

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0119.01 Richard Sweetman x4333

**SENATE BILL 18-014**

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**SENATE SPONSORSHIP**

**Cooke and Fields,**

**HOUSE SPONSORSHIP**

**Wist and Herod,**

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**Senate Committees**

Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING REQUIRING THE DEPARTMENT OF CORRECTIONS TO**  
102                    **DISCLOSE THE LOCATION OF INMATES WHO ARE RELOCATED TO**  
103                    **FACILITIES OUTSIDE OF THE STATE.**

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**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://leg.colorado.gov>.)*

The bill states that if the department of corrections (department) relocates an inmate for incarceration or contracts with another state for the incarceration of an inmate in a penal institution in another state, then not later than 48 hours after such relocation, the department shall notify the prosecuting attorney and any registered victim of crimes for which the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

inmate is serving his or her sentence of the name and location of the penal institution where the inmate is to be housed.

This disclosure requirement does not apply if:

- ! The inmate is a witness and the executive director of the department (executive director) determines that disclosing the inmate's location would pose a risk to the personal safety of the inmate, corrections staff, other inmates, or facilities;
- ! The prosecuting attorney requests in writing that the department not disclose the location of the penal institution where the inmate is located;
- ! The registered victim is currently incarcerated; or
- ! The inmate has been employed by the department or as a law enforcement officer and the executive director determines that disclosing the inmate's location poses a risk to the personal safety of the inmate, corrections staff, other inmates, or facilities.

If the department relocates an inmate and the executive director determines that any of these factors applies, then not later than 48 hours after such relocation, the department shall notify the prosecuting attorney:

- ! That the inmate has been relocated; and
- ! Which of the factors the executive director has determined applies.

If the prosecuting attorney agrees with the executive director's determination that a factor applies, then the prosecuting attorney shall confirm the executive director's determination in writing, the department shall retain such written confirmation, and the department shall notify any registered victim of one or more crimes for which the inmate is serving his or her sentence that:

- ! The inmate has been relocated; and
- ! The department is unable to disclose the inmate's location because one of the factors applies.

If the prosecuting attorney disagrees with the executive director's determination that a factor applies, then the department shall disclose the inmate's location to any registered victims.

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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 "Interstate Corrections Compact", part 16 of article 60 of  
5 article 24, was adopted and ratified in 1963 and is a critical management

1 tool for the department of corrections; and

2 (b) In rare cases, the department may place offenders in  
3 out-of-state penal institutions through the interstate corrections compact  
4 to address safety and security concerns for inmates, corrections staff, or  
5 facilities.

6 (2) The general assembly further finds that:

7 (a) Existing law demonstrates the policy of the general assembly  
8 to empower crime victims who wish to be informed of changes in the  
9 custody status of offenders who have harmed them or their loved ones,  
10 including changes in such offenders' locations;

11 (b) Many crime victims wish to remain informed of the locations  
12 of offenders who have harmed them or their loved ones; and

13 (c) The general assembly must balance its policy regarding crime  
14 victims against safety and security concerns for inmates, corrections staff,  
15 and facilities.

16 (3) Now, then, the general assembly declares that crime victims  
17 have a right to be informed of the location of an inmate who has harmed  
18 them or their loved ones and been placed in an out-of-state penal  
19 institution through the interstate corrections compact; except that, under  
20 certain circumstances, including where the disclosure of such information  
21 could undermine the safety or security of inmates, corrections staff, or  
22 facilities, such information shall not be disclosed.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 17-42-104 as  
24 follows:

25 **17-42-104. Inmates incarcerated in other states - notifications**  
26 **to victims required - exceptions - definitions.** (1) IF THE DEPARTMENT  
27 DETERMINES THAT AN INMATE IS ELIGIBLE FOR RELOCATION TO A PENAL

1 INSTITUTION IN ANOTHER STATE PURSUANT TO THE "INTERSTATE  
2 CORRECTIONS COMPACT", PART 16 OF ARTICLE 60 OF ARTICLE 24, THEN  
3 NOT LATER THAN TWENTY-FOUR HOURS AFTER SUCH DETERMINATION, THE  
4 DEPARTMENT SHALL NOTIFY THE PROSECUTING ATTORNEY AND ANY  
5 REGISTERED VICTIM OF ONE OR MORE CRIMES FOR WHICH THE INMATE IS  
6 SERVING HIS OR HER SENTENCE THAT:

7 (a) SUCH A DETERMINATION HAS BEEN MADE; AND

8 (b) IF THE INMATE IS RELOCATED, THE DEPARTMENT, PURSUANT TO  
9 SUBSECTION (2) OF THIS SECTION, MAY BE REQUIRED TO NOTIFY THE  
10 PROSECUTING ATTORNEY AND ANY REGISTERED VICTIM OF ONE OR MORE  
11 CRIMES FOR WHICH THE INMATE IS SERVING HIS OR HER SENTENCE OF THE  
12 NAME AND LOCATION OF THE PENAL INSTITUTION WHERE THE INMATE IS  
13 TO BE HOUSED FOR ANY PERIOD OF TIME.

14 (2) IF THE DEPARTMENT RELOCATES AN INMATE FOR  
15 INCARCERATION OR CONTRACTS WITH ANOTHER STATE FOR THE  
16 INCARCERATION OF AN INMATE IN A PENAL INSTITUTION IN ANOTHER  
17 STATE, THEN NOT LATER THAN FORTY-EIGHT HOURS AFTER SUCH  
18 RELOCATION, THE DEPARTMENT SHALL NOTIFY THE PROSECUTING  
19 ATTORNEY AND ANY REGISTERED VICTIM OF ONE OR MORE CRIMES FOR  
20 WHICH THE INMATE IS SERVING HIS OR HER SENTENCE OF THE NAME AND  
21 LOCATION OF THE PENAL INSTITUTION WHERE THE INMATE IS TO BE  
22 HOUSED FOR ANY PERIOD OF TIME.

23 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY IF ANY OF  
24 THE FOLLOWING FACTORS APPLY AND THE PROSECUTING ATTORNEY  
25 CONFIRMS SUCH FACT IN WRITING AS DESCRIBED IN SUBSECTION (4)(b) OF  
26 THIS SECTION:

27 (a) THE INMATE IS A WITNESS AND THE EXECUTIVE DIRECTOR

1 DETERMINES THAT DISCLOSING THE LOCATION OF THE INMATE WOULD  
2 POSE A RISK TO THE PERSONAL SAFETY OF THE INMATE, CORRECTIONS  
3 STAFF, OTHER INMATES, OR FACILITIES;

4 (b) THE PROSECUTING ATTORNEY REQUESTS IN WRITING THAT THE  
5 DEPARTMENT NOT DISCLOSE THE LOCATION OF THE PENAL INSTITUTION  
6 WHERE THE INMATE IS LOCATED;

7 (c) THE REGISTERED VICTIM IS CURRENTLY INCARCERATED; OR

8 (d) THE INMATE HAS BEEN EMPLOYED BY THE DEPARTMENT OR AS  
9 A LAW ENFORCEMENT OFFICER AND THE EXECUTIVE DIRECTOR  
10 DETERMINES THAT DISCLOSING THE LOCATION OF THE INMATE POSES A  
11 RISK TO THE PERSONAL SAFETY OF THE INMATE, CORRECTIONS STAFF,  
12 OTHER INMATES, OR FACILITIES.

13 (4) (a) IF THE DEPARTMENT RELOCATES AN INMATE AND THE  
14 EXECUTIVE DIRECTOR DETERMINES THAT ANY FACTOR DESCRIBED IN  
15 SUBSECTION (3) OF THIS SECTION APPLIES, THEN NOT LATER THAN  
16 FORTY-EIGHT HOURS AFTER SUCH RELOCATION, THE DEPARTMENT SHALL  
17 NOTIFY THE PROSECUTING ATTORNEY:

18 (I) THAT THE INMATE HAS BEEN RELOCATED; AND

19 (II) WHICH OF THE FACTORS DESCRIBED IN SUBSECTION (3) OF THIS  
20 SECTION THE EXECUTIVE DIRECTOR HAS DETERMINED APPLIES.

21 (b) IF THE PROSECUTING ATTORNEY AGREES WITH THE EXECUTIVE  
22 DIRECTOR'S DETERMINATION THAT A FACTOR DESCRIBED IN SUBSECTION  
23 (3) OF THIS SECTION APPLIES, THEN:

24 (I) THE PROSECUTING ATTORNEY SHALL CONFIRM THE EXECUTIVE  
25 DIRECTOR'S DETERMINATION IN WRITING;

26 (II) THE DEPARTMENT SHALL RETAIN SUCH WRITTEN  
27 CONFIRMATION; AND

1 (III) THE DEPARTMENT SHALL NOTIFY ANY REGISTERED VICTIM OF  
2 ONE OR MORE CRIMES FOR WHICH THE INMATE IS SERVING HIS OR HER  
3 SENTENCE THAT THE INMATE HAS BEEN RELOCATED AND THE  
4 DEPARTMENT IS UNABLE TO DISCLOSE THE INMATE'S LOCATION BECAUSE  
5 ONE OF THE FACTORS DESCRIBED IN SUBSECTION (3) OF THIS SECTION  
6 APPLIES.

7 (c) (I) IF THE PROSECUTING ATTORNEY DISAGREES WITH THE  
8 EXECUTIVE DIRECTOR'S DETERMINATION THAT A FACTOR APPLIES, THEN  
9 THE EXECUTIVE DIRECTOR HAS THIRTY DAYS TO REVIEW THE NOTICE OF  
10 DISAGREEMENT. IF, AFTER SUCH REVIEW, THE EXECUTIVE DIRECTOR STILL  
11 DETERMINES THAT A FACTOR APPLIES AND THE INMATE'S LOCATION  
12 SHOULD NOT BE DISCLOSED, THE DEPARTMENT SHALL NOTIFY THE  
13 PROSECUTOR OF SUCH FACT AND NOTIFY ANY REGISTERED VICTIMS THAT  
14 THE PROSECUTOR DISAGREES WITH THE EXECUTIVE DIRECTOR'S  
15 DETERMINATION.

16 (II) EITHER THE PROSECUTOR OR ANY REGISTERED VICTIM OF THE  
17 INMATE MAY BRING AN ACTION IN THE DISTRICT COURT FROM WHICH THE  
18 INMATE'S SENTENCE WAS ISSUED FOR THE COURT TO DETERMINE WHETHER  
19 A SUBSTANTIAL BASIS EXISTED AND STILL EXISTS TO SUPPORT THE  
20 EXECUTIVE DIRECTOR'S DETERMINATION. IF THE DISTRICT COURT FINDS  
21 THAT NO SUBSTANTIAL BASIS EXISTS, THE EXECUTIVE DIRECTOR SHALL  
22 DISCLOSE THE INMATE'S LOCATION TO ANY REGISTERED VICTIMS, AS  
23 DESCRIBED IN SUBSECTION (2) OF THIS SECTION. ANY HEARING  
24 CONDUCTED FOR THE PURPOSE OF THIS SUBSECTION (4)(c)(II) MUST BE  
25 HELD IN CAMERA.

26 (III) IN AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION  
27 (4)(c), THE PARTIES ARE ENTITLED TO FULL DISCOVERY UNDER THE

1 COLORADO RULES OF CIVIL PROCEDURE THAT ARE APPLICABLE TO  
2 ACTIONS FOR DECLARATORY JUDGMENT; EXCEPT THAT THE EXECUTIVE  
3 DIRECTOR IS NOT REQUIRED TO DISCLOSE THE LOCATION OF THE INMATE  
4 PENDING THE RESOLUTION OF THE CIVIL ACTION AND ANY APPEALS. ANY  
5 APPEAL OF A JUDGMENT FROM AN ACTION BROUGHT UNDER THIS  
6 SUBSECTION (4)(c) MUST BE MADE PURSUANT TO THE RULES OF APPELLATE  
7 PROCEDURE.

8 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
9 REQUIRES:

10 (a) "LAW ENFORCEMENT OFFICER" MEANS A PEACE OFFICER  
11 DESCRIBED IN ARTICLE 2.5 OF TITLE 16.

12 (b) "PROSECUTING ATTORNEY" MEANS THE OFFICE OF THE  
13 DISTRICT ATTORNEY OR OTHER PROSECUTOR WHO PROSECUTED AN  
14 OFFENDER WHO WAS SUBSEQUENTLY CONVICTED AND INCARCERATED.

15 (c) "REGISTERED VICTIM" MEANS A VICTIM WHO HAS REGISTERED  
16 WITH THE VICTIMS SERVICES UNIT WITHIN THE DEPARTMENT.

17 (d) "VICTIM" HAS THE SAME MEANING AS SET FORTH IN SECTION  
18 24-4.1-302 (5).

19 (e) "WITNESS" HAS THE SAME MEANING AS SET FORTH IN SECTION  
20 24-4.1-302 (7).

21 **SECTION 3. Applicability.** This act applies to offenders serving  
22 a sentence on or after the effective date of this act.

23 **SECTION 4. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, and safety.