

**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. 18-1212.01 Conrad Imel x2313

SENATE BILL 18-238

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Valdez,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING LABOR BY PERSONS CONFINED IN COUNTY JAILS.**

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>.)

Under current law, prisoners convicted of an offense and sentenced to county jail are required to work inside the jail. When no work is available inside the jail, convicted and sentenced prisoners are required to work outside the jail. The bill permits county sheriffs to allow prisoners to work outside of jail at any time, including on any public property. The bill permits a person who is confined in a county jail, but who has not been convicted and sentenced, to work while confined in the county jail.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-26-107, **amend**
3 (1), (2), (4), and (5); and **add** (6) as follows:

4 **17-26-107. Prisoners to work - work outside of jail - expenses.**

5 (1) (a) When any able-bodied prisoner is confined in the county jail of
6 any county or city and county, having been convicted of a misdemeanor
7 or of the violation of a municipal ordinance and being confined in
8 punishment therefor, the sheriff of such county or the person having the
9 duties of a sheriff of such city and county shall compel such prisoner to
10 work eight hours of every working day. The provisions of this section
11 ~~shall~~ DO not apply to any case where there are fewer than three prisoners
12 so confined in said jail at any one time or to any prisoner physically
13 unable to work. In counties and city and counties, it ~~shall be~~ IS
14 discretionary with the sheriff or person having the duties of a sheriff to
15 employ prisoners on the road serving sentences of sixty or fewer days. ~~It~~
16 ~~is the duty of~~ The sheriff of such county or the sheriff or person having
17 the duties of a sheriff of such city and county ~~when no other work is~~
18 ~~available, to~~ MAY compel the prisoners to work upon the public roads,
19 highways, ~~or~~ streets, OR PUBLIC PROPERTY of such county or city and
20 county. Employment as a jail trusty ~~shall be~~ IS sufficient to meet the
21 requirements of this section.

22 (b) AT THE SOLE DISCRETION OF THE SHERIFF OF A COUNTY OR THE
23 PERSON HAVING THE DUTIES OF A SHERIFF OF A CITY AND COUNTY, ANY
24 PERSON CONFINED TO A COUNTY JAIL, BUT NOT CONVICTED, MAY
25 VOLUNTEER TO WORK WHILE CONFINED IN THE COUNTY JAIL IN THE SAME
26 MANNER AS PRISONERS SENTENCED TO AND CONFINED IN THE COUNTY

1 JAIL.

2 (2) The county commissioners of the county or the governing
3 body of the city and county, when informed by the sheriff or person
4 having the duties of a sheriff that there are prisoners confined in the jail
5 who may be put to work upon the roads, highways, ~~or~~ streets, OR PUBLIC
6 PROPERTY, if there is such work upon the roads, highways, ~~or~~ streets, OR
7 PUBLIC PROPERTY, shall provide for the payment of additional expenses
8 of guarding such prisoners while performing such work, SUBJECT TO
9 AVAILABLE FUNDS. Such prisoners ~~shall~~ MAY not be used for the purpose
10 of building any bridge or structure of like character that requires the
11 employment of skilled labor.

12 (4) Except as described by the terms of a judgment, ~~any person~~
13 ~~sentenced to and confined in the county jail shall perform labors~~ WORK
14 PERFORMED BY ANY PERSON CONFINED TO THE COUNTY JAIL MUST BE
15 PERFORMED under such rules ~~and regulations~~ as may be prescribed by the
16 county commissioners or sheriff of the county in which the jail is situated.

17 (5) Upon the written request of a majority of the board of county
18 commissioners of any county, the sheriff ~~shall~~ MAY detail such inmates
19 in the county jail as in his or her judgment seems proper, not exceeding
20 the number specified in the written request, to work upon such public
21 roads, ~~and~~ highways, AND PROPERTY of the county or streets, ~~and~~ alleys,
22 AND PUBLIC PROPERTY of any municipality within the county as are
23 designated in the written request of the county commissioners. The
24 county shall furnish all tools and materials necessary in the performance
25 of the work. No such work ~~shall~~ MAY be done within the limits of a
26 municipality without the consent of the proper authorities thereof, but
27 when such work is done within the limits of a municipality within such

1 county, the municipality where the work is done shall pay all additional
2 expenses of guarding the inmates while they perform the work and shall
3 furnish all tools and necessary materials used in the work.

4 (6) (a) THE COUNTY OR CITY AND COUNTY SHALL COMPENSATE
5 INMATES FOR WORK PERFORMED OUTSIDE OF THE JAIL PROPERTY
6 PURSUANT TO THIS SECTION. ANY COMPENSATION MADE PURSUANT TO
7 THIS SECTION IS DEPOSITED INTO THE INMATE'S JAIL ACCOUNT.

8 (b) THE COUNTY COMMISSIONERS OF THE COUNTY OR THE
9 GOVERNING BODY OF THE CITY AND COUNTY SHALL ESTABLISH THE RATE
10 OF COMPENSATION FOR WORK PERFORMED OUTSIDE OF THE JAIL PROPERTY
11 PURSUANT TO THIS SECTION. SUCH RATE MUST BE SIMILAR TO OFFENDER
12 PAY RATES ESTABLISHED FOR THE SAME OR SIMILAR WORK PERFORMED BY
13 AN INMATE IN THE DEPARTMENT OF CORRECTIONS THAT IS SET IN
14 ACCORDANCE WITH REGULATIONS CONCERNING OFFENDER PAY
15 PROMULGATED BY THAT DEPARTMENT.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.