

Commission to Examine the Intersection of Parole and Current Sentencing Practices

Meeting Agenda

Thursday, October 29, 2026

10:00a.m. – 4:00p.m.

Maine State House, Room 438 (JUD) and via Zoom

Streaming: <https://legislature.maine.gov/Audio/#438>

1. Welcome and Introductions
 - Senator Rachel Talbot Ross, Senate Chair
 - Representative Adam Lee, House Chair
2. Public Comment Period
3. Lunch
4. Background on States that Have Reestablished Parole
 - Office of Policy and Legal Analysis, Staff
5. Discussion and voting on recommendations

Future Meetings

- Either November 18th or 20th of November, to be determined at 10/29 meeting

Additional information and materials are available on the Committee's webpage at:
<https://legislature.maine.gov/intersection-of-parole-and-current-sentencing-practices-commission>

Maine

Title 34-A: CORRECTIONS**Chapter 5: PROBATION AND PAROLE****Subchapter 3: ADMINISTRATION OF PROBATION AND PAROLE****§5402. Duties and powers of the commissioner with respect to probation and parole services****1. Appointment.**

[PL 1995, c. 502, Pt. F, §34 (RP).]

2. Duties. The commissioner shall:

A. Adopt and enforce rules for field probation and parole officers, juvenile community corrections officers and parole officers in correctional facilities; [PL 2013, c. 133, §27 (AMD).]

B. Appoint, subject to the Civil Service Law ([./5/title5sec7039.html](#)), field probation and parole officers, juvenile community corrections officers and such other employees as may be required to carry out adequate supervision of all probationers, parolees from the correctional facilities and other persons placed under the supervision of an employee listed in this paragraph; [PL 2013, c. 491, §6 (AMD).]

C. Prescribe the powers and duties of persons appointed under paragraph B ([./34-A/title34-Asec5402.html](#)); [PL 1983, c. 459, §6 (NEW).]

 D. Provide necessary investigation of any criminal case or matter, including presentence investigation, when requested by the court having jurisdiction; [PL 2013, c. 133, §29 (AMD).]

E. Provide investigation when requested by the board; [PL 1983, c. 459, §6 (NEW).]

F. Cooperate closely with the board, the criminal and juvenile courts, the chief administrative officers of correctional facilities and other correctional facility personnel; [PL 1983, c. 459, §6 (NEW).]

G. Make recommendations to the board in cases of violations of the conditions of parole; [PL 1983, c. 459, §6 (NEW).]

H. Issue warrants for the arrest of parole violators and juveniles who violate conditions of placement on community reintegration status pursuant to section 3810 ([./34-A/title34-Asec3810.html](#)) and former section 4112 ([./34-A/title34-Asec4112.html](#)); [PL 2017, c. 148, §28 (AMD).]

I. Notify the chief administrative officers of correctional facilities of determinations made by the board; [PL 1983, c. 459, §6 (NEW).]

J. Divide the State into administrative districts and staff the districts; [PL 1983, c. 459, §6 (NEW).]

K. Provide instruction and training courses for probation and parole officers and for juvenile community corrections officers; [PL 2013, c. 133, §30 (AMD).]

L. Be executive officer and secretary of the board; and [PL 1989, c. 417, §2 (AMD).]

M. Aggregate the statistics contained in any reports the department receives on individual probationers and make the aggregated statistics available to other state agencies provided the data is aggregated in such a way that statistics pertaining to any individual probationer can not be disaggregated. [PL 1995, c. 502, Pt. F, §34 (AMD).]

[PL 2017, c. 148, §28 (AMD).]

3. Powers. The commissioner may:

A. Provide necessary specialized services and procedures for the constructive rehabilitation of juveniles; [PL 1983, c. 459, §6 (NEW).]

A-1. Appoint regional correctional administrators as necessary for the proper performance of the functions of the department, subject to the Civil Service Law ([../5/title5sec7039.html](http://5/title5sec7039.html)).

(1) To be eligible for appointment as a regional correctional administrator, a person must be experienced in correctional management.

(2) A regional correctional administrator shall report directly to the commissioner or to the deputy commissioner or an associate commissioner if so directed by the commissioner. [PL 2015, c. 291, §6 (AMD).]

B. Obtain psychiatric, psychological and other necessary services; [PL 2005, c. 265, §20 (AMD).]

C. Sign documents, including warrants and extradition papers, for the board when so instructed by the board; and [PL 2005, c. 265, §20 (AMD).]

D. [PL 1995, c. 502, Pt. F, §34 (RP).]

E. [PL 1995, c. 502, Pt. F, §34 (RP).]

F. Provide for necessary assessment and supervision procedures and direct the use of adult probation resources and staff to the management of adult probationers with a high risk of reoffending. [PL 2005, c. 265, §21 (NEW).]

[PL 2015, c. 291, §6 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 785, §§B160,161 (AMD). PL 1985, c. 821, §28 (AMD). PL 1987, c. 402, §A176 (AMD). PL 1989, c. 127, §§12,13 (AMD). PL 1989, c. 417, §§1-3 (AMD). PL 1995, c. 502, §F34 (AMD). PL 2005, c. 265, §§20,21 (AMD). PL 2005, c. 328, §25 (AMD). PL 2005, c. 488, §§19-21 (AMD). PL 2013, c. 133, §§27-30 (AMD). PL 2013, c. 491, §§6, 7 (AMD). PL 2015, c. 291, §6 (AMD). PL 2017, c. 148, §28 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

Data for this page extracted on 10/05/2026 17:28:28.

West's Colorado Revised Statutes Annotated

Title 17. Corrections (Refs & Annos)

Department of Corrections

Parole and Probation

Article 2. Correctional Services (Refs & Annos)

Part 2. State Board of Parole (Refs & Annos)

Colorado Parole

C.R.S.A. § 17-2-201

§ 17-2-201. State board of parole--duties--definitions

Effective: June 1, 2026

Currentness

Board

(1)(a) There is created the state board of parole, which consists of nine members. The board is a **type 1** entity, as defined in section 24-1-105. The members of the board are appointed by the governor and confirmed by the senate, and they shall devote their full time to their duties as members of the board. The members are appointed for three-year terms; except that the terms shall be staggered so that no more than three members' terms expire in the same year. A member may serve consecutive terms. The governor may remove a board member for incompetency, neglect of duty, malfeasance in office, continued failure to use the risk assessment guidelines as required by section 17-22.5-404, or failure to regularly attend meetings as determined by the governor. Final conviction of a felony during the term of office of a board member automatically disqualifies the member from further service on the board. The board is composed of representatives from multidisciplinary areas of expertise. Two members must have experience in law enforcement, and one member must have experience in offender supervision, including parole, probation, or community corrections. Six members must have experience in other relevant fields. Each member of the board must have a minimum of five years of experience in a relevant field and knowledge of parole laws and guidelines, rehabilitation, correctional administration, the functioning of the criminal justice system, issues associated with victims of crime, the duties of board members, and actuarial risk assessment instruments and other offender assessment instruments used by the board and the department of corrections. A person who has been convicted of a felony or of a misdemeanor involving moral turpitude or who has any financial interests that conflict with the duties of a member of the board is ineligible for appointment.

(b) Repealed by Laws 2022, Ch. 2 (S.B. 22-013), § 27, eff. Feb. 25, 2022.

(c) Repealed by Laws 2022, Ch. 2 (S.B. 22-013), § 27, eff. Feb. 25, 2022.

(c.2) Repealed by Laws 2022, Ch. 2 (S.B. 22-013), § 27, eff. December 31, 2022.

(d) The governor may appoint a temporary member to replace any member of the board who becomes temporarily incapacitated. Such temporary member shall not require senate confirmation unless he serves for a period longer than ninety days and shall serve at the pleasure of the governor or until the incapacitated member of the parole board is able to resume his duties. Any temporary member shall assume all the powers and duties of the incapacitated member. Any such temporary member shall have the same qualifications as a permanent member as defined in paragraph (a) of this subsection (1). The board may not have more than two temporary members at any time.

(e) Each board member shall complete a minimum of twenty hours of continuing education or training every year in order to maintain proficiency and to remain current on changes in parole laws and developments in the field. Each parole board member shall submit to the chairperson proof of attendance and details regarding any continuing education or training attended including the date, place, topic, the length of the training, the trainer's name, and any agency or organizational affiliation. Members may attend trainings individually or as part of a specific training offered to the parole board as a whole. The sole remedy for failure to comply with training and data collection requirements shall be removal of the board member by the governor, and the failure to comply with training and data collection requirements shall not create any right for any offender.

(2) The governor shall appoint one of the members of the board as the chairperson of the board and shall also appoint one of the members as the vice-chairperson. Such appointments are subject to change by the governor. The chairperson shall be the administrative head of the board. The chairperson shall assure that board policy and rules and regulations are enforced. The chairperson shall also assure that proper calendars for hearings are compiled and that members are assigned to conduct such hearings. The vice-chairperson shall act in the absence of the chairperson and may fulfill such administrative duties as are delegated by the chairperson.

(3) The chairperson, in addition to other provisions of law, has the following powers and duties:

(a) To promulgate rules governing the granting and revocation of parole, including special needs parole pursuant to section 17-22.5-403.5, from correctional facilities where adult offenders are confined and the fixing of terms of parole and release dates. All rules governing the granting and revocation of parole promulgated by the chairperson shall be subject to the approval of a majority of the board and shall be promulgated pursuant to the provisions of section 24-4-103, C.R.S.

(b) To promulgate rules for the conduct of board members, the procedures for board hearings, and procedures for the board to comply with state fiscal and procurement regulations. All administrative rules and regulations promulgated by the chairperson shall be promulgated pursuant to the provisions of section 24-4-103, C.R.S.

(c) To develop and update a written operational manual for parole board members, release hearing officers, and administrative hearing officers under contract with the board by December 31, 2012. The operational manual shall include, but need not be limited to, board policies and rules, a summary of state laws governing the board, and all administrative release and revocation guidelines that the parole board is required to use. The chairperson will ensure that all new parole board members receive training and orientation on the operational manual.

(c.5) Deleted by Laws 2011, Ch. 200, § 3, eff. May 23, 2011.

(d) To adopt a policy pursuant to which the board may conduct parole hearings, parole revocation hearings, and board meetings using video teleconferencing technology. At a minimum, the policy shall identify:

(I) The agenda items, if any, that the board may not consider during video teleconferences of hearings or meetings;

(II) The correctional facilities that the chairperson determines will be accessible via video teleconferencing for purposes of conducting hearings or meetings. In identifying such correctional facilities, the chairperson may include the Colorado mental health institute at Pueblo for purposes of hearings held at the institute pursuant to subsection (10) of this section.

(e) To ensure that parole board members, release hearing officers, and administrative hearing officers under contract with the board fulfill the annual training requirements described in paragraph (e) of subsection (1) of this section and in section 17-2-202.5. The chairperson shall notify the governor if any board member, release hearing officer, or administrative hearing officer fails to comply with the training requirements.

(f) To ensure that parole board members, release hearing officers, and administrative hearing officers under contract with the board are accurately collecting data and information on his or her decision-making as required by section 17-22.5-404(6). The chairperson shall notify the governor immediately if any board member, release hearing officer, or administrative hearing officer fails to comply with data collection requirements.

(g) To conduct an annual comprehensive review of board functions to identify workload inefficiencies and to develop strategies or recommendations to address any workload inefficiencies;

(h)(I) To contract with licensed attorneys to serve as administrative hearing officers to conduct parole revocation hearings pursuant to rules adopted by the parole board; or

(II) To appoint an administrative law judge pursuant to the provisions of section 24-30-1003, C.R.S., to conduct parole revocation hearings pursuant to the rules and regulations promulgated pursuant to this subsection (3). Any references to the board regarding parole revocation hearings or revocation of parole shall include an administrative law judge appointed pursuant to this paragraph (h).

(h.1) To contract with qualified individuals to serve as release hearing officers:

(I) To conduct parole application hearings for inmates convicted of class 4, class 5, or class 6 felonies or level 3 or level 4 drug felonies who have been assessed to be less than high risk by the Colorado risk assessment scale developed pursuant to section 17-22.5-404(2)(a), or hearings pursuant to subsection (19) of this section pursuant to rules adopted by the parole board; and

(II) To set parole conditions for inmates eligible for release to mandatory parole.

(i) To ensure that the parole board complies with all prison population management mandates required by law, including implementing, when necessary, the prison population management measures set forth in section 17-1-119.7.

(3.5) Notwithstanding section 24-1-136(11)(a)(I), the chairperson shall annually make a presentation to the judiciary committees of the house of representatives and the senate, or any successor committees, regarding the operations of the board.

(3.7)(a) Notwithstanding any other provision in this section, an inmate is not eligible for parole if the inmate:

(I) Has been convicted of a class 1 code of penal discipline violation within the twelve months preceding his or her next ordinarily scheduled parole hearing; or

(II) Has, within the twelve months preceding his or her next ordinarily scheduled parole hearing, declined in writing to participate in programs that have been recommended and made available to the inmate.

(b) An inmate who is described by subparagraph (I) or (II) of paragraph (a) of this subsection (3.7) may be eligible for parole when the applicable condition has not been in effect for the preceding twelve months.

(c) If two schedules with different parole application hearing dates apply to the same inmate, the board shall give effect to the schedule that includes the later parole application hearing date.

(d) The board shall provide victim notification in accordance with section 24-4.1-302.5, C.R.S., for all parole application hearings for which the inmate is eligible for parole, as such eligibility is determined pursuant to the provisions of this section.

(e) As used in this subsection (3.7), "eligible for parole" means an inmate is eligible to make application to the board for parole and includes an inmate's initial application as well as any subsequent application for parole review or reconsideration.

(4) The board has the following powers and duties:

(a) To meet as often as necessary every month to consider all applications for parole. The board may parole any person who is sentenced or committed to a correctional facility when such person has served his or her minimum sentence, less time allowed for good behavior, and there is a strong and reasonable probability that the person will not thereafter violate the law and that release of such person from institutional custody is compatible with the welfare of society. If the board refuses an application for parole, the board shall reconsider the granting of parole to such person within one year thereafter, or earlier if the board so chooses, and shall continue to reconsider the granting of parole each year thereafter until such person is granted parole or until such person is discharged pursuant to law; except that, if the person applying for parole was convicted of any class 3 sexual offense described in part 4 of article 3 of title 18, C.R.S., a habitual criminal offense as defined in section 18-1.3-801(2.5), C.R.S., or of any offense subject to the requirements of section 18-1.3-904, C.R.S., the board need only reconsider granting parole to such person once every three years, until the board grants such person parole or until such person is discharged pursuant to law, or if the person applying for parole was convicted of a class 1 or class 2 felony that constitutes a crime of violence, as defined in section 18-1.3-406, C.R.S., the board need only reconsider granting parole to such person once every five years, until the board grants such person parole or until such person is discharged pursuant to law.

(b) To conduct hearings on parole revocations as required by section 17-2-103. Such hearings shall be exempt from the requirements set forth in section 24-4-105, C.R.S. Judicial review of any revocation of parole shall be held pursuant to section 18-1-410(1)(h), C.R.S.

(c) To issue, pursuant to rules and regulations, an order of exigent circumstances to place an offender under parole supervision immediately upon release from a correctional facility when the board is prevented from complying with publication and interview requirements due to the application of time served prior to confinement in a correctional facility and the operation of good time credits;

(d) To carry out the duties prescribed in article 11.5 of title 16, C.R.S.;

(e) To carry out the duties prescribed in article 11.7 of title 16, C.R.S.;

(f)(I) To conduct an initial or subsequent parole release review in lieu of a hearing, without the presence of the inmate, if:

(A) The application for release is for special needs parole pursuant to section 17-22.5-403.5, and victim notification is not required pursuant to section 24-4.1-302.5;

(B) A detainer from the United States immigration and customs enforcement agency has been filed with the department, the inmate meets the criteria for the presumption of parole in section 17-22.5-404.7, and victim notification is not required pursuant to section 24-4.1-302.5;

(C) The inmate has a statutory discharge date or mandatory release date within six months after his or her next ordinarily scheduled parole hearing and victim notification is not required pursuant to section 24-4.1-302.5;

(D) The inmate is assessed to be a low or very low risk on the validated risk assessment instrument developed pursuant to section 17-22.5-404(2), the inmate meets readiness criteria established by the board, and victim notification is not required pursuant to section 24-4.1-302.5; or

(E) The inmate is subject to subsection (19) of this section.

(II) The board shall notify the inmate's case manager if the board decides to conduct a parole release review without the presence of the inmate, and the case manager shall notify the inmate of the board's decision. The case manager may request that the board reconsider and conduct a hearing with the inmate present.



(4.5) The board may grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any defendant committed to the department of corrections in a manner that is in the best interests of the defendant and the public.

(5)(a) As to any person sentenced for conviction of a felony committed prior to July 1, 1979, or of a misdemeanor and as to any person sentenced for conviction of an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., committed prior to July 1, 1996, or a class 1 felony and as to any person sentenced as a habitual criminal pursuant to section 18-1.3-801, C.R.S., for an offense committed prior to July 1, 2003, the board has the sole power to grant or refuse to grant parole and to fix the condition thereof and has full discretion to set the duration of the term of parole granted, but in no event shall the term of parole exceed the maximum sentence imposed upon the inmate by the court or five years, whichever is less; except that the five-year limitation shall not apply to parole granted pursuant to section 17-22.5-403.7 for a class 1 felony.

(a.3)(I) Any person sentenced as a habitual criminal pursuant to section 18-1.3-801(1.5) or (2) for an offense committed on or after July 1, 2003, shall be subject to the mandatory parole set forth in section 18-1.3-401(1)(a)(V)(A), 18-1.3-401(1)(a)(V)(A.1), or 18-1.3-401.5 for the class or level of felony of which the person is convicted.

(II) As to any person sentenced as a habitual criminal pursuant to section 18-1.3-801(1) or (2.5), C.R.S., for an offense committed on or after July 1, 2003, upon completion of forty calendar years of incarceration in the department of corrections, the parole board may schedule a hearing to determine whether the inmate may be released on parole. If the inmate is released on parole, the life sentence shall continue and shall not be deemed to be discharged until such time as the parole board may discharge the offender. The offender shall serve at least five years on parole prior to discharge. If the parole board revokes the parole, the offender shall be returned to the department of corrections to serve the remainder of the life sentence. The parole board need only reconsider granting parole to such inmate once every three years.

(a.5) Except as otherwise provided in paragraph (a.7) of this subsection (5), as to any person sentenced for conviction of an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior as defined in section 16-22-102(9), C.R.S., committed on or after July 1, 1996, but prior to July 1, 2002, the board has the sole power to grant or refuse to grant parole and to fix the condition thereof and has full discretion to set the duration of the term of parole granted, but in no event shall the term of parole exceed the maximum sentence imposed upon the inmate by the court.

(a.6) As to any person who is sentenced for conviction of an offense committed on or after July 1, 2002, involving unlawful sexual behavior, as defined in section 16-22-102(9), or for conviction of an offense committed on or after July 1, 2002, the underlying factual basis of which involved unlawful sexual behavior, and who is not subject to the provisions of part 10 of article 1.3 of title 18, such person shall be subject to the mandatory period of parole set forth in section 18-1.3-401(1)(a)(V) (A) or 18-1.3-401(1)(a)(V)(A.1).

(a.7) As to any person sentenced for conviction of a sex offense pursuant to the provisions of part 10 of article 1.3 of title 18, C.R.S., committed on or after November 1, 1998, the board shall grant parole or refuse to grant parole, fix the conditions thereof, and set the duration of the term of parole granted pursuant to the provisions of part 10 of article 1.3 of title 18, C.R.S.

(b)(I) Conditions imposed for parole may include, but are not limited to, placing the offender on home detention as defined in section 18-1.3-106(1.1).

(II) The board shall not revoke parole for lack of payment of parole supervision fees.

(c)(I) As a condition of parole, the board shall order that the offender make restitution to the victim or victims of his or her conduct if such restitution has been ordered by the court pursuant to article 18.5 of title 16. The order must require the offender to make restitution within the period of time that the offender is on parole as specified by the board. In the event that the defendant does not make full restitution by the date specified by the board, the restitution may be collected as provided for in article 18.5 of title 16.

(II) Except if the offender is subject to subsection (19) of this section, if the offender fails to pay the restitution, he or she may be returned to the board and, upon proof of failure to pay, the board shall:

(A) Deleted by Laws 1996, H.B.96-1198, § 5, eff. June 3, 1996.

(B) Order that the offender continue on parole or extend the period of parole, either subject to the same condition or modified conditions of parole; or

(C) Revoke the parole and request the sheriff of the county in which the hearing is held to transport the parolee to a place of confinement designated by the executive director; or

(D) Revoke parole for a period not to exceed one hundred eighty days and request the sheriff of the county in which the hearing is held to transport the parolee to a community corrections program pursuant to section 18-1.3-301(3), C.R.S., a place of confinement within the department of corrections, or any private facility that is under contract with the department of corrections; or

(E) Revoke parole for a period not to exceed ninety days and request the sheriff of the county in which the hearing is held to transport the parolee to the county jail of such county or to any private facility that is under contract with the department of corrections.

(III) Deleted by Laws 2000, Ch. 232, § 4, eff. Sept. 1, 2000.

(d) If, as a condition of parole pursuant to paragraph (b) of this subsection (5), a parolee will be required to attend a postsecondary educational institution as a part of his parole plan, the board, before granting parole, shall first notify the postsecondary educational institution and the prosecuting attorney of the parolee's plan and request their comments thereon. The notice shall include all relevant information pertaining to the person and the crime for which he was convicted. The postsecondary educational institution and the prosecuting attorney shall reply to the board in writing within ten days of receipt of the notification or within such other reasonable time in excess of ten days as specified by the board. The postsecondary educational institution's reply shall include a statement of whether or not it will accept the parolee as a student. Acceptance by a state postsecondary educational institution shall be pursuant to section 23-5-106, C.R.S.

(e) As a condition of parole of every person convicted of the class 2 felony of sexual assault in the first degree under section 18-3-402(3), C.R.S., for an offense committed prior to November 1, 1998, the board shall require that the parolee participate in a program of mental health counseling or receive appropriate treatment to the extent that the board deems appropriate to effectuate the successful reintegration of the parolee into the community.

(f)(I) As a condition of every parole, the parolee shall sign a written agreement that contains the parole conditions deemed appropriate by the board. The conditions must include, but are not limited to, the following:

(A) That the parolee shall go directly to a place designated by the board upon his release from the institution to which he has been confined;

(B) That the parolee shall establish a residence of record and shall not change it without giving prior notification to his or her community parole officer and that the parolee shall not leave the state without the permission of his or her community parole officer;

(C) That the parolee shall obey all state and federal laws and municipal ordinances, conduct himself or herself as a law-abiding citizen, and obey and cooperate with his or her community parole officer;

(D) That the parolee shall permit residential visits by the community parole officer and allow the community parole officer to make searches of the parolee's person, residence, or vehicle;

(D.5) That the parolee shall report as directed by the community parole officer. Unless inconsistent with other conditions imposed by the division of adult parole in the department of corrections, the division of adult parole shall allow a parolee to meet with the community parole officer through a telephone call or audio-visual communication technology. Unless inconsistent with other conditions imposed by the division of adult parole, in directing the parolee to report to the community parole officer, the community parole officer shall schedule, in good faith, the meeting at mutually agreeable times with the parolee that do not conflict with the parolee's essential obligations, including work, education, job training, dependent care, medical appointments, and other parole requirements.

(E) That the parolee shall not own, possess, or have under his control or in his custody any firearm or other deadly weapon;

(F) Repealed by Laws 2017, Ch. 371, § 2, eff. Aug. 9, 2017.

(G) That the parolee shall seek and obtain employment or shall participate in a full-time educational or vocational program while on parole, unless such requirement is waived by his or her community parole officer;

(H) That the parolee shall not abuse alcoholic beverages or use illegal drugs while on parole;

(I) That the parolee shall abide by any other condition the board may determine to be necessary;

(J) That the parolee shall contact any delegate child support enforcement unit with whom the parolee may have a child support case to arrange and fulfill a payment plan to pay current child support, child support arrearages, or child support debt due under a court or administrative order.

(II) The parole agreement shall also contain a notification to the parolee that, should he violate any of the said conditions or should his behavior while on parole indicate the potentiality for criminality or violence, his parole may be subject to revocation.

(III) The provisions of this paragraph (f) shall apply to any person paroled on or after July 1, 1987, and to any person whose parole conditions are modified by the board on or after said date.

(g)(I) As a condition of parole, the board shall require any offender convicted of or who pled guilty or nolo contendere to an offense for which the factual basis involved a sexual offense as described in part 4 of article 3 of title 18, C.R.S., to submit to chemical testing of a biological substance sample from the offender to determine the genetic markers thereof and to chemical testing of his or her saliva to determine the secretor status thereof. Such testing shall occur prior to the offender's release from incarceration, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.

(II) The provisions of this paragraph (g) shall apply to any person who is paroled on or after May 29, 1988, and to any person whose parole conditions are modified by the board on or after said date.

(III) Any costs of implementing this paragraph (g) shall be derived solely from appropriations made from moneys in the victims assistance and law enforcement fund created pursuant to section 24-33.5-506, C.R.S.

(h) Repealed by Laws 2006, Ch. 338, § 6, eff. July 1, 2007.

(i) Deleted by Laws 2001, Ch. 264, § 3, eff. July 1, 2001.

(j) As a condition of parole, the board may order any person who is not otherwise subject to the provisions of article 22 of title 16, C.R.S., and is convicted of an offense, the underlying factual basis of which is determined by the department of corrections to involve unlawful sexual behavior, as defined in section 16-22-102(9), C.R.S., to register as a sex offender for the period of the person's parole. Such registration shall be completed as provided in article 22 of title 16, C.R.S. Within five business days after completion of the period of parole and final discharge from the legal custody of the department of corrections, the department of corrections shall notify the Colorado bureau of investigation to remove the person's name from the Colorado sex offender registry.

(k) As a condition of every grant of parole, the board shall require the offender to execute a written prior waiver of extradition stating that the offender consents to extradition to this state and waives all formal procedures incidental to extradition proceedings in the event that the offender is arrested in another state upon an allegation that the defendant has violated the terms of his or her parole, and acknowledging that the offender shall not be admitted to bail in any other state pending extradition to this state.

(5.3) Notwithstanding any law to the contrary, the possession or use of natural medicine or natural medicine product, as authorized pursuant to section 18-18-434, article 170 of title 12, or article 50 of title 44, must not be considered an offense such that its possession or use constitutes a violation of conditions of parole.

(5.5)(a) As a condition of parole, the board may require every parolee at the parolee's own expense to submit to random chemical testing of a biological substance sample from the parolee to determine the presence of drugs or alcohol.

(I) Deleted by Laws 2017, Ch. 371, § 2, eff. Aug. 9, 2017.

(II) Deleted by Laws 2017, Ch. 371, § 2, eff. Aug. 9, 2017.

(III) Deleted by Laws 2017, Ch. 371, § 2, eff. Aug. 9, 2017.

(IV) Deleted by Laws 2017, Ch. 371, § 2, eff. Aug. 9, 2017.

(b) For purposes of this subsection (5.5), "drug" means:

(I) Any "controlled substance" as defined in section 18-18-102(5), C.R.S.; and

(II) Any "drug" as defined in section 27-80-203(13), C.R.S., if chemical testing conducted pursuant to paragraph (a) of this subsection (5.5) reveals such drug is present at such a level as to be considered abusive pursuant to regulations established by the board in consultation with the department of human services.

(c)(I) If chemical testing is required as a condition of parole, the community parole officer is responsible for acquiring at random a biological substance sample from a parolee.

(II) At the time the community parole officer acquires a biological substance sample pursuant to subparagraph (I) of this paragraph (c), the community parole officer shall direct the parolee to pay the necessary fee for the testing of his or her biological substance sample directly to the private laboratory under contract with the department, the department of public safety, or a local governmental agency pursuant to subparagraph (IV) of this paragraph (c).

(III) The community parole officer shall submit the biological substance sample to a private laboratory under contract with the department, the department of public safety, or a local governmental agency pursuant to subparagraph (IV) of this paragraph (c) for testing. The contracting laboratory shall return the results of the tests to the community parole officer within five working days after receipt of the sample. The results of the test shall be made available by the community parole officer to the parolee or the parolee's attorney on request.

(IV) The department and the department of public safety and local governmental agencies for inmates paroled to community corrections facilities shall enter into one or more contracts with private laboratories for chemical testing under this subsection (5.5). Any private laboratory that contracts with the department, the department of public safety, or a local governmental agency shall use appropriate methods to ensure compliance with evidentiary rules and requirements. Any contract entered into pursuant to this subparagraph (IV) shall specify the fee to be charged the parolee for chemical biological substance sample testing.

(d)(I) If a chemical test administered pursuant to the requirements of this subsection (5.5) reflects the presence of drugs or alcohol, the parolee may be required to participate at his own expense in an appropriate drug or alcohol program, community correctional nonresidential program, mental health program, or other fee-based or non-fee-based treatment program approved by the parole board.

(II)(A) Any subsequent chemical testing reflecting the presence of alcohol may be grounds for arrest of the parolee and the initiation of revocation proceedings at the discretion of the community parole officer pursuant to section 17-2-103.

(B) A parolee may be arrested and a proceeding for revocation may be initiated pursuant to the provisions of section 17-2-103 if any subsequent chemical test reflects the presence of drugs pursuant to subparagraph (I) of paragraph (b) of this subsection (5.5).

(C) A parolee may be arrested and proceedings for revocation may be initiated pursuant to section 17-2-103 if any subsequent chemical test reveals the presence of drugs as defined in subparagraph (II) of paragraph (b) of this subsection (5.5) at a level considered to be abusive as established by the board pursuant to said section.

(e) Repealed by Laws 2017, Ch. 371, § 2, eff. Aug. 1, 2017.

(f) Section 16-3-309, C.R.S., pertaining to the admissibility of laboratory tests shall apply to the admissibility of chemical tests required by this subsection (5.5) in parole revocation hearings conducted pursuant to section 17-2-103.

(g) This subsection (5.5) shall not apply to any parolee to whom article 11.5 of title 16, C.R.S., applies.

(5.7) If, as a condition of parole, an offender is required to undergo counseling or treatment, unless the parole board determines that treatment at another facility or with another person is warranted, the treatment or counseling must be at a facility or with a person:

(a) Approved by the behavioral health administration in the department of human services if the treatment is for alcohol or drug abuse;

(b) Certified or approved by the sex offender management board, established in section 16-11.7-103, C.R.S., if the offender is a sex offender;

(c) Certified or approved by a domestic violence treatment board, established pursuant to part 8 of article 6 of title 18, C.R.S., if the offender was convicted of or the underlying factual basis of the offense included an act of domestic violence as defined in section 18-6-800.3, C.R.S.; or

(d) Licensed or certified by the division of adult parole in the department of corrections, the department of regulatory agencies, the behavioral health administration in the department of human services, the state board of nursing, or the Colorado medical board, whichever is appropriate for the required treatment or counseling.

(5.8) Notwithstanding the provisions of subsection (5.7) of this section, if, as a condition of parole, an offender who was convicted of or pled guilty to an offense involving unlawful sexual behavior, as defined in section 16-22-102(9), C.R.S., is required to undergo counseling or treatment, such treatment or counseling shall be at a facility or with a person listed in subsection (5.7) of this section and the parole board may not determine treatment at another facility or with another person is warranted.

(5.9) As a condition of parole of each person convicted of a felony DUI offense described in section 42-4-1301(1)(a), (1)(b), or (2)(a), C.R.S., the board shall require the parolee to use an approved ignition interlock device for the entire period of the person's parole.

(6) The board has the authority at any time after the period of any parole is fixed to shorten the period thereof or to lengthen said period within the limits specified in subsection (5) of this section; except that the provisions of this subsection (6) shall not apply to any person sentenced as a sex offender pursuant to part 10 of article 1.3 of title 18, C.R.S.

(7) The board has exclusive power to conduct all proceedings involving an application for revocation of parole.

(8) The board has the power, in the performance of official duties, to issue warrants and subpoenas, to compel the attendance of witnesses and the production of books, papers, and other documents pertinent to the subject of its inquiry, and to administer oaths and take the testimony of persons under oath. The issuance of a warrant tolls the expiration of a parolee's parole.

(9)(a)(I) Except as otherwise provided in subparagraph (I) of paragraph (f) of subsection (4) of this section, whenever an inmate initially applies for parole, the board shall conduct an interview with the inmate. At such interview at least one member of the board shall be present. Any final action on an application shall not be required to be made in the presence of the inmate or parolee, and any such action shall require the concurrence of at least two members of the board. When the two members do not concur, a third member shall review the record and, if deemed necessary, interview the applicant and cast the deciding vote. Any subsequent application for parole shall be considered by the board in accordance with the provisions of paragraph (a) of subsection (4) of this section.

(II) The provisions of subparagraph (I) of this paragraph (a) shall also apply to all interviews of inmates who apply for parole pursuant to section 17-22.5-303, who were sentenced for an offense committed on or after July 1, 1979.

(b) When a recommendation has been made before the board for revocation or modification of a parole, the final disposition of such application shall be reduced to writing. The parolee shall be advised by the board of the final decision at the conclusion of the hearing or within a period not to exceed five working days following said hearing; however, a parolee may waive the five-day notice requirement. A copy of the final order of the board shall be delivered to the parolee within ten working days after the completion of the hearing.

(c) If the parolee decides to appeal the decision to revoke his parole, such appeal shall be filed within thirty days of such decision. The parolee shall remain in custody pending the appeal. Two members of the board, excluding the one who conducted the revocation proceeding, shall review the record within fifteen working days after the filing of the appeal. They shall notify the parolee of their decision in writing within ten working days after such decision has been made.

(d) The district attorney or the attorney general may appeal the decision of a member of the board to two members of the board, excluding the member who conducted the parole revocation proceeding.

(10) The board shall interview all parole applicants at the institution or in the community in which the inmate is physically held or through teleconferencing as provided in subsection (3)(d)(II) of this section. The site location of an interview must not be changed within the thirty days preceding the interview date without the approval of the board. Any inmate of an adult correctional institution who has been transferred by executive order or by civil certification or ordered by a court of law to the Colorado mental health institute at Pueblo may be heard at the Colorado mental health institute at Pueblo upon an application for parole.

(11) Repealed by Laws 2000, Ch. 202, § 28, eff. May 24, 2000.

(12) All votes of the board at any hearing or appeal held pursuant to this section shall be recorded by member and shall be a public record open to inspection and shall be subject to the provisions of part 3 of article 72 of title 24, C.R.S.

(13)(a) The board may appoint or contract with an attorney to represent a parolee at a parole revocation hearing only if:

- (I) The parolee denies that he violated the condition or conditions of his parole, as set forth in the complaint;
- (II) The parolee is incapable of speaking effectively for himself;
- (III) The parolee establishes to the satisfaction of the board that he is indigent; and
- (IV) The board, after reviewing the complaint, makes specific findings in writing that the issues to be resolved are complex and that the parolee requires the assistance of counsel.

(b) Repealed by Laws 1998, Ch. 209, § 9, eff. May 18, 1998.

(14) The board shall consider the parole of a person whose parole is revoked either for a technical violation or based on a self-revocation at least once within one hundred eighty days after the revocation if the person's release date is more than nine months from the date of the person's revocation; except that a person whose parole is revoked based on a technical violation that involved the use of a weapon shall not be considered for parole for one year.

(15) Each correctional facility and private contract prison shall make available to the board hearing room space and video conferencing technology that are acceptable to the board for the purpose of conducting parole hearings within the administrative area of or another location within the facility acceptable to the board.

(16) The board shall submit to the department of corrections staff involved with making community corrections transition placement referrals the name and register number of each inmate the board is recommending for community corrections transition placement. The department of corrections staff involved with making community corrections transition placement referrals shall inform the board when the referral has been made or the reason why it was not submitted.

(17) If an offender completes a community corrections program, the board shall schedule a parole release hearing within sixty days after the offender's completion of the program. If the decision is to deny parole, a majority of the full board is required to deny parole pursuant to this subsection (17).

(18)(a) The parole board shall conduct a file review for each inmate who is listed on the notifications provided to the board pursuant to section 17-1-119.7(2)(a)(II) or (2)(a)(III) within ten days after receiving the notification. The parole board must evaluate the inmate's institutional behavior, program progress, and appropriateness for release.

(b) If the parole board grants parole to an inmate on the notification list pursuant to section 17-1-119.7(2)(a)(II), it may set the release date up to thirty days prior to the inmate's mandatory release date but not sooner than fifteen days after the file review. The department shall notify the inmate's parole sponsor to verify his or her willingness and ability to sponsor the inmate on the amended release date.

(c) If the parole board grants parole to an inmate on the notification list pursuant to section 17-1-119.7(2)(a)(III), it may set the release date no sooner than fifteen days after the file review. The department shall notify the inmate's parole sponsor to verify his or her willingness and ability to sponsor the inmate on the amended release date.

(19)(a) Except as provided in subsection (19)(b) of this section, if a person has an approved parole plan, has been assessed to be low or very low risk on the validated risk assessment scale developed pursuant to section 17-22.5-404(2), and the parole release guidelines recommend release, the parole board may deny parole only by a majority vote of the full parole board.

(b) An inmate is not eligible for release pursuant to subsection (19)(a) of this section if he or she has had a class I code of penal discipline violation within the previous twelve months from the date of consideration by the parole board or since incarceration, whichever is shorter; has been terminated for lack of progress or has declined in writing to participate in programs that have been recommended and made available to the inmate within the previous twelve months or since incarceration, whichever is shorter; has been regressed from community corrections or revoked from parole within the previous one hundred eighty days; is required to be considered by the full board for release; or has a pending felony charge, detainer, or an extraditable warrant.

(c) If the parole board denies parole to an inmate pursuant to subsection (19)(a) of this section, the board shall submit to the department the basis for the denial in writing.

(20) The parole board or an individual member of the parole board shall not deny parole solely because the inmate does not have a recommended parole plan. If the parole board considers an inmate appropriate for release except for the lack of a recommended parole plan, the parole board shall delay the release hearing decision or render a conditional release decision and request that the department submit a recommended parole plan or any other information requested by the parole board within thirty calendar days.

(21)(a) Notwithstanding any other provision of law to the contrary, the parole board shall conduct a parole hearing or the board may review the application and issue a decision without a hearing, pursuant to section 17-2-201 (4)(f), within ninety days after July 6, 2021, if a person currently incarcerated has a controlling sentence for a crime enumerated in subsection (21)(b) of this section.

(b) Eligible offenses are escape, as described in section 18-8-208, or attempt to escape, as described in section 18-8-208.1, in effect prior to March 6, 2020, if the underlying factual basis satisfies the elements of the crime of unauthorized absence or attempted unauthorized absence, as described in section 18-8-208.2(2)(a) or (2)(b).

(c) An inmate is not eligible for expedited parole consideration under this subsection (21) if:

(I) The inmate is not currently at or past his or her parole eligibility date; or

(II) The inmate is ineligible for release to parole pursuant to subsection (3.7)(a) of this section.

(d) The department shall provide victim notification as required by section 24-4.1-303(14)(d).

Credits

Repealed and reenacted by Laws 1977, S.B.587, § 10. Amended by Laws 1979, H.B.1499, §§ 27, 88; Laws 1979, H.B.1589, §§ 11, 12; Laws 1981, S.B.194, § 2; Laws 1984, H.B.1182, §§ 1, 2; Laws 1984, H.B.1399, § 2; Laws 1984, S.B.71, § 4; Laws 1985, H.B.1097, § 2; Laws 1985, H.B.1292, §§ 2 to 4; Laws 1985, S.B.116, § 4; Laws 1985, S.B.184, § 2; Laws 1987, H.B.1049, § 56, eff. March 13, 1987; Laws 1987, H.B.1283, § 1, eff. July 1, 1987; Laws 1987, H.B.1311, §§ 7, 8, eff. July 1, 1987; Laws 1987, H.B.1342, § 11, eff. June 15, 1987; Laws 1988, H.B.1081, § 1, eff. May 29, 1988; Laws 1988, H.B.1200, § 5, eff. July 1, 1988; Laws 1990, H.B.90-1219, § 1, eff. June 7, 1990; Laws 1991, H.B.91-1173, §§ 6, 7, eff. May 29, 1991; Laws 1991, S.B.91-93, § 5, eff. May 18, 1991; Laws 1992, H.B.92-1021, § 5, eff. June 2, 1992; Laws 1992, H.B.92-1232, § 14, eff. Aug. 1, 1992; Laws 1992, H.B.92-1359, § 22, eff. June 2, 1992; Laws 1994, H.B.94-1029, § 355, eff. July 1, 1994; Laws 1994, S.B.94-172, §§ 3, 4, 5, 8, eff. June 3, 1994; Laws 1995, H.B.95-1044, § 9, eff. July 1, 1995; Laws 1995, H.B.95-1352, § 5, eff. June 5, 1995; Laws 1996, H.B.96-1181, § 6, eff. July 1, 1996; Laws 1996, H.B.96-1198, § 5, eff. June 3, 1996; Laws 1997, S.B.97-84, § 14, eff. July 1, 1997; Laws 1998, Ch. 209, § 9, eff. May 18, 1998; Laws 1998, Ch. 303, §§ 10, 11, eff. Nov. 1, 1998; Laws 1999, Ch. 289, § 2, eff. July 1, 1999; Laws 2000, Ch. 74, § 7, eff. July 1, 2000; Laws 2000, Ch. 202, § 28, eff. May 24, 2000; Laws 2000, Ch. 232, § 4, eff. Sept. 1, 2000; Laws 2000, Ch. 234, § 1, eff. May 26, 2000; Laws 2000, Ch. 312, § 3, eff. July 1, 2001; Laws 2001, Ch. 157, § 3, eff. May 16, 2001; Laws 2001, Ch. 199, § 7, eff. May 30, 2001; Laws 2001, Ch. 264, § 3, eff. July 1, 2001; Laws 2002, Ch. 48, § 2, eff. March 26, 2002; Laws 2002, Ch. 194, § 11, eff. May 28, 2002; Laws 2002, Ch. 269, § 22, eff. June 1, 2002; Laws 2002, Ch. 296, § 8, eff. July 1, 2002; Laws 2002, Ch. 297, §§ 5, 19, 40, eff. July 1, 2002; Laws 2002, Ch. 318, §§ 159, 388, eff. Oct. 1, 2002; Laws 2003, Ch. 89, § 3, eff. July 1, 2003; Laws 2003, Ch. 199, § 25, eff. April 29, 2003; Laws 2003, Ch. 199, § 33, eff. July 1, 2003; Laws 2003, Ch. 423, § 3, eff. July 1, 2003; Laws 2004, Ch. 144, § 1, eff. April 13, 2004; Laws 2004, Ch. 183, § 1, eff. April 21, 2004; Laws 2006, Ch. 106, § 5, eff. July 1, 2006; Laws 2006, Ch. 228, § 7, eff. May 25, 2006; Laws 2006, Ch. 339, § 6, eff. July 1, 2007; Laws 2008, Ch. 144, § 1, eff. April 14, 2008; Laws 2008, Ch. 187, § 6, eff. April 25, 2008; Laws 2008, Ch. 392, § 49, eff. Aug. 5, 2008; Laws 2010, Ch. 188, § 24, eff. April 29, 2010; Laws 2010, Ch. 261, § 9, eff. May 25, 2010; Laws 2010, Ch. 403, § 75, eff. July 1, 2010; Laws 2010, Ch. 419, § 30, eff. Aug. 11, 2010; Laws 2011, Ch. 200, §§ 2, 3 and 4, eff. May 23, 2011; Laws 2011, Ch. 234, § 2, eff. May 27, 2011; Laws 2011, Ch. 264, § 29, eff. Aug. 10, 2011; Laws 2012, Ch. 268, § 27, eff. June 7, 2012; Laws 2012, Ch. 281, § 36, eff. July 1, 2012; Laws 2013, Ch. 333, § 47, eff. Oct. 1, 2013; Laws 2014, Ch. 391, § 4, eff. June 6, 2014; Laws 2015, Ch. 37, § 2, eff. March 20, 2015; Laws 2015, Ch. 251, § 4, eff. May 29, 2015; Laws 2015, Ch. 262, § 10, eff. Aug. 5, 2015; Laws 2016, Ch. 210, § 27, eff. June 6, 2016; Laws 2017, Ch. 92, § 7, eff. Aug. 9, 2017; Laws 2017, Ch. 263, § 11, eff. May 25, 2017; Laws 2017, Ch. 371, § 2, eff. Aug. 9, 2017; Laws 2017, Ch. 394, § 4, eff. Aug. 9, 2017; Laws 2018, Ch. 153, § 2, eff. April 23, 2018; Laws 2018, Ch. 272, § 1, eff. Aug. 8, 2018; Laws 2018, Ch. 274, § 19, eff. May 29, 2018; Laws 2018, Ch. 394, § 2, eff. June 6, 2018; Laws 2019, Ch. 242 (S.B. 19-165), § 1, eff. May 20, 2019; Laws 2019, Ch. 286 (S.B. 19-143), § 3, eff. May 28, 2019; Laws 2020, Ch. 70 (S.B. 20-136), § 9, eff. Sept. 14, 2020; Laws 2021, Ch. 459 (S.B. 21-146), §§ 4, 11, eff. July 6, 2021; Laws 2022, Ch. 2 (S.B. 22-013), § 27, eff. Feb. 25, 2022; Laws 2022, Ch. 222 (H.B. 22-1278), § 21, eff. July 1, 2022; Laws 2022, Ch. 469 (S.B. 22-162), § 203, eff. Aug. 10, 2022; Laws 2023, Ch. 249 (S.B. 23-290), § 34, eff. July 1, 2023; Laws 2024, Ch. 353 (H.B. 24-1445), § 3, eff. Sept. 1, 2024; Laws 2025, Ch. 377 (S.B. 25-275), § 73, eff. Aug. 6, 2025; Laws 2026, Ch. 261 (S.B. 26-036), § 5, eff. June 1, 2026.

Notes of Decisions (173)

C. R. S. A. § 17-2-201, CO ST § 17-2-201

Current through legislation effective August 12, 2026 of the Second Regular Session, 75th General Assembly (2026). Some statute sections may be more current. See credits for details.

West's Colorado Revised Statutes Annotated

Title 17. Corrections (Refs & Annos)

Department of Corrections

Parole and Probation

Article 2. Correctional Services (Refs & Annos)

Part 2. State Board of Parole (Refs & Annos)

C.R.S.A. § 17-2-204

§ 17-2-204. Parole may issue--when

Currentness

 (1) The board, pursuant to rules and regulations, may issue a parole or permit to go at large to any inmate who now is imprisoned in a correctional facility and who may have served the minimum term pronounced by the court or, in the absence of such minimum term pronounced by the court, the minimum term provided by law for the crime for which he was convicted.

(2)(a) Any inmate who does not wish to be considered for parole shall sign a waiver witnessed by an institutional supervisory employee no later than thirty days prior to the date of the scheduled parole hearing. Except as otherwise provided in this subsection (2), any waiver signed by an inmate in accordance with this subsection (2) shall become effective on the date of signing and shall remain in effect for six months after the date of the scheduled parole hearing. The inmate may not withdraw such waiver or submit an application for parole at any time during the six-month period.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), an inmate who waives parole consideration may, no later than thirty days prior to the date of the scheduled parole hearing, make a written request that the six-month waiver period be shortened to a lesser period of time. Such request shall specifically state grounds constituting sufficient and reasonable cause as to why the six-month waiver period should be shortened. Such request shall also specifically state the lesser period of time being requested by the inmate. The chairperson of the board, vice-chairperson of the board, or the designee of either, in his or her discretion, shall grant or deny the inmate's request for the shortened waiver period made under this paragraph (b).

(c) If the inmate's request for the shortened waiver period is made and granted in accordance with paragraph (b) of this subsection (2), the inmate may not, at any time prior to the date of the rescheduled parole hearing, make another such request. In the event such inmate is not prepared for or otherwise not ready to proceed at the rescheduled parole hearing, the inmate shall be deemed to have waived parole consideration for a period of six months following the date of such hearing.

Credits

Repealed and reenacted by Laws 1977, S.B.587, § 10, eff. Aug. 1, 1977. Amended by Laws 1979, H.B.1499, § 28, eff. July 1, 1979; Laws 1985, H.B.1292, § 5, eff. July 1, 1985; Laws 2002, Ch. 15, § 1, eff. March 21, 2002.

Notes of Decisions (2)

C. R. S. A. § 17-2-204, CO ST § 17-2-204

Current through legislation effective August 12, 2026 of the Second Regular Session, 75th General Assembly (2026). Some statute sections may be more current. See credits for details.

End of Document

© 2026 Thomson Reuters. No claim to original U.S. Government Works.

West's Colorado Revised Statutes Annotated
Constitution of the State of Colorado [1876] (Refs & Annos)
Article II. Bill of Rights

Colorado Constitution

C.R.S.A. Const. Art. 2, § 16a

§ 16a. Rights of crime **victims**

Currentness

Any person who is a **victim** of a criminal act, or such person's designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed, and present at all critical stages of the criminal justice process. All terminology, including the term "critical stages", shall be defined by the general assembly.

Credits

Added by 1991, H.C.R.91-1003, § 1, eff. Jan. 14, 1993.

C. R. S. A. Const. Art. 2, § 16a, CO CONST Art. 2, § 16a

Current with amendments adopted through the November 4, 2025 election.

End of Document

© 2026 Thomson Reuters. No claim to original U.S. Government Works.

Colorado Victims' Rights

West's Colorado Revised Statutes Annotated

Title 24. Government--State

Administration

Article 4.1. Crime Victim Compensation and Victim and Witness Rights (Refs & Annos)

Part 3. Guidelines for Assuring the Rights of Victims of and Witnesses to Crimes (Refs & Annos)

C.R.S.A. § 24-4.1-302.5

§ 24-4.1-302.5. Rights afforded to victims--definitions

Effective: August 12, 2026

Currentness

P. 3, 5, 7

(1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime has the following rights:

(a) The right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process;

(a.5) The right to request, in order to protect the safety or privacy of a victim, to have the victim referred to by an abbreviation, pseudonym, initials, or another preferred name during hearings;

(b) The right to be informed of and be present by appearing in person, by phone, virtually by audio or video, or similar technology for all critical stages of the criminal justice process as specified in section 24-4.1-302(2); except that the victim has the right to be informed of, without being present for, the critical stages described in section 24-4.1-302(2)(a), (2)(a.5), (2)(a.7), (2)(e.5), (2)(k.3), (2)(n), (2)(p), (2)(q), (2)(q.3), (2)(r), (2)(u), and (2)(aa);

(b.4) The right to be informed, pursuant to section 16-12-307, of wrongful action by a crime laboratory employee in a case involving a crime listed in section 24-4.1-302(1).

(b.5) Repealed by Laws 2019, Ch. 296 (H.B. 19-1064), § 4, eff. May 28, 2019.

(b.6) For a victim of an offense resulting in a juvenile felony adjudication, the right to be informed of the filing of any petition or motion to legally possess, use, or carry a firearm or other weapon pursuant to section 18-12-108(3)(b);

(b.7) For a victim of a sex offense, the right to be informed of the filing of any petition or motion filed to terminate sex offender registration pursuant to section 16-22-103 (5) or 16-22-113 (2) and (2.5);

(b.8) For a victim who has had forensic medical evidence collected pursuant to section 12-240-139(1)(b) that has not resulted in a conviction or plea of guilty, the right to be notified by the law enforcement agency with jurisdiction for the case of the status and location of the victim's forensic medical evidence including:

(I) The right to be notified that the forensic medical evidence has been submitted to an accredited crime lab for testing as required by the rules promulgated pursuant to section 24-33.5-113;

(II) The right to be notified when the law enforcement agency has received the results of the medical forensic evidence DNA analysis from the accredited crime laboratory;

(II.5) Notwithstanding subsection (1)(b.8)(II) of this section, the right to be notified every ninety days by the law enforcement agency when the law enforcement agency has not yet received the results of the medical forensic evidence DNA analysis from the accredited crime laboratory. A law enforcement agency complies with this subsection (1)(b.8)(II.5) by notifying all victims required to be notified at the same time during the first week of each of March, June, September, and December.

(III) The right to be informed of whether a DNA sample was obtained from the analysis and whether or not there are matches to DNA profiles in state or federal databases;

(IV) The right to be informed at least sixty days prior to the destruction of forensic medical evidence collected in connection with the alleged sex offense;

(V) The right to file, prior to the expiration of the sixty-day period, an objection with the law enforcement agency, the Colorado bureau of investigation, or the accredited crime laboratory that is proposing to destroy the forensic medical evidence;

(VI) The right to be informed of any change in status of the case, including if the case has been closed or reopened; and

(VII) The right to receive a physical document identifying the rights under law after the exam has been completed;

(b.9) The right to receive a free copy of the initial incident report from the investigating law enforcement agency; except that the release of a document associated with the investigation is at the discretion of the law enforcement agency based on the status of the case or security and safety concerns in a correctional facility, local jail, or private contract prison as defined in section 17-1-102. The initial incident report must contain, at a minimum, the victim's name, the offender's name, the date of the crime, the charges, and a summary of the incident so the victim has sufficient detail to help the victim with, including but not limited to, insurance claims, employer intercession, protection orders, and landlord-tenant notification. The law enforcement agency may redact the names of other victims involved in the incident who are not related to the victim requesting the report and any personal identifying information, including but not limited to social security numbers, driver's license numbers, telephone numbers, e-mail addresses, and physical addresses related to parties or witnesses in the case. The investigating law enforcement agency shall notify the district attorney of the information the victim received in the incident report and when it was provided to the victim. The district attorney shall provide this information to any defendant involved in the case through the discovery process.

(c)(I) Except as otherwise provided in subsection (1)(c)(II) of this section:

(A) The right to be informed when a person who is accused or convicted of a crime against the victim is released or discharged from county jail; and

* (B) The right to be informed when a person who is accused or convicted of a crime against the victim is released or discharged from custody other than county jail, is paroled, escapes from a secure or nonsecure correctional facility or program, absconds from probation or parole, or commits an unauthorized absence as described in section 18-8-208.2(1).

(II) With respect to the release, discharge, or permanent transfer of a person from a county jail or correctional facility, the provisions of subparagraph (I) of this paragraph (c) shall apply when the person released, discharged, or permanently transferred is no longer within the care and control of the supervising law enforcement or correctional agency. The provisions of subparagraph (I) of this paragraph (c) shall not apply to the temporary transfer of the care and control of a person from a county jail or a correctional facility by the supervising law enforcement or correctional agency to another equally or more secure county jail or correctional facility, so long as the person will return to the care and control of the transferring supervisory agency.

(d) The right to be heard at a court proceeding:

(I) Involving the defendant's bond as specified in section 24-4.1-302(2)(c). If there is a request to decrease or modify the bond or bond conditions, the court shall set a hearing pursuant to section 16-4-109(1), and the district attorney shall notify the victim of the hearing.

(I.5) Involving a hearing for the disclosure of the name and identifying information of a child victim or child witness pursuant to section 24-72-304(4.5)(a.5);

(II) At which the court accepts a plea of nolo contendere;

(III) At which the court accepts a negotiated plea agreement;

(IV) At which a person accused or convicted of a crime against the victim is sentenced or resentenced;

(V) At which the sentence of a person accused or convicted of a crime against the victim is modified;

(VI) At which the defendant requests a modification of the no contact provision of the mandatory criminal protection order pursuant to section 18-1-1001 or 19-2.5-607;

(VII) Involving an application to the court for the issuance of a subpoena for records concerning the victim's medical history, mental health, or education; victim compensation records; or any other records that are privileged pursuant to section 13-90-107;

(VIII) Involving a petition for expungement as described in section 19-1-306;

(IX) Involving a hearing as described in section 24-31-902(2)(c);

(X) Involving a hearing held pursuant to section 24-72-706, 24-72-709, or 24-72-710;

(XI) Involving a hearing held pursuant to section 18-1.3-103.7 or 19-2.5-1118.5; or

(XII) Involving a hearing held pursuant to section 18-1.3-603.

(d.5)(I) If a victim or a victim's designee is unavailable to be present for the critical stages described in subsection (1)(d) of this section and the victim or the victim's designee wishes to address the court, the right to request that the court, within the court's resources, arrange and provide the means for the victim and the victim's designee to provide input to the court beyond a written victim impact statement, which may include, but need not be limited to, appearing by phone, virtually by video or audio, or similar technology.

(II) For purposes of this paragraph (d.5), "unavailable" means that the victim or the victim's designee is physically unable to attend the court hearing, may sustain a financial hardship to attend the court hearing, is concerned for his or her safety if he or she attends the court hearing, may suffer significant emotional impact by attending the hearing, or is unavailable for other good cause.

(III) The victim or the victim's designee shall notify the district attorney within a reasonable time that the victim or the victim's designee is unavailable to attend the court hearing. The district attorney's office shall then inform the court that the victim or the victim's designee, due to the victim's or the victim's designee's unavailability, is requesting the court to arrange for and provide the means to address the court, which must include but need not be limited to appearing by phone, virtually by video or audio, or similar technology. The district attorney shall inform the victim or the victim's designee of the available options to appear remotely.

(IV) This subsection (1)(d.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the division of youth services in the department of human services, but is limited to participation by telephone or appearing virtually by video or audio, or similar technology.

(e) The right to consult with the prosecution after any crime against the victim has been charged, prior to any prefile or post filing diversion offer, prior to any disposition of the case, or prior to any trial of the case, and the right to be informed of the final disposition of the case. The right to consult with the prosecution must include an explanation to the victim of the possibility that the defendant may not serve the defendant's entire sentence in the department of corrections because the defendant may receive good time credits or earned time while incarcerated;

(e.2) The right to be informed if a district attorney grants early termination to an offender participating in a diversion program and the date of termination from the diversion program;

(f) The right to be informed by local law enforcement agencies, prior to the filing of charges with the court, or by the district attorney, after the filing of charges with the court, of the status of any case concerning a crime against the victim, and any scheduling changes or cancellations, if such changes or cancellations are known in advance;

(g) The right to be present at the sentencing hearing, including any hearing conducted pursuant to section 18-1.3-1201 or 18-1.4-102, C.R.S., for cases involving class 1 felonies, of any person convicted of a crime against such victim, and to inform

the district attorney and the court, in writing, by a victim impact statement, and by an oral statement, of the harm that the victim has sustained as a result of the crime, with the determination of whether the victim makes written input or oral input, or both, to be made at the sole discretion of the victim;

(h) The right to have the court determine the amount, if any, of restitution to be paid to a victim pursuant to part 6 of article 1.3 of title 18, C.R.S., by any person convicted of a crime against such victim for the actual pecuniary damages that resulted from the commission of the crime;

(i) The right to be informed of the victim's right to pursue a civil judgment against any person convicted of a crime against the victim for any damages incurred by the victim as a result of the commission of the crime regardless of whether the court has ordered such person to make restitution to the victim;

(i.5) Deleted by Laws 2006, Ch. 165, § 4, eff. July 1, 2006.

* (j) The right to be informed of any proceeding at which any postconviction release from confinement in a secure state correctional facility is being considered for any person convicted of a crime against the victim and the right to be present by appearing in person, by phone, or virtually by video or audio, or similar technology, and heard at any such proceeding or to provide written information. For purposes of this subsection (1), "proceeding" means reconsideration of sentence, a parole hearing, a full parole board review, revocation hearing, rescission hearing, commutation of sentence, or consideration for placement in the specialized program developed by the department of corrections pursuant to section 17-34-102.

(j.2) The right to be informed of any request for progression from the state mental health hospital on behalf of a person in its custody as a result of a criminal case involving the victim, and the right to be present by appearing in person, by phone, or virtually by video or audio, or similar technology, and heard at any hearing during which a court considers such a request. For purposes of this subsection (1)(j.2), "request for progression" includes any request for off-grounds or unsupervised privileges, community placement, conditional release, unconditional discharge, or a special furlough.

(j.3) The right to be notified of a referral of an offender to community corrections;

(j.5)(I) The right to provide a written victim impact statement that must be included with any referral made by the department of corrections or a district court to place an offender in a community corrections facility or program. A community corrections board may allow a victim to provide an oral statement by appearing in person, by phone, or virtually by video or audio, or similar technology, to the community corrections board when an offender is being considered for a direct sentence to community corrections and may place reasonable limits on the victim's oral statement.

(II) For purposes of this subsection (1)(j.5), the victim shall have the right to provide a separate oral statement by appearing in person, by phone, or virtually by video or audio, or similar technology, to the community corrections board considering a transitional referral, but the board shall have discretion to place reasonable parameters on the victim's oral statement. If a community corrections board denies the offender's referral to community corrections, the victim's right under this subsection (1)(j.5)(II) to provide an oral statement must not take effect.

(III) For purposes of this subsection (1)(j.5), if a victim or a victim's designee is unavailable to be present for a proceeding to consider an offender for a direct sentence or transitional referral to community corrections as described in subsection (1)(j.5)

(I) of this section, and the victim or the victim's designee wishes to address the community corrections board, the victim or the victim's designee shall notify the community corrections board within a reasonable time that the victim is unavailable to attend the proceeding but would like to make a statement. Within its resources, the community corrections board shall arrange for and provide the means for the victim to address the board, which means may include, but need not be limited to, appearing in person, by phone, or virtually by audio or video, or similar technology.

(IV) For purposes of this subsection (1)(j.5), "unavailable" means the victim or the victim's designee is physically unable to attend the proceeding, may sustain a financial hardship to attend the proceeding, is concerned for his or her safety if he or she attends the proceeding, may suffer significant emotional impact by attending the proceeding, or is unavailable for other good cause.

(V) This subsection (1)(j.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the division of youth corrections in the department of human services but is limited to participation by appearing in person, by phone, or virtually by audio or video, or similar technology.

(j.6) The right to be informed of any request for changes to material terms of a civil commitment pursuant to section 27-65-201 or enhanced protective placement pursuant to section 25.5-10-507 on behalf of a person in a civil commitment or protective placement in a criminal case involving the victim, and the right to be present by appearing in person, by phone, or virtually by video or audio, or similar technology, and heard at any hearing during which a court considers the request. As used in this subsection (1)(j.6), "request for changes to material terms" includes any request to be released from an inpatient setting to an outpatient setting or to be moved into a community-based setting outside of inpatient care at the discretion of CDHS, as defined in section 16-8.5-101.

(j.7) The right, at the discretion of the district attorney, to view all or a portion of the presentence report of the probation department;

(j.8) The right to obtain any incident recording as described in section 24-31-902;

(k) The right to promptly receive any property that belongs to a victim and that is being held by a prosecutorial or law enforcement agency unless there are evidentiary reasons for the retention of such property;

(l) The right to be informed of the availability of financial assistance and community services for victims, the immediate families of victims, and witnesses, which assistance and community services shall include, but shall not be limited to, crisis intervention services, victim compensation funds, victim assistance resources, legal resources, mental health services, social services, medical resources, rehabilitative services, and financial assistance services, and the right to be informed about the application process for such services;

(l.5) The right to be informed about the possibility of restorative justice practices, as defined in section 18-1-901(3)(o.5), C.R.S., which includes victim-offender conferences;

(m) The right to be informed about what steps can be taken by a victim or a witness, including information regarding protection services, in case there is any intimidation or harassment by a person accused or convicted of a crime against the victim, or any other person acting on behalf of the accused or convicted person;

(n) The right to be provided with appropriate employer intercession services to encourage the victim's employer to cooperate with the criminal justice system in order to minimize the loss of employment, pay, or other benefits resulting from a victim's court appearances or other required meetings with criminal justice officials;

(o) The right to be assured that in any criminal proceeding the court, the prosecutor, and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings;

(p) The right to be provided, whenever practicable, with a secure waiting area during court proceedings that does not require a victim or a witness to be seen or to be in close proximity to the person accused or convicted of a crime against the victim or such person's family or friends;

(q) The right to be informed when a person convicted of a crime against the victim is placed in or transferred to a less secure public or private correctional facility or program;

* (q.5) The right to be informed of the results of a probation or parole revocation hearing;

(r) The right to be informed when a person who is or was charged with or convicted of a crime against the victim escapes or is permanently or conditionally transferred or released from any public hospital, private hospital, or state hospital;

(s) The right to be informed of any rights which the victim has pursuant to the constitution of the United States or the state of Colorado;

(t) The right to be informed of the process for enforcing compliance with this article pursuant to section 24-4.1-303(17);

(u) The right to be informed of the results of any testing for a sexually transmitted infection that is ordered and performed pursuant to section 18-3-415, 25-4-408(6), or 25-4-412, C.R.S.;

(v) The right to prevent any party at any court proceeding from compelling testimony regarding the current address, telephone number, place of employment, or other locating information of the victim unless the victim consents or the court orders disclosure upon a finding that a reasonable and articulable need for the information exists. Any proceeding conducted by the court concerning whether to order disclosure shall be in camera.

(w) The right to have the district attorney, a law enforcement agency, a probation department, a state or private correctional facility, the department of human services, or the Colorado mental health institute at Pueblo make all reasonable efforts to exclude or redact a victim's social security number or a witness' social security number from a criminal justice document or record created or compiled as a result of a criminal investigation when the document or record is released to anyone other than the victim, the defense attorney of record, the defense attorney's agent, or a criminal justice agency that has duties under this article;

(x) The right to be notified of how to request protection of their address pursuant to the Colorado rules of criminal procedure;

- (y) The right to receive a copy of the victim impact statement form from the district attorney's office;
- (z) The right to be notified of a hearing concerning any motion filed for or petition for sealing of records described in section 24-72-706 or 24-72-709 or 24-72-710 filed by a defendant in the criminal case whose crime falls under section 24-4.1-302(1);
- (aa) The right to be informed of the governor's decision to commute or pardon a person convicted of a crime against the victim before such information is publicly disclosed.
- (1.6) The right to be informed of the existence of a criminal protection order pursuant to section 18-1-1001 or 19-2.5-607 and, upon request of the victim, information about provisions that may be added or modified, and the process for requesting such an addition or modification.
- (2) Subsection (1) of this section shall not be construed to imply that any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.
- (3) Municipalities and municipal courts shall be encouraged to adopt policies which afford the rights granted to crime victims pursuant to this section to crime victims at the municipal court level, to the extent the adoption of such policies is practicable in the particular municipality.
- (4)(a) If a victim contacts a criminal justice agency regarding a crime that occurred before 1993, and the offender who committed the crime is currently serving a sentence for the crime, the victim may request notification of any future critical stages of the criminal proceedings. This provision does not require a criminal justice agency to proactively locate victims of crimes that occurred before 1993.
- (b) If an arrest is made for a crime committed before 1993 that was previously unsolved, the appropriate criminal justice agency shall notify the crime victim of all future critical stages.

Credits

Added by Laws 1992, H.B.92-1207, § 3. Amended by Laws 1994, H.B.94-1253, § 25, eff. July 1, 1994; Laws 1995, H.B.95-1346, § 5, eff. July 1, 1995; Laws 1997, S.B.97-34, § 1, eff. March 21, 1997; Laws 1997, S.B.97-84, § 6, eff. July 1, 1997; Laws 2000, Ch. 75, § 5, eff. March 29, 2000; Laws 2000, Ch. 232, § 21, eff. Sept. 1, 2000; Laws 2002, Ch. 318, § 240, eff. Oct. 1, 2002; Laws 2002, 3rd Ex.Sess., Ch. 1, §§ 31, 32, eff. July 12, 2002; Laws 2006, Ch. 165, § 4, eff. July 1, 2006; Laws 2007, Ch. 215, §§ 2, 3, eff. May 14, 2007; Laws 2008, Ch. 105, § 2, eff. April 7, 2008; Laws 2009, Ch. 76, § 1, eff. Aug. 5, 2009; Laws 2011, Ch. 296, § 19, eff. Aug. 10, 2011; Laws 2012, Ch. 244, § 2, eff. Aug. 8, 2012; Laws 2013, Ch. 238, § 3, eff. Aug. 7, 2013; Laws 2013, Ch. 336, § 8, eff. Aug. 7, 2013; Laws 2013, Ch. 341, § 11, eff. Aug. 7, 2013; Laws 2014, Ch. 95, § 2, eff. Aug. 6, 2014; Laws 2015, Ch. 259, § 61, eff. Aug. 5, 2015; Laws 2016, Ch. 230, § 16, eff. July 1, 2016; Laws 2016, Ch. 352, § 5, eff. Aug. 10, 2016; Laws 2016, Ch. 353, § 7, eff. June 10, 2016; Laws 2017, Ch. 155, § 2, eff. Aug. 9, 2017; Laws 2017, Ch. 206, § 7, eff. Nov. 1, 2017; Laws 2017, Ch. 381, § 53, eff. June 6, 2017; Laws 2018, Ch. 143, § 4, eff. Aug. 8, 2018; Laws 2019, Ch. 295 (H.B. 19-1275), § 5, eff. Aug. 2, 2019; Laws 2019, Ch. 296 (H.B. 19-1064), § 4, eff. May 28, 2019; Laws 2020, Ch. 9 (H.B. 20-1019), § 12, eff. March 6, 2020; Laws 2020, Ch. 110 (S.B. 20-217), § 12, eff. June 19, 2020; Laws 2021, Ch. 191 (H.B. 21-1143), § 4, eff. May 27, 2021; Laws 2021, Ch. 320 (H.B. 21-1064), § 11, eff. Sept. 1, 2021; Laws 2021, Ch. 455 (H.B. 21-1214), § 9, eff. Sept. 7, 2021; Laws 2021, Ch. 136 (S.B. 21-059), § 109, eff. Oct. 1, 2021; Laws 2022, Ch. 69 (H.B.

22-1257), § 12, eff. April 7, 2022; Laws 2022, Ch. 152 (S.B. 22-049), § 3, eff. May 6, 2022; Laws 2023, Ch. 242 (S.B. 23-075), § 3, eff. Aug. 7, 2023; Laws 2023, Ch. 246 (H.B. 23-1187), § 10, eff. Aug. 1, 2023; Laws 2025, Ch. 352 (H.B. 25-1275), § 2, eff. June 2, 2025; Laws 2025, Ch. 414 (S.B. 25-304), § 2, eff. June 3, 2025; Laws 2026, Ch. 142 (S.B. 26-149), § 31, eff. May 21, 2026; Laws 2026, Ch. 337 (S.B. 26-190), § 5, eff. June 3, 2026; Laws 2026, Ch. 346 (H.B. 26-1052), § 2, eff. Aug. 12, 2026.

Notes of Decisions (11)

C. R. S. A. § 24-4.1-302.5, CO ST § 24-4.1-302.5

Current through legislation effective August 12, 2026 of the Second Regular Session, 75th General Assembly (2026). Some statute sections may be more current. See credits for details.

End of Document

© 2026 Thomson Reuters. No claim to original U.S. Government Works.

West's Colorado Revised Statutes Annotated
Title 16. Criminal Proceedings
Code of Criminal Procedure
Article 11. Imposition of Sentence
Part 1. Alternatives--Investigation

Colorado Presentence Investigation

C.R.S.A. § 16-11-102

§ 16-11-102. Presentence or probation investigation

Effective: August 12, 2026

Currentness

(1)(a)(I) Following the return of a verdict of guilty of a felony, other than a class 1 felony, or following a finding of guilt on such charge where the issues were tried to the court, or on a plea of guilty or nolo contendere to such a charge, or upon order of the court in any misdemeanor conviction, the probation officer shall make an investigation and written report to the court before the imposition of sentence. Each presentence report must include a substance abuse assessment or evaluation made pursuant to article 11.5 of this title and, unless waived by the court, must include, but not be limited to, information as to the defendant's family background, educational history, employment record, and past criminal record, including the defendant's past juvenile delinquency record, if any; information indicating whether the defendant has been convicted of unlawful sexual behavior as defined in section 16-22-102(9); an evaluation of the alternative dispositions available for the defendant; the information required by the court pursuant to article 18.5 of this title; a victim impact statement; and such other information as the court may require.

(II) Except as described in subparagraph (VI) of this paragraph (a), if the defendant is convicted of a felony that occurred after July 1, 2004, and he or she is eligible to receive a sentence to the department of corrections, the report described in subparagraph (I) of this paragraph (a) must include the following statement:

If the defendant is sentenced to the Department of Corrections, he or she may not serve his or her entire sentence in prison but may be released to community corrections or parole. The defendant's Parole Eligibility Date (PED) occurs after he or she has served fifty or seventy-five percent of his or her sentence, as provided in section 17-22.5-403, Colorado Revised Statutes, less any authorized earned time.

If the defendant is sentenced to the Department of Corrections, he or she may be eligible for a reduction in the length of his or her sentence by earned time. Regular earned time is up to ten or twelve days per month, not to exceed thirty percent of the defendant's sentence; however, the defendant may be eligible for further limited reductions through the application of various types of earned time provided in statute and administered pursuant to the policy of the Department of Corrections.

If the defendant is sentenced to the Department of Corrections, he or she may be eligible for release, to await parole in a community corrections facility, if such release is approved by the local community corrections board. If the defendant was not convicted of a crime of violence, as defined in section 18-1.3-406(2), Colorado Revised Statutes, he or she may be moved to a community corrections placement as early as sixteen months prior to his or her PED. If the defendant was convicted of a crime of violence, he or she cannot be moved to a community corrections placement earlier than one hundred eighty days prior to his or her PED.

A defendant's eligibility for community corrections or parole does not necessarily mean that community corrections or parole will be granted. The inmate locator on the internet website of the Department of Corrections can provide additional information regarding the sentence of an individual defendant.

The provisions of this statement do not apply to a defendant who has been sentenced to the youthful offender system within the Department of Corrections.

(II.5) Except as provided in subsection (1)(a)(II.7) of this section, if the defendant is convicted on or after July 1, 2018, the report described in subsection (1)(a)(I) of this section must include the following statement:

Each defendant may, at the time of conviction or at any time thereafter, apply to the court for an order of collateral relief of the consequences of the defendant's conviction pursuant to the provisions of section 18-1.3-107, Colorado Revised Statutes.

(II.7) The report described in subsection (1)(a)(I) of this section need not include the statement described in subsection (1)(a)(II.5) of this section if the defendant:

(A) Has been convicted of a felony that included an element that requires a victim to suffer a serious bodily injury and the victim suffered a permanent impairment of the function of any part or organ of the body;

(B) Has been convicted of a crime of violence as described in section 18-1.3-406; or

(C) Is required to register as a sex offender pursuant to section 16-22-103.

(III) The district attorney's office shall prepare a victim impact statement. The department of human services shall provide the district attorney's office with the information necessary for the preparation of a victim impact statement. In addition, the court, in cases that it deems appropriate, may require the presentence report to include the findings and results of a professionally conducted psychiatric examination of the defendant.

(IV) No less than seventy-two hours prior to the sentencing hearing, the probation department shall provide copies of the presentence report, including any recommendations as to probation, to the prosecuting attorney and defense counsel or to the defendant if he or she is unrepresented. Upon request of either the defense or the district attorney, the probation department shall provide the presentence report at least seven days prior to the sentencing hearing. If the probation department informs the court it cannot provide the report at least seven days prior to the sentencing hearing, the court shall grant the probation department additional time to complete the report and shall reset the sentencing hearing so that the hearing is held at least seven days after the probation department provides the report.

(V) The probation department shall transmit a copy of the presentence report, and the court shall transmit the mittimus to the department of corrections.

(VI) The report described in subparagraph (I) of this paragraph (a) need not include the statement described in subparagraph (II) of this paragraph (a) if:

(A) The defendant is a sex offender for whom the sex offender management board has established separate and distinct release guidelines pursuant to section 18-1.3-1009, C.R.S.;

(B) The defendant has at least one previous conviction for a crime of violence and must be referred by the department to the state board of parole pursuant to section 17-22.5-403(3.5), C.R.S.;

(C) The defendant is convicted of a class 1 felony or is a juvenile convicted as an adult of a class 1 felony; or

(D) The probation department has reasonable grounds to believe that the language of the statement is inapplicable to the defendant. If the probation department elects to omit the statement pursuant to this sub-subparagraph (D), the probation department shall document in the report its grounds for doing so.

(b)(I) Each presentence report prepared regarding a sex offender, as defined in section 16-11.7-102 (2)(a)(I) to (2)(a)(III), or if requested by the prosecuting attorney or court for a person who may be determined to be a sex offender based upon a prior offense pursuant to section 16-11.7-102(2)(a)(IV), with respect to any offense committed on or after January 1, 1996, must contain the results of an evaluation and identification conducted pursuant to article 11.7 of this title 16; except that:

(A) If the offense is a misdemeanor pursuant to the provisions of section 18-3-412.6, C.R.S., an evaluation and identification conducted pursuant to article 11.7 of this title shall not be ordered by the court;

(B) If the offense is a misdemeanor pursuant to title 42, C.R.S., or the history of sex-offending behavior was a misdemeanor sex offense committed when the defendant was a juvenile, an evaluation and identification conducted pursuant to article 11.7 of this title is not required but may be ordered by the court; and

(C) If the court accepts a stipulation that the defendant will not be sentenced to probation or if the defendant is already serving a sentence in the department of corrections, an evaluation and identification conducted pursuant to article 11.7 of this title is not required but may be ordered by the court.

(II) In addition, the presentence report shall include, when appropriate as provided in section 18-3-414.5, C.R.S., the results of the risk assessment screening instrument developed pursuant to section 16-11.7-103(4)(d). Notwithstanding the provisions of subsection (4) of this section, a presentence report shall be prepared for each person convicted as a sex offender, and the court may not dispense with the presentence evaluation, risk assessment, and report unless an evaluation and risk assessment has been completed within the last two years and there has been no material change that would affect the evaluation and risk assessment in the past two years.

(c)(I) The state court administrator may implement a behavioral or mental health disorder screening program to screen defendants for which the court has ordered an investigation pursuant to this section. If the state court administrator chooses to implement a behavioral or mental health disorder screening program, the state court administrator shall use the standardized behavioral or mental health disorder screening instrument developed pursuant to section 16-11.9-102 and conduct the screening in accordance with the procedures established pursuant to said section. The findings and results of any standardized behavioral or mental health disorder screening conducted pursuant to this subsection (1)(c) must be included in the written report to the court prepared and submitted pursuant to this subsection (1).

(II) Prior to implementation of a behavioral or mental health disorder screening program pursuant to this subsection (1)(c), if implementation of the program would require an increase in appropriations, the state court administrator shall submit to the joint budget committee a request for funding in the amount necessary to implement the behavioral or mental health disorder screening program. If implementation of the program would require an increase in appropriations, implementation of the behavioral or mental health disorder screening program is conditional upon approval of the funding request.

(1.1) Repealed by Laws 1994, S.B.94-143, § 5, eff. July 1, 1994.

(1.2) Each presentence report must include information indicating whether the person is a respondent in an open dependency and neglect proceeding pursuant to article 3 of title 19.

(1.5) A victim impact statement may include the following:

(a) An identification of the victim of the offense;

(b) An itemization of any economic loss suffered by the victim as a result of the offense, including any loss incurred after the offense and after criminal charges were filed formally against the defendant. The victim impact statement shall be prepared by the district attorney's office at the time the offense is filed and shall be updated to include any loss incurred by the victim after criminal charges were filed.

(c) An identification of any physical injury suffered by the victim as a result of the offense, including information on its seriousness and permanence;

(d) A description of any change in the victim's personal welfare or familial relationships as a result of the offense;

(e) An identification of any request for psychological services initiated by the victim or the victim's family as a result of the offense;

(e.5) An evaluation of the victim's and the victim's children's safety if probation is granted;

(f) Any other information related to the impact of the offense upon the victim that the court requires.

(1.7) Each presentence report shall also include information from the offender and any other source available to the probation officer regarding the offender's estate, as defined in section 18-1.3-701(5)(b), C.R.S., and other pertinent financial information, for the purpose of determining whether such offender or juvenile has sufficient assets to pay all or part of such offender's or juvenile's cost of care, as defined in section 18-1.3-701(5)(a), C.R.S. The financial information obtained from the offender shall be submitted in writing and under oath.

(1.8) At the request of either the prosecution or the defense, each presentence report prepared regarding a juvenile or young adult, as defined in section 18-1.3-407(1.3), who is eligible for sentencing to the youthful offender system pursuant to section 18-1.3-407.5, 19-2.5-801(5), or 19-2.5-802(1)(d)(I)(B) must include a determination by the warden of the youthful offender system whether the juvenile or young adult is acceptable for sentencing to the youthful offender system. When making a determination, the warden shall consider the nature and circumstances of the crime, the circumstances and criminal history of the juvenile or young adult, the available bed space in the youthful offender system, and any other appropriate considerations.

(1.9) Each presentence report must also:

(a) Include the results of an actuarial assessment of the offender's criminological risks and needs;

(b) Provide sufficient information to allow the court to consider:

(I) Whether the offender is a suitable candidate for a sentencing option that does not involve incarceration or a combination of sentencing options that does not involve incarceration; and

(II) The appropriate conditions to impose if a defendant is sentenced to probation;

(b.5) Indicate whether the offender meets the minimum eligibility requirements as provided in sections 18-1.3-104(1)(b.5) and 18-1.3-204(2)(a)(III.5) for participation in restorative justice practices;

(c) Describe the projected costs, if known, that are associated with each sentencing option that is available to the court; and

(d) Set forth the purposes of title 18, C.R.S., with respect to sentencing, as such purposes are described in section 18-1-102.5, C.R.S.

(2) The report of the probation officer and the procedures to be followed at the time sentence is imposed and final judgment is entered shall be as required by the Colorado rules of criminal procedure. In addition to the requirements of such rules, the report shall include a statement showing the amount of time during which the defendant was imprisoned awaiting trial upon the charge resulting in conviction.

(3) The court, upon its own motion or upon the petition of the probation officer, may order any defendant who is subject to presentence investigation or who has made application for probation to submit to a mental and physical examination.

(4) The court, with the concurrence of the defendant and the prosecuting attorney, may dispense with the presentence examination and report; except that the information required by section 18-1.3-603(2) and subsection (1.2) of this section and a victim impact statement must be made in every case. The amount of restitution must be ordered pursuant to section 18-1.3-603 and article 18.5 of this title 16 and endorsed upon the mittimus. The information required pursuant to subsection (1.2) of this section must be included on the mittimus.

(5) After receiving the presentence report and before imposing sentence, the court shall afford the defendant an opportunity to make a statement in his or her own behalf and to present any information in mitigation of punishment. The prosecution also shall be given an opportunity to be heard on any matter material to the imposition of sentence. The court shall then sentence the defendant pursuant to the provisions of this article and section 18-1.3-401, C.R.S.

(6) Following the return of a verdict of guilty of a felony, or a finding of guilt on such charge where the issues were tried to the court, or on a plea of guilty or nolo contendere to such a charge, the district attorney may file with the court identification photographs and fingerprints of the defendant or defendants, and such identification photographs and fingerprints shall become part of the court record. Such identification photographs and fingerprints of the defendant or defendants shall constitute prima facie evidence of identity under section 18-1.3-802, C.R.S.

Credits

Amended by Laws 1977, H.B.1589, § 3, eff. July 1, 1979; Laws 1981, S.B.194, § 1, eff. July 1, 1981; Laws 1981, S.B.357, § 2, eff. May 27, 1981; Laws 1984, H.B.1212, § 1, eff. Jan. 1, 1985; Laws 1986, H.B.1220, § 2, eff. July 1, 1986; Laws 1988, S.B.148, § 2, eff. July 1, 1988; Laws 1989, H.B.1091, § 3, eff. Feb. 26, 1989; Laws 1989, 1st Ex.Sess., H.B.1004, § 2, eff. July 1, 1989; Laws 1991, H.B.91-1173, § 1, eff. May 29, 1991; Laws 1992, H.B.92-1021, § 1, eff. June 2, 1992; Laws 1994, H.B.94-1029, § 123, eff. July 1, 1994; Laws 1994, H.B.94-1253, § 16, eff. July 1, 1994; Laws 1994, S.B.94-65, § 5, eff. July 1, 1994; Laws 1994, S.B.94-143, §§ 1, 5, eff. July 1, 1994; Laws 1995, H.B.95-1044, § 11, eff. July 1, 1995; Laws 1996, H.B.96-1198, § 3, eff. June 3, 1996; Laws 1998, Ch. 172, § 6, eff. April 30, 1998; Laws 1999, Ch. 110, § 3, eff. July 1, 1999; Laws 2000, Ch. 232, § 7, eff. Sept. 1, 2000; Laws 2001, Ch. 317, § 20, eff. June 5, 2001; Laws 2002, Ch. 179, § 1, eff. May 24, 2002; Laws 2002, Ch. 297, § 9, eff. July 1, 2002; Laws 2002, Ch. 318, § 141, eff. Oct. 1, 2002; Laws 2007, Ch. 57, § 1, eff. March 26, 2007; Laws 2009, Ch. 77, § 2, eff. Oct. 1, 2009; Laws 2010, Ch. 264, § 3, eff. Aug. 11, 2010; Laws 2011, Ch. 96, § 2, eff. Aug. 10, 2011; Laws 2011, Ch. 236, § 8, eff. May 27, 2011; Laws 2012, Ch. 220, § 7, eff. July 1, 2012; Laws 2012, Ch. 268, § 9, eff. June 7, 2012; Laws 2013, Ch. 272, § 4, eff. July 1, 2013; Laws 2015, Ch. 119, § 1, eff. Aug. 5, 2015; Laws 2017, Ch. 58, § 2, eff. Aug. 9, 2017; Laws 2017, Ch. 263, § 120, eff. May 25, 2017; Laws 2018, Ch. 259, § 3, eff. July 1, 2018; Laws 2021, Ch. 175 (H.B. 21-1091), § 2, eff. May 24, 2021; Laws 2021, Ch. 175 (H.B. 21-1091), § 5, eff. Oct. 1, 2021; Laws 2021, Ch. 136 (S.B. 21-059), § 24, eff. Oct. 1, 2021; Laws 2023, Ch. 191 (S.B. 23-039), § 9, eff. Jan. 1, 2024; Laws 2023, Ch. 349 (S.B. 23-164), § 1, eff. June 5, 2023; Laws 2026, Ch. 15 (H.B. 26-1064), § 1, eff. Aug. 12, 2026.

C. R. S. A. § 16-11-102, CO ST § 16-11-102

Current through legislation effective August 12, 2026 of the Second Regular Session, 75th General Assembly (2026). Some statute sections may be more current. See credits for details.

End of Document

© 2026 Thomson Reuters. No claim to original U.S. Government Works.

Laws Governing Parole

By: Katherine Dwyer, Associate Attorney
November 20, 2018 | 2018-R-0177

Issue

Describe the Connecticut laws governing parole. This report updates OLR Report 2009-R-0345. This report has been updated and expanded by OLR Report 2025-R-0025.

Summary

The Board of Pardons and Paroles (BOPP) has independent decision-making authority to (1) grant or deny parole, (2) set conditions of parole, and (3) rescind or revoke parole (CGS § 54-124a et seq.).

Inmates who are sentenced to more than two years in prison generally can be considered for parole. Inmates convicted of non-violent crimes are eligible to be considered for parole after serving 50% of their sentence. Inmates who committed violent crimes are eligible to be considered for parole after serving 85% of their sentence. Those convicted of certain crimes, like murder, are not eligible for parole. The law requires a parole hearing at certain points in an inmate's sentence.

In some circumstances, inmates nearing the end of their sentence or scheduled parole release date can be released before that date. The board can also release certain inmates on medical or compassionate parole.

Legislation passed in 2015 (1) allows the board, in certain circumstances, to consider parole for an inmate without a hearing and (2) established alternative parole eligibility criteria for certain inmates who were convicted of a crime they committed as minors and were sentenced to a prison term of more than ten years.

A parole release panel consisting of three board members conducts parole hearings. A hearing cannot be held unless the chairperson certifies that all pertinent information has been obtained or is unavailable. Victims must be allowed to appear at a parole eligibility hearing and make or submit a statement. The board can release someone on parole if there is a reasonable probability that the inmate will live and remain at liberty without violating the law and the release is not incompatible with the welfare of society. The panel sets the terms and conditions of the inmate's parole. Department of Correction (DOC) personnel supervise inmates on parole.

A board employee conducts a parole revocation or rescission hearing. If the employee recommends revocation or rescission, two members of a board panel must approve it. A paroled inmate can be returned to prison for up to the rest of his or her sentence. The law requires an incremental sanctions system for parole violators and allows the parolee to be returned to custody. The board can again consider paroling an inmate.

In this report, we do not discuss special parole, which a judge can impose as part of an inmate's sentence, or the provisions on deportation or the Interstate Compact for Adult Offender Supervision.

General Parole Eligibility Rules

Inmates who are sentenced to more than two years in prison can generally be considered for release from prison on parole. Inmates convicted of non-violent crimes are generally eligible for parole after serving 50% of their sentence less any risk reduction credits. Inmates who committed violent crimes, home invasion, or 2nd degree burglary are generally eligible for parole after serving 85% of their sentence less any risk reduction credits. Those convicted of the following crimes are not eligible for parole: capital felony, murder with special circumstances, felony murder, arson murder, murder, and 1st degree aggravated sexual assault (CGS § 54-125a(a),(b)).

Parole Orientation Program

The board consults with the DOC commissioner to establish a parole orientation program for all parole-eligible inmates when they are taken into DOC custody to provide general information on parole release laws and policies, calculating time-served standards, general conditions of release, supervision practices, revocation and rescission policies, hearing procedures, and other information the board deems relevant to prepare an inmate for parole (CGS § 54-124a(l)).

Other Parole Release Provisions

In addition to the general parole eligibility rules, the law establishes four additional specific types of parole that an inmate can be considered for: (1) release with six months or less left on the inmate's sentence, (2) release within 18 months of parole release date, (3) medical parole, and (4) compassionate parole.

Release With Six Months or Less Left on Sentence

An inmate with six months or less left on his or her sentence generally can be granted parole if the inmate agrees to be (1) subject to supervision by DOC personnel for one year and (2) retained in prison for up to the length of the unexpired prison sentence if he or she violates the parole conditions. Someone whose crime makes them ineligible for parole or eligible after serving 85% of his or her sentence must serve 95% of the sentence before being eligible for release under this provision (CGS § 54-125g).

Release Within 18 Months of Parole Release Date

The board chairperson can transfer an inmate to a public or private nonprofit halfway house, group home, mental health facility, or approved community or private residence if he or she (1) has been granted parole release and (2) is within 18 months of the parole release date set by the board. The person is transferred to the board's jurisdiction but remains in DOC custody during the period of release and DOC employees supervise the person. The person may be returned to prison at any time (CGS § 54-125h).

Medical Parole

The board can release someone on medical parole at a date and under conditions it sets. The board can release an inmate (unless he or she was convicted of a capital felony or murder with special circumstances) at any time during his or her sentence if the inmate is diagnosed as suffering from a terminal condition, disease, or syndrome and is so debilitated or incapacitated by it as to be physically incapable of presenting a danger to society.

A licensed physician must make the diagnosis, which must (1) describe the terminal condition, disease, or syndrome; (2) include a prognosis of the likelihood of recovery; and (3) describe the inmate's physical incapacity. If the diagnosing physician is not employed by DOC or a hospital or medical facility used by DOC, the DOC medical director or a physician appointed by the DOC commissioner can review the diagnosis. A terminal condition, disease, or syndrome includes a prognosis for six months or less to live.

The board must require as a condition of release that the parolee agree to placement and that he or she is able to be placed for a definite or indefinite period in a hospital, hospice, or other housing accommodation suitable to the medical condition, including with the inmate's family, as specified by the board. The board can require periodic diagnoses as a condition of release. If the board reviews the diagnoses and finds that a parolee is no longer so debilitated or incapacitated as to be physically incapable of presenting a danger to society, the parolee must be returned to a DOC institution.

The board, DOC commissioner, or a prison warden or superintendent can request a diagnosis to determine eligibility for medical parole. The inmate or the inmate's spouse, parent, guardian, grandparent, aunt, uncle, sibling, child over age 18, or attorney can make a request to the board or one of the officials for a diagnosis.

The board can appoint a special panel to implement these provisions. The board or special panel must review and decide medical parole requests on an emergency basis and act in all cases in as expeditious a manner as possible. The medical parole law does not affect an inmate's eligibility for any other form of parole or release (CGS § 54-131a et seq.).

Compassionate Parole

The board can grant compassionate parole release to an inmate (other than those convicted of a capital felony or murder with special circumstances) if the inmate (1) served at least half of the sentence or half after the board commuted the original sentence and (2) is so physically or mentally debilitated, incapacitated, or infirm due to advanced age or a condition, disease, or syndrome that is not terminal, as to be physically incapable of presenting a danger to society. A person granted release under this provision must be released under terms and conditions set by the board and supervised by DOC (CGS § 54-131k).

Parole Hearings

The law generally permits the board to hold a hearing to determine someone's suitability for parole if the person has served 75% of his or her definite or total effective sentence minus any earned risk reduction credits. For those inmates ineligible for parole until they have served 85% of their sentence (see above), the board generally may hold a hearing when the person has met the 85% threshold. If a hearing is not held, the board must document the specific reasons and provide them to the inmate.

A board employee, or a panel if the chairperson deems it necessary, must assess the suitability for parole based on whether (1) there is a reasonable probability that the person will live and remain at

liberty without violating the law and (2) the benefits to the person and society resulting from release to community supervision substantially outweigh the benefits from continued incarceration. If the board determines that continued incarceration is necessary after a hearing, it must state specific reasons on the record why the person and public would not benefit from a period of parole supervision while transitioning from incarceration to the community. The board's decision cannot be appealed (CGS § 54-125a(d) and (e)).

Conducting Hearings

At least three board members must be present at each parole hearing. Parole release panels consist of two board members and the chairperson or a member the chairperson designates to act as chairperson. A panel cannot hold a hearing for an inmate who had to serve 85% of his or her sentence for parole eligibility unless the panel has the applicant's complete file, including any DOC documentation, the trial transcript, the sentencing record, and any previous parole hearing files. Each panel member must certify that the information has been reviewed in preparation for the hearing. The state's attorney must also send the board the record of someone sentenced to more than two years in prison within three weeks of the person being committed to custody (CGS §§ 54-124a, -125a).

The board can release someone on parole if it appears from all available information that there is a reasonable probability that the inmate will live and remain at liberty without violating the law and the release is not incompatible with the welfare of society. Under the terms and conditions set by the panel, the parolee may return to his or her home, reside in a residential community center (the parolee may be required to contribute to costs), or go elsewhere. The parolee remains under the board's jurisdiction until his or her period of parole expires. The parole order must set the limits of the parolee's residence, which the board and DOC have discretion to change. DOC personnel supervise people on parole (CGS § 54-125a).

Victim Statements

At panel hearings to determine an inmate's eligibility for parole, the panel must permit the crime victim to appear to make a statement for the record on whether the inmate should be released on parole or the nature of any terms or conditions of release. A victim can submit a written statement which becomes part of the record instead of appearing.

A "crime victim" is someone who is a victim of a crime, a victim's legal representative, a member of a deceased victim's immediate family, or a person designated by a deceased victim in a document that meets certain legal requirements.

When the board schedules a parole eligibility hearing, the judicial branch's Office of Victim Services (OVS) must notify any victim of the inmate's crime who is registered with the board of the hearing time, date, and location, and notify the victim that he or she may make or submit in writing a statement at the hearing. If the inmate is serving an indeterminate sentence or a sentence for felony murder, and was sentenced before July 1, 1981, OVS must work with the board to locate victims and their families to provide notice of the hearing. If such a victim is a police officer who is deceased, OVS must provide the notice to the police chief in the town where the crime occurred.

Nothing in the statute prohibits the board from using its discretion to permit a member or members of a victim's immediate family to appear and make a statement under this provision (CGS § 54-126a).

Parole Decisions Without a Hearing

PA 15-2, June Special Session created a procedure to allow the board to consider certain inmates for release on parole without a hearing.

This applies to an inmate who:

1. was not convicted of a crime involving a victim known to the board who was injured or killed (a) in a crime or criminal attempt or (b) while attempting to prevent a crime, apprehend a suspect, or assist a police officer in apprehension;
2. was not convicted of a violent crime or certain other crimes, including 2nd degree burglary, 1st degree stalking, and criminally negligent homicide; and
3. is not prohibited from parole for any other reason.

Generally, inmates eligible for release under these procedures could be released on parole under existing law after serving half of their cumulative sentences. They can also be released within six months of the end of their sentences if they agree to be subject to DOC supervision for one year and to be returned to prison for the unexpired term of their sentences for violating parole conditions (CGS § 54-125i).

Procedures

A board member or certain board employees can evaluate a person's parole eligibility without a hearing by (1) using risk-based structured decision making and release criteria under the board's policies and (2) reviewing an inmate's offender accountability plan, including the environment to which the inmate plans to return. An employee can only conduct this evaluation if he or she is

qualified by education, experience, or training in administering community corrections, parole, pardons, criminal justice, criminology, offender evaluation or supervision, or providing offenders with mental health services.

The board's chairperson must present a member's or employee's parole recommendation to a parole release panel for approval after making reasonable efforts to obtain all information pertinent to the decision and certifying that it has been obtained or is unavailable. After he does so, the panel determines whether the person is suitable for release on parole.

Parole may not be granted under these procedures unless board members and officers reviewing the inmate's file certify that they reviewed the recommendations and information (CGS § 54-125i).

Alternative Parole Eligibility

PA 15-84 established alternative parole eligibility rules for someone who (1) commits a crime when he or she is under age 18 and (2) is sentenced to more than 10 years in prison. These rules apply if they make someone eligible for parole sooner than under existing law, and they also apply to someone convicted of a crime who would otherwise be ineligible for parole. Under these rules, someone sentenced to:

1. 10 to 50 years in prison is eligible for parole after serving the greater of 12 years or 60% of his or her sentence or
2. more than 50 years in prison is eligible for parole after serving 30 years.

These rules apply to offenders incarcerated on and after October 1, 2015 regardless of when the crime was committed or the offender sentenced. They do not apply to any portion of a sentence imposed for a crime committed when the person was age 18 or older. Existing parole eligibility rules apply to such a sentence (CGS § 54-125a(f)).

Required Hearing

This law requires (1) a parole hearing when such a person becomes parole-eligible and (2) the board to notify, at least 12 months before the hearing, the Chief Public Defender's Office, appropriate state's attorney, DOC's Victim Services Unit, Office of Victim Advocate, and OVS. The Chief Public Defender's Office must provide counsel for an indigent inmate.

At the hearing, the board must allow:

1. the inmate to make a statement;
2. the inmate's counsel and state's attorney to submit reports and documents; and
3. any victim of the inmate's crime to make a statement, as with other parole hearings.

The board may also request (1) testimony from mental health professionals and relevant witnesses and (2) reports from DOC or others (CGS § 54-125a(f)).

Release Decisions

Following the hearing, the board may release the inmate on parole if:

1. the release (a) holds the offender accountable to the community without compromising public safety; (b) reflects the offense's seriousness and makes the sentence proportional to the harm to victims and the community; (c) uses the most appropriate sanctions available, including prison, community punishment, and supervision; (d) could reduce criminal activity, impose just punishment, and provide the offender with meaningful and effective rehabilitation and reintegration; and (e) is fair and promotes respect for the law;
2. it appears from all available information, including DOC reports, that (a) there is a reasonable probability the offender will not violate the law again and (b) the benefits of release to the offender and society substantially outweigh the benefits from continued confinement; and
3. it appears from all available information, including DOC reports, that the offender is substantially rehabilitated, considering his or her character, background, and history.

The board must articulate reasons for its decision on the record. If the board denies parole, it may reassess the person's suitability for a hearing at a later time it determines but no sooner than two years after the denial. The board's decisions are not appealable (CGS § 54-125a(f)).

Conditions of Release

The board can set rules and regulations as it deems necessary for an inmate being released on parole and the panel for a particular case can set special provisions for the inmate's parole. The chairperson enforces the rules, regulations, and provisions and can retake and imprison the parolee for any reason the panel or the chairperson with the panel's approval deems sufficient. The chairperson can detain a person pending the panel's approval (CGS § 54-126).

The board, within available appropriations, can require an inmate to undergo specialized sexual offender treatment for at least one year before the board will schedule a hearing date to consider parole eligibility (CGS § 54-125c).

Incremental Sanctions for Parole Violations

The board chairperson and executive director establish an incremental sanctions system for parole violations. This includes reincarceration based on the type, severity, and frequency of the violation and specific periods of incarceration for certain types of violations (CGS § 54-124a(l)).

Revocation, Rescission, and Return to Prison

The board chairperson, in consultation with the board's executive director, must adopt regulations for parole revocation and rescission hearings including due process requirements (CGS § 54-124a(j)).

A request by the DOC commissioner, a DOC officer, the board, or the board chairperson is sufficient warrant to authorize any DOC officer or officer legally authorized to serve criminal process in Connecticut to return a person on parole to custody. Any officer, police officer, constable, or state marshal must arrest and hold any parolee or inmate when requested, without any written warrant (CGS § 54-127).

A board employee must conduct all parole revocation and rescission hearings. Someone allowed to go on parole can have his or her parole revoked or rescinded if after a hearing, the employee recommends it and at least two members of a board panel approve it (CGS § 54-127a).

A paroled inmate returned to prison for violating parole can be imprisoned up to the unexpired portion of the inmate's sentence less any commutation or diminution of sentence earned. The board has discretion to determine that an inmate forfeits any or all of the earned time (earned time laws were repealed but still apply to inmates sentenced for crimes committed before October 1, 1994). The board can again parole the inmate (CGS § 54-128).

Discharge From Custody

If a board panel determines that a parolee or someone eligible for parole will lead an orderly life, by a unanimous vote of members present at a regular meeting, it can discharge the person from DOC custody and provide a written certificate to that effect under the board's seal and signed by the chairperson and DOC commissioner (CGS § 54-129).

Community Partners in Action and the DOC commissioner must make all reasonable efforts to secure employment and provide, directly or by contract, other necessary services for parolees or those discharged from custody, and the agents of the association can interview inmates before their discharge (CGS § 54-131).

KD:cmg

Practitioner Guide to HB 585

Mississippi Corrections and Criminal Justice Task Force



An Introduction to House Bill 585

Seeking to repair the long-standing disconnect between the corrections and criminal justice systems and to ensure state taxpayers were getting a good public safety return on their corrections spending, the 2013 Legislature passed, and Governor Phil Bryant signed into law, House Bill 1231 to establish the bipartisan, inter-branch Corrections and Criminal Justice Task Force. The Task Force was charged with developing policy recommendations for consideration by the legislature.

Chaired by Christopher Epps, Mississippi's Commissioner of Corrections, the Task Force included legislators, judges, prosecutors, law enforcement officials, defense attorneys, a county supervisor and other criminal justice stakeholders. Beginning in the summer of 2013, the Task Force spent seven months analyzing Mississippi's sentencing and corrections data and studying evidence-based criminal justice programs, policies, and practices employed in other states.

The Task Force found that Mississippi's prison population had grown by 17 percent in the past decade and by 307 percent in the past 30 years. By June 2013, the state was housing more than 22,600 prisoners and had the second-highest imprisonment rate in the country, trailing only Louisiana. The Task Force also found that, absent policy change, these trends would continue and that Mississippi would need to house an additional 1,990 inmates by 2024. State officials estimated that this growth would cost the state an additional \$266 million in new corrections spending over the next 10 years.

Upon a closer investigation of the data, the Task Force identified four primary drivers of Mississippi's corrections and population growth: (1) a high number of nonviolent offenders – almost three-quarters of admissions to prison in 2012 – were sentenced for nonviolent crimes; (2) more offenders were entering prison for violations of supervision than for new crimes; (3) uncertainty about how long inmates would serve behind bars contributed to a 28 percent increase in sentence lengths over the previous decade; and (4) a high percentage of offenders were being sentenced to prison, as opposed to probation or other alternatives to prison.

Task Force members spent several months examining best practices, as well as proven approaches to sentencing and corrections implemented in other states, and began to craft policy proposals for Mississippi. With a goal of creating a package of policies that would ensure certainty in sentencing and control corrections costs while keeping public safety paramount, the Task Force unanimously forwarded its final report and 19 policy recommendations to the legislature in December of 2013.

Legislation advancing these recommendations—House Bill 585—passed with overwhelming bipartisan support and was signed into law by Governor Phil Bryant on March 31, 2014.

Table of Contents

Time Served Requirements.....	3
True Minimums.....	3
Parole Eligibility Fixed at 25 Percent of Court-Ordered Sentence.....	3
Definition of Violence	4
Eligibility for Sentencing Alternatives	5
Non-Adjudicated Probation	5
Probation	5
Intensive Supervision Program	5
Drug Court.....	5
Veterans Court.....	5
Property Offenses	6
Shoplifting.....	6
Larceny.....	6
Motor Vehicle Theft.....	6
Defacing Public Property	6
Forgery, Counterfeiting, Fraud, Embezzlement.....	6
New Crime: Fraud Enterprise.....	7
Presumptive Probation	7
Drug Offenses	8
Marijuana.....	8
Schedule I and II Drugs.....	8
Schedule III and IV Drugs	9
Schedule V Drugs	9
Trafficking Safety Valve.....	9
Possession of Precursor Drugs.....	9
Parole Eligibility.....	11
Enhancements	11
Eligibility Changes under HB 585	11
Specialty Parole Provisions	12
Geriatric Parole.....	12
Nonviolent Retroactive Parole Eligibility	12
Technical Violations of Community Supervision.....	13
Graduated Sanctions.....	13
Revocations.....	13



Time Served Requirements

Time Served Requirements

True Minimums

- Nonviolent offenders must serve at least 25 percent of their court-ordered sentences.
- Violent offenders must serve at least 50 percent of their court-ordered sentences.
- Offenders eligible for earned time or parole remain eligible and will earn time at the same rate but *will not be released prior to meeting these minimum thresholds.*

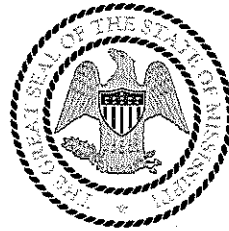
Parole Eligibility Fixed at 25 Percent of Court-Ordered Sentence

All parole eligibility dates are set at 25 percent of the court-ordered sentence; offenders no longer have to serve one year of their sentence to become eligible for parole release.

Time Served Requirements

Sentence Length	Minimum Time to Serve in Prison		
	Nonviolent Offenses	Violent Offenses	Sex Offenses/Habitual Offenders*/Drug Trafficking Offenses*
1 year	3 months	6 months	1 year
2 years	6 months	1 year	2 years
3 years	9 months	18 months	3 years
4 years	12 months	24 months	4 years
5 years	15 months	30 months	5 years
6 years	18 months	36 months	6 years
7 years	21 months	42 months	7 years
8 years	24 months	48 months	8 years
9 years	27 months	54 months	9 years
10 years	30 months	60 months	10 years
15 years	45 months	90 months	15 years
20 years	60 months	120 months	20 years
30 years	90 months	180 months	30 years

*Offenders serving sentences for drug trafficking (§41-29-139(f)) or as a nonviolent habitual (§99-19-81) are eligible to apply to the original sentencing court for parole eligibility per §47-7-3(g)(iii). See page 12 for additional information.



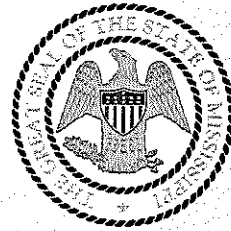
Definition of Violence

Definition of Violence

HB 585 establishes a unified definition of violence to determine: (1) time served requirements; (2) eligibility for parole; (3) eligibility for habitual offender enhancements; and (4) eligibility for pre-trial diversion programs.

HB 585 creates a set of crimes which are violent and can never be considered nonviolent no matter the circumstances (with an exception for statutory rape). Additionally, sentencing judges can classify any crime with a maximum sentence of 5 or more years as a violent crime if the facts of the case show that the defendant used physical force, or made a credible attempt or threat of physical force against another person as part of the criminal act.

Violent Crimes	Section
Driving under the influence that results in death or injury	§63-11-30(5) and §63-11-30(12)(d)
Murder and attempted murder	§97-1-7(2); §97-3-19; §97-3-23 and §97-3-25
Aggravated assault and aggravated domestic violence	§97-3-7(2)(a) and (b) and §97-3-7(4)(a)
Manslaughter	§97-3-27; §97-3-29; §97-3-31; §97-3-33; §97-3-35; §97-3-39; §97-3-41; §97-3-43; §97-3-45 and §97-3-47
Killing of an unborn child	§97-3-37(2)(a) and §97-3-37(2)(b)
Kidnapping	§97-3-53
Human trafficking	§97-3-54.1
Poisoning	§97-3-61
Rape	§97-3-65 and §97-3-71
Robbery	§97-3-73 and §97-3-79
Sexual battery	§97-3-95
Drive-by shooting or bombing	§97-3-109
Carjacking	§97-3-117
Felonious neglect, abuse or battery of a child	§97-5-39
Burglary of a dwelling	§97-17-23 and §97-17-37
Use of explosives or weapons of mass destruction	§97-37-25
Statutory rape*	§97-3-65(1) (Violent classification is rebuttable on a hearing by a judge).
Exploitation of a child	§97-5-33
Gratification of lust	§97-5-23
Shooting into a dwelling	§97-37-29



Eligibility for Sentencing Alternatives

Eligibility for Sentencing Alternatives

Sentence Alternative	Previous Law	Current Law
Non-adjudicated probation	Any misdemeanor or felony eligible unless the offender: <ul style="list-style-type: none"> ▪ Has previously received a non-adjudicated sentence; ▪ Has a prior felony conviction; or ▪ Is charged with: <ul style="list-style-type: none"> ○ Fraud by a public official; ○ Commercial drug offense except for any marijuana offense of less than 1 ounce; or ○ Implied consent offense. 	Any misdemeanor or felony eligible unless the offender: <ul style="list-style-type: none"> ➤ Has previously received non-adjudicated probation for the same crime as current charge; or ➤ Is charged with: <ul style="list-style-type: none"> ○ A violent offense; ○ Fraud by a public official; ○ Drug trafficking.
Probation	Any misdemeanor or felony eligible unless the offender: <ul style="list-style-type: none"> ➤ Has a prior felony conviction; or ➤ Is convicted of an offense where the maximum sentence is death or life in prison. 	Any misdemeanor or felony eligible unless the offender: <ul style="list-style-type: none"> ➤ Is convicted of an offense where the maximum sentence is death or life in prison. ➤ Offenses that specifically exclude probation as a sentence
Intensive Supervision Program	Any felony eligible unless the offender: <ul style="list-style-type: none"> ➤ Has served prior prison sentence; ➤ Has a prior conviction for a sex offense or a felony involving the use of a deadly weapon; or ➤ Is convicted of: <ul style="list-style-type: none"> ○ An offense with the maximum sentence is death or life in prison; or ○ A sex offense. <p>Additionally, offenders must be deemed "low risk" and "nonviolent" by the court.</p>	Any felony eligible unless the offender: <ul style="list-style-type: none"> ➤ Has a prior conviction for a sex offense; or ➤ Is convicted of: <ul style="list-style-type: none"> ○ A violent offense; ○ A sex offense; or ○ An offense where the maximum sentence is death or life in prison.
Drug Court	Any felony eligible unless the offender: <ul style="list-style-type: none"> ➤ Has a prior violent offense conviction; ➤ Is convicted of: <ul style="list-style-type: none"> ○ A violent offense; ○ Burglary of an occupied dwelling, DUI resulting in death; ○ A commercial drug offense; or ➤ Has other pending criminal proceedings alleging commission of a crime of violence. 	Any felony eligible unless the offender: <ul style="list-style-type: none"> ➤ Has a prior violent offense conviction within 10 years; ➤ Is charged with: <ul style="list-style-type: none"> ○ A violent offense; ○ Burglary of an occupied dwelling, burglary using explosives, DUI resulting in death; ○ Drug trafficking; or ➤ Has other pending criminal proceedings alleging commission of a crime of violence.



Property Offenses

Property Offenses

Property Crime	Previous Law (Years)	Current Law (Years)
Shoplifting		
\$500 or less	Misdemeanor, up to 6 months in jail	Misdemeanor, presumptive probation* or up to 6 months in jail
3 rd and sub, \$500 or less	0-5	
\$500 to \$1000	0 – 10	
3 rd or sub, \$500 to \$1000		0-3
Larceny		
Grand Larceny/Petit Larceny/Larceny; theft of rental property/Malicious Mischief/Receiving Stolen Property		
\$500 or less	Misdemeanor, up to 6 months in jail	Misdemeanor, presumptive probation* or up to 6 months in jail
\$500 to \$1000	0 – 10	
3 rd or sub, \$500 to \$1,000		0 – 3
\$1000 to \$5000		0 – 5
\$5000 to \$25000		0 – 10
\$25000 or more		0 – 20
Larceny; established place of worship		
\$500 or less	Misdemeanor, up to 1 year in jail	Misdemeanor, presumptive probation* or up to 1 year in jail
\$500 to \$1000	0 – 10	
3 rd or sub, \$500 to \$1000		0 – 3
\$1000 to \$25000		0 – 10
\$25000 or more		0 – 20
Larceny; under lease or rental agreement		
\$250 or less	Misdemeanor, up to 6 months in jail	Misdemeanor, presumptive probation* or up to 6 months in jail
\$250 to \$1000	0-3	
3 rd and sub, \$500 to \$1000		0 – 3
\$1000 or more		0 – 5
Motor Vehicle Theft		
\$1000 or less	0-10	Misdemeanor, presumptive probation* or up to 6 months in jail
\$1000-\$5000		
\$5000 to \$25000		0-5
\$25,000 or more		0-10
2 nd and sub, \$1000 or less	0-15	0-20
2 nd and sub, \$1000 to \$5000		0-3
2 nd and sub, \$5000 to \$25000		0-10
2 nd and sub, \$25000 or more		0-20
		0-40

Cont.

Property Crime	Previous Law (Years)	Current Law (Years)
Defacing Public Property		
\$300 or less	Misdemeanor, up to 1 year in jail	Misdemeanor, presumptive probation* or up to 1 year in jail
\$300 to \$500	0 – 5	
\$500 to \$5000		0 – 5
\$5000 to \$25000		0 – 10
\$25000 or more		0 – 20
Forgery /Counterfeiting/ Embezzlement /Computer Fraud/Offense Against Computer Users, Computer Equipment and Intellectual Property		
\$500 or less	Misdemeanor, up to 6 months in jail	Misdemeanor, presumptive probation* or up to 6 months in jail
\$500 to \$1000	0 – 10	
3 rd or sub, \$500 to \$1,000		0 – 3
\$1000 to \$5000		0 – 5
\$5000 to \$25000		0 – 10
\$25000 or more		0 – 20

New Crime: Fraud Enterprise

HB 585 also creates the crime of fraud enterprise, defined as an organization of two or more people who engage in the conduct of or are associated for the purpose of effectuating the transfer or sale of merchandise, services or information that has a pecuniary value that causes a loss to the victim. Fraud enterprise (also known as organized theft) is punishable by imprisonment for up to 20 years.

Presumptive Probation

HB 585 institutes presumptive probation for most property crimes under \$1,000, establishing probation supervision for up to one year as the appropriate punishment unless the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety.

If the judge does not make one of the above three findings, then the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one year.



Drug Offenses

Drug Offenses

Substance	Previous Law		Current Law	
	Amount	Sentence Range* (Years)	Amount	Sentence Range* (Years)
Marijuana				
Possession	Less than 30g	Misdemeanor	No change to existing penalty	
	30g to less than 250g	Misdemeanor, up to 1 year in jail; 0 –3 if charged as a felony		
	250g to 500g	2 – 8		
	500g to 1kg	4 – 16		
	1kg to 5kg	6 – 24		
	5kg or more	10 – 30		
Possession w/Intent, Sale, Distribution	Less than 30g	0 – 3	No change to existing penalty	
	30g to less than 1kg (<i>first time offender eligible only</i>)	0 – 20	30g to less than 1kg (<i>first time offender eligible only</i>)	0 – 5
	30g or more	0 – 30	30g to less than 1 kg	0 – 10
			1 kg or more	See trafficking
Trafficking**	3 commercial drug offenses occurring within 12 months	30 to life	1kg or more	10 – 40
Schedule I and II substances				
Possession	Less than .1g or 1 dosage unit	Misdemeanor, up to 1 year; 1-4 if charged as felony	Less than .1g	Misdemeanor up to 1 year
	.1g to less than 2g	2 – 8	.1g to less than 2g	0 – 3
	2g to less than 10g	4 – 16	2g to less than 10g	0 – 8
	10g to less than 30g	6 – 24	10g to less than 30g	3 – 20
	30g or more	10 – 30	30g or more	See trafficking
Possession w/Intent, Sale, Distribution, Manufacturing	Any amount	0 – 30	Less than 2g	0 – 8
			2g to less than 10 g	3 – 20
			10g to less than 30g	5 – 30
			30g or more	See trafficking
Trafficking**	3 commercial drug offenses occurring within 12 months	30 to life	30g to 200g	10 – 40
Aggravated Trafficking (NEW CRIME)**	None		200g or more	25 to life

* Sentence ranges for second and subsequent convictions are doubled.

**Offenders convicted under the trafficking statute are ineligible for parole, trusty earn time, and earned release supervision. See note about trafficking safety valves on page 9.

Cont.

Substance	Previous Law		Current Law	
	Amount	Sentence Range* (Years)	Amount	Sentence Range* (Years)
Schedule III and IV substances				
Possession	Less than 50g	Misdemeanor, up to 1 year	No change to existing penalty	
	50g to less than 150g	1-4		
	150g to less than 300g	2-8		
	300g to less than 500g	4-16		
	500g or more	6-24	500g or more	See trafficking
Possession w/Intent, Sale, Distribution	Any amount	0-20	Less than 2g	0-8
			2g to less than 10g	
			10g to less than 30g	0-15
Trafficking**	3 commercial drug offenses occurring within 12 months	30 to life	500g or more	10-40
Schedule V substances				
Possession	Less than 50g	Misdemeanor, up to 1 year	No change to existing penalty	
	50g to less than 150g	1-4		
	150g to less than 300g	2-8		
	300g to less than 500g	4-16		
	500g or more	6-24	300g to less than 500g	4-16
Possession w/Intent, Sale, Distribution	Any Amount	0-10	500g or more	See trafficking
			Less than 2g	0-1
			2g to less than 10g	0-5
Trafficking**	3 commercial drug offenses occurring within 12 months	30 to life	10g to less than 30g	0-10
			500g or more	10-40

* Sentence ranges for second and subsequent convictions are doubled.

**Offenders convicted under the trafficking statute are ineligible for parole, trusty earn time, and earned release supervision. See note about trafficking safety valves below.

Trafficking Safety Valves

The court may impose a lower sentence than the minimum required as a condition of a trafficking or aggravated trafficking conviction if the judge finds that:

- The offender was not a leader of the criminal enterprise;
- The offender did not use violence or a weapon during the crime;
- The offense did not result in a death or serious bodily injury of a person not a party to the criminal enterprise; and
- The interests of justice are not served by the imposition of the prescribed mandatory sentence.

If the judge finds these factors present he or she may impose an alternative sentence of imprisonment that is no less than 25 percent of the prescribed sentence.

Possession of Precursor Drugs

Substance/Amount	Previous Law (Years)	Current Law (Years)
Possession of precursor drug or chemical	0-30	0-8
Possession of precursor drug or chemical AND 2g or less of a controlled substance*		0-8
Possession of precursor drug or chemicals AND 2g to 10g of a controlled substance*		0-10
Possession of precursor drug or chemical AND 10g to 30g of a controlled substance*		3-20
Possession of precursor drug or chemical AND 30g or more of a controlled substance*		

*Controlled substance must be a substance that can be manufactured using the precursor drugs or chemicals possessed.



Parole Eligibility

Parole Eligibility

Enhancements

The following enhancements are no longer ineligible for parole:

Enhancement	Code Section
Distribution of a controlled substance within 1500 feet of a school, church, park, ballpark, public gymnasium, youth center or movie theatre	§41-29-142
Distribution of a controlled substance to person or persons under age 21	§41-29-145
Second or subsequent offense under the Uniform Controlled Substances Law	§41-29-147
Offense under the Uniform Controlled Substances Law committed while in the possession of a firearm	§41-29-152
Possession of precursors while in the presence of a child	§41-29-313(5)
Possession of precursors while at a hotel or apartment	§41-29-313(6)
Possession of precursors while in possession of a firearm	§41-29-313(7)
Possession of precursors on premises that are booby trapped	§41-29-313(8)
Felony committed for discriminatory reason (hate crime)	§99-19-301 through 99-19-307
Felony committed against person 65 or older or victim who is disabled	§99-19-361 through 99-19-357

Changes in Eligibility by Offense

Offense	Code Section	Previous Law	Current Law
Previously eligible offenses that are ineligible under current law			
Strong arm carjacking	§97-3-117(2)	Parole	No Parole
Burglary of a dwelling*	§97-17-23(1)	Parole	No Parole
Shooting into a dwelling	§97-37-29	Parole	No Parole
Previously ineligible offenses that are eligible under current law			
Abuse of a vulnerable adult	§ 43-47-1(3)	No Parole	Parole
Arson	§97-17-1, 5, 7, 9	No Parole	Parole
Sale or manufacture of more than one kilogram of marijuana*	§41-29-139(b)(1)	No Parole	Parole*

*Prior to the passage of HB 585, burglaries of unoccupied dwellings were granted parole dates. HB 585 renders all residential burglaries – occupied or not – parole ineligible.

**Offenders sentenced for trafficking marijuana, defined as the possession of one kilogram or more, are ineligible for parole. However, judges can depart from sentencing an offender under the trafficking statute if certain findings are made. See note about trafficking safety valves on page 9..



Specialty Parole Provisions

Specialty Parole Provisions

Geriatric Parole

HB 585 establishes geriatric parole for offenders who meet the following requirements:

- At least 60 years old and has been incarcerated for at least 10 years.
- Has served at least one-fourth of the sentence imposed by the court.
- Not sentenced as a habitual offender under sections §99-19-81 through §99-19-87.
- Not sentenced for a crime of violence under section §97-3-2.
- Not sentenced for an offense that specifically prohibits parole release.
- Not sentenced for trafficking controlled substances under section §41-29-139(f).
- Not sentenced for a sex crime.

Nonviolent Retroactive Parole Eligibility

Any offender incarcerated for a nonviolent offense who has served at least 25 percent of his sentence but is otherwise ineligible for parole can now petition the sentencing judge for parole eligibility. If the judge approves the request for parole consideration, the offender will be referred to the parole board for a hearing.

Offenders eligible to petition the sentencing judge for parole consideration under this provision include nonviolent habitual offenders and nonviolent offenders sentenced under an enhancement, including offenders currently in prison.



Technical Violations of Community Supervision

Technical Violations of Community Supervision Conditions

HB 585 made a number of changes to how field officers, as well as courts and the parole board, can respond to technical violations of community supervision by probationers, parolees, or offenders on post-release supervision. Technical violations are defined as any violation of the conditions of community supervision except a new criminal conviction. Technical violations include arrests.

Graduated Sanctions

Currently, MDOC field officers have only two options in responding to technical violations: ignore the conduct or initiate a revocation to prison. HB 585 gives field officers the authority to impose intermediate sanctions in response to technical violations prior to initiating a formal revocation. In determining the sanction to be imposed, field officers are required to take into account the frequency and severity of the violation, as well as the offender's risk level. These sanctions range from mandatory community service work and increased reporting requirements to electronic monitoring and short jail stays up to 2 days (with a maximum of 4 days in jail over a one-month period).

MDOC field officers are also authorized to respond to positive behavior with incentives such as a verbal or written recognition or reduced reporting requirements. Additionally, offenders who complete a month of supervision without any violations are eligible to earn credits equal to the number of days in that month (i.e. 30 for 30). Any earned discharge credits earned will be applied to an offender's sentence discharge date.

HB 585 requires MDOC field officers to notify the sentencing court any time they impose an intermediate sanction. Notification must include the type of sanction imposed. When the technical violation is an arrest for a new criminal offense, the field officer must notify the court within forty-eight (48) hours of becoming aware of the arrest. Additionally, the Department of Corrections is required to notify the sentencing court or the parole board when an offender on supervision is within 60 days of discharge from supervision.

Revocations

HB 585 changes how courts and the parole board can impose revocations for technical violations of community supervision, including: (1) timelines from arrest to revocation hearing and (2) available sentences. These laws only apply to technical violations (including arrest) and do not apply to revocations for new criminal convictions.

Timelines: Parolees who are detained awaiting revocation hearings for a technical violation of their community supervision can only be held in jail for a maximum of 21 days. Probationers and offenders on post-release supervision who detained awaiting revocation hearings can only be held in jail for a maximum of 30 days. If the revocation hearing is not held in the required timeframe, the offender must be released from custody.

Sentencing: Revocations by courts or the parole board are limited to the below terms:

- On the first revocation, judges and the parole board may sentence to a term of no more than 90 days in a Technical Violation Center (TVC) or Restitution Center.
- On the second revocation, judges and the parole board may sentence to a term of no more than 120 days in a TVC or Restitution Center.
- On the third revocation, judges or the parole board may sentence to either term of no more than 180 days in a TVC or Restitution Center or up to the remainder of the sentence in prison.
- On subsequent revocations, judges or the parole board may send offenders to prison for up to the remainder of the sentence.

Technical Violation Centers (TVC's) are secure centers, separate from the general prison population, designed to address those underlying factors leading to technical violations, including substance abuse. Revocation terms served in TVC's or Restitution Centers may not be reduced and the violator must serve the full term imposed.

The Vermont Statutes Online

Parole

The Statutes below now include the actions of the 2026 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

[Statutes](#) > [Title 28](#) > [Chapter 7](#) > [Full Text](#)

Title 28: Public Institutions and Corrections

Chapter 7: Parole

Subchapter 1: General Provisions

§ 401. Construction

This chapter shall be construed to provide a method of supervising the serving of a sentence through the provision of parole services, but is not intended to affect the constitutional power of the Governor to fully, partially, or conditionally pardon inmates. (Added 1971, No. 199 (Adj. Sess.), § 20.)

§ 402. Definitions

As used in this chapter:

(1) "Parole" means the release of an inmate to the community by the Parole Board before the end of the inmate's sentence subject to conditions imposed by the Board and subject to the supervision and control of the Commissioner. If a court or other authority files a warrant or detainer against an inmate, the Board may release him or her on parole to answer the warrant and serve any subsequent sentences.

(2) "Interview" means an appearance by the inmate at a meeting of the Parole Board.

(3) "Review" means an evaluation of an inmate's records without an appearance by the inmate before the Parole Board. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1997, No. 148 (Adj. Sess.), § 55, eff. April 29, 1998; 2019, No. 148 (Adj. Sess.), § 2, eff. Jan. 1, 2021.)

§ 403. Powers and responsibilities of the Commissioner regarding parole

The Commissioner is charged with the following powers and responsibilities regarding the administration of parole:

(1) To supervise and control persons placed on parole, subject to the rules and orders of the Parole Board as to the conditions of parole. The Commissioner may use electronic monitoring equipment such as global position monitoring, automated voice recognition telephone equipment, and transdermal alcohol monitoring equipment to enable more effective or efficient supervision of individuals placed on parole. Transdermal alcohol monitoring equipment shall be used for such purposes as discouraging persons whose licenses have been suspended for DUI from operating motor vehicles on Vermont highways;

(2) To detain for safekeeping at a correctional facility any parolee who allegedly has violated the terms of his or her parole, pending a conference with the Parole Board at its next regularly scheduled meeting, such period of detention not to exceed 30 days;

(3) To establish and provide as he or she deems necessary outpatient counseling and treatment services to persons paroled from, or on pre-parole release or conditional release from, confinement within the Department and, in his or her discretion, to require payment of reasonable fees for such services, if the person is financially able to make the payment;

(4) To establish and maintain a register of individuals who ask to be notified of the parole interview or review of an inmate by the Parole Board. The register shall constitute a confidential record that shall only be disclosed to persons within the Department specifically designated by the Commissioner;

(5) To provide written notification of the date, time, and place of a parole interview or review of an inmate by the Parole Board to an individual who asks to be notified of the parole interview or review. At least 30 days prior to the date of the interview or review, the notice shall be sent by first class mail, or by another most appropriate method, to the last address provided to the Department by the individual. A copy of the notice shall be provided to the Parole Board prior to the interview or review. Failure of the Department to provide the notice or provide it in a timely manner shall not affect the validity of proceedings conducted by the Parole Board.

(6) To provide regular training for the Parole Board, at least annually, in collaboration with the Parole Board Director and the Chair of the Parole Board, on topics related to criminogenic behavior, mental health disorders, substance use treatment, trauma-informed work with victims of crime, and serious crime rehabilitation. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1997, No. 148 (Adj. Sess.), § 56, eff. April 29, 1998; 2007, No. 179 (Adj. Sess.), § 7; 2025, No. 111 (Adj. Sess.), § 1, eff. July 1, 2026.)

§ 404. Repealed. 1997, No. 148 (Adj. Sess.), § 66, eff. April 29, 1998.

Subchapter 2: Parole Board

§ 451. Creation of Board

(a)(1) A Parole Board of seven members is created. The Governor, with the advice and consent of the Senate, shall appoint members for terms of three years in such a manner that not more than three terms shall expire annually. Initial terms may be less than three years. Each member shall hold office until a successor is appointed and qualified. The Governor shall designate the Board's chair.

(2) Upon notification of a vacancy, the Governor shall consult with the Parole Board Director and the Chair of the Parole Board. As far as practicable, the Governor shall appoint as members persons who have knowledge of and experience in criminogenic behavior, mental health treatment, substance use disorder, or serious crime rehabilitation, and shall give consideration, as far as practicable, to geographic representation of the State and a balance of different knowledge and experience.

(3) The Board shall select one of its members to serve as Vice Chair of the Board. If the Chair resigns or is otherwise permanently unable to serve on the Board, the Vice Chair shall serve as interim chair until the Governor designates a new chair pursuant to this section.

(b) Three members of the Board shall constitute a quorum for the conduct of a meeting. Notwithstanding 1 V.S.A. § 172, the concurrence of a majority of members present at a Parole Board meeting shall be necessary and sufficient for Board action.

(c) The Chair of the Parole Board shall be entitled to compensation in the amount of \$20,500.00 annually, effective on the first pay period in fiscal year 2006, which shall be in lieu of any per diem otherwise authorized by law. If the Vice Chair assumes the duties of the Chair for a period in excess of 30 consecutive days, the compensation otherwise payable to the Chair during the Chair's absence shall be paid to the Vice Chair.

(d) At least annually, each member of the Parole Board shall attend trainings designated by the Parole Board Director in collaboration with the Chair of the Parole Board. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1973, No. 43, eff. April 6, 1973; 1983, No. 89, § 1; 1997, No. 148 (Adj. Sess.), § 57, eff. April 29, 1998; 2005, No. 63, § 11; 2025, No. 111 (Adj. Sess.), § 2, eff. July 1, 2026.)

§ 452. Official seal; records

(a) The Board shall adopt an official seal of which the courts shall take judicial notice.

(b) The Board shall keep a record of its acts and shall notify each correctional facility of its decisions relating to persons confined in that facility.

(c) [Repealed.] (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1997, No. 148 (Adj. Sess.), § 58, eff. April 29, 1998; 2011, No. 139 (Adj. Sess.), § 23, eff. May 14, 2012; 2017, No. 113 (Adj. Sess.), § 170.)

§ 453. Advisory board for pardons

On request of the Governor, the Board shall act as an advisory board to assist or act for him or her in investigating or hearing matters pertaining to pardons, and may make recommendations to him or her regarding such matters. (Added 1971, No. 199 (Adj. Sess.), § 20.)

§ 454. Finality of Parole Board determinations

The determinations of the Parole Board shall not be reviewable except as to compliance with the provisions of this chapter. (Added 1971, No. 199 (Adj. Sess.), § 20.)

§ 455. Director

(a) The position of Parole Board Director is created. The Director shall be appointed by the Governor after consultation with the Board.

(b) The Director shall serve for a term of four years commencing on March 1 and continuing until a successor is appointed.

(c) The Director shall be exempt from classified State service.

(d) The Secretary of Human Services, in consultation with the Parole Board and the Department of Human Resources, shall establish the minimum and preferred qualifications, duties, and compensation of the Director.

(e) The Director shall be responsible for the overall function of the Parole Board, ensuring legal compliance, developing and implementing all policies and procedures of the Board, and ensuring training is developed and provided to the Board, in collaboration with the Commissioner and the Chair of the Parole Board. (Added 2005, No. 63, § 14; amended 2025, No. 111 (Adj. Sess.), § 3, eff. July 1, 2026.)

§ 456. Parole Board independence

(a) The Parole Board shall be an independent and impartial body.

(b) In a pending parole revocation hearing, the Parole Board shall not be counseled by:

(1) Assistant Attorneys General; and

(2) any attorney employed by the Department of Corrections.

(c) If any attorney employed by the Department of Corrections or an Assistant Attorney General or the direct supervisor of an Assistant Attorney General who represents the Department of Corrections in parole revocation hearings provides training to the Parole Board members on the subject of parole revocation hearings, the Defender General shall be notified prior to the training and given the opportunity to participate. (Added 2015, No. 137 (Adj. Sess.), § 1, eff. May 25, 2016.)

Subchapter 3: Eligibility for Parole

§ 501. Eligibility for parole consideration

An inmate who is serving a sentence of imprisonment who is not eligible for presumptive parole pursuant to section 501a of this title shall be eligible for parole consideration as follows:

(1) If the inmate's sentence has no minimum term or a zero minimum term, the inmate shall be eligible for parole consideration within 12 months after commitment to a correctional facility.

(2) If the inmate's sentence has a minimum term, the inmate shall be eligible for parole consideration after the inmate has served the minimum term of the sentence. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1983, No. 89, § 2; 1993, No. 233 (Adj. Sess.), § 80, eff. June 21, 1994; 1997, No. 148 (Adj. Sess.), § 59, eff. April 29, 1998; 2001, No. 61, § 85, eff. June 16, 2001; 2019, No. 148 (Adj. Sess.), § 3, eff. Jan. 1, 2021.)

§ 501a. Presumptive parole

An inmate who is serving a sentence of imprisonment shall be eligible for presumptive release in accordance with subsection 502a(e) of this title at the expiration of the inmate's minimum or aggregate minimum term of imprisonment if the inmate:

(1) has acquired no new criminal conviction while incarcerated or on supervision for the current offense;

(2) has no outstanding warrants, detainers, commitments, or pending charges;

(3) is compliant with the required services and programming portion of the inmate's case plan during the period of incarceration if the inmate is incarcerated for less than 90 days or is compliant for the 90 days preceding the completion of the inmate's minimum term if the inmate is incarcerated for 90 days or more;

(4) is compliant with the conditions of supervision if the offender is supervised in the community on furlough during:

(A) the entire period of supervision if the term of supervision is less than 90 days; or

(B) the 90 days prior to the consideration of parole eligibility if the term of supervision is 90 days or more;

(5) has no major disciplinary rule violation or pending infractions during the period of incarceration if the inmate is incarcerated for less than 12 months or has no major disciplinary rule violations or pending infractions during the preceding 12 months if the inmate is incarcerated for 12 months or more;

(6) has not had parole revoked on the inmate's current sentence; and

(7) is not serving a sentence for committing a crime specified in 33 V.S.A. § 5204(a). (Added 2019, No. 148 (Adj. Sess.), § 4, eff. Jan. 1, 2021; amended 2019, No. 148 (Adj. Sess.), § 5, eff. Jan. 1, 2023.)

§ 502. Parole interviews and reviews

(a) The Board shall interview each inmate eligible for parole consideration under section 501 of this title before ordering the inmate released on parole. The Board shall consider all pertinent information regarding an inmate in order to determine the inmate's eligibility for parole. The Board may grant parole only after an inmate is interviewed in accordance with this section. The Parole Board may conduct the interview in person, by telephone or videoconference, or by any other method it deems appropriate.

(b) An initial interview of the inmate shall occur at least 30 days prior to the date when the inmate becomes eligible for parole consideration under section 501 of this title.

(c) An inmate eligible for parole consideration shall, subsequent to the initial interview provided for above, be reviewed and interviewed thereafter, as follows:

- (1) the Board shall review the inmate's record once every 12 months;
- (2) the Board shall conduct an interview of the inmate at the request of the Department; and
- (3) upon written request of the inmate, the Board shall conduct an interview annually.

(d) The Board in its discretion may hear from attorneys or other persons with an interest in the case before the Board. A person presenting statements to the Board may be required to submit the statement in writing.

(e) Interviews and reviews shall be conducted in accordance with the rules and regulations established by the Board, which shall be consistent with this section.

(f) The Board, when formulating the conditions of a parole, shall take into consideration the emotional needs of the victim of an offender's crime plus the needs of the victim's family. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1997, No. 148 (Adj. Sess.), § 60, eff. April 29, 1998; 2001, No. 61, § 86, eff. June 16, 2001; 2019, No. 148 (Adj. Sess.), § 6, eff. Jan. 1, 2021.)

§ 502a. Release on parole

(a) Except as otherwise provided in subsection (d) of this section and section 501 of this title, no inmate serving a sentence with a minimum term shall be released on parole until the inmate has served the minimum term of the sentence, less any reductions for good behavior.

(b) An inmate who is not eligible for presumptive parole pursuant to section 501a of this title shall be released on parole by the written order of the Parole Board if the Board determines:

- (1) the inmate is eligible for parole;
- (2) there is a reasonable probability that the inmate can be released without detriment to the community or to the inmate; and
- (3) the inmate is willing and capable of fulfilling the obligations of a law-abiding citizen.

(c) A parole under subsection (b) or (e) of this section shall be ordered only for the best interests of the community and of the inmate and shall not be regarded as an award of clemency, a reduction of sentence, or a conditional pardon.

(d) Notwithstanding subsection (a) or (e) of this section, or any other provision of law to the contrary, any inmate who is serving a sentence, including an inmate who has not yet served the minimum term of the sentence, who is diagnosed as having a terminal or serious medical condition so as to render the inmate unlikely to be physically capable of presenting a danger to society, may be released on medical parole to a hospital, hospice, other licensed inpatient facility, or suitable housing accommodation as specified by the Parole Board. Provided the inmate has authorized the release of his or her personal health information, the Department shall promptly notify the Parole Board upon receipt of medical information of an inmate's diagnosis of a terminal or serious medical condition. As used in this subsection, a "serious medical condition" does not mean a condition caused by noncompliance with a medical treatment plan.

(e)(1) The Department shall identify each inmate meeting the presumptive parole eligibility criteria in section 501a of this title and refer each eligible inmate who does not meet the risk criteria set forth in subdivision (2) of this subsection to the Parole Board for an administrative review at least 60 days prior to the inmate's eligibility date.

(2) The Department shall screen each inmate it identifies as eligible for presumptive parole for the risk criteria set forth in this subdivision. If the Department determines that, based on clear and convincing evidence, there is a reasonable probability that the inmate's release would result in a detriment to the community, or that the inmate is not willing and capable of fulfilling the obligations of parole, the Department shall, at least 60 days prior to the inmate's eligibility date, refer the inmate to the Parole Board for a parole hearing.

(3)(A) Within 30 days in advance of the inmate's eligibility date, the Parole Board shall conduct an administrative review of each inmate the Department identifies as eligible for presumptive release who does not meet the risk criteria set forth in subdivision (2) of this subsection (e). The Board may deny presumptive release and set a hearing if it determines, through its administrative review, that a victim or victims should have the opportunity to participate in a parole hearing. If the Board determines there is a victim or victims who should be notified, the Department shall notify the victim or victims, and the Board shall provide them with the opportunity to participate in a parole hearing. A victim may waive any notification.

(B) The Parole Board shall conduct a parole hearing pursuant to section 502 of this title for each eligible inmate that the Department determines meets the risk criteria in subdivision (2) of this subsection (e). (Added 1997, No. 148 (Adj. Sess.), § 61, eff. April 29, 1998; amended 2013, No. 96 (Adj. Sess.), § 187; 2017, No. 91 (Adj. Sess.), § 1; 2019, No. 148 (Adj. Sess.), § 7, eff. Jan. 1, 2021; 2025, No. 111 (Adj. Sess.), § 9, eff. July 1, 2026.)

§ 502b. Terms and conditions of parole

(a) When an inmate is paroled, the Parole Board shall establish terms and conditions of parole that it deems reasonably necessary to ensure that the inmate will lead a law-abiding life and that will assist the inmate to do so. Such terms and conditions shall be set forth in the parolee's parole agreement. Terms and conditions of parole shall be designed to protect the victim, potential victims, and the public, and to reduce the risk of reoffense. Such conditions may include prohibiting the use of alcohol; prohibiting having contact with minors; prohibiting or limiting the use of a computer or other electronic devices; permitting a probation officer access to all computers or other digital or electronic media, mail covers, subscription services, and credit card statements; and if a probation officer has reasonable grounds to believe the offender has violated a parole condition, permitting a probation officer to monitor or examine the offender's activities, communications, and use of any computer or other digital or electronic device, including cell phone, smartphone, digital camera, digital video camera, digital music player or recorder, digital video player or recorder, personal digital assistant, portable electronic storage device, gaming system, or any other contemporary device capable of the storage of digital electronic communication or data storage or access to the Internet or other computer or digital network.

(b) The Parole Board may require a parolee as a condition of parole to participate, as a resident or nonresident, in programs at a treatment center for all or part of the period of parole, provided that the Commissioner certifies that adequate treatment facilities, personnel, and programs are available. If the Commissioner determines that the person's residence in the center or participation in its programs, or both, should be terminated because the person can derive no further significant benefits from such residence or participation, or both, or because his or her residence or participation adversely affects the rehabilitation of other residents or participants, he or she shall so notify the Board, which shall thereupon make such other provision with respect to the person as it deems appropriate.

(c) A person residing in and participating in programs at a treatment center shall abide by the rules and regulations of the center and may be required to pay such costs incident to residents as the Commissioner deems appropriate. (Added 1997, No. 148 (Adj. Sess.), § 61, eff. April 29, 1998; 2009, No. 1, § 47.)

§ 502c. Parole agreement

(a) When an inmate is paroled, the Parole Board shall issue a parole agreement, which shall set forth the name of the inmate paroled, the crime the inmate was convicted of, the date and place of trial, the sentence, and the terms and conditions of the parole. A copy of the parole agreement shall be furnished to the parolee and the Commissioner.

(b) The parole agreement shall not become effective until it is signed by the inmate. The Parole Board may withdraw the granting of parole at any time before the parole agreement is signed by the inmate. After the parole agreement is signed by the parolee, parole can only be revoked in accordance with subchapter 4 of this chapter.

(c) A copy of the parole agreement shall be full authority for the Commissioner to exercise all supervision and control over the parolee prescribed by law, and shall be sufficient warrant for the detention of the parolee as provided in subdivision 403(2) of this title. (Added 1997, No. 148 (Adj. Sess.), § 61, eff. April 29, 1998.)

§ 503. Adoption of rules

The Board may adopt such rules, consistent with the provisions of this chapter, as it considers proper or necessary regarding the eligibility of inmates for parole, the conduct of parole interviews and reviews, or the conditions to be applied to inmates released on parole and parole revocation. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1997, No. 148 (Adj. Sess.), § 62, eff. April 29, 1998.)

§ 504. Witnesses; production of records

(a) The Board may issue subpoenas requiring the attendance of any witnesses and the production of any records, books, papers, and documents as it may consider necessary for investigation of the case of any person before it. Subpoenas may be signed and oaths administered by any member of the Board. Subpoenas so issued may be served by a parole or probation officer, or a law enforcement officer, in the same manner as similar process in the Criminal Division of the Superior Court. Any Criminal Division of the Superior Court of the State, upon application of the Board, may in its discretion compel the attendance of witnesses and the production of evidence before the Board in the same manner as it may compel them to attend or be produced before the court.

(b) Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce material under the subpoena, shall be subject to the same orders and penalties to which a person before a court is subject. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 2009, No. 154 (Adj. Sess.), § 238.)

§ 505. Cooperation of correctional facility officials

(a) The Board shall adopt rules regarding and shall direct, control, and supervise the administration of a system of paroles from any appropriate correctional facility.

(b) Officials in charge of correctional facilities shall give to the Board, or its properly accredited representatives, access at all reasonable times to any inmate over whom the Board has jurisdiction under this chapter and provide the Board or its representatives facilities for communicating with and observing the inmate, and furnish to the Board such documents as the Board may require concerning the conduct and character of any inmate in their custody and any other facts considered by the Board pertinent in determining whether the inmate shall be paroled. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 2001, No. 61, § 87, eff. June 16, 2001; 2015, No. 23, § 131.)

§ 506. Termination and discharge

(a) If warranted by the conduct of the parolee and the ends of justice, the Board may terminate the period of parole supervision and discharge the parolee from parole supervision. Supervision of a parolee serving a life sentence may be terminated only after 15 years measured from the date of first confinement.

(b) The Board shall discharge the parolee at the expiration of the maximum term of his or her sentence.

(c) [Repealed.] (Added 1971, No. 199 (Adj. Sess.), § 20; amended 2001, No. 134 (Adj. Sess.), § 7; 2003, No. 57, § 11, eff. July 1, 2004.)

§ 507. Notification to victim and opportunity to testify

(a) The Department of Corrections shall, unless waived by the victim:

(1) at least 30 days prior to a parole hearing concerning the defendant, notify the victim of a listed crime as defined in 13 V.S.A. § 5301(7) as to the time and location of the hearing and as to the victim's right to testify before the Parole Board or to submit a written statement for the Parole Board to consider; and

(2) promptly inform the victim of the decision of the Parole Board, including providing to the victim any conditions attached to the defendant's release on parole.

(b) At a parole eligibility hearing, unless waived by the victim of a listed crime as defined in 13 V.S.A. § 5301(7), the inmate shall not be present when the victim testifies before the Parole Board.

(c) Parole Board proceedings shall be subject to the Vermont Open Meeting Law.

(d) As used in this section, "victim" means:

(1) a victim of the listed crime for which the Parole Board is determining the inmate's eligibility for parole; and

(2) a victim of a listed crime of which the inmate was convicted other than the listed crime for which the Parole Board is determining the inmate's eligibility for parole. (Added 1995, No. 170 (Adj. Sess.), § 21, eff. Sept. 1, 1996; amended 1999, No. 4, § 5; 2007, No. 174 (Adj. Sess.), § 16; 2025, No. 111 (Adj. Sess.), § 10, eff. July 1, 2026.)

Subchapter 4: Revocation of Parole

§ 551. Issuance of warrant; arrest without a warrant; confinement pending hearing; authority of correctional officers and law enforcement officers

(a) Parole Board warrant. The Board may issue a warrant for the arrest of a parolee, or may issue an order, to be served personally upon the parolee, requiring him or her to appear before the Board, if the Board has reason to believe that a violation of parole has occurred. The warrant shall authorize any law enforcement officers and any correctional officers to return the person to the custody of a correctional facility.

(b) Fugitive from justice. A parolee for whose return a warrant has been issued by the Board, if it is found that a warrant cannot be served, shall be considered to be a fugitive from justice or to have fled from justice.

(c) Arrest of person on parole. Any correctional officer designated by the Commissioner may arrest a parolee without a warrant if, in the judgment of the correctional officer, the person has violated a condition of his or her parole; or may deputize any other law enforcement officer to do so by giving him or her a written statement setting forth that the parolee has, in the judgment of the correctional officer, violated a condition or conditions of his or her parole. The written statement delivered with the person by the arresting officer to the supervising officer of the correctional facility to which the person is brought for detention shall be sufficient warrant for detaining him or her.

(d) No right of action. Any parolee arrested and detained in accordance with the provisions of this chapter shall have no right of action against any law enforcement officer, correctional officer, employee of the Department of Corrections, or any other persons because of such arrest and detention.

(e) Detention pending hearing for parolee. Pending a hearing on the merits upon any charge of violation, the parolee shall continue to be detained at a correctional facility. The Parole Board may authorize the parolee's release from detention in accordance with the procedures set forth in 13 V.S.A. § 7554. For the purposes of this section, judicial officer,

as defined in 13 V.S.A. § 7554(f), shall include the Chair of the Parole Board or his or her designee. There shall be no right to bail or release. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1973, No. 205 (Adj. Sess.), § 1; 1997, No. 148 (Adj. Sess.), § 89, eff. April 29, 1998; 1997, No. 152 (Adj. Sess.), § 3.)

§ 551a. Law enforcement powers of correctional officers; training requirements

(a) The Commissioner of Corrections shall establish training requirements necessary for a correctional officer to be authorized to exercise the power to arrest a person on probation under section 301 of this title, to arrest a person serving supervised community sentence under section 363 of this title, or to arrest a person on parole under section 551 of this title. The required training shall include training in search and seizure, criminal law, authority to arrest, use of force, reporting and record keeping, and liability for actions and conduct.

(b) The Commissioner may also authorize and designate any correctional officer as defined in subdivision 3(15) of this title to become certified by the Vermont Criminal Justice Council as a law enforcement officer pursuant to the provisions of 20 V.S.A. chapter 151. The Commissioner and the Executive Director of the Vermont Criminal Justice Council shall develop curriculum subject to the approval of the Council. The Commissioner by Department policy may prescribe the use of those law enforcement powers consistent with the official duties and job descriptions of the correctional officer, and may direct that the correctional officer not carry any weapon while on duty. Any person hereby certified shall be sworn by the Commissioner. (Added 1997, No. 152 (Adj. Sess.), § 6; amended 2013, No. 141 (Adj. Sess.), § 21, eff. July 1, 2015; 2025, No. 117 (Adj. Sess.), § 7, eff. July 1, 2026.)

§ 552. Notification of Board; hearing

(a) Upon the arrest and detention of a parolee, the parole officer shall notify the Board immediately and shall submit in writing a report describing the alleged violation of a condition or conditions of the inmate's parole.

(b) Upon receipt of the notification, or upon an arrest by warrant in accordance with the provisions of section 551 of this title, the Board shall cause the inmate together with a parole officer to be brought before it promptly for a hearing regarding the alleged violation. Parole officers may be represented by legal counsel, which shall be provided by the appropriate State's Attorney or the Attorney General upon request, at hearings of the Parole Board.

(1) The hearing shall be conducted in accordance with such rules and regulations as the Board may adopt.

(2) If the alleged violation is established by substantial evidence, the Board may continue or revoke the parole, or enter such other order as it determines to be necessary or desirable.

(c) In the event of the withdrawal of any warrant by the authority of the Board, or in the event that the Board at the hearing on the alleged violation finds that the parolee did not violate any condition of his or her parole, or the law, the parolee shall be credited with any time lost by the interruption of the running of his or her sentence. (Added 1971, No. 199 (Adj. Sess.), § 20.)

§ 553. Ineligibility for future parole

An inmate who has been re-confined following parole may be re-paroled by the Board. No person having been found guilty of more than two violations of parole by the commission of any offense whose maximum term of imprisonment is more than two years or life or that may be punished by death shall be eligible for future parole during the balance of his or her original sentence. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1973, No. 109, § 11, eff. May 25, 1973.)

§ 554. Service of term for additional crime

The Board may permit any parolee who commits a crime while on parole and who is convicted and sentenced therefor to serve the sentence concurrently with the term under which he or she is paroled. (Added 1971, No. 199 (Adj. Sess.), § 20.)

The Vermont Statutes Online

Victims

The Statutes below now include the actions of the 2026 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

[Statutes](#) > [Title 13](#) > [Chapter 165](#) > [Full Text](#)

Title 13: Crimes and Criminal Procedure

Chapter 165: Victims

§ 5301. Definitions

As used in this chapter:

(1) "Disposition" means the sentencing or determination of penalty or punishment to be imposed upon a person convicted of a crime or against whom a finding of sufficient facts for conviction is made.

(2) "Family member" means a spouse, child, sibling, parent, next of kin, domestic partner, or legal guardian of a victim.

(3) "Restitution" means money or services that a court orders a defendant to pay or render to a victim as a part of the disposition.

(4) "Victim" means a person who sustains physical, emotional, or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency and shall also include the family members of a minor, a person who has been found to be incompetent, or a homicide victim.

(5) "Affected person" means any of the following persons who has requested notification in writing from the court or the Department of Corrections:

(A) witnesses;

(B) jurors;

(C) family members who are not covered by subdivision (4) of this section;

(D) any other persons who demonstrate to the court that the release or escape of a defendant will constitute a threat of physical, emotional, or financial injury or death.

(6) "Release" means release from a correctional facility to furlough or to probation or * parole supervision, release from a correctional facility upon expiration of sentence or release from a correctional facility on bail after the defendant's initial appearance.

(7) "Listed crime" means any of the following offenses:

(A) stalking as defined in section 1062 of this title;

(B) aggravated stalking as defined in subsection 1063(b) of this title;

(C) domestic assault as defined in section 1042 of this title;

(D) first degree aggravated domestic assault as defined in section 1043 of this title;

(E) second degree aggravated domestic assault as defined in section 1044 of this title;

(F) sexual assault as defined in section 3252 of this title or its predecessor as it was defined in section 3201 or 3202 of this title;

(G) aggravated sexual assault as defined in section 3253 of this title;

(H) lewd or lascivious conduct as defined in section 2601 of this title;

(I) lewd or lascivious conduct with a child as defined in section 2602 of this title;

(J) murder as defined in section 2301 of this title;

(K) aggravated murder as defined in section 2311 of this title;

(L) manslaughter as defined in section 2304 of this title;

(M) aggravated assault as defined in section 1024 of this title;

(N) assault and robbery with a dangerous weapon as defined in subsection 608(b) of this title;

(O) arson causing death as defined in section 501 of this title;

(P) assault and robbery causing bodily injury as defined in subsection 608(c) of this title;

(Q) maiming as defined in section 2701 of this title;

(R) kidnapping as defined in section 2405 of this title or its predecessor as it was defined in section 2401 of this title;

(S) unlawful restraint in the second degree as defined in section 2406 of this title;

(T) unlawful restraint in the first degree as defined in section 2407 of this title;

(U) recklessly endangering another person as defined in section 1025 of this title;

(V) violation of abuse prevention order as defined in section 1030 of this title, excluding violation of an abuse prevention order issued pursuant to 15 V.S.A. § 1104 (emergency relief) or 33 V.S.A. § 6936 (emergency relief);

(W) operating vehicle under the influence of alcohol or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);

(X) negligent or grossly negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);

(Y) leaving the scene of an accident with serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c);

(Z) burglary into an occupied dwelling as defined in subsection 1201(c) of this title;

(AA) the attempt to commit any of the offenses listed in this section;

(BB) abuse (section 1376 of this title), abuse by restraint (section 1377 of this title), neglect (section 1378 of this title), sexual abuse (section 1379 of this title), financial exploitation (section 1380 of this title), and exploitation of services (section 1381 of this title);

(CC) aggravated sexual assault of a child in violation of section 3253a of this title;

(DD) human trafficking in violation of section 2652 of this title; and

(EE) aggravated human trafficking in violation of section 2653 of this title. (Added 1985, No. 182 (Adj. Sess.), § 2, eff. Sept. 1, 1986; amended 1989, No. 290 (Adj. Sess.), § 1; 1995, No. 170 (Adj. Sess.), § 5, eff. Sept. 1, 1996; 1999, No. 4, § 1; 2005, No. 79, § 3; 2009, No. 1, § 13a, eff. March 4, 2009; 2009, No. 58, § 3; 2011, No. 55, § 6; 2013, No. 96 (Adj. Sess.), § 59; 2015, No. 133 (Adj. Sess.), § 3, eff. May 25, 2016; 2017, No. 83, § 161(3); 2021, No. 58, § 1.)

§ 5302. Reporting to law enforcement agencies

Victims are eligible for the services set forth under this chapter only if the crime has been reported to law enforcement authorities. (Added 1985, No. 182 (Adj. Sess.), § 2, eff. Sept. 1, 1986.)

§ 5303. Legislative purpose

(a) The fundamental objective underlying this chapter is the protection of victims of crime. This chapter seeks to ensure that crime victims are treated with the dignity and respect they deserve while functioning in a system in which they find themselves through no fault of their own. This chapter seeks to accommodate that objective and balance crime victims' needs and rights with criminal defendants' rights.

(b) This chapter also seeks to reduce the financial, emotional, and physical consequences of criminal victimization, to prevent victimization by the law enforcement and criminal justice system, and to assist victims with problems that result from their victimization.

(c) Victims of crime shall be treated with courtesy and sensitivity by the court system and the State's Attorney's office. Those responsible should ensure that the process of criminal prosecution moves smoothly and expeditiously and, after the conclusion of a prosecution, should cooperate in an appropriate manner with victims who seek to enforce their civil

rights and remedies, which cooperation may include preserving and producing evidence, documents, and testimony to the victims for use in such efforts. (Added 1985, No. 182 (Adj. Sess.), § 2, eff. Sept. 1, 1986; amended 1995, No. 170 (Adj. Sess.), § 1, eff. Sept. 1, 1996.)

§ 5304. Victim Advocate Program

(a) The Department of State's Attorneys and Sheriffs shall maintain the Victim Advocate Program. Except as otherwise provided by law, victim advocates shall provide victims the following services:

(1) Information. Victims shall be informed as to the level of protection available, procedures to be followed in order to receive applicable witness fees, the right to seek restitution as an element of the final disposition of the case, and the right to appear at sentencing in accordance with section 7006 of this title.

(2) Notification. Victims shall be notified in a timely manner when a court proceeding involving their case is scheduled to take place and when a court proceeding to which they have been summoned will not take place as scheduled. Victims shall also be notified as to the final disposition of the case and shall be notified of their right to request notification of a person's release or escape under section 5305 of this title. Notwithstanding this subdivision, the notification rights of victims of delinquent acts are governed by 33 V.S.A. chapters 52 and 52A.

(3) Services. Victims shall be entitled to:

(A) receive support from the victim advocate and referrals for further services;

(B) information and guidance in obtaining financial assistance and minimizing loss of pay or other benefits resulting from involvement in the criminal justice process;

(C) information and guidance in documenting and preparing requests for restitution and insurance reimbursement;

(D) assistance in obtaining protection through local law enforcement agencies from harm and threats of harm arising out of their cooperation with the court system;

(E) assistance in the return of property from law enforcement agencies; and

(F) assistance and support in dealing with law enforcement agencies.

(b) A victim may decline any service provided by the Victim Advocate Program under this section. (Added 1985, No. 182 (Adj. Sess.), § 2, eff. Sept. 1, 1986; amended 1989, No. 290 (Adj. Sess.), § 2; 1991, No. 263 (Adj. Sess.), § 2; 1995, No. 170 (Adj. Sess.), § 3, eff. Sept. 1, 1996; 2015, No. 97 (Adj. Sess.), § 75; 2021, No. 160 (Adj. Sess.), § 5, eff. June 1, 2022; 2023, No. 9, § 1, eff. Apr. 25, 2023.)

§ 5305. Information concerning release from custody

(a) Victims and affected persons shall have the right to request notification by the agency having custody of the defendant before the defendant is released, including a release on bail or conditions of release, furlough, or other community program; upon termination or

discharge from probation; or whenever the defendant escapes, is recaptured, dies, or receives a pardon or commutation of sentence. Notice shall be given to the victim or affected person as expeditiously as possible at the address or telephone number provided to the agency having custody of the defendant by the person requesting notice. Any address or telephone number so provided shall be kept confidential. The prosecutor's office shall ensure that victims are made aware of their right to notification of an offender's scheduled release date pursuant to this section. Notwithstanding this subsection, the right to information for victims of delinquent acts is governed by 33 V.S.A. chapters 52 and 52A.

(b) If the defendant is released on conditions at arraignment, the prosecutor's office shall inform the victim of a listed crime of the conditions of release.

(c) The Department of Corrections shall notify victims of a listed crime as to parole board hearings concerning defendants and parole board decisions as provided in 28 V.S.A. §§ 502a and 507. (Added 1985, No. 182 (Adj. Sess.), § 2; amended 1989, No. 290 (Adj. Sess.), § 3; 1995, No. 170 (Adj. Sess.), § 4, eff. Sept. 1, 1996; 2015, No. 155 (Adj. Sess.), § 1; 2019, No. 148 (Adj. Sess.), § 15, eff. Jan. 1, 2021; 2021, No. 160 (Adj. Sess.), § 6, eff. June 1, 2022; 2025, No. 111 (Adj. Sess.), § 8, eff. July 1, 2026.)

§ 5306. Victim advocates

State's Attorneys are authorized to hire victim advocates. Victim advocates shall provide services in accordance with job descriptions established and maintained by the Department of State's Attorneys and Sheriffs. (Added 1985, No. 182 (Adj. Sess.), § 2, eff. Sept. 1, 1986; amended 2017, No. 81, § 10, eff. June 15, 2017; 2023, No. 9, § 2, eff. Apr. 25, 2023.)

§ 5307. Cooperation

State's attorneys, local law enforcement agencies, local social service agencies, and courts shall cooperate to afford victims of crimes the right and services described in this chapter; however, victim advocates shall not delegate to these agencies or to the courts the duties imposed on them under section 5304 of this title. (Added 1985, No. 182 (Adj. Sess.), § 2, eff. Sept. 1, 1986.)

§ 5308. Notice and right to be present at arraignment

If practicable the victim of a listed crime shall be given notice of the defendant's arraignment by the law enforcement agency that issued the citation or made the arrest. The victim of a listed crime shall have the right to be present at the defendant's arraignment. The prosecutor's office shall inform the victim about the issues concerning bail and the prosecutor shall advise the court of the victim's position regarding bail. (Added 1995, No. 170 (Adj. Sess.), § 6, eff. Sept. 1, 1996.)

§ 5309. Presence in courtroom

The victim of a listed crime shall be entitled to be present during all court proceedings subject to the provisions of Rule 615 of the Vermont Rules of Evidence. (Added 1995, No. 170 (Adj. Sess.), § 7, eff. Sept. 1, 1996.)

§ 5310. Nondisclosure of information about victim

A witness testifying in a criminal proceeding, including any discovery proceedings, shall not be compelled to disclose the victim's residential address or place of employment on the record unless the court finds, based upon a preponderance of the evidence, that nondisclosure of the information will prejudice the defendant. (Added 1995, No. 170 (Adj. Sess.), § 8, eff. Sept. 1, 1996.)

§ 5311. Prompt return of property

A law enforcement agency holding property of any individual shall take reasonable care of the property. Upon authorization of the prosecutor, the law enforcement agency holding the property, unless it is contraband or subject to forfeiture, shall promptly notify the individual that the property is no longer needed for evidentiary purposes and may be picked up by the individual. (Added 1995, No. 170 (Adj. Sess.), § 9, eff. Sept. 1, 1996.)

§ 5312. Victim's interest in speedy prosecution

(a) The prosecutor's office shall make every effort to inform a victim of a listed crime of any pending motion that may substantially delay any deposition, change of plea, trial, sentencing hearing, or restitution hearing. The prosecutor shall inform the court of how the victim was notified and the victim's position on the motion, if any. In the event the victim was not notified, the prosecutor shall inform the court why notification did not take place.

(b) If a victim of a listed crime objects to a delay, the court shall consider the victim's objection. (Added 1995, No. 170 (Adj. Sess.), § 9a, eff. Sept. 1, 1996; amended 2007, No. 40, § 2.)

§ 5313. Limitations on employer

An employer may not discharge or discipline a victim of a listed crime or a victim's family member or representative for honoring a subpoena to testify. (Added 1995, No. 170 (Adj. Sess.), § 9b, eff. Sept. 1, 1996.)

§ 5314. Information from law enforcement agency

(a) Information to all victims. After initial contact between a victim and a law enforcement agency responsible for investigating a crime, the agency shall promptly give in writing to the victim:

(1) an explanation of the victim's rights under this chapter and chapter 167 of this title;

(2) information concerning the availability of:

(A) assistance to victims, including medical, housing, counseling, and emergency services;

(B) compensation for victims under chapter 167 of this title, and the name, street address, and telephone number of the Center for Crime Victim Services;

(C) protection for the victim, including protective court orders; and

(D) access by the victim and the defendant to records related to the case which are public under the provisions of 1 V.S.A. chapter 5, subchapter 3 (access to public records); and

(3) information concerning the victim's right to know, if the defendant is held at a correctional facility, where the defendant is held; if the defendant is released, how to locate the Department of Corrections' Vermont Offender Locator website; and how to register for automated notifications when the defendant is released.

(b) Information to victims of listed crimes. As soon as practicable, the law enforcement agency shall use reasonable efforts to give to the victim of a listed crime, as relevant, all of the following:

(1) information as to the accused's identity unless inconsistent with law enforcement purposes;

(2) information as to whether the accused has been taken into custody;

(3) the file number of the case and the name, office street address, and telephone number of the law enforcement officer currently assigned to investigate the case;

(4) the prosecutor's name, office street address, and telephone number;

(5) an explanation that no individual is under an obligation to respond to questions that may be asked outside a courtroom or deposition; and

(6) information concerning any bail or conditions of release imposed on the defendant by a judicial officer prior to arraignment or an initial court appearance. (Added 1995, No. 170 (Adj. Sess.), § 10, eff. Sept. 1, 1996; amended 2015, No. 97 (Adj. Sess.), § 76; 2015, No. 155 (Adj. Sess.), § 2; 2025, No. 165 (Adj. Sess.), § 11, eff. June 18, 2026.)

§ 5315. Information concerning appeal or post-conviction remedies

If the defendant appeals or pursues a post-conviction remedy, the prosecutor's office shall promptly inform the victim of a listed crime of that fact, shall explain the significance of such a proceeding and shall promptly notify the victim of the date, time, and place of any hearing and of the decision. (Added 1995, No. 170 (Adj. Sess.), § 11, eff. Sept. 1, 1996.)

§ 5316. Complete identification by prosecution and defense

Any individual associated with the prosecution or defense of a listed crime, including attorneys, investigators, or experts, who comes in contact with the victim or the victim's family shall properly identify himself or herself and by whom he or she is employed. (Added 1995, No. 170 (Adj. Sess.), § 12, eff. Sept. 1, 1996.)

§ 5317. General requirements for information

(a) The information required to be furnished to victims under this chapter shall be provided upon request of the victim and, unless otherwise specifically provided, may be furnished either orally or in writing.

(b) A person responsible for furnishing information may rely upon the most recent name, address, and telephone number furnished by the victim.

(c) The court, State's Attorneys, public defenders, law enforcement agencies, and the Departments of Corrections and of Public Safety shall develop and implement an automated notification system to deliver the information required to be furnished to victims under this chapter. (Added 1995, No. 170 (Adj. Sess.), § 13, eff. Sept. 1, 1996; amended 2009, No. 154 (Adj. Sess.), § 109a.)

§ 5318. Derivative rights of member of victim's family

(a) If the victim is a minor or is unable to exercise his or her rights under the provisions of this chapter, section 7006 of this title, or 28 V.S.A. § 507, a family member of the victim shall be permitted to do so in place of the victim. If more than one family member of the victim's family attempts to exercise the victim's rights, the court may designate one of them to exercise those rights based on the best interests of the victim. If no family member is able to exercise such rights, a victim's advocate or other representative may, in situations where a victim is authorized by law to address the court or **Parole** Board, attend and read to the court or **Parole** Board a written statement prepared by the victim or the victim's family member without the assistance of the prosecutor or a law enforcement officer.

(b) If a victim is a minor or is incapacitated, incompetent, or deceased, a family member of the victim may exercise the rights of the victim under sections 5305, 5308-5317, and 7006 of this title; 28 V.S.A. §§ 205, 252, and 507; and 33 V.S.A. § 5233. (Added 1995, No. 170 (Adj. Sess.), § 14, eff. Sept. 1, 1996; amended 2013, No. 131 (Adj. Sess.), § 109.)

§ 5319. Victim not a party

The rights of victims contained in this chapter do not entitle a victim to be a party in any proceeding, or to any procedural rights that are not specifically provided for in this chapter, including any right to request a delay or rescheduling of any proceeding. (Added 1995, No. 170 (Adj. Sess.), § 15, eff. Sept. 1, 1996.)

§ 5320. Repealed. 2007, No. 185 (Adj. Sess.), § 13, eff. June 5, 2008.

§ 5321. Appearance by victim

(a) The victim of a crime has the following rights in any sentencing proceedings concerning the person convicted of that crime, or in the event a proposed plea agreement filed with the court recommends a deferred sentence, at any change of plea hearing concerning the person charged with committing that crime:

(1) to be given advance notice by the prosecutor's office of the date of the proceedings; and

(2) to appear, personally, to express reasonably his or her views concerning the crime, the person convicted, and the need for restitution.

(b) The change of plea hearing or sentencing shall not be delayed or voided by reason of the failure to give the victim the required notice or the failure of the victim to appear.

(c) In accordance with court rules, at the sentencing or change of plea hearing, the court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding sentencing or the proposed deferral of sentencing. In imposing the sentence or considering whether to defer sentencing, the court shall consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed, either orally or in writing, views regarding sentencing or the proposed deferral of sentencing and shall take those views into consideration in imposing the sentence or considering whether to defer sentencing.

(d) At or before the sentencing hearing, the prosecutor's office shall instruct the victim of a listed crime, in all cases where the court imposes a sentence that includes a period of incarceration, that a sentence of incarceration is to the custody of the Commissioner of Corrections and that the Commissioner of Corrections has the authority to affect the actual time the defendant shall serve in incarceration through earned time credit, furlough, work-release, and other early release programs. In addition, the prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim, explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated, and inform the victim of the maximum amount of earned time that the defendant could accrue and that earned time only affects when a defendant is eligible for parole consideration but does not necessarily result in the defendant's release.

(e) At or before a change of plea hearing where the plea agreement filed with the court proposes a deferred sentence, the prosecutor's office shall instruct the victim of a listed crime about the significance of a deferred sentence and the potential consequences of a violation of conditions imposed by the court. In addition, the prosecutor's office shall consult with the victim concerning any proposed probation conditions prior to the hearing.

(f) The prosecutor's office shall use all reasonable efforts to keep the victim informed and consult with the victim throughout the plea agreement negotiation process in any case involving a victim of a listed crime. (Added 1999, No. 4, § 3; amended 2015, No. 5, § 2, eff. April 9, 2015; 2015, No. 155 (Adj. Sess.), § 3; 2021, No. 12, § 1, eff. April 26, 2021.)

§ 5322. Confidentiality

When responding to a request for public records, or on any State website or State payment report, the State of Vermont shall not disclose to the public the name or any other identifying information, including the town of residence or the type or purpose of the payment, of an applicant to the Victims Compensation Program, a victim named in a restitution judgment order, or a recipient of the Domestic and Sexual Violence Survivors' Transitional Employment Program. (Added 2011, No. 55, § 12.)

West's Vermont Statutes Annotated
Title Twenty-Eight. Public Institutions and Corrections
Chapter 5. Probation
Subchapter 1. General Provisions

Vermont PSI

28 V.S.A. § 204

§ 204. Submission of written report; production of records

Effective: July 1, 2022

Currentness

(a) A court, before which a person is being prosecuted for any crime, may in its discretion order the Commissioner to submit a written report as to the circumstances of the alleged offense and the character and previous criminal history record of the person, with recommendation. If the presentence investigation report is being prepared in connection with a person's conviction for a sex offense that requires registration pursuant to 13 V.S.A. chapter 167, subchapter 3, the Commissioner shall obtain information pertaining to the person's juvenile record, if any, in accordance with 33 V.S.A. §§ 5117 and 5119(f)(6), and any deferred sentences received for a registrable sex offense in accordance with 13 V.S.A. § 7041(h), and include such information in the presentence investigation report.

(b) The court shall order such a report to be made before imposing sentence when the respondent is adjudged guilty of a felony, except as otherwise provided by rules of the Supreme Court. If the report has been made to any court within the State within a period of two years with reference to such individual, in connection with the same or another offense, submission of a copy of that report may fulfill the requirements of this section, if the court to which the report is to be submitted approves. Upon request, the Commissioner shall furnish a State's Attorney with a copy of any report made within the State once sentence has been passed in connection with the offense for which the report was made.

(c) The report ordered by the court under this section or section 204a of this title shall be made not less than one week nor more than three weeks from the date of the order. This three-week limit may be extended by order of the court.

(d)(1) Except as provided in subdivision (2) of this subsection, any presentence investigation report or parole summary prepared by any employee of the Department in the discharge of the employee's official duty, except as provided in subdivision 204a(b)(5) and section 205 of this title, is confidential and shall not be disclosed to anyone outside the Department other than the judge or the Parole Board.

(2)(A) The court or Board shall permit inspection of the presentence investigation report or parole summary, redacted of information that may compromise the safety or confidentiality of any person, by the State's Attorney and by the defendant or inmate or his or her attorney; and

(B) the court or Board may, in its discretion, permit the inspection of the presentence investigation report or parole summary or parts thereof by other persons having a proper interest in the report or parole summary, whenever the best interests or welfare of the defendant or inmate makes that action desirable or helpful.

(e) The presentence investigation report ordered by the court under this section or section 204a of this title shall include the comments or written statement of the victim, or the victim's guardian or next of kin if the victim is incompetent or deceased, whenever the victim or the victim's guardian or next of kin choose to submit comments or a written statement.

(f) Except as otherwise provided by law, reports and records subject to this section may be inspected, pursuant to a court order issued ex parte, by a State or federal prosecutor as part of a criminal investigation if the court finds that the records may be relevant to the investigation. The information in the files may be used for any lawful purpose but shall not otherwise be made public.

(g) The presentence investigation report ordered by the court under this section or section 204a of this title shall set forth information concerning the defendant's custodial relationships pursuant to 13 V.S.A. § 7030.

Credits

1971, Adj. Sess., No. 199, § 20; 1973, No. 109, § 10; 1981, Adj. Sess., No. 223, § 18; 1989, Adj. Sess., No. 293, § 7; 1995, Adj. Sess., No. 170, § 18; 2005, No. 192, § 11; 2009, No. 1, § 35, eff. July 1, 2009; 2009, No. 58, § 19, eff. July 1, 2009; 2013, Adj. Sess., No. 168, § 3, eff. June 3, 2014; 2015, No. 29, § 21, eff. July 1, 2015; 2015, Adj. Sess., No. 137, § 3, eff. May 25, 2016; 2017, Adj. Sess., No. 113, § 169, eff. July 1, 2018; 2021, Adj. Sess., No. 104, § 3, eff. July 1, 2022.

28 V.S.A. § 204, VT ST T. 28 § 204

The statutes are current through Chapters 179 (end) and M-12 (end) of the Adjourned Session of the 2025-2026 Vermont General Assembly (2026).

End of Document

© 2026 Thomson Reuters. No claim to original U.S. Government Works.

Corrected SCCP & Disciplinary Data

October 29, 2026



Anthony Cantillo
Acting Commissioner
anthony.cantillo@maine.gov

Maine Department of Corrections
25 Tyson Drive
State House Station 111
Augusta, Maine 04333-0111

Residents by Statute/Good Time Code (Please note that residents currently incarcerated for more than one sentence may be included in more than one of these categories):

	Statute Number	Asian	Black or African American	Native American	Native Hawaiian or Pacific Islander	Two or More Races	White	Unknown
Female	1983	0	0	0	0	0	0	0
	1995	0	1	2	0	0	29	0
	2004	2	6	6	0	1	165	0
Male	1983	0	0	1	0	0	31	0
	1995	5	72	30	1	8	649	17
	2004	6	229	42	1	20	944	14

SCCP Success Rate Data

	2021	2022	2023	2024	2025	2026 YTD
All Clients Success Rate	91%	77%	80%	77%	85%	82%
Male Success Rate	92%	78%	81%	76%	82%	85%
Female Success Rate	90%	75%	77%	79%	91%	69%

A sample of residents at MVCF, MCC, BCF and SMWRC showed 81 residents were eligible to apply for SSCP in 2026 but chose not to apply.

Breakdown by Gender

Male	77%
Female	23%

Breakdown by Race

Asian	1%
Black or African American	7%
Native American	6%
Native Hawaiian or Pacific Islander	0%
Two or More Races	0%
White	85%
Unknown	0%

Breakdown by Reason

Housing	41%
Not Interested	58%
Support	1%

Good time earned from 7/1/25-8/31/26: The average number of days earned on each sentence was 6 days per month.

Good time lost from 7/1/25-8/31/26: The average number of times residents have lost good time due to discipline each month was 28. The average number of days lost for each disciplinary case was 27.

Good time restored from 7/1/25-8/31/26: The average number of times residents have had good time restored each month was 8. The average number of days restored for each of those was 27.