~~such~~ THE  
2 written request for notification has the duty to keep the department of  
3 corrections or the board informed of his or her current address.

4 **SECTION 9.** In Colorado Revised Statutes, 17-22.5-104, **amend**  
5 (1) as follows:

6 **17-22.5-104. Parole - regulations.** (1) Any inmate in the custody  
7 of the department may be allowed to go on parole in accordance with  
8 section 17-22.5-403 OR SECTION 17-22.5-503, subject to the provisions  
9 and conditions contained in this ~~article~~ ARTICLE 22.5 and article 2 of this  
10 ~~title~~ TITLE 17.

11 **SECTION 10.** In Colorado Revised Statutes, 17-22.5-301,  
12 **amend** (3) as follows:

13 **17-22.5-301. Good time.** (3) Each person sentenced for a crime  
14 committed on or after July 1, 1985, ~~shall be~~ BUT BEFORE OCTOBER 1,  
15 2018, IS subject to all the provisions of this part 3; except that the good  
16 time authorized by this section ~~shall~~ DOES not vest and may be withheld  
17 or deducted by the department.

18 **SECTION 11.** In Colorado Revised Statutes, 17-22.5-302,  
19 **amend** (1) introductory portion, (4), and (5) as follows:

20 **17-22.5-302. Earned time.** (1) In addition to the good time  
21 authorized in section 17-22.5-301, FOR EACH PERSON SENTENCED FOR A  
22 CRIME COMMITTED BEFORE OCTOBER 1, 2018, earned time, not to exceed  
23 thirty days for every six months of incarceration, may be deducted from  
24 the inmate's sentence upon a demonstration to the department by the  
25 inmate that he has made substantial and consistent progress in each of the  
26 following categories:

27 (4) For each inmate sentenced for a crime committed on or after

1 July 1, 1985, BUT BEFORE OCTOBER 1, 2018, the department shall review  
2 the performance record of the inmate and may grant, withhold, withdraw,  
3 or restore, consistent with the provisions of this section, an earned time  
4 deduction from the sentence imposed. ~~Such~~ THE DEPARTMENT SHALL  
5 CONDUCT THE review ~~shall be conducted~~ as specified in subsection (3) of  
6 this section; except that the earned time deduction authorized by this  
7 subsection (4) ~~shall~~ DOES not vest upon being granted and may be  
8 withdrawn. ~~once it is granted.~~

9 (5) For each inmate sentenced for a crime committed on or after  
10 July 1, 1987, BUT BEFORE OCTOBER 1, 2018, the department shall not  
11 credit ~~such~~ THE inmate with more than one-half of his OR HER allowable  
12 earned time for any six-month period or portion thereof unless ~~such~~ THE  
13 inmate was employed or was participating in institutional training or  
14 treatment programs provided by the department or was participating in  
15 some combination of such employment, training, or treatment programs.  
16 This subsection (5) ~~shall~~ DOES not apply to ~~those~~ inmates excused from  
17 such employment or programs for medical reasons.

18 **SECTION 12.** In Colorado Revised Statutes, 17-22.5-303,  
19 **amend** (5) and (6) as follows:

20 **17-22.5-303. Parole.** (5) Pursuant to section 17-2-201 (9)(a), an  
21 interview of an inmate who applies for parole, who was sentenced for an  
22 offense committed on or after July 1, 1979, BUT BEFORE OCTOBER 1,  
23 2018, may be conducted by one member of the parole board.

24 (6) Any person sentenced for a class 2, class 3, class 4, class 5, or  
25 class 6 felony committed on or after July 1, 1985, ~~shall be~~ BUT BEFORE  
26 OCTOBER 1, 2018, is eligible for parole after ~~such~~ THE person has served  
27 the sentence imposed less any time authorized for good time earned

1 pursuant to section 17-22.5-301 and for earned time pursuant to section  
2 17-22.5-302. Upon an application for parole, the state board of parole,  
3 working in conjunction with the department and using the guidelines  
4 established pursuant to section 17-22.5-404, shall determine whether or  
5 not to grant parole and, if granted, the length of the period of parole,  
6 which may be for a period of up to five years. If an application for parole  
7 is refused by the state board of parole, the state board shall reconsider  
8 within one year thereafter the granting of parole to ~~such~~ THE person and  
9 shall continue the reconsideration each year thereafter until ~~such~~ THE  
10 person is granted parole or until ~~such~~ THE person is discharged pursuant  
11 to law; except that, if the person applying for parole was convicted of any  
12 class 3 sexual offense described in part 4 of article 3 of title 18, ~~C.R.S.~~,  
13 ~~a~~ AN habitual criminal offense as defined in section 18-1.3-801 (2.5),  
14 ~~C.R.S.~~, or of any offense subject to the requirements of section  
15 18-1.3-904, ~~C.R.S.~~, the board need only reconsider granting parole to  
16 ~~such~~ THE person once every three years, until the board grants ~~such~~ THE  
17 person parole or until ~~such~~ THE person is discharged pursuant to law, or  
18 if the person applying for parole was convicted of a class 1 or class 2  
19 felony that constitutes a crime of violence, as defined in section  
20 18-1.3-406, ~~C.R.S.~~, the board need only reconsider granting parole to  
21 ~~such~~ THE person once every five years, until the board grants ~~such~~ THE  
22 person parole or until ~~such~~ THE person is discharged pursuant to law.

23 **SECTION 13.** In Colorado Revised Statutes, 17-22.5-303.3,  
24 **amend** (1) and (2) as follows:

25 **17-22.5-303.3. Violent offenders - parole.** (1) Any person  
26 sentenced for second degree murder, first degree assault, first degree  
27 kidnapping, unless the first degree kidnapping is a class 1 felony, first or

1 second degree sexual assault, first degree arson, first degree burglary, or  
2 aggravated robbery, committed on or after July 1, 1987, BUT BEFORE  
3 OCTOBER 1, 2018, who has previously been convicted of a crime of  
4 violence, shall be eligible for parole after he OR SHE has served  
5 seventy-five percent of the sentence imposed less any time authorized for  
6 earned time pursuant to section 17-22.5-302. Thereafter, the provisions  
7 of section 17-22.5-303 (6) and (7) shall apply.

8 (2) Any person sentenced for any crime enumerated in subsection  
9 (1) of this section BEFORE OCTOBER 1, 2018, who has twice previously  
10 been convicted for a crime of violence, shall be IS eligible for parole after  
11 he OR SHE has served the sentence imposed less any time authorized for  
12 earned time pursuant to section 17-22.5-302. Thereafter, the provisions  
13 of section 17-22.5-303 (6) and (7) shall apply.

14 **SECTION 14.** In Colorado Revised Statutes, **amend** 17-22.5-304  
15 as follows:

16 **17-22.5-304. Part affects only certain inmates.** The good time  
17 provisions of this part 3 are effective July 1, 1979, and shall apply only  
18 to those persons convicted of crimes committed on or after said date, No  
19 BUT BEFORE OCTOBER 1, 2018. A person subject to the good time  
20 provisions of part 2 of this article shall be ARTICLE 22.5 IS NOT eligible for  
21 any of the provisions authorized by this part 3.

22 **SECTION 15.** In Colorado Revised Statutes, 17-22.5-403,  
23 **amend** (1), (2.5)(a), (3.5)(a), (5) introductory portion, and (7)(a) as  
24 follows:

25 **17-22.5-403. Parole eligibility.** (1) Any person sentenced for a  
26 class 2, class 3, class 4, class 5, or class 6 felony, or a level 1, level 2,  
27 level 3, or level 4 drug felony, or any unclassified felony shall be FOR AN

1 OFFENSE COMMITTED BEFORE OCTOBER 1, 2018, IS eligible for parole after  
2 ~~such~~ THE person has served fifty percent of the sentence imposed upon  
3 ~~such~~ THE person, less any time authorized for earned time granted  
4 pursuant to section 17-22.5-405. However, the date established by this  
5 subsection (1) upon which any person shall be eligible for parole may be  
6 extended by the executive director for misconduct during incarceration.  
7 The executive director shall promulgate rules ~~and regulations~~ concerning  
8 when and under what conditions any inmate's parole eligibility date may  
9 be extended. Such rules ~~and regulations~~ shall be promulgated in such a  
10 manner as to promote fairness and consistency in the treatment of all  
11 inmates.

12 (2.5) (a) Notwithstanding subsection (1) of this section, any  
13 person convicted and sentenced for second degree murder, first degree  
14 assault, first degree kidnapping unless the first degree kidnapping is a  
15 class 1 felony, first degree arson, first degree burglary, or aggravated  
16 robbery, committed on or after July 1, 2004, ~~shall be~~ BUT BEFORE  
17 OCTOBER 1, 2018, IS eligible for parole after ~~such~~ THE person has served  
18 seventy-five percent of the sentence imposed upon ~~such~~ THE person, less  
19 any time authorized for earned time granted pursuant to section  
20 17-22.5-405.

21 (3.5) (a) Notwithstanding subsection (1) or (2.5) of this section,  
22 any person convicted and sentenced for any crime enumerated in  
23 subsection (2.5) of this section, committed on or after July 1, 2004, BUT  
24 BEFORE OCTOBER 1, 2018, who has previously been convicted for a crime  
25 which would have been a crime of violence as defined in section  
26 18-1.3-406, ~~C.R.S., shall be~~ IS eligible for parole after ~~such~~ THE person  
27 has served seventy-five percent of the sentence served upon ~~such~~ THE

1 person, at which time ~~such~~ THE person shall be referred by the department  
2 to the state board of parole which may place the person on parole for the  
3 period of time specified in section 18-1.3-401 (1)(a)(V). ~~C.R.S.~~ Section  
4 17-22.5-402 (2) ~~shall~~ DOES not apply to any such offender.

5 (5) For any offender who is incarcerated for an offense committed  
6 prior to July 1, 1993, BUT BEFORE OCTOBER 1, 2018, upon application for  
7 parole, the state board of parole, working in conjunction with the  
8 department and using the guidelines established pursuant to section  
9 17-22.5-404, shall determine whether or not to grant parole and, if  
10 granted, the length of the period of parole. Prior to the parole release  
11 hearing, the division of adult parole shall conduct a parole plan  
12 investigation and inform the state board of parole of the results of the  
13 investigation. If the state board of parole finds an inmate's parole plan  
14 inadequate, it may table the parole release decision and require the  
15 department to submit a revised parole plan developed in conjunction with  
16 the inmate within thirty days after the parole board's request. The state  
17 board of parole may set the length of the period of parole for any time  
18 period up to the date of final discharge as determined in accordance with  
19 section 17-22.5-402. If an application for parole is refused by the state  
20 board of parole, the state board of parole shall reconsider within one year  
21 thereafter whether such inmate should be granted parole. The state board  
22 of parole shall continue such reconsideration each year thereafter until  
23 such inmate is granted parole or until such inmate is discharged pursuant  
24 to law; except that:

25 (7) (a) For any offender who is incarcerated for an offense  
26 committed on or after July 1, 1993, BUT BEFORE OCTOBER 1, 2018, upon  
27 application for parole, the state board of parole, working in conjunction

1 with the department and using the guidelines established pursuant to  
2 section 17-22.5-404, shall determine whether or not to grant parole. The  
3 state board of parole, if it determines that placing an offender on parole  
4 is appropriate, shall set the length of the period of parole at the mandatory  
5 period of parole established in section 18-1.3-401 (1)(a)(V) or  
6 18-1.3-401.5 (2)(a), ~~C.R.S.~~, except as otherwise provided for specified  
7 offenses in section 17-2-201 (5)(a), (5)(a.5), and (5)(a.7).

8 **SECTION 16.** In Colorado Revised Statutes, 17-22.5-404.5,  
9 **amend** (1) introductory portion as follows:

10 **17-22.5-404.5. Presumption of parole - drug offenders.** (1) FOR  
11 AN INMATE WHO IS INCARCERATED FOR AN OFFENSE COMMITTED BEFORE  
12 OCTOBER 1, 2018, there ~~shall be~~ IS a presumption, subject to the final  
13 discretion of the parole board, in favor of granting parole to ~~an~~ THE  
14 inmate ~~who~~ IF THE INMATE has reached his or her parole eligibility date  
15 and ~~who~~ HE OR SHE:

16 **SECTION 17.** In Colorado Revised Statutes, 17-22.5-404.7,  
17 **amend** (1) introductory portion as follows:

18 **17-22.5-404.7. Presumption of parole - nonviolent offenders**  
19 **with ICE detainees.** (1) FOR AN OFFENDER WHO IS INCARCERATED FOR  
20 AN OFFENSE COMMITTED BEFORE OCTOBER 1, 2018, there ~~shall be~~ IS a  
21 presumption, subject to the final discretion of the parole board, in favor  
22 of granting parole to ~~an~~ THE inmate ~~who~~ IF THE INMATE has reached his  
23 or her parole eligibility date and ~~who~~ HE OR SHE:

24 **SECTION 18.** In Colorado Revised Statutes, 17-22.5-405,  
25 **amend** (1) introductory portion, (1.5)(a) introductory portion, (3.5),  
26 (5)(a), and (5)(a.5) as follows:

27 **17-22.5-405. Earned time - earned release time - achievement**

1 **earned time - definition.** (1) FOR AN INMATE SENTENCED FOR AN  
2 OFFENSE COMMITTED BEFORE OCTOBER 1, 2018, earned time, not to  
3 exceed ten days for each month of incarceration or parole, may be  
4 deducted from the inmate's sentence upon a demonstration to the  
5 department by the inmate, which is certified by the inmate's case manager  
6 or community parole officer, that he or she has made consistent progress  
7 in the following categories as required by the department of corrections:

8 (1.5) (a) FOR AN INMATE SENTENCED FOR AN OFFENSE COMMITTED  
9 BEFORE OCTOBER 1, 2018, earned time, not to exceed twelve days for  
10 each month of incarceration or parole, may be deducted from an inmate's  
11 sentence if the inmate:

12 (3.5) FOR AN INMATE SENTENCED FOR AN OFFENSE COMMITTED  
13 BEFORE OCTOBER 1, 2018, in addition to the earned time deducted  
14 pursuant to subsection (1) of this section, ~~an~~ THE inmate ~~working at a~~  
15 ~~disaster site pursuant to section 17-24-124 shall be~~ IS entitled to  
16 additional earned time in the amount of one day of earned time for every  
17 day spent WORKING at a disaster site PURSUANT TO SECTION 17-24-124.

18 (5) (a) Notwithstanding subsections (1), (2), and (3) of this  
19 section, an offender who is sentenced and paroled for a felony offense  
20 other than a nonviolent felony committed on or after July 1, 1993, ~~shall~~  
21 ~~not be~~ BUT BEFORE OCTOBER 1, 2018, IS NOT eligible to receive any  
22 earned time while the offender is on parole. An offender who is sentenced  
23 and paroled for a nonviolent felony offense committed on or after July 1,  
24 1993, ~~shall be~~ IS eligible to receive any earned time while the offender is  
25 on parole.

26 (a.5) Notwithstanding the provisions of ~~paragraph (a) of this~~  
27 ~~subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION, an offender who is

1 sentenced for a felony committed on or after July 1, 1993, BUT BEFORE  
2 OCTOBER 1, 2018, and paroled on or after January 1, 2009, ~~shall be~~ IS  
3 eligible to receive any earned time while on parole or after reparole  
4 following a parole revocation.

5 **SECTION 19.** In Colorado Revised Statutes, 17-22.5-406,  
6 **amend** (1)(a), (1)(e), and (2) introductory portion as follows:

7 **17-22.5-406. Applicability of part.** (1) (a) This part 4 applies to  
8 all offenders sentenced for crimes committed on or after July 1, 1979,  
9 BUT BEFORE OCTOBER 1, 2018; EXCEPT THAT SECTION 17-22.5-403.5  
10 APPLIES TO ANY INMATE APPLYING FOR PAROLE ON OR AFTER JULY 1,  
11 2001, REGARDLESS OF WHEN THE INMATE WAS SENTENCED.

12 (e) If any inmate incarcerated prior to June 7, 1990, BUT BEFORE  
13 OCTOBER 1, 2018, has not accrued any earned time prior to such date, the  
14 provisions of law in effect at the time of such inmate's sentencing ~~shall~~  
15 apply to such inmate in determining such inmate's discharge date.

16 (2) Notwithstanding subsection (1) of this section, ~~no~~ AN offender  
17 incarcerated on June 7, 1990, ~~shall~~ BUT BEFORE OCTOBER 1, 2018, MAY  
18 NOT be released pursuant to the provisions of subsection (1) of this  
19 section unless the department of corrections makes a written certification  
20 that the offender has met the conditions of ~~paragraph (a) of this~~  
21 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION and at least two  
22 additional of the following criteria:

23 **SECTION 20.** In Colorado Revised Statutes, 17-24-124, **amend**  
24 (3) as follows:

25 **17-24-124. Inmate disaster relief program - legislative**  
26 **declaration.** (3) There is ~~hereby~~ established in the division the inmate  
27 disaster relief program, referred to in this section as the "program". The

1 purpose of the program ~~shall be~~ IS to establish one or more inmate  
2 disaster relief crews composed of inmates from minimum restrictive, or  
3 minimum security facilities. An inmate shall receive an additional amount  
4 of earned time pursuant to section 17-22.5-405 OR SECTION 17-22.5-501  
5 in the amount of one day of earned time for every day spent at the site of  
6 a disaster. An inmate disaster relief crew may be utilized by the state or  
7 by local or federal governmental agencies that apply to the division for  
8 assistance.

9 **SECTION 21.** In Colorado Revised Statutes, 18-1.3-1006,  
10 **amend** (1)(a) as follows:

11 **18-1.3-1006. Release from incarceration - parole - conditions.**

12 (1) (a) On completion of the minimum period of incarceration specified  
13 in a sex offender's indeterminate sentence, less any earned time credited  
14 to the sex offender pursuant to section 17-22.5-405 ~~C.R.S.~~, OR  
15 17-22.5-501, the parole board shall schedule a hearing to determine  
16 whether the sex offender may be released on parole. In determining  
17 whether to release the sex offender on parole, the parole board shall  
18 determine whether the sex offender has successfully progressed in  
19 treatment and would not pose an undue threat to the community if  
20 released under appropriate treatment and monitoring requirements and  
21 whether there is a strong and reasonable probability that the person will  
22 not thereafter violate the law. The department shall make  
23 recommendations to the parole board concerning whether the sex  
24 offender should be released on parole and the level of treatment and  
25 monitoring that should be imposed as a condition of parole. The  
26 recommendation shall be based on the criteria established by the  
27 management board pursuant to section 18-1.3-1009.

1           **SECTION 22.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
2 (2)(m) as follows:

3           **24-4.1-302. Definitions.** As used in this part 3, and for no other  
4 purpose, including the expansion of the rights of any defendant:

5           (2) "Critical stages" means the following stages of the criminal  
6 justice process:

7           (m) Any parole application hearing, **and** ANY full parole board  
8 review hearing, AND ANY HEARING TO SET THE CONDITIONS OF PAROLE OR  
9 EARLY DISCHARGE RECOMMENDATION HEARING;

10           **SECTION 23. Effective date - applicability.** This act takes  
11 effect October 1, 2018, and applies to offenses committed on or after said  
12 date.

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