First Regular Session Seventy-fifth General Assembly STATE OF COLORADO

INTRODUCED

LLS NO. 25-0706.02 Jacob Baus x2173

SENATE BILL 25-155

SENATE SPONSORSHIP

Gonzales J.,

HOUSE SPONSORSHIP

Clifford,

Senate Committees

House Committees

Judiciary

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF AN ADVISORY COUNCIL FOR PERSONS
102 WHO ARE INCARCERATED.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill creates the legislation inside advisory council (council) to identify, examine, and discuss the issues, interests, and needs affecting people who are incarcerated and to formally advise and make recommendations to the general assembly regarding those issues, interests, and needs.

The bill:

- Requires the council, in conjunction with the director of the legislative council, to use a request for proposal process to contract with and designate a nonprofit organization to assist the council:
- Establishes membership requirements of the council;
- Outlines the duties of the council, including reporting requirements;
- Requires the council to report during the department of corrections' annual "SMART Act" presentation to the judiciary committees of the senate and house of representatives, beginning in January of 2027; and
- Creates an advisory review committee, consisting of 5 voting legislative members and 5 nonvoting council members to meet no more than 3 times during the interim and recommend no more than 3 bills during each interim.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 24 to article

3 2 of title 2 as follows:

4 PART 24

5 LEGISLATION INSIDE ADVISORY COUNCIL

6 **2-2-2401. Short title.** THE SHORT TITLE OF THIS PART 24 IS THE

- 7 "LEGISLATION INSIDE ADVISORY COUNCIL ACT".
- 8 **2-2-2402. Definitions.** As used in this part 24, unless the
- 9 CONTEXT OTHERWISE REQUIRES:
- 10 (1) "CORRECTIONAL FACILITY" HAS THE SAME MEANING AS SET 11 FORTH IN SECTION 17-1-102 (1.7).
- 12 (2) "COUNCIL" MEANS THE LEGISLATION INSIDE ADVISORY
 13 COUNCIL CREATED IN SECTION 2-2-2403.
- 14 (3) "Designated organization" means the nonprofit
- ORGANIZATION DESIGNATED PURSUANT TO SECTION 2-2-2405.
- 16 (4) "PRIVATE CONTRACT PRISON" HAS THE SAME MEANING AS SET 17 FORTH IN SECTION 17-1-102 (7.3).

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1	(3) "REVIEW COMMITTEE" MEANS THE LEGISLATION INSIDE
2	ADVISORY COUNCIL REVIEW COMMITTEE CREATED IN SECTION 2-2-2407.
3	2-2-2403. Legislation inside advisory council - creation -
4	purpose. (1) There is created in the legislative branch the
5	LEGISLATION INSIDE ADVISORY COUNCIL.
6	(2) THE INTENT OF THE LEGISLATION INSIDE ADVISORY COUNCIL IS
7	TO PROVIDE PEOPLE WHO ARE INCARCERATED WITH THE OPPORTUNITY TO
8	IDENTIFY, EXAMINE, AND DISCUSS THE ISSUES, INTERESTS, AND NEEDS
9	THAT DIRECTLY AFFECT THEM AND TO HAVE A RECOGNIZED OPINION ON
10	LEGISLATION AND POLICIES THAT AFFECT THEIR LIVES, THEIR FAMILIES'
11	LIVES, THEIR COMMUNITIES, AND THE PUBLIC. THEREFORE, THE PURPOSE
12	OF THE COUNCIL IS TO IDENTIFY, EXAMINE, AND DISCUSS THE ISSUES,
13	INTERESTS, AND NEEDS AFFECTING PEOPLE WHO ARE INCARCERATED AND
14	TO FORMALLY ADVISE AND MAKE RECOMMENDATIONS TO THE GENERAL
15	ASSEMBLY REGARDING THOSE ISSUES, INTERESTS, AND NEEDS.
16	2-2-2404. Membership - selection - terms - repeal. (1) The
17	COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:
18	(a) FOUR NONVOTING LEGISLATIVE MEMBERS, TWO OF WHOM ARE
19	MEMBERS OF THE SENATE AND TWO OF WHOM ARE MEMBERS OF THE
20	HOUSE OF REPRESENTATIVES; AND
21	(b) FORTY VOTING NONLEGISLATIVE MEMBERS, ALL OF WHOM
22	MUST BE INCARCERATED IN A CORRECTIONAL FACILITY OR PRIVATE
23	CONTRACT PRISON AT THE TIME OF THEIR APPOINTMENT AND FOR THE
24	DURATION OF THEIR TERM. THE NONLEGISLATIVE MEMBERSHIP DESCRIBED
25	IN THIS SUBSECTION (1)(b) MUST:
26	(I) INCLUDE PEOPLE WHO ARE INCARCERATED IN MEN'S
27	CORRECTIONAL FACILITIES OR PRIVATE CONTRACT PRISONS AND PEOPLE

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1	WHO ARE INCARCERATED IN WOMEN'S CORRECTIONAL FACILITIES OR
2	PRIVATE CONTRACT PRISONS;
3	(II) INCLUDE PEOPLE WHO ARE INCARCERATED IN DIFFERENT
4	LEVELS OF SECURITY AT CORRECTIONAL FACILITIES OR PRIVATE CONTRACT
5	PRISONS; AND
6	(III) TO THE EXTENT PRACTICABLE, REFLECT THE DEMOGRAPHIC
7	DIVERSITY OF THE STATE.
8	(2) (a) LEGISLATIVE MEMBERS OF THE COUNCIL ARE APPOINTED AS
9	FOLLOWS:
10	(I) On or before December 31, 2025, and on or before
11	DECEMBER 31 EVERY TWO YEARS THEREAFTER, THE PRESIDENT AND
12	MINORITY LEADER OF THE SENATE SHALL EACH APPOINT ONE MEMBER
13	FROM THE SENATE; AND
14	(II) On or before December 31, 2025, and on or before
15	DECEMBER 31 EVERY TWO YEARS THEREAFTER, THE SPEAKER AND
16	MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL EACH
17	APPOINT ONE MEMBER FROM THE HOUSE OF REPRESENTATIVES.
18	(b) NONLEGISLATIVE MEMBERS OF THE COUNCIL ARE APPOINTED
19	AS FOLLOWS:
20	(I) (A) On or before September 15, 2025, the designated
21	ORGANIZATION SHALL ADOPT AN APPLICATION PROCESS FOR INTERESTED
22	AND ELIGIBLE PEOPLE TO APPLY FOR APPOINTMENT TO THE COUNCIL,
23	INCLUDING THE CONTENT AND AVAILABILITY OF THE APPLICATION FORM,
24	SELECTION CRITERIA, AND AN APPLICATION REVIEW PROCESS.
25	(B) ON OR BEFORE OCTOBER 1, 2025, A PERSON WHO MEETS THE
26	ELIGIBILITY CRITERIA SET FORTH IN THIS SECTION MAY APPLY TO THE
2.7	DESIGNATED ORGANIZATION FOR APPOINTMENT TO THE COLINCIL. ON OR

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1	BEFORE DECEMBER 31, 2025, THE DESIGNATED ORGANIZATION SHALL
2	APPOINT NONLEGISLATIVE MEMBERS TO THE COUNCIL.
3	(C) This subsection $(2)(b)(I)$ is repealed, effective July 1,
4	2027.
5	(II) (A) On or before April 1, 2026, the council shall adopt
6	A POLICY CONCERNING COUNCIL TERMS, INCLUDING TERM DURATION;
7	TERM LIMITS, IF ANY; AND REMOVAL PROCEEDINGS. BY OCTOBER 1, 2026,
8	THE COUNCIL SHALL APPOINT COUNCIL MEMBERSHIP PURSUANT TO THE
9	POLICY. THE COUNCIL MAY AMEND THE POLICY.
10	(B) THE COUNCIL SHALL ADOPT AN APPLICATION PROCESS FOR
11	INTERESTED AND ELIGIBLE PEOPLE TO APPLY FOR APPOINTMENT TO THE
12	COUNCIL, INCLUDING THE CONTENT AND AVAILABILITY OF THE
13	APPLICATION FORM, SELECTION CRITERIA, AND AN APPLICATION REVIEW
14	PROCESS.
15	(III) (A) SUBJECT TO AVAILABLE APPROPRIATIONS, LEGISLATIVE
16	MEMBERS OF THE COUNCIL MUST BE COMPENSATED FOR COUNCIL MEETING
17	ATTENDANCE IN THE SAME MANNER AS PROVIDED IN SECTION 2-2-307 FOR
18	LEGISLATIVE MEMBERS ATTENDING MEETINGS DURING THE LEGISLATIVE
19	INTERIM. ALL EXPENDITURES INCURRED BY THE COUNCIL MUST BE
20	APPROVED BY THE CHAIR OF THE LEGISLATIVE COUNCIL AND PAID FOR BY
21	VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEY
22	ALLOCATED TO THE LEGISLATIVE COUNCIL FOR LEGISLATIVE COMMITTEES
23	FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.
24	(B) Nonlegislative members serve without compensation
25	BUT MAY BE REIMBURSED FOR EXPENSES DIRECTLY RELATING TO THEIR
26	SERVICE ON THE COUNCIL.
27	(3) (a) IE A VACANOV OF A LEGISLATIVE MEMBER OCCURS. THE

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1	APPOINTING AUTHORITY OF THE VACATED SEAT SHALL PROMPTLY APPOINT
2	A NEW MEMBER TO COMPLETE THE TERM.
3	(b) THE COUNCIL SHALL ADOPT, AND MAY AMEND, A VACANCY
4	POLICY. IF A VACANCY OF A NONLEGISLATIVE MEMBER OCCURS, THE SEAT
5	MUST BE APPOINTED PURSUANT TO THE VACANCY POLICY.
6	(4) THE COUNCIL SHALL ADOPT, AND MAY AMEND, WRITTEN
7	BYLAWS SETTING FORTH A LEADERSHIP STRUCTURE. THE COUNCIL SHALL
8	APPOINT MEMBERS TO SERVE IN ANY LEADERSHIP ROLES AS DESCRIBED IN
9	ITS BYLAWS.
10	2-2-2405. Duties - meetings - community outreach -
11	designation of organization to accept donations - authority to
12	contract. (1) THE COUNCIL SHALL:
13	(a) IDENTIFY, EXAMINE, AND DISCUSS THE ISSUES, INTERESTS, AND
14	NEEDS AFFECTING PEOPLE WHO ARE INCARCERATED; AND
15	$(b) \ Make {\tt RECOMMENDATIONS} {\tt FOR} {\tt LEGISLATION} {\tt OR} {\tt ALTERNATIVE}$
16	POLICY SOLUTIONS REGARDING THOSE ISSUES, INTERESTS, AND NEEDS.
17	(2) (a) On or before September 1, 2025, the council shall,
18	IN CONJUNCTION WITH THE DIRECTOR OF THE LEGISLATIVE COUNCIL, USE
19	A REQUEST FOR PROPOSAL PROCESS TO CONTRACT WITH AND DESIGNATE
20	A NONPROFIT ORGANIZATION TO PROVIDE STAFFING, ADMINISTRATIVE,
21	AND OPERATIONAL ASSISTANCE AND TO SERVE AS THE CUSTODIAN OF
22	MONEY DONATED TO THE COUNCIL THROUGH THE DESIGNATED
23	ORGANIZATION. THE DESIGNATED ORGANIZATION SELECTED FOLLOWING
24	The 2025 request for proposal process shall, pursuant to one or
25	MORE CONTRACTS, PROVIDE THE STAFFING, ADMINISTRATIVE,
26	OPERATIONAL, AND CUSTODIAN SERVICES THROUGH JUNE 30, 2030.
27	THEREAFTER, THE COUNCIL SHALL, IN CONJUNCTION WITH THE DIRECTOR

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1	OF THE LEGISLATIVE COUNCIL, ON OR BEFORE APRIL 15, 2030, AND ON OR
2	BEFORE EVERY SECOND APRIL 15 THEREAFTER, USE A REQUEST FOR
3	PROPOSAL PROCESS TO CONTRACT WITH AND DESIGNATE A NONPROFIT
4	ORGANIZATION TO PROVIDE STAFFING, ADMINISTRATIVE, OPERATIONAL,
5	AND CUSTODIAN SERVICES. THE TERM OF EACH CONTRACT ENTERED INTO
6	FOR A TERM COMMENCING ON OR AFTER JULY 1, 2030, IS TWO STATE
7	FISCAL YEARS; EXCEPT THAT A CONTRACT MAY BE EXTENDED FOR ONE
8	ADDITIONAL TWO-YEAR TERM. IF A CONTRACT IS EXTENDED, THE REQUEST
9	FOR PROPOSAL FOR THE NEXT CONTRACT MUST BE ISSUED ON OR BEFORE
10	THE APRIL 15 IMMEDIATELY PRECEDING THE EXPIRATION OF THE
11	EXTENSION TERM. THE DESIGNATED ORGANIZATION IS AUTHORIZED TO
12	EXPEND ANY MONEY IT RECEIVES AS IS NECESSARY TO PROVIDE STAFFING,
13	ADMINISTRATIVE, OPERATIONAL, AND CUSTODIAN SERVICES FOR THE
14	COUNCIL. THE DESIGNATED ORGANIZATION AND THE COUNCIL MAY
15	SOLICIT AND ACCEPT MONETARY AND IN-KIND GIFTS, GRANTS, AND
16	DONATIONS USED TO FURTHER THE COUNCIL'S DUTIES AND
17	RESPONSIBILITIES. ANY MONEY DONATED OR AWARDED TO THE
18	DESIGNATED ORGANIZATION FOR THE BENEFIT OF THE COUNCIL IS NOT
19	SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY. ANY MONEY
20	OBTAINED BY THE COUNCIL OR THE DESIGNATED ORGANIZATION, THAT IS
21	UNEXPENDED AND UNENCUMBERED AT THE TIME THE COUNCIL IS
22	DISSOLVED, MUST BE DISTRIBUTED ACCORDING TO APPROPRIATE FEDERAL
23	AND STATE LAWS GOVERNING NONPROFIT ORGANIZATIONS. IF A DIFFERENT
24	NONPROFIT OR PRIVATE ORGANIZATION IS SUBSEQUENTLY DESIGNATED AS
25	THE CUSTODIAN OF DONATED MONEY, ANY MONEY THAT IS UNEXPENDED
26	AND UNENCUMBERED AT THE TIME OF THE CHANGE IN DESIGNATION MUST
27	BE PROMPTLY TRANSFERRED BY THE PREVIOUSLY DESIGNATED

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1	ORGANIZATION TO THE NEWLY DESIGNATED ORGANIZATION.
2	(b) THE DESIGNATED ORGANIZATION, ON BEHALF OF THE COUNCIL,
3	MAY PROVIDE OR ACCEPT IN-KIND STAFF SUPPORT FROM NONPROFIT
4	AGENCIES OR PRIVATE ORGANIZATIONS, INCLUDING ITSELF, OR MAY
5	CONTRACT WITH OUTSIDE ENTITIES FOR THE PURPOSE OF PROVIDING STAFF
6	SUPPORT TO ASSIST THE COUNCIL IN CONDUCTING ITS DUTIES AND
7	RESPONSIBILITIES. ANY STAFF SUPPORT PERSONNEL PROVIDED BY THE
8	DESIGNATED ORGANIZATION OR A NONPROFIT AGENCY OR PRIVATE
9	ORGANIZATION, EITHER DONATED OR ENGAGED THROUGH A CONTRACT,
10	ARE NOT CONSIDERED EMPLOYEES OF THE COUNCIL OR THE STATE.
11	(3) (a) The council must meet at least three times per
12	MONTH. MEETINGS MAY BE HELD THROUGH THE USE OF AUDIO-VISUAL
13	COMMUNICATION TECHNOLOGY.
14	(b) A LEGISLATIVE MEMBER SHALL ATTEND AT LEAST ONE
15	MEETING PER QUARTER.
16	(4) The council may develop rules and procedures to
17	GOVERN ITS ACTIVITIES.
18	(5) The council shall utilize news outlets and
19	PUBLICATIONS, PUBLIC AWARENESS CAMPAIGNS, AND A WEBSITE TO
20	DEVELOP AND MAINTAIN REGULAR COMMUNICATION CONCERNING ITS
21	ACTIVITIES WITH THE INCARCERATED POPULATION OF THE STATE, THE
22	STATE, AND INTERESTED PARTIES.
23	(6) The council may collaborate with any person or
24	ENTITY THAT THE COUNCIL DEEMS APPROPRIATE TO ASSIST THE COUNCIL

ENTITY THAT THE COUNCIL DEEMS APPROPRIATE TO ASSIST THE COUNCIL

IN PERFORMING ITS DUTIES. A STATE OR LOCAL ENTITY THAT IS

REQUESTED TO PROVIDE ASSISTANCE TO THE COUNCIL IN PERFORMING THE

COUNCIL'S DUTIES SHALL ASSIST THE COUNCIL TO THE EXTENT THE

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1	ASSISTANCE PROVIDED BY THE STATE OR LOCAL ENTITY IS CONSISTENT
2	WITH THE STATE'S OR LOCAL ENTITY'S DUTIES AND LAW.
3	(7) The council is authorized to contract with the
4	DESIGNATED ORGANIZATION OR OTHER NONPROFIT FOR THE
5	${\tt IMPLEMENTATIONOFTHISPART24.AnycontractenteredintoByThe}$
6	COUNCIL MUST BE SIGNED BY THE CHAIR OF THE REVIEW COMMITTEE AND
7	THE CHAIR OF THE LEGISLATIVE COUNCIL.
8	(8) WITHIN EXISTING RESOURCES, THE DEPARTMENT OF
9	CORRECTIONS SHALL PROVIDE THE COUNCIL OR DESIGNATED
10	ORGANIZATION ANY NECESSARY STAFF SUPPORT, MEETING SPACE, AND
11	AUDIO-VISUAL COMMUNICATION TECHNOLOGY RESOURCES.
12	2-2-2406. Report. (1) BEGINNING JANUARY 2027, AND EACH
13	JANUARY THEREAFTER, THE COUNCIL SHALL REPORT, AT A MINIMUM, THE
14	INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO THE
15	JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
16	REPRESENTATIVES, OF THEIR SUCCESSOR COMMITTEES, AS PART OF THE
17	DEPARTMENT OF CORRECTION'S "SMART ACT" PRESENTATION REQUIRED
18	PURSUANT TO PART 2 OF ARTICLE 7 OF THIS TITLE 2.
19	(2) IN ITS REPORT, THE COUNCIL SHALL, AT A MINIMUM, DESCRIBE
20	THE:
21	(a) Issues, interests, and needs affecting people who are
22	INCARCERATED THAT WERE IDENTIFIED, EXAMINED, AND DISCUSSED BY
23	THE COUNCIL IN THE PRECEDING YEAR;
24	(b) COUNCIL'S RECOMMENDATIONS FOR LEGISLATION OR
25	ALTERNATIVE POLICY SOLUTIONS REGARDING THOSE ISSUES, INTERESTS,
26	AND NEEDS; AND
27	(c) RESULTS FROM THE IMPLEMENTATION OF LEGISLATION OR

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1	ALTERNATIVE POLICY SOLUTIONS DEVELOPED PURSUANT TO THIS PART 24.
2	(3) IN ADDITION TO REPORTING TO THE GENERAL ASSEMBLY, THE
3	COUNCIL SHALL SUBMIT ITS REPORT TO THE EXECUTIVE DIRECTOR OF THE
4	DEPARTMENT OF CORRECTIONS, AND ANY OTHER PERSON OR ENTITY THAT
5	THE COUNCIL DEEMS NECESSARY AS AN INTERESTED PARTY.
6	(4) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
7	(11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
8	SECTION CONTINUES INDEFINITELY.
9	2-2-2407. Legislation inside advisory council review committee
10	- created. (1) There is created in the legislative branch the
11	LEGISLATION INSIDE ADVISORY COUNCIL REVIEW COMMITTEE TO REVIEW
12	THE COUNCIL'S WORK AND TO RECOMMEND LEGISLATION REGARDING
13	ISSUES AFFECTING PEOPLE WHO ARE INCARCERATED.
14	(2) (a) The review committee includes the following voting
15	MEMBERS:
16	(I) THE FOUR LEGISLATIVE MEMBERS OF THE COUNCIL; AND
17	(II) ONE MEMBER OF THE LEGISLATIVE COUNCIL, CREATED IN
18	SECTION 2-3-301, APPOINTED BY THE CHAIR OF THE LEGISLATIVE COUNCIL
19	ON OR BEFORE APRIL 1, 2026, AND ON OR BEFORE APRIL 1 EACH YEAR
20	THEREAFTER.
21	(b) The review committee includes five nonvoting members
22	OF THE COUNCIL, APPOINTED BY THE COUNCIL.
23	(3) IN ODD-NUMBERED YEARS, THE PRESIDENT OF THE SENATE
24	SHALL APPOINT THE CHAIR AND THE SPEAKER OF THE HOUSE OF
25	REPRESENTATIVES SHALL APPOINT THE VICE-CHAIR OF THE REVIEW
26	COMMITTEE. IN EVEN-NUMBERED YEARS, THE SPEAKER SHALL APPOINT
2.7	THE CHAIR AND THE PRESIDENT SHALL APPOINT THE VICE-CHAIR OF THE

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2	APPOINTMENTS ON OR BEFORE APRIL 1, 2026, AND ON OR BEFORE APRIL
3	1 of each year thereafter.
4	(4) THE REVIEW COMMITTEE SHALL NOT MEET MORE THAN THREE
5	TIMES DURING EACH INTERIM. A MAJORITY OF VOTING MEMBERS
6	CONSTITUTES A QUORUM.
7	(5) The review committee may not travel unless
8	AUTHORIZED BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE
9	COUNCIL.
10	(6) THE REVIEW COMMITTEE MAY RECOMMEND UP TO A TOTAL OF
11	THREE BILLS DURING EACH INTERIM. LEGISLATION RECOMMENDED BY THE
12	REVIEW COMMITTEE IS TREATED AS LEGISLATION RECOMMENDED BY AN
13	INTERIM COMMITTEE FOR PURPOSES OF APPLICABLE DEADLINES, BILL
14	INTRODUCTION LIMITS, AND ANY OTHER REQUIREMENTS IMPOSED BY THE
15	JOINT RULES OF THE GENERAL ASSEMBLY.
16	(7) VOTING MEMBERS OF THE REVIEW COMMITTEE ARE ENTITLED
17	TO COMPENSATION PURSUANT TO SECTION 2-2-307. SUBJECT TO
18	AVAILABLE FUNDS, NONVOTING MEMBERS OF THE REVIEW COMMITTEE
19	MAY RECEIVE REIMBURSEMENT FOR EXPENSES.
20	(8) The legislative council staff and the staff of the
21	OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL ASSIST THE REVIEW
22	COMMITTEE IN CARRYING OUT ITS DUTIES PURSUANT TO THIS SECTION.
23	SECTION 2. Safety clause. The general assembly finds,
24	determines, and declares that this act is necessary for the immediate
25	preservation of the public peace, health, or safety or for appropriations for
26	the support and maintenance of the departments of the state and state
27	institutions.

REVIEW COMMITTEE. THE PRESIDENT AND THE SPEAKER SHALL MAKE THE

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