

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0792.01 Jerry Barry x4341

SENATE BILL 16-099

SENATE SPONSORSHIP

Jahn, Holbert, Neville T., Carroll, Guzman

HOUSE SPONSORSHIP

Primavera, Nordberg, Ryden

Senate Committees

State, Veterans, & Military Affairs

House Committees

Judiciary

A BILL FOR AN ACT

101 CONCERNING IMPLEMENTING RECOMMENDATIONS OF THE STATE
102 AUDITOR'S OFFICE BY ESTABLISHING THE AUTHORITY OF THE
103 CORRECTIONAL EDUCATION PROGRAM TO SELL
104 INMATE-PRODUCED PRODUCTS TO SPECIFIED PERSONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Legislative Audit Committee. The bill authorizes the correctional education program in the department of corrections to sell goods and services to specified persons and entities. The bill requires that the prices

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 24, 2016

SENATE
3rd Reading Unamended
February 29, 2016

SENATE
2nd Reading Unamended
February 26, 2016

and quality of goods and services be comparable to those in the private sector or the Colorado community college system.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) The department of corrections currently operates a number of
5 programs within the correctional education program that provide
6 meaningful educational opportunities to inmates while training them in
7 job skills that increase their employment prospects upon release;

8 (b) Employment is a critical component to an offender's success
9 in the community, resulting in reduced recidivism and enhanced public
10 safety;

11 (c) The correctional education program operates in a manner that
12 is similar to the Colorado community college system, which can sell
13 goods and services on a limited basis; and

14 (d) The purpose of this act is to allow the correctional education
15 program to operate in a manner similar to the Colorado community
16 college system through the limited sale of goods and services and to allow
17 inmates to benefit from the skills and certificates earned through such
18 programs, while enhancing public safety, reducing recidivism, and
19 providing a more highly trained workforce.

20 **SECTION 2.** In Colorado Revised Statutes, 17-32-106, **add** (1)
21 (b.5) as follows:

22 **17-32-106. Powers and duties of the program.** (1) In
23 connection with the development and implementation of the correctional
24 education program, the program shall have the following powers and
25 duties:

1 (b.5) TO SELL GOODS AND SERVICES PURSUANT TO THE PROVISIONS
2 OF SECTION 17-32-108;

3 **SECTION 3.** In Colorado Revised Statutes, **add** 17-32-108 as
4 follows:

5 **17-32-108. Sale of goods and services.** (1) (a) THE
6 CORRECTIONAL EDUCATION PROGRAM IS AUTHORIZED TO SELL GOODS AND
7 SERVICES TO INMATES, INVITED GUESTS, EMPLOYEES OF THE DEPARTMENT,
8 GOVERNMENTAL AGENCIES, OR NONPROFIT ORGANIZATIONS ONLY IF THE
9 PROVISION OF THE GOODS OR SERVICES OFFERS A VALUABLE EDUCATIONAL
10 EXPERIENCE FOR INMATES AND FULFILLS THE GOALS AND OBJECTIVES OF
11 THE PROGRAM.

12 (b) THE DEPARTMENT SHALL ADOPT PROCEDURES FOR HEARING
13 COMPLAINTS OF UNFAIR COMPETITION BY PRIVATELY OWNED BUSINESSES.
14 IF A PRIVATELY OWNED BUSINESS MAKES A COMPLAINT OF UNFAIR
15 COMPETITION IN RELATION TO THE ACTIVITIES OF THE CORRECTIONAL
16 EDUCATION PROGRAM, THE DEPARTMENT SHALL HOLD A HEARING ON THE
17 COMPLAINT. THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE SHALL
18 HEAR THE COMPLAINT, AND THE DECISION OF THE DIRECTOR OR DESIGNEE
19 IS FINAL. AS PART OF THE REPORT REQUIRED BY SECTION 17-32-105 (8),
20 THE DEPARTMENT SHALL REPORT THE NUMBER OF COMPLAINTS FILED
21 PURSUANT TO THIS PARAGRAPH (b) AND THE OUTCOME OF THE
22 COMPLAINTS.

23 (2) (a) THE PROGRAM SHALL FIX AND DETERMINE THE PRICES AT
24 WHICH ALL LABOR IS PERFORMED AND AT WHICH ALL GOODS AND
25 SERVICES PRODUCED ARE SOLD. SUCH PRICES MUST BE AS NEAR TO THE
26 PREVAILING MARKET PRICES FOR GOODS AND SERVICES OF SIMILAR
27 QUALITY AS IS PRACTICAL, OR GOODS AND SERVICES SOLD THROUGH THE

1 COLORADO COMMUNITY COLLEGE SYSTEM PURSUANT TO SECTION
2 24-113-104, C.R.S.

3 (b) THE PROGRAM SHALL ENSURE THAT THE LEVEL OF QUALITY OF
4 GOODS AND SERVICES PRODUCED IS COMPARABLE TO SIMILAR GOODS AND
5 SERVICES AVAILABLE FROM THE PRIVATE SECTOR OR THE COLORADO
6 COMMUNITY COLLEGE SYSTEM. THE SALE OF SUCH GOODS OR SERVICES
7 SHALL NOT GIVE RISE TO ANY WARRANTIES. NO REFUND OR REPLACEMENT
8 SHALL BE MADE AFTER NINETY DAYS FROM THE DATE OF THE SALE.

9 (c) THE CORRECTIONAL EDUCATION PROGRAM SHALL TRANSMIT
10 ALL REVENUES COLLECTED BY THE PROGRAM FROM THE SALE OF GOODS
11 OR SERVICES TO THE STATE TREASURER FOR DEPOSIT IN THE
12 CORRECTIONAL EDUCATION PROGRAM FUND, CREATED PURSUANT TO
13 SECTION 17-32-107.

14 **SECTION 4.** In Colorado Revised Statutes, **amend** 17-32-107 as
15 follows:

16 **17-32-107. Correctional education program fund.** There is
17 ~~hereby~~ created in the state treasury the correctional education program
18 fund, which shall be administered by the program and that ~~shall consist~~
19 CONSISTS of all moneys received by the program from the federal
20 government, FROM THE SALE OF GOODS OR SERVICES BY THE PROGRAM,
21 and from contributions, grants, gifts, bequests, and donations from
22 individuals, private organizations, and foundations. The moneys in the
23 fund ~~shall be~~ ARE subject to annual appropriation by the general assembly
24 to the program for the purpose of developing and implementing a
25 correctional education program. Any moneys not appropriated or not
26 expended at the end of the fiscal year ~~shall~~ remain in the fund and shall
27 not be transferred to or revert to the general fund of the state. Any interest

1 earned on the investment or deposit of moneys in the fund ~~shall remain~~
2 REMAINS in the fund and shall not be credited to the general fund of the
3 state.

4 **SECTION 5.** In Colorado Revised Statutes, 24-113-103, **add** (3)
5 (b.5) as follows:

6 **24-113-103. State competition with private enterprise**
7 **prohibited - exceptions.** (3) The restrictions on competition with private
8 enterprise contained in this section do not apply to:

9 (b.5) THE CORRECTIONAL EDUCATION PROGRAM OPERATED BY THE
10 DEPARTMENT OF CORRECTIONS PURSUANT TO ARTICLE 32 OF TITLE 17,
11 C.R.S.;

12 **SECTION 6. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.