

CHAPTER 261

CORRECTIONS

SENATE BILL 26-036

BY SENATOR(S) Gonzales J. and Weissman, Amabile, Benavidez, Cutter, Exum, Hinrichsen, Jodeh, Kipp, Marchman, Rodriguez, Wallace, Coleman;
also REPRESENTATIVE(S) Bacon and Zokaie, Boesenecker, Brown, Camacho, Carter, Clifford, English, Garcia, Jackson, Lindsay, Mabrey, Nguyen, Phillips, Sirota, Story.

AN ACT

CONCERNING INCREASING OPERATIONAL EFFICIENCY OF EXISTING PRISON POPULATION MANAGEMENT MEASURES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) States across the country have enacted prison population management measures that recognize that overcrowded prison facilities are a threat to the health and safety of staff and inmates;

(b) It is universally recognized that ensuring systematic and operational efficiencies can effectively manage prison populations without compromising public safety;

(c) In 2018, the Colorado general assembly unanimously adopted prison population management measures that trigger specific actions when the department of corrections' prison bed vacancy rate falls below a specified level for 30 consecutive days;

(d) On August 16, 2025, the department of corrections' prison bed vacancy rate fell to a level that triggered the prison population management measures for the first time; and

(e) The implementation of current prison population management measures has not made an impact on prison overcrowding in Colorado. There is limited data

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.

available to assess the reasons for this lack of impact since there is no data reporting required by state law on the implementation of the mandated prison population management measures. However, there is clearly the potential for impact because reliable data indicates that a significant number of inmates are eligible for placement in the community through community corrections boards, and roughly 4,600 inmates are past their parole eligibility date.

(2) Therefore, the general assembly declares that revising Colorado's existing prison population management measures is necessary in order to address operational inefficiencies, obtain necessary data, and increase transparency and accountability, and that the efficient management of prison populations is a matter of ongoing concern for correctional staff and inmates.

SECTION 2. In Colorado Revised Statutes, **amend** 17-1-119.7 as follows:

17-1-119.7. Prison population management measures - definitions.

(1)(a) The department shall track the prison bed vacancy rate in both correctional facilities and state-funded private contract prison beds on a monthly basis. If the PRISON BED vacancy rate falls below ~~three~~ FOUR percent for thirty consecutive days, the department shall, WITHIN FORTY-EIGHT HOURS, notify THE FOLLOWING:

(I) The governor;

(II) The joint budget committee;

(III) THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES;

(IV) The parole board AND EACH RELEASE HEARING OFFICER AND ADMINISTRATIVE HEARING OFFICER UNDER CONTRACT WITH THE PAROLE BOARD;

(V) THE OFFICE OF COMMUNITY CORRECTIONS IN THE DEPARTMENT OF PUBLIC SAFETY;

(VI) EACH COMMUNITY CORRECTIONS BOARD AND COMMUNITY CORRECTIONS PROGRAM, AS THOSE TERMS ARE DEFINED IN SECTION 17-27-102;

(VII) Each elected district attorney;

(VIII) THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101;

(IX) THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN SECTION 21-2-101;

(X) The chief judge of each judicial district; ~~the state public defender, and the office of community corrections in the department of public safety. The department shall notify the governor, the joint budget committee, the parole board, each elected district attorney, the chief judge of each judicial district, the state public defender, and the office of community corrections once the vacancy rate exceeds four percent for thirty consecutive days.~~

(XI) THE CHIEF PROBATION OFFICER IN EACH JUDICIAL DISTRICT;

(XII) THE OFFICE OF THE STATE COURT ADMINISTRATOR; AND

(XIII) EACH COUNTY SHERIFF OF COLORADO.

(b) IF THE MANDATES REQUIRED PURSUANT TO THIS SECTION ARE IN EFFECT AND THE PRISON BED VACANCY RATE IS FOUR PERCENT OR HIGHER FOR THIRTY CONSECUTIVE DAYS, THE DEPARTMENT SHALL NOTIFY EACH PERSON AND ENTITY LISTED IN SUBSECTION (1)(a) OF THIS SECTION THAT THE MANDATES REQUIRED PURSUANT TO THIS SECTION ARE NO LONGER IN EFFECT.

(c) EACH INDIVIDUAL AND ENTITY THAT RECEIVES NOTIFICATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL ACKNOWLEDGE RECEIPT OF THE NOTIFICATION, IN WRITING, AND CONFIRM COMPLIANCE WITH THE NOTIFICATION REQUIREMENTS DESCRIBED IN SUBSECTION (2)(e) OF THIS SECTION.

(d) THE NOTIFICATION TO THE GOVERNOR AND THE PAROLE BOARD MUST BE UPDATED EVERY THIRTY DAYS WHILE THE MANDATES REQUIRED PURSUANT TO THIS SECTION ARE IN EFFECT AND INCLUDE AN ESTIMATE OF THE REDUCTION IN THE INMATE POPULATION NEEDED TO ACHIEVE A PRISON BED VACANCY RATE OF FOUR PERCENT OR HIGHER.

(2) (a) If the PRISON BED vacancy rate in correctional facilities and state-funded private contract prison beds falls below ~~three~~ FOUR percent for thirty consecutive days, the department shall:

(I) (A) Request the office of community corrections to provide the department with information regarding the location and nature of any ~~unused~~ community corrections beds. The office of community corrections shall provide the information TO THE DEPARTMENT within seventy-two hours ~~of~~ AFTER the request and on a weekly basis until the office of community corrections receives notification FROM THE DEPARTMENT that the ~~vacancy rate exceeds three percent~~ MANDATES REQUIRED BY THIS SECTION ARE NO LONGER IN EFFECT.

(B) REQUEST, IN WRITING, THAT EACH COMMUNITY CORRECTIONS PROVIDER REVIEW THE STATUTORY CRITERIA FOR EACH TRANSITION INMATE WHO HAS RESIDED IN THE COMMUNITY CORRECTIONS PROGRAM OPERATED BY THE PROVIDER FOR MORE THAN ONE HUNDRED EIGHTY DAYS AND WHO MEETS THE PROGRAM OBJECTIVES FOR AN INTENSIVE SUPERVISION PROGRAM PURSUANT TO SECTION 17-27.5-101, AND PROVIDE THE DEPARTMENT WITH A LIST OF INTENSIVE SUPERVISION PROGRAM-ELIGIBLE TRANSITION INMATES WITH EMPLOYMENT AND HOUSING OPTIONS. AFTER RECEIVING THE LIST OF TRANSITION INMATES, THE DEPARTMENT SHALL INVESTIGATE AND APPROVE A RESIDENCE PLAN FOR EACH TRANSITION INMATE ON THE LIST AND SUBMIT THE APPROVED RESIDENCE PLAN TO THE RELEVANT COMMUNITY CORRECTIONS BOARD.

(C) REQUEST, IN WRITING, THAT THE OFFICE OF COMMUNITY CORRECTIONS INVESTIGATE EXPANDING THE CAPACITY FOR INMATE TRANSITION BEDS IN COMMUNITY CORRECTIONS PROGRAMS THAT COULD BE PROVIDED ON A TEMPORARY OR LONGER-TERM BASIS, INCLUDING THE POTENTIAL NUMBER OF BEDS. THE OFFICE

OF COMMUNITY CORRECTIONS SHALL PROVIDE THE RESULTS OF THE INVESTIGATION TO THE DEPARTMENT AND THE JOINT BUDGET COMMITTEE.

(D) REQUIRE THAT DEPARTMENT CASE MANAGERS REVIEW THE ELIGIBILITY OF EACH INMATE FOR COMMUNITY CORRECTIONS PROGRAM PLACEMENT AND INITIATE A REFERRAL OF AN INMATE WHO IS ELIGIBLE TO THE RELEVANT COMMUNITY CORRECTIONS BOARD WITHIN SEVEN DAYS AFTER THE ELIGIBILITY DETERMINATION; AND

(E) REQUIRE THAT THE DIVISION OF ADULT PAROLE NOTIFY EACH COMMUNITY PAROLE OFFICER, IN WRITING, OF THE PRISON BED SHORTAGE AND REQUEST THAT PAROLE OFFICERS CONSIDER ALTERNATIVE SANCTIONS FOR TECHNICAL VIOLATIONS OF PAROLE BY A TRANSITION INMATE, IF LAWFULLY AVAILABLE AND CONSISTENT WITH PUBLIC SAFETY.

(II) Request that the parole board review a list of inmates who are within ninety days of their mandatory release date ~~have an approved parole plan~~, and do not require full board review or victim notification pursuant to section 24-4.1-302.5 (1)(j).

(III) ~~Coordinate with the parole board to review the~~ WITHIN FOURTEEN DAYS AFTER PROVIDING THE NOTIFICATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, CREATE A list of inmates who have satisfied conditions for conditional release, ~~verified by the department of corrections, do not require full board review or victim notification pursuant to section 24-4.1-302.5 (1)(j), and have satisfied the condition or conditions required for an order to parole.~~ ~~and~~ THE DEPARTMENT SHALL INFORM THE PAROLE BOARD IF A LISTED INMATE HAS SATISFIED THE CONDITIONS REQUIRED FOR RELEASE. IF A SPECIFIC CONDITION RELATES TO COMPLETING A PROGRAM AND THE CONDITION HAS NOT BEEN SATISFIED, THE PAROLE BOARD SHALL DETERMINE WHETHER THE CONDITION CAN BE SATISFIED AFTER RELEASE AND MANDATED AS A CONDITION OF PAROLE.

(IV)(A) WITHIN FOURTEEN DAYS AFTER PROVIDING THE NOTIFICATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, submit to the parole board a list of eligible inmates ~~with a favorable parole plan~~ who have been assessed to be medium or lower risk on the validated risk assessment scale developed pursuant to section 17-22.5-404 (2), OR WHO HAVE BEEN CLASSIFIED AS MINIMUM OR MINIMUM RESTRICTIVE CUSTODY, AND WHO ARE PAST THEIR PAROLE ELIGIBILITY DATE. THE PAROLE BOARD SHALL CONSIDER THE LIST AS AN INDIVIDUAL APPLICATION FOR PAROLE FOR EACH INMATE ON THE LIST AND REVIEW EACH APPLICATION CONSISTENT WITH SECTION 17-2-201. Except as provided in subsection (2)(a)(IV)(B) of this section, the parole board shall conduct a file review of each inmate on the list and set conditions of release for the inmate within thirty days after receipt of the list and set a day of release no later than thirty days after conducting the file review.

(B) If victim notification is required and a victim wishes to provide input, the parole board shall schedule a hearing in lieu of a file review and set conditions of release for the inmate and a date of release no later than thirty days after conducting the hearing.

(C) If additional information is needed, the parole board may table a decision after the file review or hearing and request additional information from the department. ~~The parole board may grant or deny parole to an applicant, and, if the decision is to deny parole, it must be based on a majority vote of the full board.~~

~~(D) An inmate is not eligible for release pursuant to this section if he or she is serving a sentence for an offense enumerated in section 24-4.1-302 or section 16-22-102 (9) or has had a class I code of penal discipline violation within the previous twelve months from the date of the list or since incarceration, whichever is shorter; has been terminated for lack of progress or declined in writing to participate in programs that have been recommended and made available to the inmate within the previous twelve months or since incarceration, whichever is shorter; has been regressed from community corrections or revoked from parole within the previous one hundred eighty days; or has a pending felony charge, detainer, or an extraditable warrant.~~

~~(E) An inmate is eligible for release pursuant to this subsection (2)(a)(IV) if the inmate is at or past his or her parole eligibility date and is only serving a sentence for a conviction of a level 3 or level 4 drug felony or a class 3, class 4, class 5, or class 6 nonviolent felony offense.~~

(D) IF AN INMATE HAS A PENDING FELONY CHARGE, DETAINER, OR EXTRADITABLE WARRANT, AND IS OTHERWISE ELIGIBLE FOR RELEASE TO PAROLE, THE DEPARTMENT SHALL NOTIFY THE LIAISON FOR THE OFFICE OF STATE PUBLIC DEFENDER, AS DESCRIBED IN SECTION 21-1-104 (6), TO DETERMINE WHETHER THE LEGAL MATTER CAN BE RESOLVED ON A FORTHWITH BASIS.

(V) (A) WITHIN FOURTEEN DAYS AFTER AN OFFENDER IS ADMITTED TO THE CUSTODY OF THE DEPARTMENT AS A NEW COURT COMMITMENT, IF THE OFFENDER IS DETERMINED BY THE DEPARTMENT DURING ADMISSION TO BE PAST OR WITHIN NINETY DAYS OF THE OFFENDER'S PAROLE ELIGIBILITY DATE AND THE OFFENDER IS NOT SERVING A SENTENCE FOR A LEVEL 1 DRUG FELONY OR FOR AN OFFENSE ENUMERATED IN SECTION 24-4.1-302(1) OR 16-22-102(9), NOTIFY THE SENTENCING COURT AND PROVIDE THE COURT WITH INFORMATION ON THE OFFENDER'S PAROLE ELIGIBILITY DATE, MANDATORY RELEASE DATE, AND THE RESULTS OF ANY INTAKE ASSESSMENTS.

(B) IF A SENTENCING COURT RECEIVES NOTICE FROM THE DEPARTMENT PURSUANT TO SUBSECTION (2)(a)(V)(A) OF THIS SECTION, THE COURT SHALL NOTIFY COUNSEL FOR THE DEFENDANT AND THE PROSECUTION AND REQUEST THAT THE DEFENDANT FILE A MOTION FOR RECONSIDERATION, IF THE DEFENDANT CHOOSES TO DO SO, UNLESS THE PRISON SENTENCE IS THE RESULT OF A STIPULATED PLEA AGREEMENT FOR AN EXACT NUMBER OF YEARS IN PRISON. IF THE COURT RECEIVES A MOTION FOR RECONSIDERATION, THE COURT MAY GRANT THE MOTION WITH OR WITHOUT SCHEDULING A HEARING AND MAY IMPOSE AN ALTERNATIVE SENTENCE EXCEPT A SENTENCE TO JAIL. THE COURT SHALL DECIDE THE MATTER WITHIN THIRTY-FIVE DAYS AFTER THE FILING OF THE MOTION.

(b) (I) WHILE THE MEASURES DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION ARE IN EFFECT, THE PAROLE BOARD MAY GRANT OR DENY PAROLE TO AN APPLICANT WHO IS ELIGIBLE FOR PAROLE PURSUANT TO THIS SECTION, AND, IF THE DECISION IS

TO DENY PAROLE, THE DECISION MUST BE BASED ON A MAJORITY VOTE OF THE FULL PAROLE BOARD.

(II) A PAROLE APPLICATION HEARING OR RECONSIDERATION OF SENTENCING HEARING HELD PURSUANT TO THIS SECTION MUST COMPLY WITH THE APPLICABLE PROVISIONS SET FORTH IN SECTIONS 24-4.1-302.5 AND 24-4.1-303.

(III) AN INMATE IS NOT ELIGIBLE FOR CONSIDERATION OF RELEASE PURSUANT TO THIS SECTION IF THE INMATE IS SERVING A SENTENCE FOR A LEVEL 1 DRUG FELONY OR FOR AN OFFENSE ENUMERATED IN SECTION 24-4.1-302 (1) OR 16-22-102 (9) OR HAS BEEN FOUND GUILTY OF A CLASS I CODE OF PENAL DISCIPLINE VIOLATION WITHIN THE PREVIOUS TWELVE MONTHS OR SINCE INCARCERATION, WHICHEVER IS SHORTER.

(IV) ACTIONS TAKEN REGARDING PLACEMENT, TRANSFER, OR OTHER MOVEMENT OF AN INMATE PURSUANT TO THIS SECTION MUST COMPLY WITH THE APPLICABLE PROVISIONS SET FORTH IN SECTIONS 24-4.1-302.5 AND 24-4.1-303.

(V) THE DEPARTMENT MAY REFER AN INMATE RELEASED PURSUANT TO THIS SECTION WHO MAY BENEFIT FROM COMMUNITY-BASED SUPPORT SERVICES TO A COMMUNITY-BASED REENTRY PROGRAM THAT RECEIVES FUNDING FROM THE REENTRY SERVICES GRANT PROGRAM DESCRIBED IN SECTION 17-33-101 (7) OR OTHER COMMUNITY-BASED PROGRAMS THAT THE DEPARTMENT CONTRACTS WITH FOR REENTRY SERVICES TO PROMOTE THE INMATE'S SUCCESSFUL REINTEGRATION.

(b) (c) The department may utilize any, all, or a combination of the measures described in subsection (2)(a) of this section when the PRISON BED vacancy rate falls below ~~two~~ four percent for thirty consecutive days and until the vacancy rate is above ~~three~~ four percent for thirty consecutive days.

(d) (I) IF THE MEASURES DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION DO NOT RESULT IN ACHIEVING A PRISON BED VACANCY RATE ABOVE FOUR PERCENT WITHIN ONE HUNDRED TWENTY DAYS AFTER THE NOTIFICATIONS PROVIDED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL, WITHIN THIRTY DAYS AFTER THE DETERMINATION THAT THE MEASURES DO NOT RESULT IN ACHIEVING THE SPECIFIC RATES, SUBMIT TO THE PAROLE BOARD AND THE GOVERNOR A LIST OF INMATES WHO ARE SERVING A SENTENCE IN THE DEPARTMENT AND WHO ARE ELIGIBLE FOR PAROLE, NOTWITHSTANDING ANY OTHER PROVISION OF LAW; RECOMMENDS FOR TRANSFER TO COMMUNITY CORRECTIONS FOR RESIDENTIAL OR NONRESIDENTIAL PLACEMENT; OR RECOMMENDS FOR ANY OTHER FORM OF RELEASE, INCLUDING, BUT NOT LIMITED TO, COMMUTATION OF THE INMATE'S SENTENCE BY THE GOVERNOR.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON RECEIPT OF THE LIST PROVIDED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2)(d)(I) OF THIS SECTION:

(A) THE PAROLE BOARD MAY RELEASE AN INMATE WHO IS NOT SERVING A SENTENCE FOR A LEVEL 1 DRUG FELONY OR FOR AN OFFENSE ENUMERATED IN SECTION 24-4.1-302 (1) OR 16-22-102 (9) NINETY DAYS IN ADVANCE OF THE INMATE'S CURRENT PAROLE ELIGIBILITY DATE;

(B) THE DEPARTMENT MAY REFER THE INMATE FOR PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM; AND

(C) THE GOVERNOR MAY CONSIDER AND GRANT COMMUTATION OF THE INMATE'S SENTENCE.

(e) IF THE PRISON BED VACANCY RATE FALLS BELOW FOUR PERCENT FOR THIRTY CONSECUTIVE DAYS AND A NOTIFICATION IS MADE PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND RECEIVED BY:

(I) AN ELECTED DISTRICT ATTORNEY, THE ELECTED DISTRICT ATTORNEY SHALL NOTIFY EACH DEPUTY DISTRICT ATTORNEY ASSIGNED TO FELONY CASES AND EACH DEPUTY DISTRICT ATTORNEY SERVING ON THE LOCAL COMMUNITY CORRECTIONS BOARD OF THE PRISON BED SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE IN EFFECT;

(II) THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE SHALL NOTIFY EACH ATTORNEY ASSIGNED TO REPRESENT AN INDIVIDUAL CHARGED WITH A FELONY OFFENSE AND EACH ATTORNEY SERVING ON THE LOCAL COMMUNITY CORRECTIONS BOARD OF THE CURRENT PRISON BED SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE IN EFFECT, AND REQUEST THAT EACH ATTORNEY UTILIZE AVAILABLE RESOURCES TO INVESTIGATE AND ADVOCATE FOR AN ALTERNATIVE TO A PRISON SENTENCE, IF LAWFULLY AVAILABLE, FOR CASES PENDING SENTENCING OR RESENTENCING;

(III) THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE OFFICE SHALL NOTIFY EACH ATTORNEY ASSIGNED TO REPRESENT AN INDIVIDUAL CHARGED WITH A FELONY OFFENSE OF THE CURRENT PRISON BED SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE IN EFFECT, AND REQUEST THAT EACH ATTORNEY UTILIZE AVAILABLE RESOURCES TO INVESTIGATE AND ADVOCATE FOR AN ALTERNATIVE TO A PRISON SENTENCE, IF LAWFULLY AVAILABLE, FOR CASES PENDING SENTENCING OR RESENTENCING;

(IV) A CHIEF JUDGE OF A JUDICIAL DISTRICT, THE CHIEF JUDGE SHALL NOTIFY EACH DISTRICT COURT JUDGE IN THE JUDICIAL DISTRICT WHO IS ASSIGNED TO FELONY CASES OF THE CURRENT PRISON BED SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE IN EFFECT; OR

(V) A CHIEF PROBATION OFFICER FOR A JUDICIAL DISTRICT, THE CHIEF PROBATION OFFICER SHALL NOTIFY EACH PROBATION OFFICER WHO SUPERVISES INDIVIDUALS ON FELONY PROBATION OF THE CURRENT PRISON BED SHORTAGE AND THAT PRISON POPULATION MANAGEMENT MEASURES ARE IN EFFECT.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LOCAL JAIL BACKLOG" MEANS THE INMATES UNDER THE JURISDICTION OF THE DEPARTMENT WHO ARE BEING HOUSED IN A LOCAL JAIL ON BEHALF OF THE DEPARTMENT.

(b) "OPERATIONAL CAPACITY" MEANS THE NUMBER OF PERMANENT BEDS AT A PRISON, EXCLUDING NONCAPACITY BEDS SUCH AS INFIRMARY BEDS AND RESTRICTIVE

HOUSING AND TRANSPORT BEDS, UNLESS OTHERWISE SPECIFIED DUE TO EMERGENCY NEEDS.

(c) (I) "PRISON BED VACANCY RATE" MEANS THE PERCENTAGE OF OPERATIONAL CAPACITY FOR PRISON BEDS THAT IS CURRENTLY UNUSED. FOR THE PURPOSES OF CALCULATING THE PRISON BED VACANCY RATE, THE DEPARTMENT SHALL INCLUDE INMATES UNDER THE JURISDICTION OF THE DEPARTMENT WHO ARE HOUSED IN A LOCAL JAIL AND THOSE DESIGNATED AS LOCAL JAIL BACKLOG.

(II) NOTWITHSTANDING SUBSECTION (3)(c)(I) OF THIS SECTION, THE FIRST FOUR HUNDRED INMATES UNDER THE JURISDICTION OF THE DEPARTMENT WHO ARE HOUSED IN A LOCAL JAIL PURSUANT TO A LOCAL JAIL CONTRACT MUST NOT BE INCLUDED IN THE PRISON BED VACANCY RATE CALCULATION.

SECTION 3. In Colorado Revised Statutes, 17-1-103, **add** (1)(s) as follows:

17-1-103. Duties of the executive director.

(1) The duties of the executive director are:

(s) TO DEVELOP A COMPREHENSIVE AND ONGOING PRISON POPULATION MANAGEMENT PLAN TO ENSURE THE SAFETY OF STAFF AND INMATES AND TO ENSURE THAT THE DEPARTMENT COMPLIES WITH ALL PRISON POPULATION MANAGEMENT MANDATES REQUIRED BY LAW, INCLUDING IMPLEMENTING THE PRISON POPULATION MANAGEMENT MEASURES SET FORTH IN SECTION 17-1-119.7, WHEN NECESSARY.

SECTION 4. In Colorado Revised Statutes, 17-1-103.3, **amend** (1)(a)(I); and **add** (1)(a)(III) and (1)(a)(IV) as follows:

17-1-103.3. Reports for budgeting - definition.

(1) (a) No later than the fifth day of each month, the executive director shall report the department's previous month's:

(I) Bed capacity and average daily inmate population by prison facility, security level, and custody classification; ~~and~~

(III) CURRENT POPULATION IN THE LOCAL JAIL BACKLOG, AS DEFINED IN SECTION 17-1-119.7 (3), BY COUNTY; AND

(IV) COMPLIANCE WITH THE PRISON POPULATION MANAGEMENT MEASURES DESCRIBED IN SECTION 17-1-119.7 IF THE MEASURES ARE IN EFFECT DURING THE PREVIOUS MONTH, INCLUDING EACH NOTICE SENT BY THE DEPARTMENT, ACTIONS TAKEN BY THE DEPARTMENT TO COMPLY WITH THE REQUIRED MEASURES, AND THE DOCUMENTED IMPACT OF IMPLEMENTING THE REQUIRED MEASURES.

SECTION 5. In Colorado Revised Statutes, 17-2-201, **add** (3)(i) as follows:

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

(3) The chairperson, in addition to other provisions of law, has the following powers and duties:

(i) TO ENSURE THAT THE PAROLE BOARD COMPLIES WITH ALL PRISON POPULATION MANAGEMENT MANDATES REQUIRED BY LAW, INCLUDING IMPLEMENTING, WHEN NECESSARY, THE PRISON POPULATION MANAGEMENT MEASURES SET FORTH IN SECTION 17-1-119.7.

SECTION 6. In Colorado Revised Statutes, 17-27.5-101, **amend** (1)(b) introductory portion and (1)(b)(II) as follows:

17-27.5-101. Authority to establish intensive supervision programs for parolees and community corrections offenders.

(1) (b) The department ~~shall also be~~ is authorized to refer for placement to an intensive supervision program operated under the jurisdiction of units of local government under contract with and approved by the department:

(II) Any offender who has met program objectives of a residential community corrections program. ~~and who has not more than one hundred eighty days remaining until such offender's parole eligibility date.~~

SECTION 7. Appropriation. (1) For the 2026-27 state fiscal year, \$303,812 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) \$142,591 for use by community services for the wrap-around services program;

(b) \$140,511 for use by community services for personal services related to the parole subprogram, which amount is based on an assumption that the subprogram will require an additional 2.0 FTE;

(c) \$16,560 for use by community services for operating expenses related to the parole subprogram; and

(d) \$4,150 for use by support services for operating expenses related to the training subprogram.

SECTION 8. Appropriation - adjustments to 2026 long bill. To implement this act, the general fund appropriation made in the annual general appropriation act for the 2026-27 state fiscal year to the department of corrections for use by management for payments to local jails at a rate of \$77.16 per inmate per day is decreased by \$478,778.

SECTION 9. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace,

health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 1, 2026