

Initiative 2021-2022 #90: Concerning Eligibility for Parole

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Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 17-22.5-303.3, **amend** (1) and (2), and **add** (1.5) and (2.5) as follows:

17-22.5-303.3. Violent offenders – parole.

(1) Any person sentenced for second degree murder, first degree assault, first degree kidnapping, unless the first degree kidnapping is a class 1 felony, first or second degree sexual assault, first degree arson, first degree burglary, or aggravated robbery, committed on or after July 1, 1987, BUT BEFORE JANUARY 1, 2023, who has previously been convicted of a crime of violence, shall be eligible for parole after he has served seventy-five percent of the sentence imposed less any time authorized for earned time pursuant to section 17-22.5-302. Thereafter, the provisions of section 17-22.5-303 (6) and (7) shall apply.

(1.5) ANY PERSON CONVICTED AND SENTENCED FOR SECOND DEGREE MURDER; FIRST DEGREE ASSAULT; FIRST DEGREE KIDNAPPING, UNLESS THE FIRST DEGREE KIDNAPPING IS A CLASS 1 FELONY; SEX ASSAULT UNDER SECTION 18-3-402; SEX ASSAULT ON A CHILD; SEX ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST; FIRST DEGREE ARSON; FIRST DEGREE BURGLARY; OR AGGRAVATED ROBBERY, COMMITTED ON OR AFTER JANUARY 1, 2023, SHALL BE ELIGIBLE FOR PAROLE AFTER SUCH PERSON HAS SERVED EIGHTY-FIVE PERCENT OF THE SENTENCE IMPOSED UPON SUCH PERSON. THEREAFTER, THE PROVISIONS OF SECTION 17-22.5-303 (6) AND (7) SHALL APPLY.

(2) Any person sentenced BEFORE JANUARY 1, 2023, for any crime enumerated in subsection (1) of this section, who has twice previously been convicted for a crime of violence, shall be eligible for parole after he has served the sentence imposed less any time authorized for earned time pursuant to section 17-22.5-302. Thereafter, the provisions of section 17-22.5-303 (6) and (7) shall apply.

(2.5) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS TITLE 17, ANY PERSON SENTENCED ON OR AFTER JANUARY 1, 2023, FOR ANY CRIME ENUMERATED IN SUBSECTION (1.5) OF THIS SECTION, WHO HAS TWICE PREVIOUSLY BEEN CONVICTED FOR A CRIME OF VIOLENCE, SHALL BE ELIGIBLE FOR PAROLE AFTER HE HAS SERVED THE FULL SENTENCE IMPOSED. THEREAFTER, THE PROVISIONS OF SECTION 17-22.5-303 (6) AND (7) SHALL APPLY.

SECTION 2. Effective Date.

This act takes effect on the date of the proclamation of the Governor announcing the approval, by the registered electors of the state, of the proposed initiative.