

# Parole & Community Corrections Eligibility

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Despite the misleading title of “lifetime supervision”, people who receive an indeterminate prison sentence can turn their way out of both incarceration and supervision by actively participating in the rehabilitation services provided to them. This comes either through being granted parole or transfer to Community Corrections.

Sentence	Parole Eligibility Date (PED)	Parole Requirement
<b>Indeterminate</b>	Min. Length – Earned Time	Treatment Required
<b>Determinate</b>	Min. Length – (Earned + Good Time)	No Treatment Required

**16**  
months before PED,  
eligible for transfer to  
Community Corrections

## Preventing the Unintended Consequence of Future Victimization

As we work to improve Colorado’s criminal justice system through responsible and thoughtful reform, it is vital that we ensure prison resources are directed toward individuals who pose the greatest risk to the community.

### The Problem

Unlike the conditions for people with indeterminate sentences to be granted parole, **there is no statutory requirement for these individuals to even participate in treatment before being transferred to Community Corrections.** Contrary to its definition in statute, Community Corrections is not an equivalent to being incarcerated in a prison facility and was never intended to be. Community Corrections facilities and programs are designed to provide a stable environment that helps people who have been held accountable for the harm they have caused transition back into the community in a safe and healthy manner.

### The Impact

Victims who are informed by the court that their perpetrator is receiving a **4-year prison sentence** and is required to undergo risk-reducing treatment instead could see that individual **back in the community in as little as 16 months without receiving any treatment.**

### The Solution: SB20-085

The Colorado General Assembly has the opportunity to prevent people across the state from being victimized by the unintended consequences of transferring people convicted of egregious sex offenses that haven’t received treatment into the communities where we all work, live and raise our families. **That opportunity is presented before you with SB20-085.**



# Until Rehabilitated

## Indeterminate Sentencing for Sex Offenders in Colorado

### Colorado Sex Offender Lifetime Supervision Act

The Colorado Sex Offender Lifetime Supervision Act (LSA) allows for individuals convicted of high-level sex offenses to remain incarcerated and/or supervised by the state until it is determined that they “successfully progressed in treatment and would not pose an undue threat to the community”. Rather than serving a fixed range of time on probation or in prison, people sentenced under the LSA have the opportunity to earn their way out of prison and off supervision by actively pursuing mental health treatment and behavior change.

#### Indeterminate Sex Offenses



**Sex Offenses Against Children**



**Sex Assault by a Peace Officer**



**Felony Sex Assault**

#### Indeterminate vs. Determinate Sentences

Felony Level	Indeterminate		Determinate	
	Min. Length	Max. Length	Min. Length	Max. Length
F2	8 years	Until Rehabilitated	8 years	24 years
F3	4 years	Until Rehabilitated	4 years	12 years
F4	2 years	Until Rehabilitated	2 years	6 years
F5	-	-	1 year	3 years
F6	-	-	12 months	18 months

### Indeterminate Sex Offense Convictions

Defendants charged with an indeterminate sex offense can be convicted through a guilty plea or trial verdict of either an indeterminate or determinate felony sex crime.

#### Sentencing Options



Probation



Community Corrections



Prison

**70%**

people charged with an indeterminate offense receive no prison time<sup>1</sup>

**2,919**

people have received indeterminate prison sentences since 2000<sup>2</sup>

**77%**

indeterminate prison sentences involve sex offenses against a child<sup>2</sup>

**37%**

people with indeterminate prison sentences paroled<sup>2</sup>

<sup>1</sup> Colorado District Attorneys' Council. Survey of Indeterminate Charges: 2013-2016. (2018).

<sup>2</sup> Colorado Department of Corrections. *Lifetime Supervision of Sex Offenders: Annual Report*. (2019).