



OCTOBER 2025

THE REFORM PARADOX: HOW REDUCED INCARCERATION HAS COINCIDED WITH RISING CRIME

AUTHORS: PAUL PAZEN, DJ SUMMERS & EMMA ROBERTS

ABOUT THE AUTHORS



Paul Pazen - Public Safety Fellow

Paul M. Pazen is the CSI Public Safety fellow and the former chief of police in Denver. He rose through the ranks of the department until his appointment in 2018 as chief. During his tenure as chief, Pazen led the creation and expansion of innovative solutions to address complex public safety issues. He graduated magna cum laude from Colorado State University-Global Campus with a Bachelor of Science in organizational leadership, holds a Master of Arts in homeland security and defense from the Naval Postgraduate School, and is a graduate of the Federal Bureau of Investigation National Executive Institute, the Federal Bureau of Investigation National Academy, and the Senior Management Institute for Police through the Police Executive Research Forum. Pazen served in the U.S. Marine Corps and is a veteran of the Gulf War.



DJ Summers - Director of Communications and Research Operations

DJ Summers is Common Sense Institute's Director of Communications & Research Operations. He oversees CSI fellows and research staff, coordinates with partners, iterates and analyzes projects, and breaks down findings for the public, legislators, and commercial leaders. Prior to CSI, DJ attended the University of Utah and Syracuse University. He worked as a journalist, investigator, and political researcher across the U.S. from Washington, D.C. to Alaska.

Emma Roberts - Common Sense Institute Intern

Emma is a research intern with the Common Sense Institute. She is currently studying public relations and political science at the University of Tennessee in Knoxville.

ABOUT COMMON SENSE INSTITUTE

Common Sense Institute is a non-partisan research organization dedicated to the protection and promotion of Colorado's economy. CSI is at the forefront of important discussions concerning the future of free enterprise and aims to have an impact on the issues that matter most to Coloradans. CSI's mission is to examine the fiscal impacts of policies, initiatives, and proposed laws so Coloradans are educated and informed on issues impacting their lives. CSI employs rigorous research techniques and dynamic modeling to evaluate the potential impact of these measures on the economy and individual opportunity.

TEAMS & FELLOWS STATEMENT

CSI is committed to independent, in-depth research that examines the impacts of policies, initiatives, and proposed laws so that Coloradans are educated and informed on issues impacting their lives. CSI's commitment to institutional independence is rooted in the individual independence of our researchers, economists, and fellows. At the core of CSI's mission is a belief in the power of the free enterprise system. Our work explores ideas that protect and promote jobs and the economy, and the CSI team and fellows take part in this pursuit of academic freedom. Our team's work is informed by data-driven research and evidence. The views and opinions of fellows do not reflect the institutional views of CSI. CSI operates independently of any political party and does not take positions.

TABLE OF CONTENTS

About the Authors1

About Common Sense Institute..... 2

Teams and Fellows Statement 2

Introduction4

Key Findings 5

Colorado Reincarceration Rates 6

The Relationship Between Arrests, Inmates, and Crime 9

Incarceration of Violent Offenders vs. Drug Offenders 12

Costs of Incarceration 14

Recent Legislative Actions..... 15

Recommendations 16

Bottom Line.....17

Appendix A – Legislation Impacting Colorado Department of Corrections 18

INTRODUCTION

Over the past two decades, Colorado has pursued a steady course of criminal justice reform aimed at reducing the footprint of the state's correctional system. Lawmakers have prioritized leniency: lower sentences for drug offenses, expanded parole and probation opportunities, and restrictions on law enforcement discretion (see Appendix for a full list of criminal justice reform bills).

These measures were intended to correct excesses of the past and emphasize rehabilitation over retribution. This is a noble goal, in keeping with Colorado's dedication towards justice in all aspects.

Yet, in the wake of Colorado's sharp rise in violent and property crime during the early 2020s, it is increasingly clear that reform has swung too far in one direction.

A functional criminal justice system must serve two ends: justice for offenders and justice for victims. Mercy and proportionality for offenders are both essential, but so too is the public's safety of person and property. When policy places disproportionate weight on the treatment of offenders, the balance of justice falters, and the law-abiding public bears the cost not just to their own property and bodies but to their state's economic wellbeing.

In the case of recidivism, the state has focused on lowering rates for over a decade as part of a wider effort to lower the incarcerated population. Colorado's own data reveal a troubling pattern. Declining arrest and incarceration rates have coincided with an unmistakable rise in violent crime. The data suggests recidivism has fallen not because rehabilitation has triumphed, but because fewer offenders are being arrested or returned to custody in the first place.

The state's challenge is no longer to reduce its correctional footprint—it is to restore accountability and deterrence without abandoning compassion. Colorado must find a middle ground between punitive excess and permissive neglect. Justice cannot be one-sided. The right of Coloradans to live safely and peaceably must once again take precedence in shaping the future of criminal justice policy.

A functional criminal justice system must serve two ends: justice for offenders and justice for victims.

KEY FINDINGS

- Colorado's recidivism rate fell by 40% between 2008 and 2019, the third highest decline in the nation.
 - From 2008 to 2023, three-year, two-year, and one-year recidivism rates have declined by 41%, 42%, and 55%, respectively.
- Nearly one in three (31%) inmates released by the Colorado Department of Corrections return within three years.
 - This rate is a decrease from 2008 when more than half of released inmates (51.8%) returned within three years of being released.
- The total number of inmates in Colorado prisons and jails decreased 12% between the beginning of 2016 and the end of 2024.
 - From 2008 to 2023, arrest rates have dropped by 48%, outpacing declines in both three-year and two-year recidivism.
- Colorado's arrest rate has nearly halved in the last 15 years. From 2008 to 2023, arrest rates plummeted from 452.36 per 100,000 citizens to 237.1, a drop of 47.6%.
- Both arrest rates and incarceration rates are strongly correlated with violent crime and property crime rates.
 - Violent crime and arrest rates are heavily correlated, with a coefficient of -0.83.
 - Violent crime rates and correctional population have an equally strong correlation coefficient of -0.82.
- Arrest count has declined by nearly 30% from 2014 to 2024 while the violent crime rate has increased by more than 55%.
- From December 2019 to December 2021, the Colorado incarcerated population fell by more than 20% while the violent crime rate rose by nearly 25%. Since then, its incarcerated population has remained below pre-pandemic levels.
- On average, there are 2,500 fewer inmates now than 2010s average levels.
- From 2017 to 2021, drug-related felonies accounted for no more than 6% of all felony incarcerations.

COLORADO REINCARCERATION RATES

Over the last decade, Colorado has significantly changed its approach to defining recidivism, moving away from fragmented agency-specific definitions toward creating a single, statewide standard. This shift was formalized by legislation, SB 24-030, approved in 2024 that established a working group to develop a new, standardized definition for all state criminal and juvenile justice entities.

The new definition of recidivism, which came into effect on July 1, 2025, is a "new deferred agreement or an adjudication or conviction for a felony offense or misdemeanor offense." This standard applies to all people in a probationary setting, whether or not they are incarcerated.

This report examines the recidivism rates for individuals incarcerated in the Colorado Department of Corrections (CDOC) prisons and Colorado's jails.

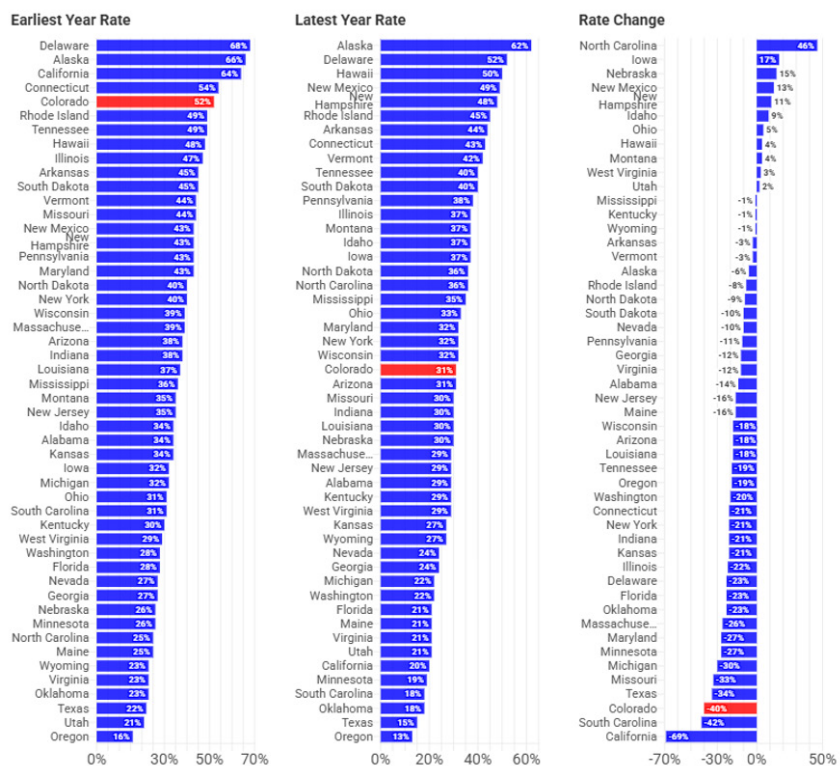
In the last 15 years, Colorado significantly reduced its reincarceration rates.

This decline followed a series of reforms. In 2015, Colorado passed **SB15-124**, which reformed parole supervision by requiring officers to use *intermediate sanctions*, such as short jail stays of one to five days, before revoking parole for most technical violations such as missed appointments or failed drug tests. The idea was to create a "swift and certain" but proportional response, reserving full revocation for more serious behavior. Building on that, **SB19-143** in 2019 further limited revocations for technical violations, mandating that non-

FIGURE 1.

U.S. States' 3-Year Recidivism Rates

Measured from 2008, 2010, or 2012 to 2016, 2018, or 2019, depending on state



Source: National Council of State Governments



criminal missteps be addressed with graduated sanctions and only allowing revocation in specific high-risk cases such as absconding, tampering with monitoring equipment, or contacting a victim. These reforms were designed to cut down on people cycling back into prison for non-criminal parole violations and to ease overcrowding.

The law enforcement reforms of the early 2020s followed, most notably SB20-217. The *Enhance Law Enforcement Integrity Act* overhauled policing in the state by banning chokeholds, limiting deadly force, requiring body cameras, mandating data transparency and officer intervention, removing qualified immunity in state cases, and establishing strict accountability and decertification rules for misconduct.

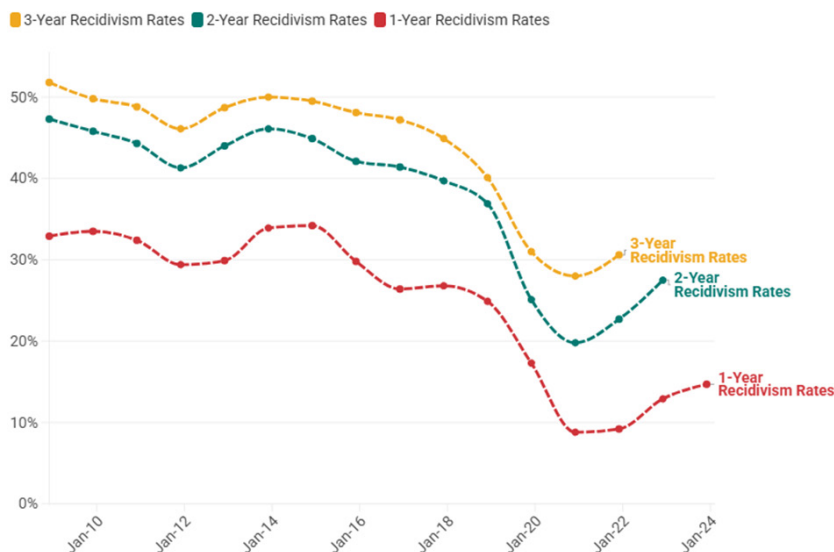
In the United States, different states have different measurements for corrections recidivism, but CDOC considers the rate at which offenders are reincarcerated after one, two, and three years following their release.

The National Council of State Governments performed a study of U.S. states' three-year recidivism rates.ⁱⁱ Analysts used a range of base years from 2008 to 2012, depending on the state, and compared those to the recidivism rates from 2018 or 2019. Colorado's recidivism decline was one of the most profound. In 2008, Colorado's three-year recidivism rate was the nation's fifth highest. By 2019, it dropped to the 24th-highest.

FIGURE 2.

Colorado Recidivism Rates

1-Year, 2-Year, 3-Year



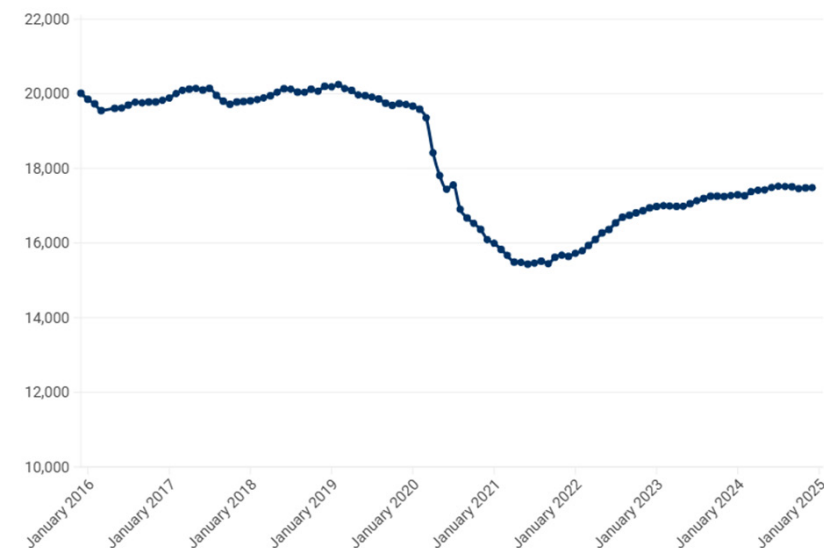
Source: FBI Crime Data Explorer, Colorado Department of Corrections



FIGURE 3.

Total Inmate Jurisdictional Population

Prisons and Jails, by Month



Source: Colorado Department of Corrections, Colorado Division of Criminal Justice



The state's three-year recidivism rate fell from 52% to 31%, a 40% decline. Only South Carolina and California had larger declines.

In 2019, Colorado's three-year recidivism rate stood at 51.8%, its two-year rate at 47.3%, and its one-year rate at 32.9%. In 2022, they have decreased to 30.6%, 27.5%, and 14.7%, respectively.

Colorado's decrease in recidivism corresponds to a downtick in the state's incarcerated population. On average, the total monthly population of Colorado jails and prisons is 12% lower now than the average in the previous decade. The state's annual corrections population is shown in Figure 3.

Before the new decade, Colorado's corrections population was stable. Between 2016 and 2020, the average total monthly population of Colorado's prisons and jails was 19,918.

The number of inmates in jails and prisons tumbled sharply at the beginning of 2020 and has not reached the levels of the latter half of the 2010s. Between January 2020 and December 2024, the average monthly inmate population was 16,850 – a 15% decrease.

The early years of the 2020s saw a precipitous drop in inmate population. Colorado inmate population reached its lowest level in June 2021 when there was an average of 15,434 inmates, more than 4,200 fewer than just 18 months prior. Since then, the inmate population has stabilized. Throughout calendar year 2024, there were an average of 17,435 inmates in Colorado.

Both recidivism and incarceration levels have declined since 2016. Arrest rates have fallen along the same timeline, as shown in Figure 4.

Colorado's arrest rate has nearly halved in the last 15 years. From 2008 to 2023, arrest rates have plummeted from 452.36 per 100,000 citizens to 237.1, a drop of 47.6%.

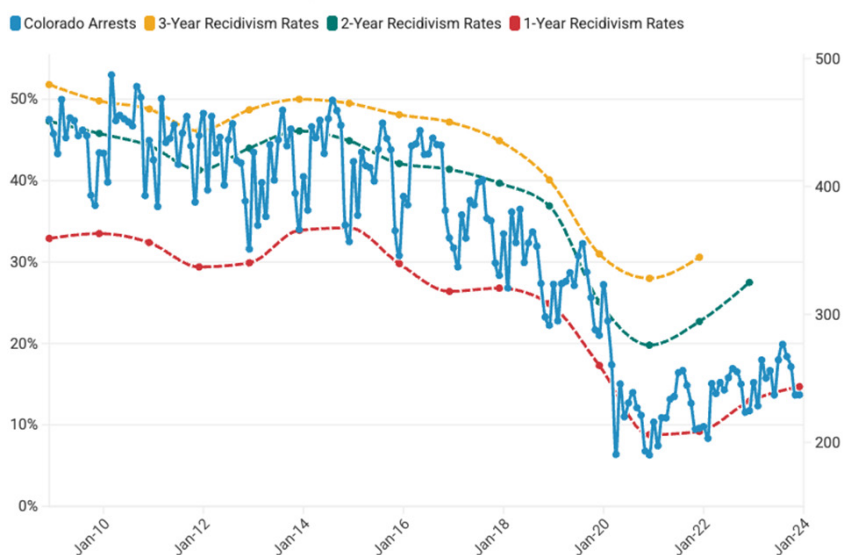
This finding is further supported by correlation calculations. By any of the three measurements used by the Colorado Department of Corrections, there is a strong correlation between arrests and recidivism.

Three-year recidivism and arrest rates have a correlation coefficient of .93, two-year with .94, and one-year with .96. These numbers represent incredibly strong correlations and further demonstrate that low recidivism is closely tied to low rates of arrest.

This tight relationship makes it difficult to interpret lower recidivism as evidence of improved rehabilitation programs. Instead, the data suggest that fewer people are entering the system at all from arrests, which naturally produces lower recidivism counts.

FIGURE 4.

Colorado Arrests Compared to Recidivism



Source: FBI Crime Data Explorer, Colorado Department of Corrections



THE RELATIONSHIP BETWEEN ARRESTS, INMATES, AND CRIME

Aggregate data on arrests, inmate populations, and recidivism suggest that the observed decline in recidivism rates stems primarily from a reduction in the number of individuals entering the correctional system. At the same time, complementary datasets reveal that this downward trend in arrests and incarceration is strongly correlated with rising crime rates, indicating a possible trade-off between system inflows and broader crime dynamics.

Arrest counts and violent crime have been shifting at inversely proportional rates, meaning that as arrests decrease, violent crime increases.

As violent crime rates climbed to 473.9 per 100,000 citizens in 2024, arrest counts dipped to 13,526. These numbers contrast starkly from 2013 data points in which the violent crime rate was 305.36 and the arrest count was 18,868. These numbers demonstrate a net increase in violent crime of 55.2%. This increase is substantial – in fact, it more than doubles the percentage decrease of 28.31% seen in arrest rates.

The correlation coefficient of -0.83 between violent crime and arrest rates indicates a strong inverse relationship, suggesting that reductions in arrest rates are strongly associated with increases in violent crime incidence.

Similar to the comparison between arrest counts and violent crime, inmate population and violent crime are also strongly negatively correlated. In the last decade, violent crime has been higher even though inmate population was lower.

FIGURE 5.

Colorado Arrests vs Violent Crime Rate

December 2013 - December 2023



Source: FBI Crime Data Explorer • Violent crime is defined as offenses that involve the use or threat of physical force against another person (ex. murder/nonnegligent manslaughter, non-consensual sexual assault, robbery, and aggravated assault)



With a correlation coefficient of -0.82 , the relationship between the violent crime rate and the correctional population is strongly negative. This finding indicates that as the number of incarcerated individuals declines, violent crime tends to rise — a pattern that is observable through CSI's analysis of historical data.

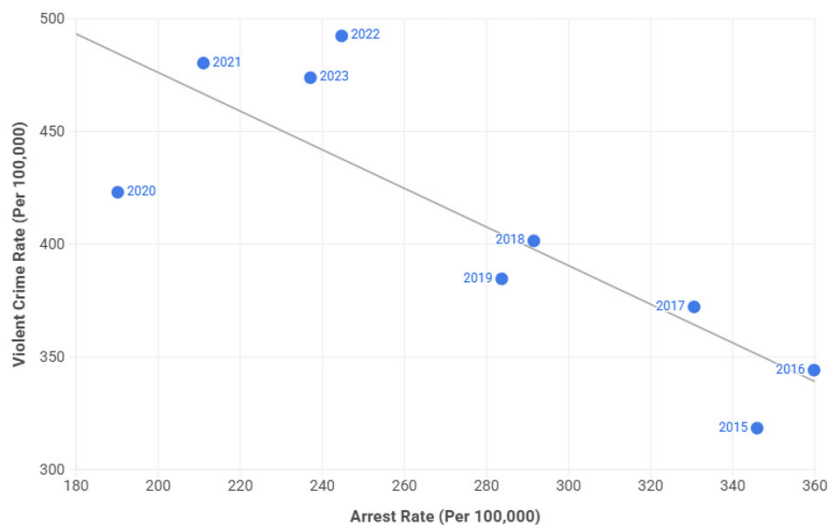
From 2015 to 2024, there was a net rate of change of -11.13% in the inmate population. Over the same period, there was a net rate of change of $+32.58\%$ in violent crime. The rate of change seen in violent crime was nearly triple the rate of change seen in the inmate population.

An analysis of data from the FBI Crime Data Explorer, Colorado Department of Corrections, and Colorado Division of Justice also revealed significant relationships between recidivism, arrest, and crime rates. Notably, recidivism showed a strong positive correlation with arrest rates across all timeframes, with coefficients of 0.96 for one-year, 0.94 for two-year, and 0.93 for three-year recidivism rates. Generally, correlation coefficients that are closer to -1 and 1 represent variables that relate strongly to each other. With coefficients greater than $.90$, it is highly suggested that recidivism and arrest rates are closely linked. This finding could

FIGURE 6.

Correlation Between Colorado's Violent Crime Rate and Arrest Rate

Strong negative correlation of -0.83

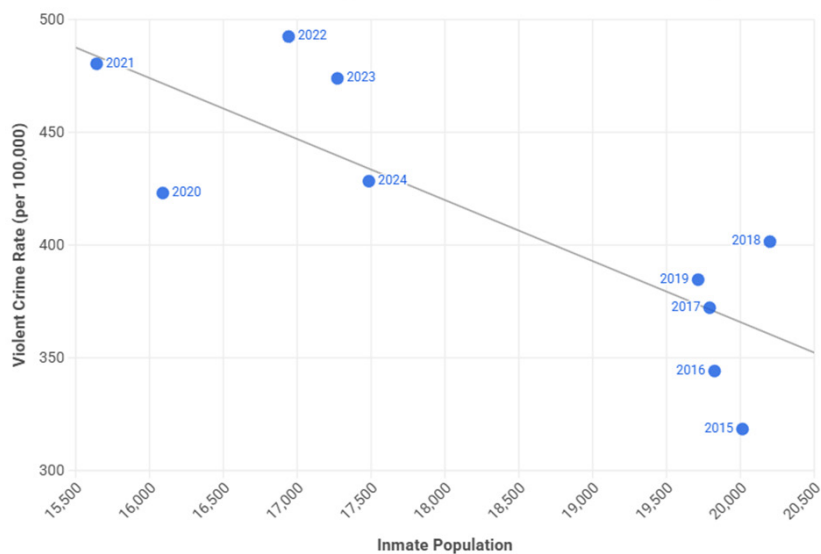


Source: FBI Crime Data Explorer, Colorado Department of Corrections •
A correlation coefficient closer to 1 or -1 indicates a stronger relationship between variables.



FIGURE 7.

Violent Crime Rate vs. Department of Corrections Population

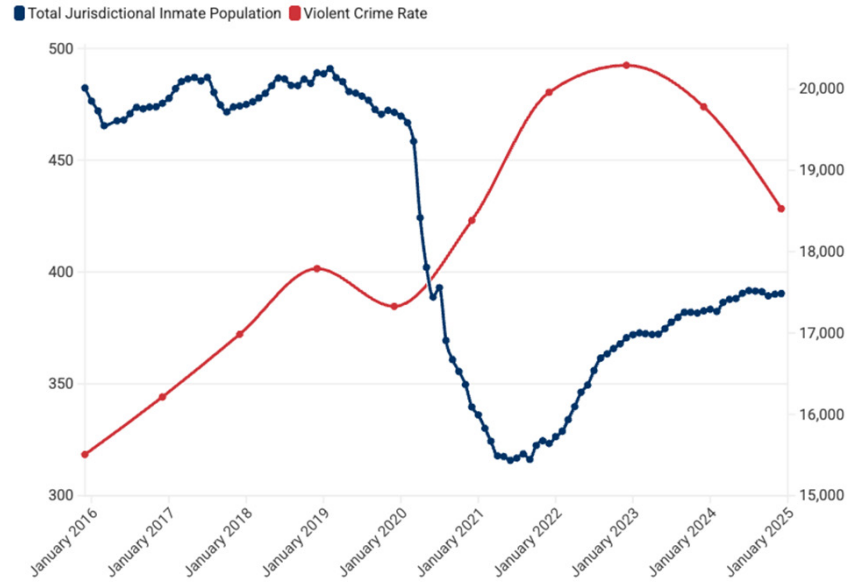


indicate that lower recidivism rates are not promoted by effective policy and corrections efforts, but instead lower rates of arrest.

It is also noteworthy that arrest rates and violent crime rates possess a correlation of $-.83$. This coefficient may be negative, but it is also close to one, suggesting a strong inverse relationship. This data indicates that as recidivism rates decline, violent crime increases. Based on the relationship between recidivism and arrest rates, it can be extrapolated that the uptick in violent crime rates is tied to a decline in the arrest and incarceration of violent criminals.

FIGURE 8.

Total Inmate Jurisdictional Population vs Violent Crime Rates



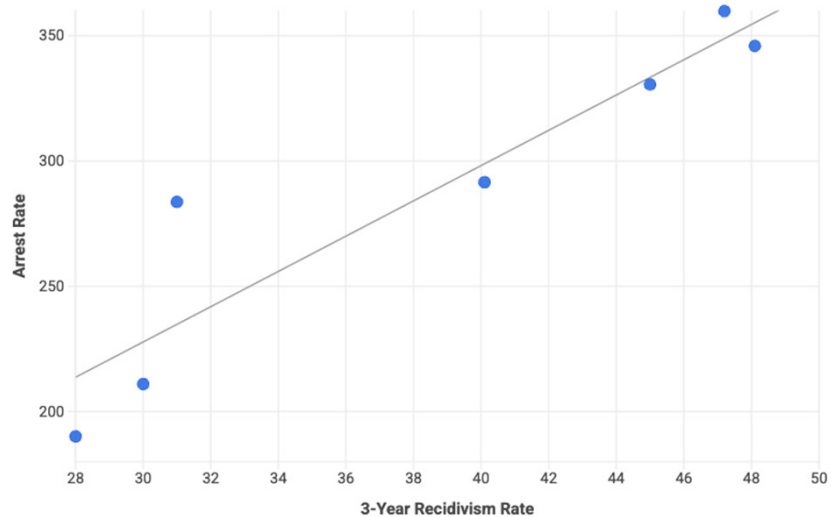
Source: Colorado Department of Corrections, Colorado Division of Criminal Justice • Violent crime is defined as offenses that involve the use or threat of physical force against another person (ex. murder/nonnegligent manslaughter, non-consensual sexual assault, robbery, and aggravated assault)



FIGURE 9.

Correlation Between Three-Year Recidivism Rate and Arrest Rate

Strong positive correlation of .93



Source: FBI Crime Data Explorer, Colorado Department of Corrections •



INCARCERATION OF VIOLENT OFFENDERS VS. DRUG OFFENDERS

Over the past fifteen years, Colorado has passed a series of laws that reduced penalties for drug offenses and reshaped the state's sentencing framework. These include:

- **HB10-1352 – Concerning Modifications to the Penalties for Offenses Involving Controlled Substances.**
This bill lowered penalties for possession, separated use from distribution crimes, and raised quantity thresholds for higher sentencing.
- **HB11-1064 – Concerning a Presumption in Favor of Granting Parole to Certain Inmates Convicted of Drug Offenses.**
It created a pilot program for presumptive parole eligibility for nonviolent drug-use or possession offenders who met behavioral criteria.
- **SB13-250 – Concerning Changes to the Sentencing of Persons Convicted of Drug Crimes.**
This legislation introduced a new sentencing grid that lowered felony classifications and reduced penalties for most drug crimes.
- **HB17-1308 – Concerning the Elimination of Certain Mandatory Conditions of Parole.**
It removed automatic drug testing and other supervision conditions, reducing parole revocations for technical violations.
- **HB19-1263 – Concerning Changing the Penalty for Certain Drug Possession Offenses.**
This measure reclassified many drug felonies as misdemeanors, reduced fines and jail terms, and emphasized treatment and community corrections over incarceration.

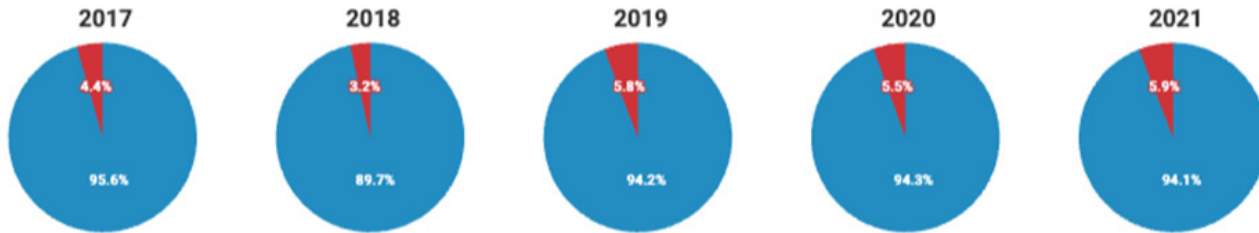
Together, these bills form the backbone of Colorado's modern drug sentencing leniency framework.

By the end of the 2010s, drug offenders were a small fraction of the incarcerated population. Colorado's correctional population is dominated by violent and property crime offenders rather than drug offenders, according to state data.

FIGURE 10.

Colorado Jurisdictional Inmate Population by Crime Type

■ Non-Drug Related Felonies ■ Drug Related Felonies



Source: Colorado Department of Corrections Annual Statistical Report • Incomplete information for FY18: proportions of Class 1 Felonies, Class 1 Drug Felonies, and Class 3 Drug Felonies are not included. Values may not add to 100% due to rounding.



Between 2017 and 2021, drug-related offenders have never exceeded 6% of prison populations compared to non-drug offenders.

COSTS OF INCARCERATION

Costs of incarceration have been noted as a significant part of the rationale for decreasing recidivism and the prison population overall. However, if there is a causal relationship between violent crime and incarcerated population in Colorado, the costs of crime may outweigh the money saved on corrections.

Reducing the prison population will generate savings. A CSI report from February 2025 found that in Fiscal Year 2022, it cost on average \$56,766 annually to incarcerate one individual. In December 2015, the Department of Corrections' total inmate population was 20,014. Using CSI's estimated per inmate cost, it would require roughly \$1,136,114,724 to retain these inmates for one year.

By December 2021, the DOC inmate population had fallen to 15,642. Utilizing the same average cost, this level of incarceration cost roughly \$887,933,772 per year.

In December 2024, the DOC inmate population was 17,485, costing roughly \$992,553,510 per year. These figures represent an approximate \$143,561,214 decrease in cost from 2015 to 2024.

The direct and indirect economic costs associated with crime negate these savings, however.

As detailed in previous CSI reports, crime results in substantial economic costs to the state, in 2022 totaling more than \$27 billion. The delta of cost of murders alone from 2015 to 2024 was approximately \$800,000,000, more than four times the cost of incarcerations. This figure omits the cost of any other crime in this period and yet, quadruples how much Colorado spends on incarcerations.

Whatever the savings achieved with a lowered corrections population, the state's economy loses in total if that thinning of incarcerated population is linked to an equivalent increase in violent and property crime.

Costs of incarceration have been noted as a significant part of the rationale for decreasing recidivism and the prison population overall.

RECENT LEGISLATIVE ACTIONS

Recent Colorado law has grappled with the tension between leniency for offenders and rising rates of crime.

In recent actions, the Colorado General Assembly has already shown itself willing to alter previous criminal justice reforms in the past several years. In each case, the revisions resulted in immediate changes in the trajectories of negative trends.

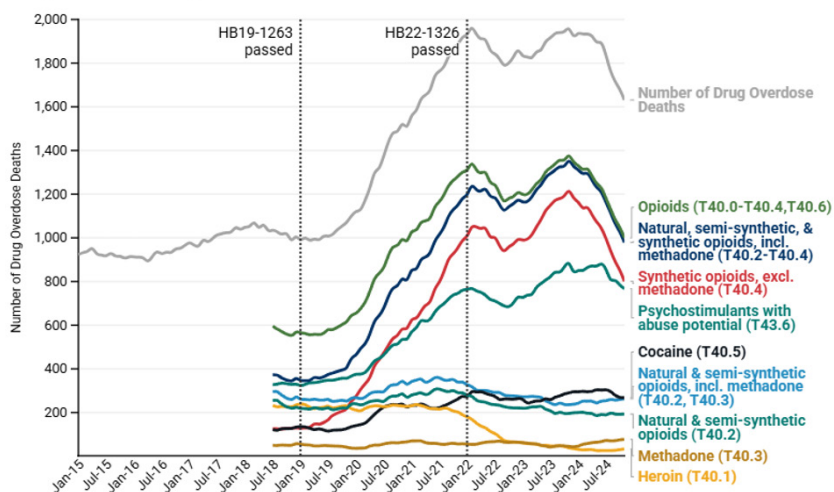
In 2019, the legislature passed HB19-1263, which eliminated automatic felony sentences for the possession of 4 grams or less of any illicit substance. In the following years, overdose rates spiked, driven by an increase in fentanyl-related overdoses. In 2022, the legislature passed HB22-1326. This amended the law to add felony sentencing for any person knowingly carrying one gram of fentanyl. Overdose rates have subsequently improved.

Auto theft laws and trends followed a similar pattern. Before 2023, auto theft penalties were tied to the stolen vehicle's value. Through the late 2010s and early 2020s, Colorado's auto theft rates grew and became the nation's highest in 2022.

The legislature responded by passing SB23-097. This divorced the vehicle's value from the penalty and made all auto theft a felony. Auto theft rates have since decreased.

FIGURE 11.

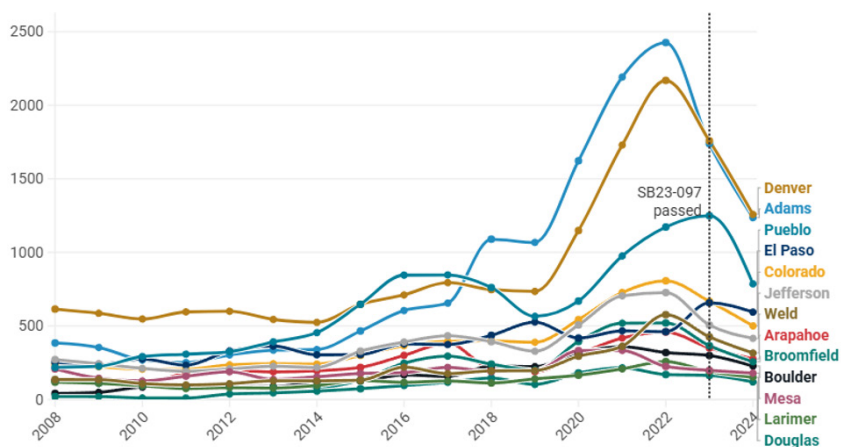
12-Month-Ending Provisional Number of Drug Overdose Deaths by Drug or Drug Class Through November 2024- Colorado



Centers for Disease Control and Prevention

FIGURE 12.

Auto Thefts per 100,000 by County
2008-2024



RECOMMENDATIONS

While it may be a natural goal of state leaders to reduce costly corrections program usage, including corrections population, the goal of thinning prisons cannot compromise public safety in the process. Lawmakers should revisit changes they have made over the last 20 years. These reforms include laws approved in 2011 dealing with parole, restorative justice, and habitual offender rules.

Reform bills in the early 2010s focusing on restorative justice, while well-intentioned, also should be reviewed for unintended consequences and amended or repealed. Specifically, HB 11-1032 changed the goals of sentencing in Colorado to include restorative justice. This law shifted the state's sentencing philosophy to focus on repairing harm to victims and the community, in addition to the traditional goals of rehabilitation, deterrence, and incapacitation.

SB 13-250 made changes to sentencing of certain offenses related to narcotics, creating a separate set of charges for drug felonies and drug misdemeanors and separate penalties for these offenses compared to ordinary felony and misdemeanor offenses. The bill also included provisions for the vacating of existing convictions and allowed for the downgrading of felony drug offense convictions to misdemeanors after completion of community corrections. Finally, this legislation requires that the state exhaust alternative sentencing options for felony level four drug offenses prior to incarceration. Lawmakers should review this law and amend or repeal in light of both the crime and drug trends of the past decade.

Other reforms from the late 2010s and early 2020s should be reviewed as well. This list includes:

- SB 19-143/HB 20-1019, which made changes concerning parole release. The effect was to significantly decrease the number of parole denials and increase the number of discretionary parole releases. The bill also made escape from a halfway house a misdemeanor rather than a felony. Lawmakers should consider amending the bill's language to require felony rather than misdemeanor charges for escapees from any custodial environment.
- The negative consequences of the SB 20-217 have been well-covered in previous CSI reports, particularly the limitation of qualified immunity for Colorado police officers. The absence of qualified immunity may prevent officers from taking the necessary actions to defend life and property. Legislators should reinstate qualified immunity and examine the impacts of other aspects of the act.

BOTTOM LINE

Colorado's recent decade of criminal justice reform reflects a sincere effort to reduce costs, promote rehabilitation, and modernize the justice system. However, evolving data trends indicate the need for recalibration. Lawmakers should pursue a balanced approach that preserves the fiscal and social benefits of reform while restoring key elements of deterrence, accountability, and public safety. A comprehensive review of existing statutes—guided by empirical evidence and stakeholder input—will help ensure Colorado's justice system remains both fair and effective for all communities.

APPENDIX A – LEGISLATION IMPACTING COLORADO DEPARTMENT OF CORRECTIONS

Note: the following definitions and impacts for the list of legislation comes from the Colorado Department of Corrections Annual Statistical Reports.

Legislation to Reduce Sentencing:

SB88-148 lowered sentencing ranges for crimes of violence and crimes with aggravating circumstances to at least the midpoint of the presumptive range.

SB89-246 lowered several Class 5 felonies to a newly created felony Class 6 with a presumptive range of one to two years.

HB06-1315 reduced sentences for juveniles convicted of Class 1 felonies from a term of life in prison without parole eligibility, to life with parole eligibility after 40 years.

HB09-1122 expanded Youthful Offender System sentencing eligibility to include inmates who were 18 or 19 years old at the time of their offense and sentenced prior to their 21st birthday.

HB10-1352 lowered the penalty for unlawful use of a controlled substance; separated the crime of possession of a controlled substance from the crime of manufacturing, dispensing, selling, distributing, or possessing with the intent to manufacture, dispense, sell, or distribute a controlled substance to a minor a Class 3 felony subject to enhanced sentencing. In addition, the bill increased the amount of a Schedule I or II controlled substance necessary to designate a special inmate and lowered the penalty for fraud and deceit in connection with controlled substances from a Class 5 to a Class 6 felony.

HB10-1360 made inmates with Class 4 felonies eligible for the Community Return-to-Custody Program and limited the amount of time a technical parole violator can return to prison to 90 or 180 days based on an inmate's risk level.

HB10-1373 reduced the penalty for escape from a Class 4 felony to a Class 5 felony and abolished the mandate that a sentence be served consecutively to any other sentence if the escape was from a community corrections facility or intensive- supervised parole.

HB10-1413 changed the minimum age for being tried as an adult from 14 to 16 years of age, except in the case of first - and second - degree murder or certain sex offenses and allowed Class 2 felonies (excluding sex offenses) to be sentenced to Youthful Offender System except in the case of a second or subsequent sentence to CDOC or Youthful Offender System.

HB12-1271 limited the offenses for which a juvenile may be subject to direct file to Class 1 felonies, Class 2 felonies, and crime-of-violence felonies or sex offenses if the juvenile has previous felony adjudication or violent sex offenses. It also limited instances in which juveniles were subject to certain previous district court proceedings. The act also limited direct file to juveniles 16 and older.

SB13-216 reinstated certain provisions of HB09-1122 that were repealed on Oct. 1, 2012, relating to the sentencing of young adult inmates to Youthful Offender System. Provisions of this bill allowed certain young adult inmates to be sentenced to Youthful Offender System if they were 18 or 19 years old at the time a crime was committed and under 21 years old at the time of sentencing.

SB13-250 created a new sentencing grid for drug crimes. This bill primarily decreased the seriousness of drug crimes and reduced penalties for those crimes.

SB15-124 required parole officers to use intermediate sanctions to address noncompliance by parolees unless the nature of the violation mandates arrest or revocation. The bill narrowed the scope of behavior that warrants arresting a parolee for a technical violation. It is expected to decrease re-admissions to prison and increase parole caseload beginning in FY 2015-16 and continuing through the forecast period.

HB17-1308 removed the mandatory imposition of certain parole conditions, including the manner of restitution, other regular urinalysis, other drug testing, and solicitation of a parole officer's permission to change residences or contact another person with a prior criminal history. The bill will result in fewer revocations for technical parole violations to the same extent that it will increase parole caseload and reduce the inmate population.

HB19-1263 reclassifies several existing drug felonies as drug misdemeanors, reduces the fine penalties and jail terms for drug misdemeanors, and makes several other changes to sentencing for drug offenses. The bill is expected to substantially reduce felony filings for drug offenses, and to reduce the prison and parole population. Impacts on the prison population will be less significant the impact on felony filings, because offenders previously convicted for low-level drug felonies often did not receive prison sentences, and because those who were sentenced to CDOC remained incarcerated for an average of four to five months.

SB19-211 extends a preexisting Mental Health Criminal Justice Diversion Grant Program in four judicial districts. To the extent that the bill allows for continued diversion of inmates who would otherwise be sentenced to the CDOC, the bill decreases admissions from new court commitments.

SB20-100 repealed the death penalty in repealed in the state of Colorado. Because of the small number of death row inmates in Colorado (three at the time the bill was signed into law), and death penalty cases tried each year (zero to three), this bill is expected to minimal impact on the prison population.

SB21-271 reclassifies various criminal offenses from felony to misdemeanors, leading to a possible reduction in new commitments and reducing the length of stay. There are provisions which reclassify class 3 misdemeanors to class 2 misdemeanors which may increase the length of stay.

SB21-124 reclassifies certain first-degree murder offenses to a class 2 felony, reducing a life sentence to a 16 to 48 year sentence with the possibility of parole. This reduces the expected length of stay from 40 years to 16.8 years and is not expected to have a measurable impact until FY 2038.

Legislation to Increase Sentencing:

HB81-1156 required sentences to be above the maximum of the presumptive range for offenses defined as “crimes of violence” and crimes with aggravating circumstances.

SB90-117 raised life sentences from parole eligibility after 40 years to life without parole for Class 1 felonies committed on or after September 20, 1991.

HB93-1302 lowered the presumptive ranges for certain non-violent Class 3-6 felonies and added a split sentence, mandating a period of parole for all crimes following a prison sentence. Habitual inmate sentencing was improved for felony Classes 2-5. For those with two previous convictions, sentences were mandated to three times the maximum of the presumptive range; three previous convictions, sentences were mandated to four times the maximum of the presumptive range. This bill also eliminated earned time awards while on parole.

Special Fall Session **SB93-09** created a new judicial sentencing provision for inmates between the ages of 14-18 for certain crimes and established Youthful Offender System.

SB94-196 added a new habitual sentencing provision of life (40 years to parole eligibility) if a new crime conviction is for a Class 1 or 2 felony, or for a Class 3 felony crime of violence with two previous felony convictions within 10 years of commission of the new crime.

HB96-1005 lowered the Youthful Offender System age limit from 14 to 12 years and broadened the offenses eligible for Youthful Offender System sentencing.

HB98-1156 is the Colorado Sex Offender Lifetime Supervision Act of 1998. Under it, all offenders convicted of a felony sex offense committed on or after Nov. 1, 1998, receive an indeterminate sentence of at least the minimum of the presumptive range for the offense committed and a maximum of natural life. All inmates sentenced under this law must undergo evaluation and treatment to qualify for parole. The Colorado State Board of Parole determines when these inmates are supervised in the community.

HB04-1189 increased time served before parole eligibility for certain violent offenses. Under this bill, first-time inmates convicted of these violent offenses must serve 75% of their sentence (less earned time awarded). If convicted of a second or subsequent violent offense, are not eligible for earned time.

HB14-1260 required mandatory minimum sentences for certain sexual offenses involving a child.

HB15-1043 created a felony penalty for repeat convictions of driving under the influence (DUI), DUI per se, or driving while ability impaired (DWAI), and reduced the felony penalty for aggravated driving with a revoked license to a misdemeanor. The bill is expected to increase court commitments to prison beginning in FY 2015-16 and continuing at increased rates through the forecast period.

SB16-181 affected sentencing of individuals convicted of Class 1 felonies while the individual was a juvenile. This bill allows for a juvenile sentenced for a Class 1 felony committed on or after July 1, 1990, and before July 1, 2006, to be re-sentenced to life with the possibility of parole.

HB19-1030 creates the crime of unlawful sexual communication with a minor by an adult in a position of trust, which is a Class 6 felony or a Class 5 felony if committed with the intent of engaging in sexual exploitation or sexual contact. To the extent that inmates are convicted and sentenced to prison for the new crime, and would not have otherwise been sentenced to prison, the bill could increase admissions from new court commitments.

HB19-1155 expands the definition of sexual contact for the purpose of the preexisting crimes of unlawful sexual contact or sexual assault on a child. To the extent that inmates are convicted and sentenced to prison as a result of the expanded definition, and would not have otherwise been sentenced to prison, increasing admissions from new court commitments.

HB19-1250 creates the criminal offense of unlawful sexual conduct by a peace officer. The bill is expected to increase new court commitment admissions to the DOC.

SB19-172 creates offenses for unlawful abandonment or false imprisonment of an at-risk person. This offense is usually a Class 1 misdemeanor; however, false imprisonment of an at-risk person can become a Class 6 felony depending on the circumstances of the crime. The bill is expected to increase new court commitment admissions to the CDOC.

Legislation to Increase Parole/Probation:

HB79-1589 changed sentences from indeterminate to determinate terms and made parole mandatory at 50% of an inmate's sentence.

HB98-1160 applied to Class 2, 3, 4 and 5, or second or subsequent Class 6 felonies occurring on or after July 1, 1998. It mandated that every inmate completes a period of 12 continuous months of parole supervision after incarceration.

HB10-1338 allowed a person who had been twice convicted of a felony charges separately brought — charges that had arisen out of separate and distinct criminal episodes — to be eligible for probation unless their current or a prior conviction was for first or second, manslaughter, or second degree assault, first or second degree kidnapping, sexual offenses, first degree arson, first or second degree burglary, robbery, aggravated robbery, theft from the person of another, a felony committed against a child, or any criminal attempt or conspiracy to commit the aforementioned offenses, if convicted on or after the effective date of the act.

HB10-1374 determined that the Colorado Sex Offender Management Board would develop a sex offender release guideline instrument for the Parole Board to use when determining whether to release a sex offender on parole or revoke parole status. This bill required CDOC to work with the Parole Board to develop guidelines for use in determining to release a parolee or revoke parole. It also removed the statutory provision that required a parole officer to arrest a parolee as a parole violator if the parolee is located in a place without lawful consent. This bill redefined the criteria set forth in HB09-1351 and made certain inmates serving sentences for lower Class, non-violent felonies eligible for more earned time awards per month inmates did.

SB11-241 expanded the eligibility of inmates who meet criteria for special-needs parole and created presumptions in favor of parole for non-violent inmates with immigration detainees.

HB11-1064 built upon HB10-1352 by creating a pilot program presumption in favor of granting parole to an inmate who is parole-eligible and serving a sentence for a drug-use or drug-possession crime that was committed prior to Aug. 11, 2011. The inmate must meet other criteria related to previous criminal and institutional behavior to be eligible for the presumption.

SB16-180 created a specialized program in CDOC for juveniles convicted as adults. The bill required CDOC to develop and implement a program for inmates who were sentenced to an adult prison for a felony offense committed while the inmate was less than 18 years of age and who are determined to be appropriate for placement in the program. An inmate who successfully completes the program may apply to the governor for early parole.

HB18-1109 expands the existing eligibility requirements for special needs parole and adds a third eligibility category for special needs parole consideration. The bill lowers the age requirement for one of the existing special needs inmate categories from 60 to 55 years and older and adds a category of special needs inmates to include those determined to be incompetent to complete any sentence and not likely to pose a risk to public safety.

SB19-143 makes a number of changes to parole. The bill broadens the circumstances in which the CDOC can refer inmates to the Parole Board for application hearings, requires a majority vote of the Parole Board to deny the parole application of certain very low risk inmates, narrows the circumstances in which a parolee may be revoked for a technical parole violation, requires that revoked parolees be returned to the CDOC for the duration of their sentence, lengthens the allowable jail confinement period for intermediate sanctions, and expands eligibility for participation in a parolee work training program. The impact of the bill on the prison and parole population is bidirectional because it is expected to increase discretionary releases to parole, decrease revocations to the DOC, and lengthen the evocations to the DOC, and lengthen the prison length of stay for revoked parolees. On net, the bill is expected to decrease the prison population and increase the parole population.

SB21-146 is focused on improving prison release outcomes. The bill is expected to reduce the population by expanding special needs parole, which will increase the parole caseload. In addition, the bill requires the Parole Board to schedule a hearing for an inmate serving a sentence for an escape crime that would now constitute the misdemeanor offense of unauthorized absence, within 60 days, and will likely increase early releases.

Legislation to Decrease Parole/Probation:

SB03-252 removed the 12 continuous months of parole supervision after incarceration, allowing the Parole Board to return a parolee who paroled on a non-violent Class 5 or 6 felony (except menacing or unlawful sexual behavior) to a community corrections program or pre-parole release-and-revocation center for up to 180 days. This bill limited the time a parolee may be returned to prison for a technical violation for non-violent offenses to 180 days.

HB15-1122 stipulated that an inmate is ineligible for parole if they have been convicted of certain penal discipline violations or failed to participate in programs related to the original crime. This bill could result in a minimal prison population increase and parole caseload decrease through the forecast period.

HB17-1326 lowered the period of time which a parolee who commits a technical parole violation may be revoked to DOC custody. The bill directs the Parole Board to conduct a parole release review in lieu of a hearing if the parolee is assessed to be a “low” or “very low” risk and victim notification is not required by law. This provision is expected to expedite discretionary parole releases, reducing the inmate population while increasing parole caseload.

HB18-1029 lowers mandatory parole periods from five years to three years for Class 3 felony crimes committed on and after July 1, 2018, and for Class 2 felony crimes that are not crimes of violence. This will affect the size of the parole caseload, but not for approximately 8 years from implementation.

Legislation to Increase Time Earned:

HB90-1327 raised the amount earned time from 5 to 10 days per month for inmates and allowed parolees to earn 10 days per month to reduce parole time served.

HB95-1087 reinstated the ability of certain non-violent parolees to accumulate earned time while on parole.

HB09-1351 increased the amount of earned time from 10 days to 12 days for those serving a sentence for certain Class 4, 5 or 6 felonies who are program-compliant and have never been convicted of specified offenses.

HB09-1263 enabled those confined pending a parole revocation hearing to receive credit for the entire period of such confinement.

SB11-176 allowed inmates housed in administrative segregation the opportunity to accrue earned time to be deducted from their sentences.

HB12-1223 allowed inmates sentenced and paroled for a felony offense committed after July 1, 1993, to receive earned time while re-incarcerated after a parole revocation. It also allowed inmates who successfully complete a milestone or phase of an educational, vocational, therapeutic, or re-entry program, and/or who demonstrate exceptional conduct that promotes the safety of correctional

staff, volunteers, contractors, or other persons, to be awarded as many as 60 days of earned time per accomplishment, up to 120 days per incarceration.

HB20-1019 contains several provisions with potential impact on the prison population. Specifically, the bill reopened the south campus of the Centennial Correctional Facility, allowed for a wider range of circumstances for which an inmate may be awarded earned time, removed the requirement that earned time be awarded in accordance with statutory categories, and allowed the application of performance standards established by the CDOC, and created a new crime of an unauthorized absence for an inmate on an intensive supervision program, in a community corrections program, or participating in a work release program.

Other:

HB85-1320 doubled the maximum penalties of the presumptive ranges for all felony classes and made parole discretionary.

HB13-1160 modified theft-conviction penalties, basing them on the value of the goods or property stolen.

HB14-1266 modified value-based offenses, basing them on the value of the loss.

HB14-1355 directed DOC to develop and implement initiatives to decrease recidivism, enhance public safety, and increase each inmate's chances of achieving success upon his or her release. Subject to available appropriations, on and after July 1, 2014, these initiatives are to include programs to assist inmates in a correctional facility to prepare for release to the community; efforts to assist each inmate's transition from a correctional facility into the community; and operational enhancements, including equipment, training, and programs to supervise inmates in the community.

HB18-1410 requires that DOC track the prison bed vacancy rate in DOC facilities and funded private prisons. If the vacancy rate falls below 2 percent for 30 consecutive days, DOC is required to notify other state government agencies and may request that other agencies take action to increase the vacancy rate.

SB19-043 increases the number of district court judges. To the extent that the additional judges expedite the pace at which criminal cases are tried and sentenced, the bill could accelerate admissions to the DOC, which would increase the prison population.

SB19-165 increases the number of Parole Board members from seven to nine. It is expected to accelerate the pace at which parole application hearings can be conducted, which will decrease the prison population and increase the parole population correspondingly.

SB19-259 allows for the temporary use of the south campus of the Centennial Correctional Facility when the state male inmate vacant bed rate falls below 1 percent for two consecutive months. The bill is not expected to affect the prison population. If the male inmate vacant bed rate were to fall below 1 percent for two consecutive months, the bill could increase the share of jurisdictional inmates located at state-operated prisons and decrease the share located at private prisons, the jail backlog, or other locations.

SOURCES

- i. <https://dcj.colorado.gov/boards-commissions/rdwg>
- ii. <https://csgjusticecenter.org/publications/50-states-1-goal/>