

SENATE BILL 25-155

BY SENATOR(S) Gonzales J. and Ball, Amabile, Cutter, Jodeh, Kipp, Michaelson Jenet, Sullivan, Wallace, Weissman, Winter F.; also REPRESENTATIVE(S) Clifford, Bacon, Jackson, Lindsay, Mabrey, Duran, Hamrick, Ricks.

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

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

SECTION 1. In Colorado Revised Statutes, **add** part 25 to article 2 of title 2 as follows:

PART 25 LEGISLATION INSIDE ADVISORY COUNCIL

- **2-2-2501. Short title.** The short title of this part 25 is the "Legislation Inside Advisory Council Act".
- **2-2-2502. Definitions.** AS USED IN THIS PART 25, UNLESS THE CONTEXT OTHERWISE REQUIRES:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

- (1) "Correctional facility" has the same meaning as set forth in section 17-1-102 (1.7).
- (2) "COUNCIL" MEANS THE LEGISLATION INSIDE ADVISORY COUNCIL CREATED IN SECTION 2-2-2503.
- (3) "DESIGNATED ORGANIZATION" MEANS THE NONPROFIT ORGANIZATION DESIGNATED PURSUANT TO SECTION 2-2-2505.
- (4) "PRIVATE CONTRACT PRISON" HAS THE SAME MEANING AS SET FORTH IN SECTION 17-1-102 (7.3).
- (5) "REVIEW COMMITTEE" MEANS THE LEGISLATION INSIDE ADVISORY COUNCIL REVIEW COMMITTEE CREATED IN SECTION 2-2-2507.
- **2-2-2503.** Legislation inside advisory council creation purpose. (1) There is created in the Legislative branch the Legislation inside advisory council.
- (2) THE INTENT OF THE LEGISLATION INSIDE ADVISORY COUNCIL IS TO PROVIDE PEOPLE WHO ARE INCARCERATED WITH THE OPPORTUNITY TO IDENTIFY, EXAMINE, AND DISCUSS THE ISSUES, INTERESTS, AND NEEDS THAT DIRECTLY AFFECT THEM AND TO HAVE A RECOGNIZED OPINION ON LEGISLATION AND POLICIES THAT AFFECT THEIR LIVES, THEIR FAMILIES' LIVES, THEIR COMMUNITIES, AND THE PUBLIC. THEREFORE, THE PURPOSE OF THE COUNCIL IS 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.
- **2-2-2504. Membership selection terms repeal.** (1) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:
- (a) FOUR NONVOTING LEGISLATIVE MEMBERS, TWO OF WHOM ARE MEMBERS OF THE SENATE AND TWO OF WHOM ARE MEMBERS OF THE HOUSE OF REPRESENTATIVES;
- (b) FORTY VOTING NONLEGISLATIVE MEMBERS, ALL OF WHOM MUST BE INCARCERATED IN A CORRECTIONAL FACILITY OR PRIVATE CONTRACT PRISON AT THE TIME OF THEIR APPOINTMENT AND FOR THE DURATION OF

THEIR TERM. THE NONLEGISLATIVE MEMBERSHIP DESCRIBED IN THIS SUBSECTION (1)(b) MUST:

- (I) INCLUDE PEOPLE WHO ARE INCARCERATED IN MEN'S CORRECTIONAL FACILITIES OR PRIVATE CONTRACT PRISONS AND PEOPLE WHO ARE INCARCERATED IN WOMEN'S CORRECTIONAL FACILITIES OR PRIVATE CONTRACT PRISONS;
- (II) INCLUDE PEOPLE WHO ARE INCARCERATED IN DIFFERENT LEVELS OF SECURITY AT CORRECTIONAL FACILITIES OR PRIVATE CONTRACT PRISONS; AND
- (III) TO THE EXTENT PRACTICABLE, REFLECT THE DEMOGRAPHIC DIVERSITY OF THE STATE; AND
- (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.
- (2) (a) LEGISLATIVE MEMBERS OF THE COUNCIL ARE APPOINTED AS FOLLOWS:
- (I) On or before December 31, 2025, and on or before December 31 every two years thereafter, the president and minority leader of the senate shall each appoint one member from the senate; and
- (II) ON OR BEFORE DECEMBER 31, 2025, AND ON OR BEFORE DECEMBER 31 EVERY TWO YEARS THEREAFTER, THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER FROM THE HOUSE OF REPRESENTATIVES.
- (b) NONLEGISLATIVE MEMBERS OF THE COUNCIL ARE APPOINTED AS FOLLOWS:
- (I) (A) ON OR BEFORE SEPTEMBER 15, 2025, THE DESIGNATED ORGANIZATION SHALL COLLABORATE WITH THE DEPARTMENT OF CORRECTIONS TO ADOPT AN APPLICATION PROCESS FOR INTERESTED AND ELIGIBLE PEOPLE TO APPLY FOR APPOINTMENT TO THE COUNCIL, INCLUDING THE CONTENT AND AVAILABILITY OF THE APPLICATION FORM, SELECTION CRITERIA, AND AN APPLICATION REVIEW PROCESS.

- (B) On or before October 1, 2025, a person who meets the eligibility criteria set forth in this section may apply to the designated organization for appointment to the council. On or before December 31, 2025, the designated organization shall appoint nonlegislative members to the council.
- (C) This subsection (2)(b)(I) is repealed, effective July 1, 2027.
- (II) (A) ON OR BEFORE APRIL 1, 2026, THE COUNCIL SHALL COLLABORATE WITH THE DEPARTMENT OF CORRECTIONS TO ADOPT A POLICY CONCERNING COUNCIL TERMS, INCLUDING TERM DURATION; TERM LIMITS, IF ANY; AND REMOVAL PROCEEDINGS. BY OCTOBER 1, 2026, THE COUNCIL SHALL APPOINT COUNCIL MEMBERSHIP PURSUANT TO THE POLICY. THE COUNCIL MAY AMEND THE POLICY.
- (B) THE COUNCIL SHALL COLLABORATE WITH THE DEPARTMENT OF CORRECTIONS TO ADOPT AN APPLICATION PROCESS FOR INTERESTED AND ELIGIBLE PEOPLE TO APPLY FOR APPOINTMENT TO THE COUNCIL, INCLUDING THE CONTENT AND AVAILABILITY OF THE APPLICATION FORM, SELECTION CRITERIA, AND AN APPLICATION REVIEW PROCESS.
- (C) THE COUNCIL SHALL COLLABORATE WITH THE DEPARTMENT OF CORRECTIONS TO DEVELOP A POLICY AND PROCESS FOR SHARING INFORMATION NECESSARY FOR THE PURPOSES OF THIS PART 25.
- (III) (A) SUBJECT TO AVAILABLE APPROPRIATIONS, LEGISLATIVE MEMBERS OF THE COUNCIL MUST BE COMPENSATED FOR COUNCIL MEETING ATTENDANCE IN THE SAME MANNER AS PROVIDED IN SECTION 2-2-307 FOR LEGISLATIVE MEMBERS ATTENDING MEETINGS DURING THE LEGISLATIVE INTERIM. ALL EXPENDITURES INCURRED BY THE COUNCIL MUST BE APPROVED BY THE CHAIR OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL AND PAID FOR BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEY ALLOCATED TO THE LEGISLATIVE COUNCIL FOR LEGISLATIVE COMMITTEES FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.
- (B) Nonlegislative members serve without compensation but may be reimbursed for expenses directly relating to their service on the council.

- (3) (a) If A VACANCY OF A LEGISLATIVE MEMBER OCCURS, THE APPOINTING AUTHORITY OF THE VACATED SEAT SHALL PROMPTLY APPOINT A NEW MEMBER TO COMPLETE THE TERM.
- (b) THE COUNCIL SHALL ADOPT, AND MAY AMEND, A VACANCY POLICY. IF A VACANCY OF A NONLEGISLATIVE MEMBER OCCURS, THE SEAT MUST BE APPOINTED PURSUANT TO THE VACANCY POLICY.
- (4) THE COUNCIL SHALL ADOPT, AND MAY AMEND, WRITTEN BYLAWS SETTING FORTH A LEADERSHIP STRUCTURE. THE COUNCIL SHALL APPOINT MEMBERS TO SERVE IN ANY LEADERSHIP ROLES AS DESCRIBED IN ITS BYLAWS.
- 2-2-2505. Duties meetings community outreach designation of organization to accept donations authority to contract legislative intent. (1) THE COUNCIL SHALL:
- (a) IDENTIFY, EXAMINE, AND DISCUSS THE ISSUES, INTERESTS, AND NEEDS AFFECTING PEOPLE WHO ARE INCARCERATED; AND
- (b) Make recommendations for legislation or alternative Policy solutions regarding those issues, interests, and needs.
- (2) (a) On or before September 1, 2025, the director of the LEGISLATIVE COUNCIL SHALL USE A REQUEST FOR PROPOSAL PROCESS TO CONTRACT WITH AND DESIGNATE A NONPROFIT ORGANIZATION TO PROVIDE STAFFING, ADMINISTRATIVE, AND OPERATIONAL ASSISTANCE AND TO SERVE AS THE CUSTODIAN OF MONEY DONATED TO THE COUNCIL THROUGH THE DESIGNATED ORGANIZATION, SUBJECT TO THE APPROVAL OF THE CHAIR OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL. THE DESIGNATED ORGANIZATION SELECTED FOLLOWING THE 2025 REQUEST FOR PROPOSAL PROCESS SHALL, PURSUANT TO ONE OR MORE CONTRACTS, PROVIDE THE STAFFING, ADMINISTRATIVE, OPERATIONAL, AND CUSTODIAN SERVICES THROUGH JUNE 30, 2030. THEREAFTER, THE DIRECTOR OF THE LEGISLATIVE COUNCIL SHALL, ON OR BEFORE APRIL 15, 2030, AND ON OR BEFORE EVERY SECOND APRIL 15 THEREAFTER, USE A REQUEST FOR PROPOSAL PROCESS TO CONTRACT WITH AND DESIGNATE A NONPROFIT ORGANIZATION TO PROVIDE STAFFING, ADMINISTRATIVE, OPERATIONAL, AND CUSTODIAN SERVICES, SUBJECT TO THE APPROVAL OF THE CHAIR OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL. THE TERM OF EACH CONTRACT ENTERED INTO

FOR A TERM COMMENCING ON OR AFTER JULY 1, 2030, IS TWO STATE FISCAL YEARS; EXCEPT THAT A CONTRACT MAY BE EXTENDED FOR ONE ADDITIONAL TWO-YEAR TERM. IF A CONTRACT IS EXTENDED, THE REQUEST FOR PROPOSAL FOR THE NEXT CONTRACT MUST BE ISSUED ON OR BEFORE THE APRIL 15 IMMEDIATELY PRECEDING THE EXPIRATION OF THE EXTENSION TERM. THE DESIGNATED ORGANIZATION IS AUTHORIZED TO EXPEND ANY MONEY IT RECEIVES AS IS NECESSARY TO PROVIDE STAFFING, ADMINISTRATIVE, OPERATIONAL, AND CUSTODIAN SERVICES FOR THE COUNCIL. THE DESIGNATED ORGANIZATION AND THE COUNCIL MAY SOLICIT AND ACCEPT MONETARY AND IN-KIND GIFTS, GRANTS, AND DONATIONS USED TO FURTHER THE COUNCIL'S DUTIES AND RESPONSIBILITIES. ANY MONEY DONATED OR AWARDED TO THE DESIGNATED ORGANIZATION FOR THE BENEFIT OF THE COUNCIL IS NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY. ANY MONEY OBTAINED BY THE COUNCIL OR THE DESIGNATED ORGANIZATION, THAT IS UNEXPENDED AND UNENCUMBERED AT THE TIME THE COUNCIL IS DISSOLVED, MUST BE DISTRIBUTED ACCORDING TO APPROPRIATE FEDERAL AND STATE LAWS GOVERNING NONPROFIT ORGANIZATIONS. IF A DIFFERENT NONPROFIT OR PRIVATE ORGANIZATION IS SUBSEQUENTLY DESIGNATED AS THE CUSTODIAN OF DONATED MONEY, ANY MONEY THAT IS UNEXPENDED AND UNENCUMBERED AT THE TIME OF THE CHANGE IN DESIGNATION MUST BE PROMPTLY TRANSFERRED BY THE PREVIOUSLY DESIGNATED ORGANIZATION TO THE NEWLY DESIGNATED ORGANIZATION.

- (b) The director of the legislative council shall consult with the executive director of the department of corrections during the request for proposal process pursuant to subsection (2)(a) of this section to ensure that designated organization applicants satisfy department of corrections' requirements, including requirements for third parties that work with people who are incarcerated.
- (c) The designated organization, on Behalf of the Council, may provide or accept in-kind staff support from nonprofit agencies or private organizations, including itself, or may contract with outside entities for the purpose of providing staff support to assist the council in conducting its duties and responsibilities. Any staff support personnel provided by the designated organization or a nonprofit agency or private organization, either donated or engaged through a contract, are

- (3) (a) THE COUNCIL MUST MEET AT LEAST THREE TIMES PER MONTH. MEETINGS MAY BE HELD THROUGH THE USE OF AUDIO-VISUAL COMMUNICATION TECHNOLOGY.
- (b) A Legislative member shall attend at least one meeting per quarter.
- (4) THE COUNCIL MAY DEVELOP RULES AND PROCEDURES TO GOVERN ITS ACTIVITIES.
- (5) THE DESIGNATED ORGANIZATION, ON BEHALF OF THE COUNCIL, SHALL UTILIZE NEWS OUTLETS AND PUBLICATIONS, PUBLIC AWARENESS CAMPAIGNS, AND A WEBSITE TO DEVELOP AND MAINTAIN REGULAR COMMUNICATION CONCERNING ITS ACTIVITIES WITH THE INCARCERATED POPULATION OF THE STATE, THE STATE, AND INTERESTED PARTIES.
- (6) THE DESIGNATED ORGANIZATION, ON BEHALF OF THE COUNCIL, MAY COLLABORATE WITH ANY PERSON OR 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 ASSISTANCE PROVIDED BY THE STATE OR LOCAL ENTITY IS CONSISTENT WITH THE STATE'S OR LOCAL ENTITY'S DUTIES AND LAW.
- (7) THE DESIGNATED ORGANIZATION, ON BEHALF OF THE COUNCIL, IS AUTHORIZED TO CONTRACT WITH ANOTHER NONPROFIT FOR THE IMPLEMENTATION OF THIS PART 25. ANY CONTRACT ENTERED INTO BY THE COUNCIL MUST BE SIGNED BY THE CHAIR OF THE REVIEW COMMITTEE AND THE CHAIR OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.
- (8) WITHIN EXISTING RESOURCES, THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE THE COUNCIL OR DESIGNATED ORGANIZATION ANY NECESSARY STAFF SUPPORT, MEETING SPACE, AND AUDIO-VISUAL COMMUNICATION TECHNOLOGY RESOURCES.
- (9) It is the intent of the general assembly that no general fund money be appropriated for a contract with the designated organization for the performance of its duties pursuant to this

- PART 25. THE DESIGNATED ORGANIZATION IS SOLELY RESPONSIBLE FOR THE COSTS OF PROVIDING THE CONTRACTED SERVICES AND PERFORMING ITS DUTIES PURSUANT TO THIS PART 25. THE DESIGNATED ORGANIZATION MAY ACCEPT MONETARY OR IN-KIND GIFTS, GRANTS, AND DONATIONS TO DEFRAY THE COSTS OF PROVIDING THE CONTRACTED SERVICES AND PERFORMING ITS DUTIES PURSUANT TO THIS PART 25.
- (10) The duties required in this part 25 are contingent on awarding a contract and designating a nonprofit organization pursuant to subsection (2) of this section. If a contract is not awarded and a nonprofit organization is not designated to provide staffing and facilitate the performance of the council's duties required pursuant to this part 25, then none of the provisions of this part 25 are required to occur and the review committee shall not meet.
- **2-2-2506. Report.** (1) Beginning January 2027, and each January thereafter, the council shall report, at a minimum, the information described in subsection (2) of this section to the judiciary committees of the senate and the house of representatives, of their successor committees, as part of the department of correction's "SMART Act" presentation required pursuant to part 2 of article 7 of this title 2.
- (2) IN ITS REPORT, THE COUNCIL SHALL, AT A MINIMUM, DESCRIBE THE:
- (a) ISSUES, INTERESTS, AND NEEDS AFFECTING PEOPLE WHO ARE INCARCERATED THAT WERE IDENTIFIED, EXAMINED, AND DISCUSSED BY THE COUNCIL IN THE PRECEDING YEAR;
- (b) COUNCIL'S RECOMMENDATIONS FOR LEGISLATION OR ALTERNATIVE POLICY SOLUTIONS REGARDING THOSE ISSUES, INTERESTS, AND NEEDS; AND
- (c) RESULTS FROM THE IMPLEMENTATION OF LEGISLATION OR ALTERNATIVE POLICY SOLUTIONS DEVELOPED PURSUANT TO THIS PART 25.
- (3) In addition to reporting to the general assembly, the council shall submit its report to the executive director of the

DEPARTMENT OF CORRECTIONS, AND ANY OTHER PERSON OR ENTITY THAT THE COUNCIL DEEMS NECESSARY AS AN INTERESTED PARTY.

- (4) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SECTION CONTINUES INDEFINITELY.
- 2-2-2507. Legislation inside advisory council review committee created. (1) There is created in the legislative branch the legislation inside advisory council review committee to review the council's work and to recommend legislation regarding issues affecting people who are incarcerated.
- (2) (a) THE REVIEW COMMITTEE INCLUDES THE FOLLOWING VOTING MEMBERS:
 - (I) THE FOUR LEGISLATIVE MEMBERS OF THE COUNCIL; AND
- (II) ONE MEMBER OF THE LEGISLATIVE COUNCIL, CREATED IN SECTION 2-3-301, APPOINTED BY THE CHAIR OF THE LEGISLATIVE COUNCIL ON OR BEFORE APRIL 1, 2026, AND ON OR BEFORE APRIL 1 EACH YEAR THEREAFTER.
- (b) THE REVIEW COMMITTEE INCLUDES FIVE NONVOTING MEMBERS OF THE COUNCIL, APPOINTED BY THE COUNCIL.
- (3) IN ODD-NUMBERED YEARS, THE PRESIDENT OF THE SENATE SHALL APPOINT THE CHAIR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THE VICE-CHAIR OF THE REVIEW COMMITTEE. IN EVEN-NUMBERED YEARS, THE SPEAKER SHALL APPOINT THE CHAIR AND THE PRESIDENT SHALL APPOINT THE VICE-CHAIR OF THE REVIEW COMMITTEE. THE PRESIDENT AND THE SPEAKER SHALL MAKE THE APPOINTMENTS ON OR BEFORE APRIL 1, 2026, AND ON OR BEFORE APRIL 1 OF EACH YEAR THEREAFTER.
- (4) THE REVIEW COMMITTEE SHALL NOT MEET MORE THAN THREE TIMES DURING EACH INTERIM. A MAJORITY OF VOTING MEMBERS CONSTITUTES A QUORUM.
 - (5) THE REVIEW COMMITTEE MAY NOT TRAVEL UNLESS AUTHORIZED

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BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.

- (6) THE REVIEW COMMITTEE MAY RECOMMEND UP TO A TOTAL OF THREE BILLS DURING EACH INTERIM. LEGISLATION RECOMMENDED BY THE REVIEW COMMITTEE IS TREATED AS LEGISLATION RECOMMENDED BY AN INTERIM COMMITTEE FOR PURPOSES OF APPLICABLE DEADLINES, BILL INTRODUCTION LIMITS, AND ANY OTHER REQUIREMENTS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.
- (7) VOTING MEMBERS OF THE REVIEW COMMITTEE ARE ENTITLED TO COMPENSATION PURSUANT TO SECTION 2-2-307. SUBJECT TO AVAILABLE FUNDS, NONVOTING MEMBERS OF THE REVIEW COMMITTEE MAY RECEIVE REIMBURSEMENT FOR EXPENSES.
- (8) THE LEGISLATIVE COUNCIL STAFF AND THE STAFF OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL ASSIST THE REVIEW COMMITTEE IN CARRYING OUT ITS DUTIES PURSUANT TO THIS SECTION.
- **SECTION 2.** Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.

PRESIDENT OF THE SENATE

Julie McCluskie SPEAKER OF THE HOUSE OF REPRESENTATIVES

Esther van Mourik SECRETARY OF

THE SENATE

Vanessa Reilly

CHIEF CLERK OF THE HOUSE

OF REPRESENTATIVES

APPROVED Tuesday way 20" 2525 at 1:05 Pm (Date and Time)

Jared S. Polis

GOVERNOR OF THE STATE OF COLORADO