

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

PREAMENDED

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

LLS NO. 19-1037.02 Michael Dohr x4347

SENATE BILL 19-259

SENATE SPONSORSHIP

Garcia and Hisey, Cooke, Court, Crowder, Gardner, Gonzales, Moreno, Pettersen, Rankin,
Tate

HOUSE SPONSORSHIP

Herod and Wilson,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADDRESS PRISON POPULATION**
102 **MANAGEMENT ISSUES, AND, IN CONNECTION THEREWITH,**
103 **AUTHORIZING THE EMERGENCY USE OF THE CENTENNIAL SOUTH**
104 **CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY TO**
105 **HOUSE INMATES.**

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, the Centennial south campus of the Centennial correctional facility (CSP II) is not available to house inmates. The bill

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
3rd Reading Unamended
April 27, 2019

SENATE
Amended 2nd Reading
April 26, 2019

allows CSP II to be used to house inmates when the state male prison vacant bed rate, excluding RTP treatment beds, remains below one percent vacancy for 2 consecutive months. Once the prison population surpasses one percent vacancy, the department of corrections (department) shall transfer any inmates housed in CSP II to an appropriate facility under the department's control within 30 calendar days. No more than 126 inmates may be housed at CSP II.

The department shall report the use of CSP II to the joint budget committee and the judiciary committees of the senate and the house of representatives, or any successor committees, within 5 calendar days after the use and will make monthly reports during its use.

The bill requires the department to do a prison population management study and report its findings to the joint budget committee and judiciary committees of the senate and the house of representatives, or any successor committees, by December 1, 2019.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-1-104.3, **add**
3 (1)(b.7) as follows:

4 **17-1-104.3. Correctional facilities - locations - security level -**
5 **report - repeal.** (1) (b.7) (I) NOTWITHSTANDING SUBSECTION (1)(b.5) OF
6 THIS SECTION, THE CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL
7 CORRECTIONAL FACILITY MAY BE USED TO HOUSE INMATES ON A LIMITED
8 BASIS WHEN THE STATE MALE PRISON VACANT BED RATE, EXCLUDING RTP
9 TREATMENT BEDS, REMAINS BELOW ONE PERCENT VACANCY FOR TWO
10 CONSECUTIVE MONTHS AND THE DEPARTMENT HAS EXHAUSTED ALL
11 OPTIONS PURSUANT TO SECTION 17-1-119.7. THE DEPARTMENT SHALL NOT
12 HOUSE MORE THAN ONE HUNDRED TWENTY-SIX INMATES AT ONE TIME IN
13 THE CENTENNIAL SOUTH CAMPUS. ONCE THE STATE MALE PRISON VACANT
14 BED RATE SURPASSES ONE PERCENT VACANCY, INCLUDING CALCULATING
15 THE INMATES HOUSED IN THE CENTENNIAL SOUTH CAMPUS, THE
16 DEPARTMENT SHALL TRANSFER INMATES HOUSED IN THE CENTENNIAL
17 SOUTH CAMPUS TO AN APPROPRIATE FACILITY UNDER THE DEPARTMENT'S

1 CONTROL WITHIN THIRTY CALENDAR DAYS.

2 (II) THE DEPARTMENT SHALL REPORT THE USE OF THE CENTENNIAL
3 SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY TO THE
4 JOINT BUDGET COMMITTEE AND THE JUDICIARY COMMITTEES OF THE
5 SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
6 COMMITTEES, WITHIN FIVE CALENDAR DAYS AFTER THE USE OF THE
7 CENTENNIAL SOUTH CAMPUS. FOR EACH MONTH THAT THE CENTENNIAL
8 SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY IS USED,
9 THE DEPARTMENT SHALL REPORT ON THE FIRST DAY OF EVERY MONTH THE
10 CONTINUED NATURE OF THE USE OF THE CENTENNIAL SOUTH CAMPUS AT
11 THE CENTENNIAL CORRECTIONAL FACILITY, THE STEPS TAKEN BY THE
12 DEPARTMENT TO ADDRESS THE VACANCY ISSUE, AND THE EXPECTED TIME
13 FRAME FOR THE VACANCY ISSUE TO END.

14 (III) THE DEPARTMENT SHALL CONSIDER INPUT FROM ANY
15 LEGISLATIVE INTERIM COMMITTEE THAT MEETS DURING THE 2019 INTERIM
16 REGARDING PRISON POPULATION MANAGEMENT, SPECIFICALLY INCLUDING:

17 (A) STRATEGIES TO SAFELY REDUCE THE PRISON POPULATION AND
18 REDUCE RECIDIVISM; AND

19 (B) PRISON USE ANALYSIS INCLUDING THE CENTENNIAL SOUTH
20 CAMPUS AT THE CENTENNIAL CORRECTIONAL FACILITY, PRIVATE PRISONS,
21 AND ALTERNATIVE BED PROGRAMS.

22 (IV) THIS SUBSECTION (1)(b.7) IS REPEALED, EFFECTIVE
23 SEPTEMBER 1, 2021.

24 **SECTION 2.** In Colorado Revised Statutes, 17-27-103, **add** (11)
25 as follows:

26 **17-27-103. Community corrections boards - establishment -**
27 **duties.** (11) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A

1 COMMUNITY CORRECTIONS BOARD HAS NO AUTHORITY TO ACCEPT OR
2 REJECT PARTICIPANTS IN THE DEPARTMENT OF CORRECTIONS INTENSIVE
3 SUPERVISION PROGRAM OPERATED PURSUANT TO SECTION 17-27.5-101.

4 **SECTION 3.** In Colorado Revised Statutes, 17-27.5-101, **amend**
5 (1)(a) and (1)(c) as follows:

6 **17-27.5-101. Authority to establish intensive supervision**
7 **programs for parolees and community corrections offenders.**

8 (1) (a) The department ~~shall have~~ HAS the authority to establish and
9 directly operate an intensive supervision program for any offender not
10 having more than one hundred eighty days remaining until such offender's
11 parole eligibility date and for any offender who successfully completes a
12 regimented inmate discipline program pursuant to article 27.7 of this title
13 TITLE 17. THE DEPARTMENT'S INTENSIVE SUPERVISION PROGRAM IS NOT A
14 COMMUNITY CORRECTIONS PROGRAM.

15 (c) The department ~~shall have~~ HAS the authority to contract with
16 community corrections programs and other providers for intensive
17 supervision services subject to the approval of the affected unit of local
18 government. In contracting for such programs, the department shall
19 obtain the advice and consent of affected units of local government and
20 shall consider the needs of the communities and offenders for successful
21 reintegration into communities and the appropriate allocation of resources
22 for effective correction of offenders. THE LOCAL COMMUNITY
23 CORRECTIONS BOARD HAS THE AUTHORITY TO ACCEPT, REJECT, OR REJECT
24 AFTER ACCEPTANCE THE PARTICIPATION OF ANY OFFENDER IN EACH
25 INTENSIVE SUPERVISION PROGRAM PURSUANT TO THIS SECTION.

26 **SECTION 4.** In Colorado Revised Statutes, 17-27.5-102, **amend**
27 (3) introductory portion as follows:

1 **17-27.5-102. Minimum standards and criteria for the**
2 **operation of intensive supervision programs.** (3) An offender as
3 defined in section 17-27-102 (6) is eligible for an intensive supervision
4 program only upon the recommendation of the department if such
5 offender has not more than one hundred eighty days remaining until such
6 offender's parole eligibility date or upon a transfer from a community
7 corrections residential program under article 27 of this ~~title~~ TITLE 17 if
8 such offender has not more than one hundred eighty days remaining until
9 such offender's parole eligibility date and if the local community
10 corrections board finds that the correctional needs of such offender will
11 be better served by such supervision. The local community corrections
12 board has the authority to accept, reject, or reject after acceptance the
13 participation of any offender in each and every intensive supervision
14 program under this ~~article~~ ARTICLE 27.5. In selecting offenders for
15 transfer to an intensive supervision program, the department ~~and~~ OR the
16 local community corrections board shall consider, but shall not be limited
17 to, the following factors:

18 **SECTION 5. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.