

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0822.01 Conrad Imel x2313

HOUSE BILL 24-1109

HOUSE SPONSORSHIP

Bockenfeld,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE DETENTION OF A PERSON ARRESTED FOR
102 COMMITTING A CRIMINAL OFFENSE WHILE THE PERSON IS ON
103 PAROLE.

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 requires a parolee who is arrested for allegedly committing a crime of violence while on parole to be detained at a state correctional facility while awaiting a parole revocation hearing. The bill requires the department of corrections to reimburse a county or city and county for one-half the cost of transporting the parolee from the county

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

or city and county to a state correctional facility.

Under existing law, a community parole officer who is informed by a law enforcement agency that a parolee has been arrested for a criminal offense is required to request that a parole revocation proceeding be deferred pending a disposition of the criminal charge. The bill repeals this requirement and instead permits the community parole officer to request that the parole revocation proceeding be deferred.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-168 as
3 follows:

4 **17-1-168. Detention of parolees arrested for alleged crimes of**
5 **violence.** (1) THE COURT SHALL ORDER THAT A PAROLEE ARRESTED FOR
6 ALLEGEDLY COMMITTING A CRIME OF VIOLENCE, AS DEFINED IN SECTION
7 18-1.3-406, WHILE ON PAROLE FOLLOWING DISCHARGE FROM A
8 CORRECTIONAL FACILITY BE PLACED IN THE CUSTODY OF THE DEPARTMENT
9 AFTER THE PAROLEE'S BOND HEARING HELD PURSUANT TO SECTION
10 16-4-102 FOR THE ALLEGED CRIME OF VIOLENCE, AND DETAINED AT A
11 CORRECTIONAL FACILITY WHILE AWAITING A PAROLE REVOCATION
12 HEARING.

13 (2) WITHIN TWENTY-FOUR HOURS AFTER TAKING CUSTODY OF A
14 PAROLEE DESCRIBED IN SUBSECTION (1) OF THIS SECTION FOLLOWING THE
15 PAROLEE'S ARREST, THE KEEPER OF THE JAIL THAT HAS CUSTODY OF THE
16 PAROLEE SHALL NOTIFY THE DEPARTMENT THAT THE PAROLEE IS IN
17 CUSTODY. THE DEPARTMENT AND KEEPER SHALL ARRANGE TO TRANSFER
18 THE PAROLEE TO A CORRECTIONAL FACILITY AS SOON AS PRACTICABLE
19 AFTER THE PAROLEE'S BOND HEARING FOR THE ALLEGED CRIME OF
20 VIOLENCE. THE DEPARTMENT AND KEEPER SHALL ARRANGE FOR ANY
21 OTHER TRANSFER OF THE PAROLEE, AS NECESSARY.

22 **SECTION 2.** In Colorado Revised Statutes, 17-1-112, **amend**

1 (1.7); and **add** (1.3) as follows:

2 **17-1-112. Expenses - reimbursement by department - report.**

3 (1.3) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL
4 REIMBURSE A COUNTY OR CITY AND COUNTY FOR ONE-HALF OF THE COST
5 TO THE COUNTY OR CITY AND COUNTY OF TRANSPORTING A PAROLEE TO
6 A CORRECTIONAL FACILITY PURSUANT TO SECTION 17-1-168.

7 (1.7) On or after April 19, 1993, each city and county or county
8 shall send an invoice to the executive director within three months after
9 the expenses and costs for the confinement and maintenance of inmates
10 in local jails AND FOR THE TRANSPORTATION OF PAROLEES PURSUANT TO
11 SECTION 17-1-168 are incurred; however, each city and county or county
12 is encouraged to send such invoice on a monthly basis, when possible.
13 Failure by a city and county or county to send an invoice to the executive
14 director within three months after ~~such~~ THE expenses and costs are
15 incurred ~~shall result~~ RESULTS in a forfeiture of any reimbursement by the
16 state for ~~such~~ THE expenses and costs.

17 **SECTION 3.** In Colorado Revised Statutes, 17-2-103, **amend**
18 (4)(a) and (12) as follows:

19 **17-2-103. Arrest of parolee - revocation proceedings.** (4) (a) If,
20 rather than issuing a summons, a community parole officer makes an
21 arrest of a parolee, with or without a warrant, or the parolee is otherwise
22 arrested, the parolee shall be held in a county jail, ~~or a~~ preparole facility
23 or program, OR CORRECTIONAL FACILITY PURSUANT TO SECTION 17-1-168
24 pending action by the community parole officer pursuant to subsection (5)
25 of this section.

26 (12) If the community parole officer is informed by ~~any~~ A law
27 enforcement agency that a parolee has been arrested for a criminal

1 offense and is being detained in ~~the~~ A county jail OR CORRECTIONAL
2 FACILITY, the community parole officer shall file a complaint alleging the
3 criminal offense as a violation of parole. The community parole officer
4 shall advise the board of any pending criminal proceeding and ~~shall~~ MAY
5 request that a parole revocation proceeding be deferred pending a
6 disposition of the criminal charge.

7 **SECTION 4.** In Colorado Revised Statutes, 17-27-105.5, **amend**
8 (5) as follows:

9 **17-27-105.5. Community parole officers - duties - arrest**
10 **powers - definitions.** (5) If a community parole officer makes an arrest
11 of an offender with or without a warrant, or the offender is otherwise
12 arrested, the offender shall be held in a county jail, ~~or~~ program, OR
13 CORRECTIONAL FACILITY PURSUANT TO SECTION 17-1-168 pending action
14 by the community parole officer or the director of the community
15 corrections program.

16 **SECTION 5. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly; except that, if a referendum petition is filed pursuant
20 to section 1 (3) of article V of the state constitution against this act or an
21 item, section, or part of this act within such period, then the act, item,
22 section, or part will not take effect unless approved by the people at the
23 general election to be held in November 2024 and, in such case, will take
24 effect on the date of the official declaration of the vote thereon by the
25 governor.

26 (2) This act applies to persons arrested on or after the applicable
27 effective date of this act.