

CHAPTER 286

CORRECTIONS

SENATE BILL 25-190

BY SENATOR(S) Ball and Gonzales J., Amabile, Cutter, Exum, Jodeh, Michaelson Jenet, Sullivan, Wallace, Weissman, Coleman;
also REPRESENTATIVE(S) Bacon and Soper, Boesenecker, Carter, English, Espenoza, Garcia, Gilchrist, Hamrick, Jackson,
Lindsay, Mabrey, Marshall, Story, Zokaie, McCluskie.

AN ACT

CONCERNING PROCESSES FOR OFFENDERS WITH HEALTH-SERVICE NEEDS RELEASE FROM CUSTODY.

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

SECTION 1. In Colorado Revised Statutes, 16-4-102, **amend** (2)(b)(I) as follows:

16-4-102. Right to bail - before conviction. (2) (b) (I) A judge, judicial officer, or bond hearing officer shall not require a monetary bond to be paid in the defendant's name. Bond may be paid, at a minimum, by cash, money order, or cashier's check. If bond is paid by money order or cashier's check, the money order or cashier's check may be payable to the holding county. Before bond is posted, the sheriff shall provide the defendant and surety, if any, a copy of the notice described in subsection (2)(h)(I) of this section. When the bond is posted, the sheriff shall provide the defendant and surety, if any, a copy of the bond paperwork and information regarding the defendant's next court date. The individual processing the bond shall certify, in writing, that the ~~payer~~ PAYER received a copy of the bond paperwork, the notice described in subsection (2)(h)(I) of this section, and information regarding the defendant's next court date and shall place a copy of the certification in the defendant's file. Notwithstanding the provisions of this section, a sheriff may allow an individual to choose to stay in jail overnight after release when extenuating circumstances exist, including inclement weather, lack of transportation, ~~or~~ lack of shelter, OR TO FACILITATE A CONNECTION TO A SERVICE PROVIDER. IF A DEFENDANT REMAINS IN JAIL OVERNIGHT, THE DEFENDANT MUST BE RELEASED BY 10 A.M. THE NEXT MORNING.

SECTION 2. In Colorado Revised Statutes, 17-1-102, **amend** (6.7), (7.4), and (7.5); and **add** (1.1), (6.8), and (7.6) as follows:

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

17-1-102. Definitions. As used in this title 17, unless the context otherwise requires:

(1.1) "ACTIVITIES OF DAILY LIVING" MEANS BASIC SELF-CARE ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, EATING, BATHING, DRESSING, GROOMING, TRANSFERRING FROM BED TO CHAIR, TOILETING, TAKING MEDICATIONS, CLEANING, USING PRISON COMMUNICATIONS SYSTEMS, AND INDEPENDENT AMBULATION.

(6.7) "Inmate liaison" means an inmate's family member or attorney; a government agency; A PUBLIC DEFENDER LIAISON, DESCRIBED IN SECTION 21-1-104, TO THE DEPARTMENT OF CORRECTIONS AND THE STATE BOARD OF PAROLE; or a representative from an organization with experience in helping inmates apply for special needs parole, high-needs prerelease planning, or reentry. The organization must be in good standing with the Colorado secretary of state for the past twelve consecutive months, and the organization's involvement must be at the request of the inmate, or an inmate's family member or attorney should the inmate be unable to make the request.

(6.8) "LICENSED HEALTH-CARE PROVIDER" MEANS A MEDICAL OR BEHAVIORAL HEALTH-CARE PROVIDER LICENSED IN THIS STATE WHO IS EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT OR A PRIVATE LICENSED HEALTH-CARE PROVIDER WHO IS PROVIDING OR RECENTLY HAS PROVIDED PATIENT CARE TO THE INMATE.

(7.4) "Serious impairment that limits a person's ability to function" means ~~a medically diagnosed physical or mental condition that is chronic and long term in nature and severely limits a person's ability to independently perform essential day-to-day activities without daily intervention, attention, or support from an inmate aide or professional caregiver~~ A MEDICALLY DIAGNOSED PHYSICAL CONDITION THAT IS CHRONIC, SEVERE, AND LONG TERM IN NATURE AND THAT CAUSES THE INMATE TO REQUIRE ASSISTANCE WITH TWO OR MORE ACTIVITIES OF DAILY LIVING ON A DAILY AND SUSTAINED BASIS. SUCH CONDITIONS INCLUDE, BUT ARE NOT LIMITED TO, ADVANCED OR METASTATIC CANCER; END-STAGE RENAL DISEASE; END-STAGE CHRONIC OBSTRUCTIVE PULMONARY DISORDER; END-STAGE HEART DISEASE; END-STAGE LIVER DISEASE; PROGRESSIVE NEURODEGENERATIVE DISEASE SUCH AS HUNTINGTON'S DISEASE, PARKINSON'S DISEASE, AND AMYOTROPHIC LATERAL SCLEROSIS; AND INTRACTABLE SEIZURE DISORDER.

(7.5) (a) ~~"Special needs offender" means a person in the custody of the department:~~

~~(I) Who is fifty-five years of age or older and has been diagnosed by a licensed health-care provider who is employed by or under contract with the department or by a private licensed health-care provider involved in providing patient care to the inmate as suffering from a chronic infirmity, illness, condition, disease, or behavioral or mental health disorder that causes serious impairment that limits the person's ability to function;~~

~~(II) Who, as determined by a licensed health-care provider who is employed by or under contract with the department or by a private licensed health-care provider involved in providing patient care to the inmate, suffers from a chronic, permanent, terminal, or irreversible physical illness, condition, disease, or a behavioral or~~

~~mental health disorder that requires costly care or treatment and who is incapacitated;~~

~~(III) Who is sixty-four years of age or older and has served at least twenty years of the person's sentence and was not convicted of a class 1 or class 2 felony for a crime as defined in section 24-4.1-302 (1), unlawful sexual behavior as defined in section 16-22-102 (9), a crime that includes domestic violence as defined in section 18-6-800.3 (1), or stalking as described in section 18-3-602; or~~

~~(IV) Who, as determined by a licensed health-care provider who is employed by or under contract with the department or a competency evaluator as defined in section 16-8.5-101 (3) and approved by the department of human services, on the basis of available evidence, not including evidence resulting from a refusal of the person to accept treatment, is incompetent to proceed and does not have a substantial probability of being restored to competency for the completion of any sentence including a person who has been diagnosed with dementia that renders the person incompetent to proceed. As used in this subsection (7.5)(a)(IV), "competency" has the same meaning as "competent to proceed", as defined in section 16-8.5-101 (5), and "incompetent to proceed" has the same meaning as defined in section 16-8.5-101 (12);~~

~~(b) (I) Notwithstanding subsection (7.5)(a) of this section, "special needs offender" does not include a person who:~~

~~(A) Was convicted of a class 1 felony and sentenced to life with the possibility of parole and the offender has served fewer than twenty calendar years in a department of corrections facility for the offense;~~

~~(B) Was convicted of a class 1 felony and sentenced to life without parole; or~~

~~(C) Was convicted of a class 2 felony crime of violence as described in section 18-1.3-406 and the offender has served fewer than ten calendar years in a department of corrections facility for the offense;~~

~~(H) This subsection (7.5)(b) does not apply to an inmate who has been diagnosed as having a terminal illness with an anticipated life expectancy of twelve months or less by a licensed health-care provider who is employed by or under contract with the department or by a private licensed health-care provider involved in providing patient care to the inmate. "SEVERE COGNITIVE IMPAIRMENT" MEANS A SUBSTANTIAL DISORDER OF COGNITIVE ABILITY OR MENTAL ILLNESS THAT IS CHRONIC, SEVERE, AND LONG TERM IN NATURE THAT RESULTS IN MARKED FUNCTIONAL DISABILITY, SIGNIFICANTLY INTERFERING WITH ADAPTIVE BEHAVIOR AND CAUSING AN INMATE TO REQUIRE ASSISTANCE WITH TWO OR MORE ACTIVITIES OF DAILY LIVING ON A DAILY AND SUSTAINED BASIS. SUCH CONDITIONS INCLUDE, BUT ARE NOT LIMITED TO, DEMENTIA DISEASES AND RELATED DISABILITIES, AS DEFINED IN SECTION 25-1-502, AND ALZHEIMER'S DISEASE.~~

~~(7.6) (a) "SPECIAL NEEDS OFFENDER" MEANS AN INMATE IN THE CUSTODY OF THE DEPARTMENT;~~

~~(I) WHO HAS BEEN DIAGNOSED BY A LICENSED HEALTH-CARE PROVIDER AS~~

SUFFERING SERIOUS IMPAIRMENT THAT LIMITS THE PERSON'S ABILITY TO FUNCTION AND:

(A) IS FIFTY-FIVE YEARS OF AGE OR OLDER; OR

(B) IS UNDER FIFTY-FIVE YEARS OF AGE; HAS NOT INCURRED A CLASS I CODE OF PENAL DISCIPLINE VIOLATION WITHIN TWELVE MONTHS BEFORE THE DATE OF THE APPLICATION FOR SPECIAL NEEDS PAROLE; AND HAS SERVED AT LEAST TWENTY-FIVE PERCENT OF THE IMPOSED SENTENCE, INCLUDING ANY EARNED TIME AWARDED, IF THE INMATE IS ELIGIBLE FOR PAROLE AFTER SERVING FIFTY PERCENT OF THE IMPOSED SENTENCE PURSUANT TO SECTION 17-22.5-403 (1); HAS SERVED AT LEAST THIRTY-FIVE PERCENT OF THE IMPOSED SENTENCE, INCLUDING ANY EARNED TIME AWARDED, IF THE INMATE IS ELIGIBLE FOR PAROLE AFTER SERVING SEVENTY-FIVE PERCENT OF THE IMPOSED SENTENCE PURSUANT TO SECTION 17-22.5-403 (2) AND (2.5); HAS SERVED AT LEAST FORTY PERCENT OF THE IMPOSED SENTENCE IF THE INMATE IS ELIGIBLE FOR PAROLE AFTER SERVING SEVENTY-FIVE PERCENT OF THE IMPOSED SENTENCE PURSUANT TO SECTION 17-22.5-403 (3) AND (3.5); OR HAS BEEN DIAGNOSED BY A LICENSED HEALTH-CARE PROVIDER AS HAVING A TERMINAL ILLNESS THAT IS IRREVERSIBLE, UNLIKELY TO BE CURED, AND LIKELY TO CAUSE DEATH.

(II) WHO HAS BEEN DETERMINED BY A LICENSED HEALTH-CARE PROVIDER AS SUFFERING FROM SEVERE COGNITIVE IMPAIRMENT AND:

(A) IS FIFTY-FIVE YEARS OF AGE OR OLDER; OR

(B) IS UNDER FIFTY-FIVE YEARS OF AGE; HAS NOT INCURRED A CLASS I CODE OF PENAL DISCIPLINE VIOLATION WITHIN TWELVE MONTHS BEFORE THE DATE OF THE APPLICATION FOR SPECIAL NEEDS PAROLE; AND HAS SERVED AT LEAST TWENTY-FIVE PERCENT OF THE IMPOSED SENTENCE, INCLUDING ANY EARNED TIME AWARDED, IF THE INMATE IS ELIGIBLE FOR PAROLE AFTER SERVING FIFTY PERCENT OF THE IMPOSED SENTENCE PURSUANT TO SECTION 17-22.5-403 (1); HAS SERVED AT LEAST THIRTY-FIVE PERCENT OF THE IMPOSED SENTENCE, INCLUDING ANY EARNED TIME AWARDED, IF THE INMATE IS ELIGIBLE FOR PAROLE AFTER SERVING SEVENTY-FIVE PERCENT OF THE IMPOSED SENTENCE PURSUANT TO SECTION 17-22.5-403 (2) AND (2.5); HAS SERVED AT LEAST FORTY PERCENT OF THE IMPOSED SENTENCE IF THE INMATE IS ELIGIBLE FOR PAROLE AFTER SERVING SEVENTY-FIVE PERCENT OF THE IMPOSED SENTENCE PURSUANT TO SECTION 17-22.5-403 (3) AND (3.5); OR HAS BEEN DIAGNOSED BY A LICENSED HEALTH-CARE PROVIDER AS HAVING A TERMINAL ILLNESS THAT IS IRREVERSIBLE, UNLIKELY TO BE CURED, AND LIKELY TO CAUSE DEATH.

(III) WHO IS SIXTY-FOUR YEARS OF AGE OR OLDER AND HAS SERVED AT LEAST TWENTY YEARS OF THE PERSON'S SENTENCE AND WAS NOT CONVICTED OF A CLASS 1 OR CLASS 2 FELONY FOR A CRIME AS DEFINED IN SECTION 24-4.1-302 (1); UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9); A CRIME THAT INCLUDES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1); OR STALKING AS DESCRIBED IN SECTION 18-3-602.

(b)(I) NOTWITHSTANDING SUBSECTION (7.6)(a) OF THIS SECTION, "SPECIAL NEEDS OFFENDER" DOES NOT INCLUDE AN INMATE WHO:

(A) WAS CONVICTED OF A CLASS 1 FELONY AND SENTENCED TO LIFE IMPRISONMENT WITH THE POSSIBILITY OF PAROLE AND THE INMATE HAS SERVED FEWER THAN TWENTY CALENDAR YEARS IN A DEPARTMENT OF CORRECTIONS FACILITY FOR THE OFFENSE;

(B) WAS CONVICTED OF A CLASS 1 FELONY AND SENTENCED TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; OR

(C) WAS CONVICTED OF A CLASS 2 FELONY CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406 AND THE INMATE HAS SERVED FEWER THAN TEN CALENDAR YEARS IN A DEPARTMENT OF CORRECTIONS FACILITY FOR THE OFFENSE.

(II) THIS SUBSECTION (7.6)(b) DOES NOT APPLY TO AN INMATE WHO HAS BEEN DIAGNOSED AS HAVING A TERMINAL ILLNESS THAT IS IRREVERSIBLE, UNLIKELY TO BE CURED, AND LIKELY TO CAUSE DEATH BY A LICENSED HEALTH-CARE PROVIDER.

SECTION 3. In Colorado Revised Statutes, 17-22.5-403.5, **amend** (1) introductory portion, (3)(a) introductory portion, (3)(b) introductory portion, (3)(b.5), (4)(a), (4)(b), and (4)(f); **repeal** (2); and **add** (3)(a)(III.5), (3)(b)(V), (9), and (10) as follows:

17-22.5-403.5. Special needs parole. (1) Notwithstanding any provision of law to the contrary, a special needs offender, as defined in ~~section 17-1-102 (7.5)(a)~~ SECTION 17-1-102 (7.6), may be eligible for parole prior to or after the offender's parole eligibility date pursuant to this section if:

~~(2) This section shall apply to any inmate applying for parole on or after July 1, 2001, regardless of when the inmate was sentenced. The provisions of this section shall not affect the length of the parole period to which a special needs offender would otherwise be subject.~~

(3) (a) The department is responsible for identifying inmates who are special needs offenders. ~~and ONCE A LICENSED HEALTH-CARE PROVIDER DETERMINES, AND DOCUMENTS IN THE PATIENT'S MEDICAL RECORD, THAT THE INMATE SUFFERS FROM A SERIOUS IMPAIRMENT THAT LIMITS THE INMATE'S ABILITY TO FUNCTION, OR A SEVERE COGNITIVE IMPAIRMENT, THE DEPARTMENT shall submit a referral to the state board of parole for all special needs offenders~~ THE INMATE. A LICENSED HEALTH-CARE PROVIDER IS NOT LIABLE TO ANY PERSON REGARDING A DETERMINATION WHETHER AN INMATE HAS A SERIOUS IMPAIRMENT THAT LIMITS A PERSON'S ABILITY TO FUNCTION OR SEVERE COGNITIVE IMPAIRMENT. ~~If the inmate has been diagnosed by a licensed health-care provider as suffering from a serious impairment that limits the inmate's ability to function, or a severe cognitive impairment, the department shall not set aside or disregard that determination on the basis that an employee of the department does not concur in that assessment. The department shall not determine that an inmate does not have a serious impairment that limits an inmate's ability to function based on the department's ability to accommodate the inmate's physical or mental impairment. The department shall submit a referral to the state board of parole for all other special needs offenders identified by the department. If notification to the district attorney is required pursuant to subsection (3)(c)(II) of this section,~~

the inmate shall authorize the department to release the information described in subsections (3)(b)(I) and (3)(b)(I.5) of this section to the district attorney. An inmate or inmate liaison, if the inmate is unable to, may also request that the department make a determination of whether an inmate is eligible for special needs parole and the department shall make a determination within thirty days after receiving the request. ~~unless a competency evaluation has been requested.~~ The department, in consultation with the state board of parole, shall develop any necessary policies and procedures regarding special needs parole to ensure that:

(III.5) THE DEPARTMENT SHARES RELEVANT AND NECESSARY DATA AND INFORMATION WITH THE PUBLIC DEFENDER LIAISONS AS DESCRIBED IN SECTION 21-1-104 IN ORDER TO ALLOW THE LIAISONS TO EFFECTIVELY ASSIST SPECIAL NEEDS PAROLE APPLICANTS.

(b) If an inmate meets the eligibility requirements pursuant to section 17-1-102, the department shall submit a referral to the board that, in addition to the requirements of section 17-22.5-404 (4)(a), ~~shall include~~ INCLUDES:

(V) ANY INFORMATION, STATEMENTS, LETTERS, AND DOCUMENTS PROVIDED BY THE INMATE LIAISON OR BY THE PUBLIC DEFENDER LIAISON AS DESCRIBED IN SECTION 21-1-104, IF THE PUBLIC DEFENDER LIAISON PROGRAM IS ASSISTING THE INMATE. THE PAROLE BOARD SHALL REVIEW AND CONSIDER THE SUBMISSION BY THE PUBLIC DEFENDER LIAISON.

(b.5) The department shall provide a copy of the referral packet submitted to the parole board to the inmate or inmate liaison AND TO THE PUBLIC DEFENDER LIAISON AS DESCRIBED IN SECTION 21-1-104, except for the victim impact statement and response from the district attorney. The inmate, ~~or inmate liaison,~~ OR THE PUBLIC DEFENDER LIAISON AS DESCRIBED IN SECTION 21-1-104, has thirty calendar days to submit additional health records or other relevant information not included in the referral packet to the department for submission to the parole board prior to the parole board's decision.

(4) (a) The state board of parole shall consider an inmate for special needs parole upon referral by the department and SHALL CONSIDER ALL OF THE INFORMATION PROVIDED TO THE BOARD PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY VICTIM IMPACT STATEMENT.

(b) The state board of parole shall make a determination of the risk of reoffense that the inmate poses after considering ~~the factors in section 17-22.5-404 (4)(a), as well as~~ the nature and severity of the inmate's medical or physical condition, the age of the inmate, ~~the ability of the department to adequately provide necessary medical or behavioral health treatment,~~ the inmate's CURRENT AND UP-TO-DATE risk and needs assessment scores, the nature and severity of the offense for which the inmate is currently incarcerated, the inmate's criminal history, the inmate's institutional conduct, program and treatment participation, and other relevant risk and risk-reduction factors.

(f) If, prior to or during any parole REVOCATION hearing, INCLUDING HEARINGS FOR OFFENDERS GRANTED PAROLE PURSUANT TO SUBSECTION (5) OF THIS SECTION, the department or ~~any~~ A member of the parole board has a substantial and good-faith

reason to believe that the offender is incompetent to proceed, as defined in section 16-8.5-101 (12), the parole board shall suspend all proceedings and notify the public defender liaison described in section 21-1-104 (6). The office of state public defender shall be appointed by the court to represent the inmate and shall file a written motion with the trial court that imposed the sentence to determine competency. The motion must contain a certificate of counsel stating that the motion is based on a good-faith belief that the inmate is incompetent to proceed. The motion must set forth the specific facts that have formed the basis for the motion. The court shall seal the motion. The court shall follow all the relevant procedures in article 8.5 of title 16 regarding the determination of competency. The presence of the inmate is not required unless there is good cause shown.

(9) THE DEPARTMENT SHALL INCLUDE IN EACH CONTRACT WITH A LICENSED HEALTH-CARE PROVIDER INVOLVED IN PROVIDING PATIENT CARE TO AN INMATE A REQUIREMENT THAT THE PROVIDER SCREEN EACH PATIENT FOR ELIGIBILITY FOR SPECIAL NEEDS PAROLE.

(10) THIS SECTION DOES NOT REQUIRE AN INMATE TO SEEK AN OUTSIDE MEDICAL OPINION OF IMPAIRMENT OR SECOND OPINION OF ANY KIND.

SECTION 4. In Colorado Revised Statutes, **add** 2-3-313 as follows:

2-3-313. Legislative council staff - study correctional release options for aging and seriously ill offenders. (1) LEGISLATIVE COUNCIL STAFF SHALL CONDUCT A STUDY OF OPTIONS FOR RELEASING AGING AND SERIOUSLY ILL OFFENDERS FROM SECURE CUSTODY TO APPROPRIATE CARE OR PLACING OFFENDERS IN ALTERNATIVE PROGRAMS THAT CAN BETTER PROVIDE THE OFFENDER'S NEEDED MEDICAL CARE.

(2) THE STUDY MUST INCLUDE, BUT IS NOT LIMITED TO:

(a) A REVIEW OF THE COMPASSIONATE RELEASE OR SPECIAL NEEDS PAROLE LAWS OF OTHER STATES, INCLUDING A REVIEW OF THE FEDERAL COMPASSIONATE RELEASE LAWS;

(b) A DESCRIPTION OF PLACEMENT PROGRAMS IN USE IN OTHER STATES THAT HAVE BEEN SHOWN TO BE EFFECTIVE IN ADDRESSING THE TRANSITION AND PLACEMENT OF THE AGING AND SERIOUSLY ILL OFFENDER POPULATION, INCLUDING A DESCRIPTION OF THE FUNDING SOURCES USED TO SUPPORT THE PROGRAMS, WHICH MUST INCLUDE MEDICAID, MEDICARE, SOCIAL SECURITY, AND ANY OTHER GOVERNMENTAL RESOURCES;

(c) IDENTIFYING ALTERNATIVE FACILITIES THAT ARE AVAILABLE IN COLORADO TO RECEIVE AGING AND SERIOUSLY ILL OFFENDERS, INCLUDING NURSING HOMES AND OTHER COMMUNITY-BASED RESIDENTIAL OR NON-RESIDENTIAL PROGRAMS;

(d) A DESCRIPTION OF THE ABILITY OF CURRENT OR FUTURE COMMUNITY CORRECTIONS PROVIDERS TO DEVELOP PLACEMENTS AND PROGRAMS TO SERVE THE AGING AND SERIOUSLY ILL OFFENDER POPULATION, INCLUDING WHETHER THE EXISTING COMMUNITY CORRECTIONS PROGRAMS HAVE THE ABILITY TO SERVE PERSONS WITH DISABILITIES IN RESIDENTIAL OR NONRESIDENTIAL PROGRAMS;

(e) A DESCRIPTION OF THE ABILITY OF THE DEPARTMENT TO ACCESS MEDICAID OR OTHER HEALTH-CARE FUNDS FOR PLACEMENTS OUTSIDE OF THE DEPARTMENT, THE EXTENT OF THE FUNDING, AND HOW THE FUNDING COULD BE INCREASED BY THE PLACEMENT OF AGING AND SERIOUSLY ILL OFFENDERS IN THE COMMUNITY;

(f) IDENTIFYING ANY STATUTORY OR OTHER LEGAL REGULATIONS THAT CREATE BARRIERS TO THE IMPLEMENTATION OF COMMUNITY-BASED PROGRAMS FOR THE PLACEMENT AND TRANSITION OF AGING AND SPECIAL NEEDS OFFENDERS; AND

(g) EVALUATE THE FEASIBILITY OF OPENING OR RETROFITTING ONE OR MORE LOCATIONS TO BE OPERATED BY THE DEPARTMENT OF CORRECTIONS AS AN ELDER-CARE FACILITY FOR AGING AND ILL INMATES.

(3) LEGISLATIVE COUNCIL STAFF SHALL PREPARE A REPORT SUMMARIZING THE RESULTS OF THE STUDY REQUIRED BY THIS SECTION BEFORE DECEMBER 15, 2025, AND SHALL SUBMIT THE REPORT TO THE DEPARTMENT, THE JOINT BUDGET COMMITTEE, THE LEGISLATIVE AUDIT COMMITTEE, AND THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 29, 2025