



# Colorado Legislative Council Staff

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## MEMORANDUM

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August 27, 2002

TO: Members of the Interim Committee on Criminal Sentencing

FROM: Colette S. Peters, Research Associate, and Carl Jarrett, Principal Analyst,  
303-866-3521

SUBJECT: Technical Parole Violations

This memorandum provides information regarding technical parole violations. Specifically, it clarifies what a technical violation is, and provides information on conditions of parole in Colorado. It also provides information on parole violations in other states.

***Definition of "technical parole violation."*** A technical parole violation is any violation of the conditions of parole other than a conviction for a new felony. Technical violations include convictions for misdemeanors and traffic offenses. When a parolee is *charged* with a new felony, it is also a technical parole violation. This violation is considered a technical violation until the individual is *convicted* of the new felony.

***Conditions of parole.*** Every parolee must sign a written agreement that lists statutory conditions of parole and additional conditions deemed appropriate by the parole board. A sample parole agreement order is appended as Attachment A. According to Colorado law, the conditions of parole must include but need not be limited to the following:

- the parolee must go directly to a place designated by the board upon his or her release;
- the parolee must establish a residence of record and may not change it without the knowledge and consent of his or her parole officer and the parolee must not leave the area or the state without the permission of his or parole officer;
- the parolee must 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 parole officer;

- the parolee must make reports as directed by his or her parole officer, permit residential visits by the parole officer, submit to urinalysis or other drug tests, and allow the parole officer to make searches of his or her person, residence, or vehicle;
- the parolee must not own, possess, or have under his control or in his custody any firearm or other deadly weapon;
- the parolee must not associate with any other person on parole, on probation, or with a criminal record or with any inmate of a correctional facility without the permission of his or her parole officer;
- the parolee must seek and obtain employment or participate in a full-time educational or vocational program while on parole, unless his or her parole officer waives such requirements;
- the parolee must not abuse alcoholic beverages or use illegal drugs while on parole;
- the parolee must abide by any other condition the board may determine to be necessary;
- the parolee must contact a child support enforcement unit if he or she has 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; and
- the parole agreement must also contain a notification to the parolee that, should he or she violate any of the conditions or should his or her behavior while on parole indicate potential criminal behavior or violence, his or her parole may be subject to revocation.

Depending on the parolee's circumstances, other conditions of parole are often more individualized than the previous statutorily-prescribed list. Examples of offender-specific conditions follow:

- the parolee must participate in a drug/alcohol treatment program;
- the parolee shall participate in a mental health assessment and then treatment if deemed appropriate;
- the parolee shall not drive without permission from his or her parole officer;
- the parolee must obtain an Alcoholic's Anonymous/Narcotic's Anonymous sponsor;
- the parolee must pay restitution in the amount of \$6,870;
- the parolee must not frequent liquor establishments; and
- the parolee must participate in a sex offender evaluation and follow up.

In FY 2000-01, 2,297 individuals had their parole revoked. Of these revocations, 402 individuals had their parole revoked due to a new felony conviction, and 1,895 individuals' parole was revoked due to technical violations. The technical returns consisted of 82 percent of the total number of parole revocations.

***Parole violations in other states.*** Pursuant to committee questions about the range of technical violations for which offenders can be cited, testimony at the Task Force on Short-term Criminal Sentencing Issues meeting on August 20, 2002 indicated that other states may have more detailed lists of conditions of parole.

Staff has located conditions of parole for 47 states. The conditions of parole in most all of the states are substantively the same as those in Colorado (listed on pages one and two of this memorandum). Also similar to Colorado, all of the states allow for additional conditions of parole which are specific to the offender.

Only the State of Alaska has conditions of parole that are more detailed than Colorado's. In general, the areas covered in Alaska are the same as those in Colorado. However, under each category (travel, victim contact, sex offender, mental health, alcohol, drug conditions, etc.), there is narrative that provides more specific direction for the parolee. Alaska's parole agreement is appended as Attachment B for comparison with Colorado's parole agreement (Attachment A).

Staff did find that a few states list some additional conditions of parole as follows.

- ***Restrictions on business, credit, and consumer transactions.*** In Alaska, parolees must receive permission from a parole officer before opening a bank account; going into debt; applying for, possessing, or using a credit card; opening or using a checking account; purchasing any item valued at \$500 or more; establishing or operating a business; or working any job in which pay is by commission or involving the direct sale of goods. Parolees are allowed to work a sales job in a retail store. The States of South Dakota and Wisconsin have similar prohibitions.
- ***Prohibitions against working as an informant.*** The State of Alaska prohibits parolees from working as an informant if the work will place the parolee in the position of violating any law or any condition of parole. The State of North Dakota prohibits parolees from participating in undercover work with any member of the Drug Enforcement Unit or any other law enforcement agency.
- ***Restrictions on driving an automobile.*** Parolees in Alaska and Wisconsin are prohibited from purchasing or driving a motor vehicle without the permission of a parole officer.
- ***Polygraph testing required.*** Parolees in Washington are required to submit to a polygraph examination at least every 90 days. The examinations are limited to questions about adherence to parole conditions.