

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. 18-0888.01 Richard Sweetman x4333

SENATE BILL 18-274

SENATE SPONSORSHIP

Lambert,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM**
102 **PRISON UTILIZATION STUDIES, AND, IN CONNECTION THEREWITH,**
103 **RENAMING AND REPURPOSING CERTAIN CORRECTIONAL**
104 **FACILITIES AND MAKING AN APPROPRIATION.**

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 the general assembly intends that the department of corrections (department) shall close excess facilities, as prioritized by a 2013 prison utilization study, when prison population

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.

projections indicate excess capacity within correctional facilities.

The bill states that on or before June 30, 2019, and thereafter, the department shall operate the Centennial south campus of the Centennial correctional facility to:

- ! Administer a diagnostic program;
- ! Administer a reentry program;
- ! Provide support and other services to the department; and
- ! Use the remaining capacity of the campus to house inmates, as appropriate.

Current law prohibits the department from operating the Centennial south campus for the purpose of housing inmates in housing units. The bill removes this prohibition and appropriates money to make physical modifications at the Centennial south campus to comply with legal requirements for housing inmates.

The bill renames the facility formerly referred to as the "Denver reception and diagnostic center" as the "Denver correctional facility" and requires the Denver correctional facility to administer a residential treatment program that provides mental health treatment services to inmates. The department shall also utilize the Denver correctional facility to house inmates with physical, cognitive, and medical conditions that require long-term treatment.

The bill states that on and after July 1, 2019, subject to available appropriations, the Centennial north campus shall serve as a transportation unit for the department and as a support facility for the Centennial correctional facility.

The bill requires the department to include certain information in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" report to the committees of reference through 2023.

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) In the 2012 regular legislative session, the general assembly
5 enacted House Bill 12-1336, which required the office of state planning
6 and budgeting within the governor's office to contract with a vendor for
7 a system-wide analysis of the department of corrections that identifies the
8 most appropriate and cost-effective uses of the available public and

1 private inmate beds that house the department's jurisdictional population;

2 (b) In June 2013, a Colorado prison utilization study was
3 completed and delivered to the office of state planning and budgeting;
4 and

5 (c) In response to this study, the office of state planning and
6 budgeting commissioned a second prison utilization study, which was
7 completed and delivered to the office of state planning and budgeting in
8 February 2016.

9 (2) The general assembly further finds that each of these studies
10 offered constructive criticism of the department's utilization of prison
11 facilities and included certain recommendations for improving such
12 utilization. Specifically:

13 (a) (I) The 2013 study identified three tiers of functionality and
14 placed each correctional facility into a tier; and

15 (II) The third tier of facilities, according to the study, includes
16 seven prison facilities that are "less essential to the core functions of the
17 department", and, accordingly, "in the event of a significant drop in the
18 prison population . . . should receive serious consideration for closure".

19 (b) (I) The 2016 study made specific recommendations regarding
20 the immediate future of the Centennial south campus of the Centennial
21 correctional facility in Fremont, which was partially opened in 2010 but
22 subsequently closed in 2012, and which remains vacant to this day; and

23 (II) The recommendations include the relocation of the
24 department's central reception and diagnostic review functions from the
25 Denver regional reception and diagnostic center to the Centennial south
26 campus.

27 (3) Now, therefore, the general assembly declares that:

1 (a) On or before June 30, 2019, and thereafter:

2 (I) The department shall operate the Centennial south campus of
3 the Centennial correctional facility to administer a diagnostic program,
4 administer a reentry program, provide support and other services to the
5 department, and use the remaining capacity of the campus to house
6 inmates, as appropriate;

7 (II) The facility formerly referred to as the "Denver reception and
8 diagnostic center" shall be renamed and repurposed as the "Denver
9 correctional facility"; and

10 (III) The department shall utilize the Denver correctional facility
11 to house inmates with physical, cognitive, and medical conditions that
12 require long-term treatment;

13 (b) On and after July 1, 2019, subject to available appropriations:

14 (I) The Centennial north campus of the Centennial correctional
15 facility shall serve as a transportation unit for the department and as a
16 support facility for the Centennial south campus; and

17 (II) The Denver correctional facility shall administer a residential
18 treatment program that provides mental health treatment program that
19 provides mental health treatment services to inmates; and

20 (c) It is the intent of the general assembly that, when prison
21 population projections indicate excess capacity, the department shall
22 proceed to close excess prisons as prioritized by the 2013 prison
23 utilization study.

24 **SECTION 2.** In Colorado Revised Statutes, 17-1-104.3, **amend**
25 (1)(b.5); and **add** (6), (7), (8), (9), and (10) as follows:

26 **17-1-104.3. Correctional facilities - locations - security level -**
27 **repeal.** (1) (b.5) (I) ~~Notwithstanding the provisions of paragraph (b) of~~

1 ~~this subsection (1), beginning February 1, 2013, the Centennial south~~
2 ~~campus of the Centennial correctional facility shall not be operated by the~~
3 ~~department for the purpose of housing inmates in the housing units but,~~
4 ~~if necessary, may be maintained to provide support and other services to~~
5 ~~the Centennial correctional facility. The department shall actively pursue~~
6 ~~options to sell or lease the Centennial south campus of the Centennial~~
7 ~~correctional facility, which is also known as Colorado state penitentiary~~
8 ~~H or CSP II. Any proceeds received as a result of a sale or lease of~~
9 ~~Centennial south campus of the Centennial correctional facility shall be~~
10 ~~first applied to the payment of the certificates of participation. ON OR~~
11 ~~BEFORE JUNE 30, 2019, AND THEREAFTER, THE DEPARTMENT SHALL~~
12 ~~OPERATE THE CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL~~
13 ~~CORRECTIONAL FACILITY TO:~~

14 (A) ADMINISTER A DIAGNOSTIC PROGRAM, AS DESCRIBED IN
15 SUBSECTION (6)(a) OF THIS SECTION;

16 (B) ADMINISTER A REENTRY PROGRAM, AS DESCRIBED IN
17 SUBSECTION (6)(b) OF THIS SECTION;

18 (C) PROVIDE SUPPORT AND OTHER SERVICES TO THE DEPARTMENT;
19 AND

20 (D) USE THE REMAINING CAPACITY OF THE CAMPUS TO HOUSE
21 OFFENDERS, AS APPROPRIATE.

22 (II) (A) FOR THE 2018-19 FISCAL YEAR, THE GENERAL ASSEMBLY
23 SHALL APPROPRIATE SUFFICIENT MONEY TO MAKE PHYSICAL
24 MODIFICATIONS AT THE CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL
25 CORRECTIONAL FACILITY TO COMPLY WITH LEGAL REQUIREMENTS FOR
26 HOUSING INMATES.

27 (B) THIS SUBSECTION (1)(b.5)(II) IS REPEALED, EFFECTIVE JULY 1,

1 2019.

2 (6) (a) ON OR BEFORE JUNE 30, 2019, AND THEREAFTER, THE
3 CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL
4 FACILITY SHALL ADMINISTER A DIAGNOSTIC PROGRAM. FOR THOSE
5 EMPLOYEES OF THE DIAGNOSTIC PROGRAM AT THE FACILITY FORMERLY
6 KNOWN AS THE "DENVER RECEPTION AND DIAGNOSTIC CENTER" WHO DO
7 NOT WANT TO CONTINUE THEIR EMPLOYMENT AT THE CENTENNIAL SOUTH
8 CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY, THE DEPARTMENT
9 SHALL EXPLORE ALL PRACTICABLE ALTERNATIVES TO ALLOW SUCH
10 EMPLOYEES TO RETAIN THEIR EMPLOYMENT WITH THE DEPARTMENT
11 WITHOUT RELOCATING TO THE CENTENNIAL SOUTH CAMPUS.

12 (b) (I) ON OR BEFORE JUNE 30, 2019, AND THEREAFTER, THE
13 CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL
14 FACILITY SHALL ADMINISTER A REENTRY PROGRAM TO PROVIDE
15 TRANSITIONAL PREPARATION AND SUPPORT FOR INMATES FROM
16 THROUGHOUT THE PRISON SYSTEM WHO ARE APPROACHING THE END OF
17 THEIR TERMS OF INCARCERATION.

18 (II) FOR THE PURPOSE OF ADMINISTERING THE REENTRY PROGRAM
19 DESCRIBED IN THIS SUBSECTION (6)(b), THE DEPARTMENT SHALL:

20 (A) ESTABLISH CRITERIA FOR DETERMINING WHICH INMATES ARE
21 ELIGIBLE FOR PLACEMENT IN THE REENTRY PROGRAM;

22 (B) IDENTIFY SERVICES THAT INMATES IN THE REENTRY PROGRAM
23 REQUIRE PRIOR TO THEIR REENTRY INTO THE COMMUNITY;

24 (C) SET FORTH A MISSION FOR THE REENTRY PROGRAM, INCLUDING
25 DESCRIPTIONS OF SERVICES THAT THE REENTRY PROGRAM WILL OFFER AND
26 A CLEAR DESCRIPTION OF THE OBJECTIVES OF THE REENTRY PROGRAM;

27 AND

1 (D) ESTABLISH THE FUNCTIONS AND DUTIES OF PAROLE OFFICERS
2 WHO ARE EMPLOYED IN THE REENTRY PROGRAM.

3 (7) ON AND AFTER JULY 1, 2019, SUBJECT TO AVAILABLE
4 APPROPRIATIONS, THE CENTENNIAL NORTH CAMPUS OF THE CENTENNIAL
5 CORRECTIONAL FACILITY SHALL SERVE AS A TRANSPORTATION UNIT FOR
6 THE DEPARTMENT AND AS A SUPPORT FACILITY FOR THE CENTENNIAL
7 CORRECTIONAL FACILITY.

8 (8) (a) ON OR BEFORE JUNE 30, 2019, AND THEREAFTER, THE
9 FACILITY FORMERLY REFERRED TO AS THE "DENVER RECEPTION AND
10 DIAGNOSTIC CENTER" SHALL BE KNOWN AND REFERRED TO AS THE
11 "DENVER CORRECTIONAL FACILITY".

12 (b) ON AND AFTER JULY 1, 2019, SUBJECT TO AVAILABLE
13 APPROPRIATIONS, THE DENVER CORRECTIONAL FACILITY SHALL
14 ADMINISTER A RESIDENTIAL TREATMENT PROGRAM THAT PROVIDES
15 MENTAL HEALTH TREATMENT SERVICES TO INMATES.

16 (c) ON OR BEFORE JUNE 30, 2019, AND THEREAFTER, THE
17 DEPARTMENT SHALL UTILIZE THE DENVER CORRECTIONAL FACILITY TO
18 HOUSE INMATES WITH PHYSICAL, COGNITIVE, AND MEDICAL CONDITIONS
19 THAT REQUIRE LONG-TERM TREATMENT.

20 (9) (a) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE
21 PURSUANT TO SECTION 2-7-203, THE DEPARTMENT SHALL INCLUDE
22 INFORMATION CONCERNING THE EFFECTS OF SENATE BILL 18-____,
23 ENACTED IN THE 2018 REGULAR SESSION OF THE GENERAL ASSEMBLY.

24 (b) IN REPORTING PURSUANT TO SUBSECTION (9)(a) OF THIS
25 SECTION, THE DEPARTMENT SHALL:

26 (I) CONSIDER WHETHER SENATE BILL 18-____ IS RESULTING IN
27 INCREASED VIOLATIONS BY PAROLEES;

1 (II) DESCRIBE THE WORKLOAD OF PAROLE OFFICERS; AND
2 (III) INCLUDE ANY RECOMMENDATIONS OF THE DEPARTMENT
3 REGARDING THE IMPLEMENTATION OF SENATE BILL 18-____.

4 (c) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2023.

5 (10) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT WHEN
6 PRISON POPULATION PROJECTIONS INDICATE EXCESS CAPACITY WITHIN
7 CORRECTIONAL FACILITIES, THE DEPARTMENT SHALL PROCEED TO CLOSE
8 EXCESS FACILITIES AS PRIORITIZED BY THE 2013 PRISON UTILIZATION
9 STUDY, WHICH STUDY WAS COMPLETED FOR THE OFFICE OF STATE
10 PLANNING AND BUDGETING IN THE GOVERNOR'S OFFICE PURSUANT TO
11 HOUSE BILL 12-1336, ENACTED IN 2012.

12 **SECTION 3.** In Colorado Revised Statutes, 17-40-101, **amend**
13 (1.5) as follows:

14 **17-40-101. Definitions.** As used in this article 40, unless the
15 context otherwise requires:

16 (1.5) "Diagnostic center" means the diagnostic center located
17 within the ~~city and county of Denver~~ CENTENNIAL SOUTH CAMPUS OF THE
18 CENTENNIAL CORRECTIONAL FACILITY.

19 **SECTION 4.** In Colorado Revised Statutes, 25-1.5-301, **amend**
20 (2)(a)(VI) as follows:

21 **25-1.5-301. Definitions.** As used in this part 3, unless the context
22 otherwise requires:

23 (2) "Facility" means:

24 (a) The correctional facilities under the supervision of the
25 executive director of the department of corrections including, but not
26 limited to:

27 (VI) The ~~Denver regional~~ diagnostic center LOCATED WITHIN THE

1 CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL
2 FACILITY provided for in article 40 of title 17; C.R.S.;

3 SECTION 5. In Colorado Revised Statutes, 24-75-302, amend
4 (2)(dd) and (2)(ee) and add (2)(ff) as follows:

5 24-75-302. Capital construction fund - capital assessment fees
6 - calculation - information technology capital account. (2) The
7 controller shall transfer a sum as specified in this subsection (2) from the
8 general fund to the capital construction fund as money becomes available
9 in the general fund during the fiscal year beginning on July 1 of the fiscal
10 year in which the transfer is made. Transfers between funds pursuant to
11 this subsection (2) are not appropriations subject to the limitations of
12 section 24-75-201.1. The amounts transferred pursuant to this subsection
13 (2) are as follows:

14 (dd) On July 1, 2016, twenty million five hundred eighty-six
15 thousand three hundred ninety-eight dollars; and

16 (ee) On July 1, 2017, sixty-eight million eight hundred forty
17 thousand four hundred forty-six dollars; and

18 (ff) ON JULY 1, 2018, ELEVEN MILLION TWO HUNDRED FIFTY-SIX
19 THOUSAND FIVE HUNDRED SIXTY-ONE DOLLARS.

20 SECTION 6. Capital construction appropriation. (1) For the
21 2018-19 state fiscal year, \$11,256,561 is appropriated to the department
22 of corrections for use by the institutions. This appropriation is from the
23 capital construction fund created in section 24-75-302 (3.7), C.R.S. To
24 implement this act, the department may use this appropriation for capital
25 construction related to changes at the Centennial south campus of the
26 Centennial correctional facility, the Denver correctional facility, and the
27 Centennial north campus of the Centennial correctional facility. Any

1 money appropriated in this subsection (1) not expended prior to July 1,
2 2019, is further appropriated to the division for the 2019-20 and 2020-21
3 state fiscal years for the same purpose.

4 **SECTION 7. Effective date.** (1) Except as described in
5 subsection (2) of this section, this act takes effect upon passage.

6 (2) Sections 3 and 4 of this act take effect June 30, 2019.

7 **SECTION 8. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.