

CHAPTER 89

CORRECTIONS

SENATE BILL 16-099

BY SENATOR(S) Jahn, Holbert, Neville T., Carroll, Guzman, Aguilar, Heath, Hodge, Johnston, Kerr, Merrifield, Newell, Steadman, Todd;
also REPRESENTATIVE(S) Primavera, Nordberg, Ryden, Becker K., Fields, Kagan, Kraft-Tharp, Melton, Moreno, Rosenthal, Williams, Wilson.

AN ACT

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

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

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

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

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

(2) (a) THE PROGRAM SHALL FIX AND DETERMINE THE PRICES AT WHICH ALL LABOR IS PERFORMED AND AT WHICH ALL GOODS AND SERVICES PRODUCED ARE SOLD. SUCH PRICES MUST BE AS NEAR TO THE PREVAILING MARKET PRICES FOR GOODS AND SERVICES OF SIMILAR QUALITY AS IS PRACTICAL, OR GOODS AND SERVICES SOLD THROUGH THE COLORADO COMMUNITY COLLEGE SYSTEM PURSUANT TO SECTION 24-113-104, C.R.S.

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

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

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

17-32-107. Correctional education program fund. There is hereby created in the state treasury the correctional education program fund, which shall be administered by the program and that ~~shall consist~~ CONSISTS of all moneys received

by the program from the federal government, FROM THE SALE OF GOODS OR SERVICES BY THE PROGRAM, and from contributions, grants, gifts, bequests, and donations from individuals, private organizations, and foundations. The moneys in the fund ~~shall be~~ ARE subject to annual appropriation by the general assembly to the program for the purpose of developing and implementing a correctional education program. Any moneys not appropriated or not expended at the end of the fiscal year ~~shall~~ remain in the fund and shall not be transferred to or revert to the general fund of the state. Any interest earned on the investment or deposit of moneys in the fund ~~shall remain~~ REMAINS in the fund and shall not be credited to the general fund of the state.

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

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

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

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

Approved: April 14, 2016