

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB23-164 be amended as follows:

1 Amend printed bill, page 2, line 15, strike "(2)" and substitute "(2); and  
2 **add** (1.5) and (1.6)".

3 Page 3, strike line 1 and substitute "**upon evaluation and identification**  
4 **required - subcommittee created.** (1.5) (a) THE DEPARTMENT OF  
5 CORRECTIONS SHALL IDENTIFY ALL INMATES WHO ARE CLASSIFIED TO  
6 UNDERGO TREATMENT, ARE ELIGIBLE TO RECEIVE TREATMENT PURSUANT  
7 TO THE DEPARTMENT OF CORRECTIONS' POLICY, AND HAVE NOT BEEN  
8 PROVIDED WITH THE OPPORTUNITY TO UNDERGO TREATMENT WHILE  
9 INCARCERATED. FOR EACH INMATE, THE DEPARTMENT OF CORRECTIONS  
10 SHALL PROVIDE THE FOLLOWING DATA TO THE BOARD ON OR BEFORE JULY  
11 31, 2023:

12 (I) THE INMATE'S DEPARTMENT OF CORRECTIONS IDENTIFICATION  
13 NUMBER;

14 (II) THE DATE OF THE INMATE'S SENTENCE, THE CRIME OF  
15 CONVICTION, AND LENGTH OF THE SENTENCE, INCLUDING LENGTH OF  
16 PAROLE;

17 (III) WHETHER THE SENTENCE TO THE DEPARTMENT OF  
18 CORRECTIONS WAS A RESULT OF A PROBATION OR COMMUNITY PAROLE  
19 REVOCATION;

20 (IV) THE DATE THE INMATE WAS PLACED ON THE GLOBAL  
21 REFERRAL LIST AS ESTABLISHED BY THE DEPARTMENT OF CORRECTIONS;

22 (V) THE ACTUAL OR PROJECTED PAROLE ELIGIBILITY DATE AND  
23 MANDATORY RELEASE DATE, AS OF JULY 31, 2023, AS WELL AS A RECORD  
24 OF THE INMATE'S TREATMENT OR WHETHER THE INMATE HAS BEEN PLACED  
25 IN THE MAINTENANCE PHASE; AND

26 (VI) THE DEPARTMENT OF CORRECTIONS S5 QUALIFIER CODE FOR  
27 THE INMATE, IF ANY.

28 (b) THE DEPARTMENT OF CORRECTIONS SHALL FURTHER IDENTIFY,  
29 IN WRITING:

30 (I) IN THE AGGREGATE, STATIC 99 SCORES OF THE INMATES  
31 DESCRIBED IN THIS SECTION, IF AVAILABLE, SEPARATELY IDENTIFYING  
32 THOSE SERVING INDETERMINATE AND DETERMINATE SENTENCES;

33 (II) THE TOTAL TREATMENT CAPACITY IN THE DEPARTMENT OF  
34 CORRECTIONS AND, FOR EACH FACILITY PROVIDING SEX OFFENDER  
35 TREATMENT AND MONITORING PROGRAM TREATMENT SERVICES, THE  
36 TREATMENT PROGRAM CAPACITY AND THE PHASES OF TREATMENT  
37 OFFERED;

38 (III) THE NAMES OF ALL BOARD-APPROVED PROVIDERS EMPLOYED  
39 BY OR CONTRACTING WITH THE DEPARTMENT OF CORRECTIONS, THE

1 AMOUNT OF TIME EACH PROVIDER OR CONTRACTOR HAS BEEN WORKING  
2 WITH THE DEPARTMENT OF CORRECTIONS, AND AT WHICH LOCATION EACH  
3 PROVIDER OR CONTRACTOR IS PROVIDING SERVICES EACH MONTH;  
4 (IV) THE FREQUENCY OF SEX OFFENDER TREATMENT AND  
5 MONITORING PROGRAM TREATMENT GROUPS AND THE FREQUENCY OF  
6 CANCELLATION OF SUCH GROUPS IN ALL FACILITIES;  
7 (V) THE NUMBER OF OPEN POSITIONS FOR ANY SEX OFFENDER  
8 TREATMENT AND MONITORING PROGRAM PROVIDERS, INCLUDING GROUP  
9 THERAPY POSITIONS, POLYGRAPH PROVIDERS, OR ANY OTHER POSITIONS  
10 NECESSARY TO OPERATE THE PROGRAM; AND  
11 (VI) ANY AND ALL EFFORTS MADE BY THE DEPARTMENT OF  
12 CORRECTIONS IN THE PAST FIVE YEARS TO INCREASE THE CAPACITY OF THE  
13 SEX OFFENDER TREATMENT AND MONITORING PROGRAM, FILL AND  
14 MAINTAIN THE ALLOCATED FULL-TIME OR CONTRACT POSITIONS, AND ANY  
15 DATA AVAILABLE TO ADDRESS ANY HIRING CHALLENGES IDENTIFIED BY  
16 THE DEPARTMENT.  
17 (c) THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE THIS DATA  
18 TO THE BOARD PRIOR TO JULY 31, 2023. THE BOARD SHALL FORM A  
19 SUBCOMMITTEE WITH REPRESENTATIVES FROM THE BOARD, SEX OFFENDER  
20 TREATMENT PROVIDERS, THE DEPARTMENT OF CORRECTIONS, THE DIVISION  
21 OF ADULT PAROLE IN THE DEPARTMENT OF CORRECTIONS, AND THE STATE  
22 PAROLE BOARD CREATED PURSUANT TO SECTION 17-2-201. THE PURPOSE  
23 OF THE SUBCOMMITTEE IS TO DEVELOP SOLUTIONS TO ADDRESS  
24 TREATMENT RESOURCES FOR SEX OFFENDERS WHO ARE INCARCERATED OR  
25 IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS, INCLUDING A  
26 LEGAL AND EVIDENCE-BASED ANALYSIS OF INMATES WHO ARE REQUIRED  
27 TO PROGRESS IN TREATMENT IN THE DEPARTMENT OF CORRECTIONS PRIOR  
28 TO ANY RELEASE PURSUANT TO SECTION 18-1.3-1006 AND THOSE WHO ARE  
29 CLASSIFIED BY THE DEPARTMENT OF CORRECTIONS AS AN INMATE WHO IS  
30 REQUIRED TO PARTICIPATE IN TREATMENT. THE SUBCOMMITTEE SHALL:  
31 (I) ANALYZE THE DATA PROVIDED BY THE DEPARTMENT OF  
32 CORRECTIONS AND PREPARE A COMPREHENSIVE REPORT ON THE CURRENT  
33 PRISON POPULATION TO IDENTIFY INMATES WHO ARE ELIGIBLE TO RECEIVE  
34 TREATMENT, WITH SPECIAL PRIORITY TOWARDS INMATES WHO ARE PAST  
35 PAROLE ELIGIBILITY DATE, HAVE NOT BEEN PROVIDED A TREATMENT  
36 OPPORTUNITY, AND REQUIRE TREATMENT TO MEET COMMUNITY  
37 CORRECTIONS OR PAROLE ELIGIBILITY REQUIREMENTS PURSUANT TO  
38 SECTION 18-1.3-301 (1)(f), 18-1.3-1006, AND 17-22.5-404 (4)(c)(II);  
39 (II) IDENTIFY ALL BARRIERS THE DEPARTMENT OF CORRECTIONS  
40 FACES IN PROVIDING TIMELY ACCESS TO TREATMENT TO INMATES WHO  
41 REQUIRE TREATMENT TO MEET PAROLE ELIGIBILITY REQUIREMENTS  
42 PURSUANT TO SECTION 18-1.3-1006 AND MAKE RECOMMENDATIONS FOR  
43 WORKABLE SOLUTIONS TO INCREASE TREATMENT ACCESS IN THE

1 DEPARTMENT OF CORRECTIONS, INCLUDING EVIDENCE-BASED, VALIDATED  
2 PROJECTIONS DEVELOPED IN CONJUNCTION WITH THE DIVISION OF  
3 CRIMINAL JUSTICE EXPERTS IN PRISON POPULATION PROJECTIONS, FOR THE  
4 DECREASE IN BACKLOG THAT WOULD OCCUR WITH THE IMPLEMENTATION  
5 OF ANY SOLUTIONS;  
6 (III) DETERMINE WHICH, IF ANY, STANDARDS ARE BARRIERS TO  
7 PROVIDING TIMELY ACCESS TO TREATMENT AND MAKE  
8 RECOMMENDATIONS CONCERNING CHANGES OR EXCEPTIONS TO THE  
9 STANDARDS FOR SEX OFFENDERS INCARCERATED IN THE DEPARTMENT OF  
10 CORRECTIONS;  
11 (IV) REVIEW AND CONSIDER REVISIONS TO THE DEPARTMENT OF  
12 CORRECTIONS POLICIES AND ADMINISTRATIVE REGULATIONS TO PREVENT  
13 UNNECESSARY BACKLOG IN MAKING TREATMENT ACCESSIBLE TO INMATES  
14 WHO REQUIRE TREATMENT TO MEET PAROLE ELIGIBILITY REQUIREMENTS;  
15 (V) REVIEW THE CRITERIA ESTABLISHED PURSUANT TO SECTION  
16 18-1.3-1009 AND MAKE REVISIONS TO POLICIES OF THE DEPARTMENT OF  
17 CORRECTIONS AND ADMINISTRATIVE REGULATIONS TO PREVENT  
18 UNNECESSARY BACKLOG IN MAKING TREATMENT ACCESSIBLE TO INMATES  
19 WHO REQUIRE TREATMENT TO MEET PAROLE ELIGIBILITY REQUIREMENTS  
20 PURSUANT TO SECTION 18-1.3-1006;  
21 (VI) REVIEW PAROLE GUIDELINES FOR THOSE INMATES CLASSIFIED  
22 AS SEX OFFENDERS WITH DETERMINATE SENTENCES ESTABLISHED  
23 PURSUANT TO SECTION 17-22.5-404 AND MAKE REVISIONS AS NECESSARY  
24 TO PREVENT UNNECESSARY BACKLOG IN MAKING TREATMENT ACCESSIBLE  
25 TO INMATES WHO REQUIRE TREATMENT TO MEET PAROLE ELIGIBILITY  
26 REQUIREMENTS;  
27 (VII) DETERMINE WHETHER ADDITIONAL TREATMENT PROVIDERS  
28 WILL CONTRACT WITH THE DEPARTMENT OF CORRECTIONS TO PROVIDE  
29 EVALUATION OR TREATMENT SERVICES TO INCARCERATED INDIVIDUALS  
30 AND MAKE WORKABLE RECOMMENDATIONS CONCERNING HOW TO  
31 IMMEDIATELY INCREASE INMATE ACCESS TO THOSE APPROVED PROVIDERS;  
32 (VIII) DETERMINE WHETHER NECESSARY INCREASED FUNDING OR  
33 ANY OTHER RESOURCES COULD MAKE ACCESS TO TELEHEALTH TREATMENT  
34 VIABLE FOR INMATES AND THE AMOUNT OF INCREASED FUNDING OR  
35 RESOURCES NECESSARY TO ACCOMPLISH THIS GOAL; AND  
36 (IX) IN CONSIDERATION OF ANY EXISTING TREATMENT BACKLOG  
37 AND OF FINITE TREATMENT RESOURCES, MAKE RECOMMENDATIONS FOR  
38 PROCURING OR MAKING AVAILABLE SUFFICIENT TREATMENT RESOURCES  
39 WITHOUT NEGATIVELY IMPACTING PUBLIC SAFETY AND PROTECTION OF  
40 VICTIMS.  
41 (2) For offenders who".

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