

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

REVISED

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

LLS NO. 20-0362.01 Michael Dohr x4347

HOUSE BILL 20-1019

HOUSE SPONSORSHIP

Herod, Benavidez, Bird, Buckner, Caraveo, Coleman, Duran, Exum, Gonzales-Gutierrez, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, Melton, Mullica, Singer, Snyder, Tipper, Valdez A., Weissman

SENATE SPONSORSHIP

Gonzales,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO MANAGE THE STATE PRISON POPULATION,**
102 **AND, IN CONNECTION THEREWITH, 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/>.)

Prison Population Management Interim Study Committee.

Under current law, the Centennial south campus of the Centennial correctional facility is only able to house inmates under limited circumstances. The bill would open the facility for close custody inmates and require that for each inmate who is housed at the facility, an inmate must be removed from a private prison until the facility is full.

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.

SENATE
Amended 2nd Reading
February 21, 2020

HOUSE
3rd Reading Unamended
February 6, 2020

HOUSE
Amended 2nd Reading
February 5, 2020

The bill directs the department of corrections (department) to study how to end the practice of using private prisons by 2025 in a responsible way. The study must include:

- ! Evidence-based strategies to stop using private prisons and move individuals into alternative facilities or programs;
- ! An analysis of the economic impacts on affected communities, including the loss of local tax revenue;
- ! An analysis of the impact that reducing private prison beds would have on local governments and community-based providers;
- ! A utilization analysis of all state-operated facilities and all other facilities that can be used for housing inmates;
- ! An analysis of the effect of releasing sex offenders who are assessed as low risk;
- ! An analysis of what state-operated facilities and programs may be utilized to keep pace with demand;
- ! An analysis of the best practices and programs that are necessary for successful reintegration of offenders;
- ! An analysis of the feasibility of the department to obtain private prison facilities in Colorado; and
- ! An analysis of the resources necessary to accomplish the strategies required to transition the state away from private prisons.

The bill adds to the list of achievements that allow an inmate to receive earned time showing exemplary leadership through mentoring, community service, and distinguished actions benefiting the health, safety, environment, and culture for staff and other inmates.

Under current law, an offender is not entitled to an evidentiary hearing for resentencing when the offender is rejected for placement in a community corrections program. The bill requires the sentencing court to provide the offender with an evidentiary hearing, or in the alternative a new sentencing hearing, for any termination from a community corrections program.

The bill amends the escape statutes to exclude direct sentences, transitioning from the department to a community corrections program, or placement in an intensive supervision parole program from the concepts of custody or confinement for purposes of escape. The bill lowers the penalties for escape and attempted escape crimes. The bill creates a new crime of absconding if the location of a person on intensive supervision parole or a person in a community corrections program is unknown to the authorized agency responsible for the person's supervision.

1 **SECTION 1.** In Colorado Revised Statutes, 17-1-102, **amend**
2 (7.3) as follows:

3 **17-1-102. Definitions.** As used in this title 17, unless the context
4 otherwise requires:

5 (7.3) "Private contract prison" means any private prison facility
6 IN THIS STATE operated by a county, city and county, or private
7 corporation located in this state POLITICAL SUBDIVISION OF THIS STATE OR
8 AN INCORPORATED OR UNINCORPORATED BUSINESS ENTITY; except that
9 "private contract prison" does not include any local jail,
10 multijurisdictional jail, or community corrections center.

11 **SECTION 2.** In Colorado Revised Statutes, 17-1-104.3, **amend**
12 (1)(b.5); and **repeal** (1)(b.7) as follows:

13 **17-1-104.3. Correctional facilities - locations - security level.**

14 (1) (b.5) ~~Notwithstanding the provisions of paragraph (b) of this~~
15 ~~subsection (1), beginning February 1, 2013, NOT MORE THAN SIX~~
16 ~~HUNDRED AND FIFTY BEDS AT the Centennial south campus of the~~
17 ~~Centennial correctional facility shall not~~ MAY be operated by the
18 department for the purpose of housing inmates ~~in the housing units but,~~
19 ~~if necessary, may be maintained to provide support and other services to~~
20 ~~the Centennial correctional facility. The department shall actively pursue~~
21 ~~options to sell or lease the Centennial south campus of the Centennial~~
22 ~~correctional facility, which is also known as Colorado state penitentiary~~
23 ~~H or CSP II. Any proceeds received as a result of a sale or lease of~~
24 ~~Centennial south campus of the Centennial correctional facility shall be~~
25 ~~first applied to the payment of the certificates of participation WHO ARE~~
26 ~~CLOSE CUSTODY INMATES. AT THE DISCRETION OF THE EXECUTIVE~~
27 ~~DIRECTOR, THE DEPARTMENT MAY HOUSE INMATES OF A LOWER THAN~~

1 CLOSE CUSTODY LEVEL FOR NO LONGER THAN THREE MONTHS FROM THE
2 EFFECTIVE DATE OF THIS SECTION IN ORDER TO FACILITATE THE
3 MOVEMENT OF INMATES DISPLACED AS A RESULT OF PRISON CLOSURE OR
4 IF THE LOWER THAN CLOSE CUSTODY INMATE IS VOLUNTARILY SERVING AS
5 A MENTOR PEER-SUPPORT, OR IN ANOTHER OTHER LEADERSHIP ROLE AS
6 PART OF DEPARTMENTAL PROGRAMMING WITH THE PURPOSE OF
7 PROGRESSING CLOSE CUSTODY INMATES TO LOWER SECURITY LEVELS.

8

9 (b.7) (F) ~~Notwithstanding subsection (1)(b.5) of this section, the~~
10 ~~Centennial south campus of the Centennial correctional facility may be~~
11 ~~used to house inmates on a limited basis when the state male prison~~
12 ~~vacant bed rate, excluding RTP treatment beds, remains below one~~
13 ~~percent vacancy for two consecutive months and the department has~~
14 ~~exhausted all options pursuant to section 17-1-119.7. The department~~
15 ~~shall not house more than one hundred twenty-six inmates at one time in~~
16 ~~the Centennial south campus. Once the state male prison vacant bed rate~~
17 ~~surpasses one percent vacancy, including calculating the inmates housed~~
18 ~~in the Centennial south campus, the department shall transfer inmates~~
19 ~~housed in the Centennial south campus to an appropriate facility under the~~
20 ~~department's control within thirty calendar days.~~

21 (H) ~~The department shall report the use of the Centennial south~~
22 ~~campus of the Centennial correctional facility to the joint budget~~
23 ~~committee and the judiciary committees of the senate and the house of~~
24 ~~representatives, or any successor committees, within five calendar days~~
25 ~~after the use of the Centennial south campus. For each month that the~~
26 ~~Centennial south campus of the Centennial correctional facility is used,~~
27 ~~the department shall report on the first day of every month the continued~~

1 ~~nature of the use of the Centennial south campus at the Centennial~~
2 ~~correctional facility, the steps taken by the department to address the~~
3 ~~vacancy issue, and the expected time frame for the vacancy issue to end.~~

4 ~~(III) The department shall consider input from any legislative~~
5 ~~interim committee that meets during the 2019 interim regarding prison~~
6 ~~population management, specifically including:~~

7 ~~(A) Strategies to safely reduce the prison population and reduce~~
8 ~~recidivism; and~~

9 ~~(B) Prison use analysis including the Centennial south campus at~~
10 ~~the Centennial correctional facility, private prisons, and alternative bed~~
11 ~~programs.~~

12 ~~(IV) This subsection (1)(b.7) is repealed, effective September 1,~~
13 ~~2020.~~

14 **SECTION 3. In Colorado Revised Statutes, 17-1-104.5, add (3)**
15 **and (4) as follows:**

16 **17-1-104.5. Incarceration of inmates from other states -**
17 **private contract prison facilities. (3) THE DEPARTMENT SHALL DEVELOP**
18 **AND RELY UPON CRITERIA FOR THE PROTECTION OF THE HEALTH, SAFETY,**
19 **AND FINANCIAL INTERESTS OF THE STATE OF COLORADO AS DEVELOPED BY**
20 **THE EXECUTIVE DIRECTOR.**

21 **(4) UPON VIOLATION OF THIS SECTION, THE EXECUTIVE DIRECTOR**
22 **MAY RESCIND HIS OR HER APPROVAL PURSUANT TO SUBSECTION (2) OF**
23 **THIS SECTION AND MUST PROVIDE AT LEAST SIXTY DAYS NOTICE TO THE**
24 **CONTRACTING PARTIES OF THE RESCISION.**

25

26 **SECTION 4. In Colorado Revised Statutes, 24-32-104, add (3)**
27 **as follows:**

1 **24-32-104. Functions of the division - definition.** (3) (a) THE
2 DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS
3 SHALL CONTRACT WITH A NATIONALLY RECOGNIZED RESEARCH AND
4 CONSULTING ENTITY TO STUDY FUTURE PRISON BED NEEDS IN COLORADO.
5 WHILE CONDUCTING THE STUDY, THE ENTITY SHALL SOLICIT INPUT FROM
6 LOCAL COMMUNITIES AND OTHER INTERESTED PARTIES OR ISSUE EXPERTS,
7 INCLUDING BUT NOT LIMITED TO PUBLIC SAFETY EXPERTS, VICTIM'S
8 ADVOCATES, PROSECUTORS, DEFENSE ATTORNEYS, AND COMMUNITY
9 REENTRY PROVIDERS.

10 **(b) THE DIVISION SHALL CONVENE AN ADVISORY COMMITTEE THAT**
11 CONTAINS THREE REPRESENTATIVES OF LOCAL GOVERNMENTS, OF WHICH
12 AT LEAST TWO MUST BE COUNTY COMMISSIONERS, SELECTED BY THE
13 EXECUTIVE DIRECTOR, FROM EACH COUNTY THAT HAS A PRIVATE PRISON
14 TO CONSULT WITH THE ENTITY DURING THE STUDY. THE STUDY MUST
15 INCLUDE:

16
17 **(I) AN ANALYSIS OF THE ECONOMIC AND OTHER IMPACTS THAT**
18 POTENTIAL PRISON CLOSURE WOULD HAVE ON LOCAL GOVERNMENTS AND
19 THE WIDER COMMUNITY AND RECOMMENDATIONS ON STRATEGIES TO
20 DIVERSIFY THE LOCAL ECONOMY;

21 **(II) A UTILIZATION ANALYSIS OF ALL STATE AND PRIVATELY**
22 OPERATED FACILITIES AND ALL OTHER FACILITIES THAT CAN BE USED FOR
23 HOUSING INMATES;

24
25
26 **(III) AN ANALYSIS OF THE FEASIBILITY OF THE DEPARTMENT TO**
27 OBTAIN PRIVATELY OWNED FACILITIES OR UTILIZE UNUSED STATE-OWNED

1 BUILDINGS IN COLORADO.

2 (c) PRIOR TO COMPLETING THE STUDY, THE DIVISION, IN
3 CONJUNCTION WITH THE COUNTY COMMISSIONERS, SHALL PROVIDE NOTICE
4 AND CONDUCT PUBLIC HEARINGS IN THE COUNTIES IN WHICH PRIVATE
5 PRISONS ARE LOCATED TO ALLOW DIRECT PUBLIC TESTIMONY AND INPUT,
6 WHICH THE DEPARTMENT SHALL INCLUDE IN THE FINAL REPORT.

7 (d) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF
8 LOCAL AFFAIRS SHALL REPORT THE STUDY TO THE JUDICIARY COMMITTEES
9 OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
10 COMMITTEES, DURING THE COMMITTEES' HEARINGS HELD DURING THE
11 2021 SESSION OF THE GENERAL ASSEMBLY UNDER THE "STATE
12 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
13 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

14 **SECTION 5.** In Colorado Revised Statutes, 17-2-103, **amend**
15 (11)(c) introductory portion as follows:

16 **17-2-103. Arrest of parolee - revocation proceedings.**
17 (11) (c) If the board determines that the parolee is in need of treatment,
18 ~~and is amenable to treatment,~~ the board shall consider placing the parolee
19 in one of the following treatment options and, if appropriate, may modify
20 the conditions of parole to include:

21 **SECTION 6.** In Colorado Revised Statutes, 17-22.5-405, **amend**
22 (1) introductory portion and (1.5)(b); and **add** (1)(h) as follows:

23 **17-22.5-405. Earned time - earned release time - achievement**
24 **earned time - definition.** (1) Earned time, not to exceed ten days for
25 each month of incarceration or parole, may be deducted from the inmate's
26 sentence upon a demonstration to the department by the inmate, which is
27 certified by the inmate's case manager or community parole officer, that

1 ~~he or she~~ THE INMATE has made consistent progress in the following
2 categories as required by the department of corrections:

3 (h) THE INMATE HAS SHOWN EXEMPLARY LEADERSHIP THROUGH
4 MENTORING, COMMUNITY SERVICE, AND DISTINGUISHED ACTIONS
5 BENEFITING THE HEALTH, SAFETY, ENVIRONMENT, AND CULTURE FOR
6 STAFF AND OTHER INMATES.

7 (1.5) (b) The earned time specified in ~~paragraph (a) of this~~
8 ~~subsection (1.5)~~ SUBSECTION (1.5)(a) OF THIS SECTION may be deducted
9 based upon a demonstration to the department by the inmate, which is
10 certified by the inmate's case manager or community parole officer, that
11 he or she has made ~~consistent progress in the categories described in~~
12 ~~subsection (1) of this section~~ POSITIVE PROGRESS IN ACCORDANCE WITH
13 PERFORMANCE STANDARDS ESTABLISHED BY THE DEPARTMENT.

14 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-301, **amend**
15 (1)(g) as follows:

16 **18-1.3-301. Authority to place offenders in community**
17 **corrections programs.** (1) (g) The sentencing court may make
18 appropriate orders for the detention, transfer, or resentencing of any
19 offender whose placement in a community corrections program is
20 terminated pursuant to section 17-27-103 (7) ~~C.R.S.~~, or section 17-27-104
21 (5). ~~C.R.S.~~ As to any offender held pursuant to section 17-27-104 (6)
22 ~~C.R.S.~~, in a jail operated by a unit of local government in a county other
23 than where the offender's original conviction occurred, the sentencing
24 court shall order the transfer of the offender to the jail of the county
25 where the original conviction occurred as soon as possible. ~~The~~
26 ~~sentencing court is not required to provide the offender with an~~
27 ~~evidentiary hearing pertaining to the rejection of placement in a~~

1 ~~community corrections program prior to resentencing~~ THE SENTENCING
2 COURT SHALL PROVIDE THE OFFENDER WITH A NEW SENTENCING HEARING,
3 FOR ANY TERMINATION FROM A COMMUNITY CORRECTIONS PROGRAM,
4 INCLUDING A VIOLATION OF SECTION 18-8-208.2. AT ANY NEW
5 SENTENCING HEARING, THE COURT MAY CONSIDER ANY SENTENCING
6 ALTERNATIVE ORIGINALLY AVAILABLE TO THE COURT WHEN ORDERING
7 THE APPROPRIATE SENTENCE.

8 **SECTION 8.** In Colorado Revised Statutes, 18-8-208, **amend**
9 (11) as follows:

10 **18-8-208. Escapes.** (11) If a person ~~who~~ is SERVING A DIRECT
11 SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO
12 SECTION 18-1.3-301, OR IS TRANSITIONING FROM THE DEPARTMENT OF
13 CORRECTIONS TO A COMMUNITY CORRECTIONS PROGRAM, OR IS PLACED IN
14 AN INTENSIVE SUPERVISION PROGRAM PURSUANT TO SECTION
15 17-27.5-101, OR IS PARTICIPATING IN A WORK RELEASE OR HOME
16 DETENTION PROGRAM PURSUANT TO SECTION 18-1.3-106 (1.1), INTENSIVE
17 SUPERVISION PROGRAM OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED
18 OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN
19 SECTION 18-8-203 (3), IS HOUSED IN A STAFF SECURE FACILITY AS DEFINED
20 IN SECTION 19-1-103 (101.5), OR IS placed in a community corrections
21 program for purposes of obtaining residential treatment as a condition of
22 probation pursuant to section 18-1.3-204 (2.2) or 18-1.3-301 (4)(b), THEN
23 THE PERSON is not in custody or confinement for purposes of this section.

24 **SECTION 9.** In Colorado Revised Statutes, 18-8-208.1, **amend**
25 (1.5); and **repeal** (6) as follows:

26 **18-8-208.1. Attempt to escape.** (1.5) ~~If a person, while in~~
27 ~~custody or confinement following conviction of a felony and either~~

1 serving a direct sentence to a community corrections program pursuant to
2 section 18-1.3-301, or having been placed in an intensive supervision
3 parole program pursuant to section 17-27.5-101, C.R.S., knowingly
4 attempts to escape from his or her custody or confinement, he or she
5 commits a class 5 felony. The sentence imposed pursuant to this
6 subsection (1.5) may run concurrently or consecutively with any sentence
7 being served by the offender IF A PERSON IS SERVING A DIRECT SENTENCE
8 TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION
9 18-1.3-301, OR IS TRANSITIONING FROM THE DEPARTMENT OF
10 CORRECTIONS TO A COMMUNITY CORRECTIONS PROGRAM, OR IS PLACED IN
11 AN INTENSIVE SUPERVISION [REDACTED] PROGRAM PURSUANT TO SECTION
12 17-27.5-101, OR IS PARTICIPATING IN A WORK RELEASE OR HOME
13 DETENTION PROGRAM PURSUANT TO SECTION 18-1.3-106 (1.1), INTENSIVE
14 SUPERVISION PROGRAM OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED
15 OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN
16 SECTION 18-8-203 (3), IS HOUSED IN A STAFF SECURE FACILITY AS DEFINED
17 IN SECTION 19-1-103 (101.5), OR IS PLACED IN A COMMUNITY
18 CORRECTIONS PROGRAM FOR PURPOSES OF OBTAINING RESIDENTIAL
19 TREATMENT AS A CONDITION OF PROBATION PURSUANT TO SECTION
20 18-1.3-204 (2.2) OR 18-1.3-301 (4)(b), THEN THE PERSON IS NOT IN
21 CUSTODY OR CONFINEMENT FOR PURPOSES OF THIS SECTION.

22 (6) A person who participates in a work release program, a home
23 detention program, as defined in section 18-1.3-106 (1.1), a furlough, an
24 intensive supervision program, or any other similar authorized supervised
25 or unsupervised absence from a detention facility, as defined in section
26 18-8-203 (3), and who is required to report back to the detention facility
27 at a specified time shall be deemed to be in custody.

1 **SECTION 10.** In Colorado Revised Statutes, **add** 18-8-208.2 as
2 follows:

3 **18-8-208.2. Unauthorized absence.** (1) A PERSON WHO IS
4 SERVING A DIRECT SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM
5 PURSUANT TO SECTION 18-1.3-301; TRANSITIONING FROM THE
6 DEPARTMENT OF CORRECTIONS TO A COMMUNITY CORRECTIONS PROGRAM
7 OR PLACED IN AN INTENSIVE SUPERVISION PROGRAM PURSUANT TO
8 SECTION 17-27.5-101; PARTICIPATING IN A WORK RELEASE OR HOME
9 DETENTION PROGRAM PURSUANT TO 18-1.3-106 (1.1), INTENSIVE
10 SUPERVISION PROGRAM, OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED
11 OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN
12 SECTION 18-8-203 (3); OR IS HOUSED IN A STAFF SECURE FACILITY AS
13 DEFINED IN SECTION 19-1-103 (101.5) COMMITS THE CRIME OF
14 UNAUTHORIZED ABSENCE IF THE PERSON KNOWINGLY:

15 (a) LEAVES OR FAILS TO RETURN TO HIS OR HER RESIDENTIAL OR
16 FACILITY LOCATION WITHOUT PERMISSION OF THE SUPERVISING AGENCY
17 AND IN VIOLATION OF THE TERMS AND CONDITIONS OF SUPERVISION; OR

18 (b) REMOVES OR TAMPERS WITH AN ELECTRONIC MONITORING
19 DEVICE REQUIRED BY THE SUPERVISING AGENCY TO BE WORN BY THE
20 PERSON IN ORDER TO MONITOR HIS OR HER LOCATION, WITHOUT
21 PERMISSION AND WITH THE INTENT TO AVOID ARREST, PROSECUTION,
22 MONITORING OR OTHER LEGAL PROCESS.

23 (2) (a) IF A PERSON COMMITS UNAUTHORIZED ABSENCE FOR A
24 CRIME LISTED IN SECTION 24-4.1-302 (1) OR A CRIME OF VIOLENCE AS
25 DESCRIBED IN SECTION 18-1.3-406, UNAUTHORIZED ABSENCE IS A CLASS
26 6 FELONY AND AN ATTEMPT THEREOF IS A CLASS 6 FELONY.

27 (b) IF A PERSON COMMITS UNAUTHORIZED ABSENCE FOR A CRIME

1 OTHER THAN THE CRIMES LISTED IN SECTION 24-4.1-302 (1) AND THE
2 CRIME IS NOT A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406,
3 UNAUTHORIZED ABSENCE IS A CLASS 3 MISDEMEANOR AND AN ATTEMPT
4 THEREOF IS A CLASS 3 MISDEMEANOR.

5 (c) A PERSON WHO KNOWINGLY VIOLATES A PERMANENT OR
6 TEMPORARY PROTECTION ORDER ISSUED PURSUANT TO SECTION
7 18-1-1001(1), 13-14-103, 13-14-104.5, OR 13-14-106 DURING THE
8 COMMISSION OF UNAUTHORIZED ABSENCE COMMITS A CLASS 3 FELONY.

9 (3) IF A PAROLEE PLACED IN A COMMUNITY CORRECTIONS OR IN AN
10 INTENSIVE SUPERVISION PROGRAM PURSUANT TO SECTION 17-27.5-101
11 HAS AN UNAUTHORIZED ABSENCE, THE DEPARTMENT OF CORRECTIONS
12 SHALL NOTIFY THE APPROPRIATE COMMUNITY REENTRY PROGRAM
13 DESCRIBED IN SECTION 17-33-101 (7)(a), AND PROVIDE CONTACT
14 INFORMATION FOR THE PURPOSES OF ASSISTING THE PERSON TO REENGAGE
15 WITH SUPERVISION.

16 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-801, **amend**
17 (5) as follows:

18 **18-1.3-801. Punishment for habitual criminals.** (5) A current
19 or prior conviction for escape, as described in section 18-8-208 (1), (2),
20 or (3), or attempt to escape, as described in section 18-8-208.1 (1) ~~(1.5)~~,
21 or (2), may not be used for the purpose of adjudicating a person an
22 habitual criminal as described in subsection (1.5) or subsection (2) of this
23 section unless the conviction is based on the offender's escape or attempt
24 to escape from a correctional facility, as defined in section 17-1-102, or
25 from physical custody within a county jail; except that, for the purposes
26 of this section, "correctional facility" does not include a community
27 corrections facility, as defined in section 17-27-102 (2.5), or a halfway

1 house, as defined in section 19-1-103 (62).

2 **SECTION 12.** In Colorado Revised Statutes, 24-4.1-302.5,
3 **amend** (1)(c)(I)(B) as follows:

4 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
5 order to preserve and protect a victim's rights to justice and due process,
6 each victim of a crime has the following rights:

7 (c) (I) Except as otherwise provided in subsection (1)(c)(II) of this
8 section:

9 (B) The right to be informed when a person who is accused or
10 convicted of a crime against the victim is released or discharged from
11 custody other than county jail, is paroled, escapes from a secure or
12 nonsecure correctional facility or program, ~~or~~ absconds from probation
13 or parole, OR COMMITS AN UNAUTHORIZED ABSENCE AS DESCRIBED IN
14 SECTION 18-8-208.2 (1).

15 **SECTION 13.** In Colorado Revised Statutes, 24-4.1-303, **amend**
16 (14)(e) and (14.2)(e) as follows:

17 **24-4.1-303. Procedures for ensuring rights of victims of**
18 **crimes.** (14) Upon receipt of a written victim impact statement as
19 provided in section 24-4.1-302.5 (1)(j.5), the department of corrections
20 shall include the statement with any referral made by the department of
21 corrections or a district court to place an offender in a public or private
22 community corrections facility or program. The department of corrections
23 or the public or private local corrections authorities shall notify the victim
24 of the following information regarding any person who was charged with
25 or convicted of a crime against the victim:

26 (e) Any escape OR UNAUTHORIZED ABSENCE AS DESCRIBED IN
27 SECTION 18-8-208.2 (1) by such person, or transfer or release from any

1 state hospital, a detention facility, a correctional facility, a community
2 correctional facility, or other program, and any subsequent recapture of
3 such person;

4 (14.2) Upon receipt of a written statement as provided in section
5 24-4.1-302.5 (1)(j.5), the department of human services, division of youth
6 services, shall include the statement with any referral made by the
7 department of human services or a district court to place an offender in
8 a public or private community corrections facility or program. The
9 department of human services and any state hospital shall notify the
10 victim of the following information regarding any person who was
11 charged with or adjudicated of a crime against the victim:

12 (e) Any escape OR UNAUTHORIZED ABSENCE AS DESCRIBED IN
13 SECTION 18-8-208.2 (1) by the person, or transfer or release from any state
14 hospital, a detention facility, a correctional facility, a community
15 correctional facility, parole supervision, or other program, and any
16 subsequent recapture of the person;

17 **SECTION 14. Appropriation.** For the 2020-21 state fiscal year,
18 \$250,000 is appropriated to the department of local affairs for use by the
19 division of local government, field services. This appropriation is from
20 the general fund. To implement this act, the department may use this
21 appropriation for H.B. 20-1019 study of future prison bed needs in
22 Colorado. ==

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
SECTION 15. Appropriation to the department of corrections for the fiscal year beginning July 1, 2019. In Session Laws of Colorado 2019, section 2 of chapter						
454, (SB 19-207), amend Part II (1)(A), (1)(C), (2)(A), (2)(B), (2)(C), (2)(D), (2)(E), (2)(F), (2)(G), (2)(I), (2)(J), (2)(K), (4)(B), (4)(C), (4)(D), (5)(A), and (5)(C), as follows:						
Section 2. Appropriation.						
PART II						
DEPARTMENT OF CORRECTIONS						
(1) MANAGEMENT						
(A) Executive Director's Office Subprogram						
Personal Services	3,599,788		3,355,983		243,805 ^a	
			(22.8 FTE)		(4.0 FTE)	
Restorative Justice Program						
with Victim-Offender						
Dialogues in Department						
Facilities	75,000		75,000			
			(1.2 FTE)			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Health, Life, and Dental	60,376,258	58,561,755		1,814,503 ^b		
2		60,812,248	58,997,745				
3	Short-term Disability	613,889	596,142		17,747 ^b		
4		617,365	599,618				
5	S.B. 04-257 Amortization						
6	Equalization Disbursement	18,302,638	17,782,744		519,894 ^b		
7		18,404,864	17,884,970				
8	S.B. 06-235 Supplemental						
9	Amortization Equalization						
10	Disbursement	18,302,638	17,782,744		519,894 ^b		
11		18,404,864	17,884,970				
12	PERA Direct Distribution	9,854,160	9,569,276		284,884 ^b		
13	Salary Survey	10,973,701	10,656,469		317,232 ^b		
14	Shift Differential	9,264,502	9,210,052		54,450 ^b		
15	Workers' Compensation	5,943,515	5,755,701		187,814 ^b		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Operating Expenses	357,759		267,759		5,000 ^a	85,000(I) ^c
2	Legal Services	2,390,373 ^d		2,309,875	80,498 ^b		
3	Payment to Risk Management						
4	and Property Funds	4,388,047		4,214,706	173,341 ^b		
5	Leased Space	5,250,810		4,960,104	290,706 ^b		
6	Capitol Complex Leased						
7	Space	56,871		40,626	16,245 ^b		
8	Planning and Analysis						
9	Contracts	82,410		82,410			
10	Payments to District						
11	Attorneys	681,102		681,102			
12	Payments to Coroners	32,175		32,175			
13	Annual depreciation-lease						
14	equivalent payments	235,033		235,033			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	150,780,669						
2	151,424,587						
3							
4	^a These amounts shall be transferred from the Department of Public Safety from the State Victims Assistance and Law Enforcement Program line item appropriation in the Victims						
5	Assistance section of the Division of Criminal Justice. These amounts originate as cash funds from the Victims Assistance and Law Enforcement Fund created in Section 24-33.5-506						
6	(1), C.R.S.						
7	^b Of these amounts, an estimated \$3,756,425 shall be from sales revenues earned by Correctional Industries and an estimated \$520,783 shall be from sales revenues earned by the Canteen						
8	Operation.						
9	^c This amount shall be from the Social Security Administration Incentive Payment Memorandum of Understanding. This amount is included for informational purposes only.						
10	^d Of this amount, \$2,369,627 shall be used to purchase legal services from the Department of Law and \$20,746 shall be used to contract for legal services from private firms for litigation						
11	related to the Rifle Correctional Center.						
12							
13	(C) Inspector General Subprogram						
14	Personal Services	4,368,414		4,262,181		106,233 ^a	
15				(48.2 FTE)			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Operating Expenses	429,367	346,180		83,187 ^a		
2		435,229	352,042				
3	Inspector General Grants	207,912					207,912(I)
4		<u>5,005,693</u>					
5		5,011,555					
6							
7	^a These amounts shall be from revenues earned from private prison out of state offender investigations.						
8							
9	(2) INSTITUTIONS						
10	(A) Utilities Subprogram						
11	Personal Services	326,492	326,492				
12			(2.6 FTE)				
13	Utilities	22,062,941	20,658,871		1,404,070 ^a		
14		<u>22,210,739</u>	20,806,669				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	22,389,433						
2	22,537,231						
3							
4	^a This amount shall be from sales revenues earned by Correctional Industries.						
5							
6	(B) Maintenance Subprogram						
7	Personal Services						
	21,441,109						
8	21,664,385						
9	(276.8 FTE)						
10	(280.6 FTE)						
11	Operating Expenses						
	7,114,522						
12	7,150,222						
13	Maintenance Pueblo Campus						
	2,079,408						
14	<u>30,635,039</u>			30,635,039			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	30,894,015		30,894,015				
2							
3	(C) Housing and Security Subprogram						
4	Personal Services ²	185,089,091	185,086,144		2,947 ^a		
5		186,661,337	186,658,390				
6			(2,980.6 FTE)				
7			(3,000.3 FTE)				
8	Operating Expenses	1,852,341	1,852,341				
9		1,946,141	1,946,141				
10	<hr/>	186,941,432					
11		188,607,478					

^a This amount shall be from the Corrections Expansion Reserve Fund created in Section 17-1-116, C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(D) Food Service Subprogram						
2	Personal Services	20,446,510		20,446,510			
3		20,509,272		20,509,272			
4				(317.8 FTE)			
5				(318.8 FTE)			
6	Operating Expenses	18,015,818		18,015,818			
7		18,389,845		18,389,845			
8	Food Service Pueblo Campus	2,030,375		2,030,375			
9		<u>40,492,703</u>					
10		40,929,492					
11							
12	(E) Medical Services Subprogram						
13	Personal Services	39,728,651		39,477,164		251,487 ^a	
14		40,226,059		39,974,572			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1			(384.5 FTE)				
2			(390.5 FTE)		(3.0 FTE)		
3	Operating Expenses	2,579,052	2,579,052				
4		2,621,731	2,621,731				
5	Purchase of Pharmaceuticals	15,561,728	15,561,728				
6		15,805,940	15,805,940				
7	Hepatitis C Treatment Costs	20,514,144	20,514,144				
8	Purchase of Medical Services						
9	from Other Medical Facilities	34,869,955	34,869,955				
10	Service Contracts	2,575,733	2,575,733				
11	Indirect Cost Assessment	914			914 ^a		
12		<u>115,830,177</u>					
13		116,614,476					
14							
15	^a These amounts shall be from inmate medical fees collected pursuant to Section 17-1-113 (2), C.R.S.						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2	(F) Laundry Subprogram						
3	Personal Services						
	2,606,790						
4							
	2,622,480						
5	(37.4 FTE)						
6	(37.7 FTE)						
7	Operating Expenses						
	2,197,545						
8							
	2,234,127						
9							
	4,804,335		4,804,335				
10							
	4,856,607		4,856,607				
11							
12	(G) Superintendents Subprogram						
13	Personal Services						
	11,669,599						
14							
	11,693,752						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(156.9 FTE)						
2	(157.4 FTE)						
3	Operating Expenses						
	5,202,001						
4	5,301,663						
5	Dress Out						
	1,006,280						
6	Start-up Costs						
	1,462						
7	938,089						
	<hr/>						
8	17,879,342		17,879,342				
9	18,939,784		18,939,784				
10							
11	(I) Case Management Subprogram						
12	Personal Services						
	17,946,764						
13	18,022,196						
14	(248.2 FTE)						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(249.5 FTE)						
2	Operating Expenses						
3	173,081						
4	178,943						
5	Offender ID Program						
6	341,135						
7	Start-up Costs						
8	4,703						
9	<hr/>						
10	18,465,683		18,465,683				
11	18,546,977		18,546,977				
12							
13	(J) Mental Health Subprogram						
14	Personal Services						
15	11,151,627		11,151,627				
16	11,226,986		11,226,986				
17	(154.0 FTE)		(154.0 FTE)				
18	(155.4 FTE)		(155.4 FTE)				
19	Operating Expenses						
20	281,266		281,266				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	292,991		292,991				
2	<u>Medical Contract Services</u>		4,544,498				
3	<u>Start-up Costs</u>		4,703				
4	<u>15,982,094</u>						
5	16,069,178						
6							
7	<u>(K) Inmate Pay Subprogram</u>		2,376,618				
8	2,429,146		2,429,146				
9							
10	<u>(4) INMATE PROGRAMS</u>						
11	<u>(B) Education Subprogram</u>						
12	<u>Personal Services</u>		14,105,285				
13	14,167,093		14,167,093				
14			(194.0 FTE)				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1			(195.0 FTE)				
2	Operating Expenses	4,521,663	2,817,246		1,293,402 ^a	411,015 ^b	
3		4,580,288			1,352,027 ^a		
4	Contract Services	237,128	237,128				
5	Education Grants	80,060			10,000 ^c	42,410 ^d	27,650(I)
6		(2.0 FTE)					
7	Start-up Costs	4,703	4,703				
8		<u>18,948,839</u>					
9		19,069,272					

11 ^a Of this amount, an estimated \$735,467 shall be from sales revenues earned by vocational programs and an estimated ~~\$557,935~~ \$616,560 shall be from sales revenues earned by the
 12 Canteen Operation.

13 ^b This amount shall be from sales revenues earned by vocational programs for products and services sold to other government agencies.

14 ^c This amount shall be from gifts, grants, and donations.

15 ^d This amount shall be from the Colorado Department of Education from special education funds.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2	(C) Recreation Subprogram						
3	Personal Services	7,732,383		7,732,383			
4		7,781,935		7,781,935			
5				(116.7 FTE)			
6				(117.6 FTE)			
7	Operating Expenses	71,232			71,232 ^a		
8		73,577			73,577 ^a		
9		7,803,615					
10		7,855,512					
11							
12	^a This amount shall be from sales revenues earned by the Canteen Operation.						
13							
14	(D) Drug and Alcohol Treatment Subprogram						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Personal Services	5,589,854	5,589,854				
2		5,618,296	5,618,296				
3			(85.4 FTE)				
4			(85.9 FTE)				
5	Operating Expenses	110,932	110,932				
6		113,511	113,511				
7	Services for Substance Abuse						
8	and Co-occurring Disorders	1,027,121				1,027,121 ^a	
9	Contract Services	2,508,458	2,147,206			361,252 ^a	
10	Treatment Grants	126,682				126,682 ^b	
11		<u>9,363,047</u>					
12		9,394,068					
13							
14	^a These amounts shall be transferred from the Judicial Department from the Correctional Treatment Cash Fund Expenditures line item appropriation in the Probation and Related						
15	Services section.						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	^b This amount shall be from grant funds appropriated to the Division of Criminal Justice in the Department of Public Safety.						
2							
3	(5) COMMUNITY SERVICES						
4	(A) Parole Subprogram						
5	Personal Services	19,007,465		19,007,465			
6		19,022,598		19,022,598			
7				(302.2 FTE)			
8				(302.5 FTE)			
9	Operating Expenses	2,615,820		2,615,820			
10		2,616,320		2,616,320			
11	Parolee Supervision and						
12	Support Services	11,299,514		9,089,758		2,209,756 ^a	
13	Wrap-Around Services						
14	Program	2,336,782		2,336,782			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Grants to Community-based						
2	Organizations for Parolee						
3	6,697,140		6,697,140				
4	Community-based						
5	Organizations Housing						
6	500,000		500,000				
7	500,000		500,000				
8	3,500,000		3,500,000				
9	<u>46,456,721</u>						
10	46,472,354						

12 ^a Of this amount, \$2,163,125 shall be transferred from the Judicial Department from the Correctional Treatment Cash Fund Expenditures line item appropriation in the Probation and
13 Related Services section and \$46,631 shall be transferred from the General Fund appropriation to the Offender Treatment and Services line item in the Probation and Related Services
14 section. The transfer from the Offender Treatment and Services line item is for the provision of day reporting services.

15

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(C) Community Re-entry Subprogram						
2	Personal Services	2,512,252		2,512,252			
3		2,526,627		2,526,627			
4				(41.6 FTE)			
5				(41.9 FTE)			
6	Operating Expenses	146,202		146,202			
7		146,702		146,702			
8	Offender Emergency						
9	Assistance	96,768		96,768			
10	Contract Services	190,000		190,000			
11	Offender Re-employment						
12	Center	374,000		364,000	10,000 ^a		
13	Community Reintegration						
14	Grants	39,098					39,098(I)
15							(1.0 FTE)

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	3,358,320						
2	3,373,195						
3							
4	a This amount shall be from gifts, grants, and donations.						
5							
6							
7	TOTALS PART II						
8	(CORRECTIONS)	\$975,865,876	\$872,913,457		\$47,619,442 ^a	\$51,757,665	\$3,575,312 ^b
9		\$981,377,043	\$878,363,654		\$47,680,412 ^a		
10							

11 ^a Of this amount, \$21,314,186 contains an (I) notation.

12 ^b This amount contains an (I) notation.

13

1 **SECTION 16. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.