



Colorado Commission on Criminal & Juvenile Justice

FY2015 RECOMMENDATION/FY15-CS01 Early discharge from Lifetime Supervision Probation for sex offenders due to disability or incapacitation

Status: Implementation Unknown

Actions/Updates

2023 UPDATE (JUNE)

During the FY 2023 Legislative Session, Senate Bill 2023-158 to reauthorize the Colorado Commission on Criminal and Juvenile Justice (CCJJ) was postponed indefinitely on May 7, 2023. Therefore, with the sunset of the Commission, all activities of the CCJJ ceased on June 30, 2023.

No further monitoring of CCJJ recommendations will occur.

2018 - 2022 UPDATE

No action was taken on this recommendation during these Legislative Sessions.

2017 UPDATE

The Commission could not find a sponsor for this legislation during the 2017 Legislative Session.

2016 UPDATE

No action was taken on this recommendation during the 2016 Legislative Session.

2015 UPDATE

This recommendation was not introduced in a bill during the 2015 Legislative Session.

2014 ACTION TO DATE

This recommendation requires statutory change to be implemented.

Description

Amend C.R.S. 18-1.3-1008 to provide that offenders sentenced to the Lifetime Supervision Act, who suffer from a severe disability to the extent they are deemed incapacitated and do not present an unacceptable level of risk to public safety, may petition the court for early discharge from probation supervision. Also, if necessary, make conforming amendments to the Colorado Victims' Rights Act regarding a "critical stage" for victim notification.

Agencies Responsible

Discussion

A mechanism to apply for early discharge from indeterminate probation sentences should be in place for sex offenders who, due to a significant mental or physical disability, are deemed incapacitated to the extent that he or she does not present an unacceptable level of risk to public safety and is not likely to commit a new offense. A severe disability can render a person unable to participate in or benefit from sex offender supervision or treatment. Also, continued supervision of an offender with a severe medical or mental health diagnosis (e.g., severe dementia, Alzheimer's, terminal illness, physical incapacitation) may be ineffective while also requiring ongoing allocation of resources with little benefit.