

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB23-164 be amended as follows:

1 Amend printed bill, page 2, line 3, before "as" insert "and (4)(m)".

2 Page 2, after line 10 insert:

3 "(m) **Release guideline instrument for sex offenders with**
4 **determinate sentences.** (I) ON OR BEFORE DECEMBER 1, 2023, AND AS
5 INDICATED THEREAFTER, THE BOARD, IN COLLABORATION WITH THE STATE
6 BOARD OF PAROLE, SHALL REVISE THE SPECIFIC SEX OFFENDER RELEASE
7 GUIDELINE INSTRUMENT, AS REQUIRED BY SECTION 17-22.5-404 (4)(c)(II),
8 FOR USE BY THE STATE BOARD OF PAROLE FOR THOSE INMATES CLASSIFIED
9 AS SEX OFFENDERS WITH DETERMINATE SENTENCES. THE REVISED
10 RELEASE GUIDELINE INSTRUMENT MUST INCORPORATE THE CONCEPTS OF
11 RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED CORRECTIONAL
12 MODEL AND MUST BE AS FLEXIBLE AS POSSIBLE TO ENSURE THAT THE
13 PROGRAMS NECESSARY CAN BE TIMELY ACCESSED BY THE ADULT SEX
14 OFFENDER TO PREVENT THE OFFENDER FROM HARMING VICTIMS OR
15 POTENTIAL VICTIMS. THE REVISED RELEASE GUIDELINE INSTRUMENT MUST
16 CONSIDER THE INTERSECTION OF THE GUIDELINE INSTRUMENT WITH THE
17 FACTORS OUTLINED IN SECTION 17-22.5-404 (4)(a); HOWEVER, THE
18 RELEASE GUIDELINE INSTRUMENT MUST NOT INCLUDE THE OFFENDER'S
19 INABILITY TO ACCESS TREATMENT DURING INCARCERATION, WHEN
20 DETERMINED TO BE ELIGIBLE FOR TREATMENT WITHIN THE DEPARTMENT
21 OF CORRECTIONS, AS A BASIS FOR DENIAL OF PAROLE.

22 (II) IN DEVELOPING THE REVISED RELEASE GUIDELINE
23 INSTRUMENT, THE BOARD SHALL CONSIDER CURRENT RESEARCH,
24 INFORMATION, AND DATA REGARDING:

25 (A) FACTORS CONSISTENT WITH THE OFFENDER'S INDIVIDUAL
26 STATIC AND DYNAMIC RISK AND WHETHER PARTICIPATION IN TREATMENT
27 WHILE INCARCERATED WILL SIGNIFICANTLY REDUCE THE RISK PRIOR TO
28 RELEASE;

29 (B) THE MOST EFFECTIVE USE OF LIMITED TREATMENT RESOURCES
30 WITHIN THE DEPARTMENT OF CORRECTIONS;

31 (C) THE AVAILABILITY OR LACK OF AVAILABILITY OF TREATMENT
32 DURING INCARCERATION FOR OFFENDERS WITH DETERMINATE SENTENCES
33 WHO MIGHT OTHERWISE BE ELIGIBLE FOR RELEASE PURSUANT TO SECTION
34 17-22.5-404 (4)(a); AND

35 (D) THE EFFICACY OF TREATMENT AS A CONDITION OF COMMUNITY
36 SUPERVISION ON PAROLE.

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