Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB20-1019 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 4, strike "The" and substitute "NOT MORE THAN SIX HUNDRED AND FIFTY BEDS AT the".

Page 3, line 14, after the period insert "AT THE DISCRETION OF THE EXECUTIVE DIRECTOR, THE DEPARTMENT MAY HOUSE INMATES OF A LOWER THAN CLOSE CUSTODY LEVEL FOR NO LONGER THAN THREE MONTHS FROM THE EFFECTIVE DATE OF THIS SECTION IN ORDER TO FACILITATE THE MOVEMENT OF INMATES DISPLACED AS A RESULT OF PRISON CLOSURE OR IF THE LOWER THAN CLOSE CUSTODY INMATE IS VOLUNTARILY SERVING AS A MENTOR PEER-SUPPORT, OR IN ANOTHER OTHER LEADERSHIP ROLE AS PART OF DEPARTMENTAL PROGRAMMING WITH THE PURPOSE OF PROGRESSING CLOSE CUSTODY INMATES TO LOWER SECURITY LEVELS.".

Page 3, line 14, strike "FOR EACH PRISONER WHO IS HOUSED AT THE".

Page 3, strike lines 15 through 18.

Page 4, after line 23 insert:

"SECTION 2. In Colorado Revised Statutes, 17-1-104.5, amend (2)(b); and repeal (2)(a) as follows:

   17-1-104.5. Incarceration of inmates from other states - private contract prison facilities. (2) No inmate from a state other than
Colorado may be received into the state of Colorado and be housed in a private contract prison facility or a prison facility operated by a political subdivision of the state:

(a) Without the express approval of the executive director, which approval shall not be unreasonably withheld; and

(b) Unless the private contract prison facility or a prison facility operated by a political subdivision is designed to meet or exceed the appropriate security level for the inmate EXECUTIVE DIRECTOR, IN CONSULTATION, WITH THE GOVERNOR DETERMINES THAT EXIGENT CIRCUMSTANCES REQUIRE THAT INMATES BE HOUSED IN A PRIVATE CONTRACT PRISON FACILITY IN ORDER TO PROTECT PUBLIC HEALTH OR SAFETY."

Renumber succeeding sections accordingly.

Page 5, line 19, strike "BY 2025".

Page 5, line 20, after the period, insert "WHILE CONDUCTING THE STUDY, THE DEPARTMENT SHALL SOLICIT INPUT FROM LOCAL COMMUNITIES AND OTHER INTERESTED PARTIES OR ISSUE EXPERTS, INCLUDING BUT NOT LIMITED TO PUBLIC SAFETY, VICTIM'S ADVOCATES, PROSECUTORS, DEFENSE ATTORNEYS, AND COMMUNITY REENTRY PROVIDERS.".

Page 6, strike lines 4 and 5.

Renumber succeeding subparagraphs accordingly.

Page 6, line 9, strike "OFFENDERS," and substitute "OFFENDERS, ALTERNATIVES TO INCARCERATION, AND RECIDIVISM REDUCTION STRATEGIES CONSISTENT WITH PUBLIC SAFETY;".

Page 8, lines 8 and 9, strike "AN EVIDENTIARY HEARING, OR IN THE ALTERNATIVE A NEW SENTENCING HEARING," and substitute "A NEW SENTENCING HEARING".

Page 8, line 14, strike "(1),".

Page 8, line 15, strike "(2), and".

Page 8, strike lines 16 through 24 and substitute:

"18-8-208. Escapes. (11) If a person who is SERVING A DIRECT
SENTENCE TO A".

Page 9, line 1, strike "PAROLE".

Page 9, line 2, after "IS" insert "PARTICIPATING IN A WORK RELEASE OR HOME DETENTION PROGRAM PURSUANT TO SECTION 18-1.3-106 (1.1), INTENSIVE SUPERVISION PROGRAM OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN SECTION 18-8-203 (3), IS HOUSED IN A STAFF SECURE FACILITY AS DEFINED IN SECTION 19-1-103 (101.5), OR IS".

Page 9, strike line 7 and substitute "(1.5); and repeal (6) as follows:".

Page 9, strike lines 8 through 14 and substitute:

"18-8-208.1. Attempt to escape. (1.5) If a person, while in custody or confinement following".

Page 9, line 25, strike "PAROLE".

Page 9, line 26, after "IS" insert "PARTICIPATING IN A WORK RELEASE OR HOME DETENTION PROGRAM PURSUANT TO SECTION 18-1.3-106 (1.1), INTENSIVE SUPERVISION PROGRAM OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN SECTION 18-8-203 (3), IS HOUSED IN A STAFF SECURE FACILITY AS DEFINED IN SECTION 19-1-103 (101.5), OR IS".

Page 10, strike lines 4 through 10 and substitute:

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

Page 10, strike lines 13 through 27 and substitute:

"18-8-208.2. Unauthorized absence. (1) A person who is serving a direct sentence to a community corrections program pursuant to section 18-1.3-301; transitioning from the department of corrections to a community corrections program or placed in an intensive supervision program pursuant to section 17-27.5-101; participating in a work release or home
DETENTION PROGRAM PURSUANT TO 18-1.3-106 (1.1), INTENSIVE
SUPERVISION PROGRAM, OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED
OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN
SECTION 18-8-203 (3); OR IS HOUSED IN A STAFF SECURE FACILITY AS
DEFINED IN SECTION 19-1-103 (101.5) COMMITS THE CRIME OF
UNAUTHORIZED ABSENCE IF THE PERSON KNOWINGLY:

(a) LEAVES OR FAILS TO RETURN TO HIS OR HER RESIDENTIAL OR
FACILITY LOCATION WITHOUT PERMISSION OF THE SUPERVISING AGENCY
AND IN VIOLATION OF THE TERMS AND CONDITIONS OF SUPERVISION; OR
(b) REMOVES OR TAMPERs WITH AN ELECTRONIC MONITORING
DEVICE REQUIRED BY THE SUPERVISING AGENCY TO BE WORN BY THE
PERSON IN ORDER TO MONITOR HIS OR HER LOCATION, WITHOUT
PERMISSION AND WITH THE INTENT TO AVOID ARREST, PROSECUTION,
MONITORING OR OTHER LEGAL PROCESS.

(2) (a) IF A PERSON COMMITS UNAUTHORIZED ABSENCE FOR A
CRIME LISTED IN SECTION 24-4.1-302 (1) OR A CRIME OF VIOLENCE AS
DESCRIBED IN SECTION 18-1.3-406, UNAUTHORIZED ABSENCE IS A CLASS
6 FELONY AND AN ATTEMPT THEREOF IS A CLASS 6 FELONY.
(b) IF A PERSON COMMITS UNAUTHORIZED ABSENCE FOR A CRIME
OTHER THAN THE CRIMES LISTED IN SECTION 24-4.1-302 (1) AND THE
CRIME IS NOT A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406,
UNAUTHORIZED ABSENCE IS A CLASS 3 MISDEMEANOR AND AN ATTEMPT
THEREOF IS A CLASS 3 MISDEMEANOR.
(c) A PERSON WHO KNOWINGLY VIOLATES A PERMANENT OR
TEMPORARY PROTECTION ORDER ISSUED PURSUANT TO SECTION
18-1-1001(1), 13-14-103, 13-14-104.5, OR 13-14-106 DURING THE
COMMISSION OF UNAUTHORIZED ABSENCE COMMITS A CLASS 3 FELONY.

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

Page 11, strike line 1.

Page 11, after line 14 insert:

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

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

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

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

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

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

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

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

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

Renumber succeeding section accordingly.