

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0233.01 Richard Sweetman x4333

SENATE BILL 17-048

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING REQUIRING AN OFFICER TO ARREST AN OFFENDER WHO
102 ESCAPES FROM AN INTENSIVE SUPERVISION PROGRAM IN THE
103 DEPARTMENT OF CORRECTIONS.

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 states that when a peace officer or community parole officer has probable cause to believe that an offender in an intensive supervision program has committed an escape, the officer shall arrest the offender without undue delay. If an arrest is impractical under the circumstances, the officer shall seek a warrant for the offender's arrest.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters 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, **amend** 17-27.5-104
3 as follows:

4 **17-27.5-104. Escape from custody - duties of peace officer or**
5 **community parole officer - definition.** (1) If an offender fails to remain
6 within the extended limits on his confinement as established under the
7 intensive supervision program, or, having been ordered by the parole
8 board, the executive director, or the administrator of the program to return
9 to the correctional institution, neglects or fails to do so, he shall be
10 deemed to have escaped from custody and shall, upon conviction thereof,
11 be punished as provided in section 18-8-208. ~~C.R.S.~~

12 (2) WHEN A PEACE OFFICER OR COMMUNITY PAROLE OFFICER HAS
13 PROBABLE CAUSE TO BELIEVE THAT AN OFFENDER HAS COMMITTED AN
14 ESCAPE, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND SECTION
15 18-8-208, THE OFFICER SHALL ARREST THE OFFENDER WITHOUT UNDUE
16 DELAY; EXCEPT THAT, IF AN ARREST IS IMPRACTICAL UNDER THE
17 CIRCUMSTANCES, THE OFFICER SHALL SEEK A WARRANT FOR THE
18 OFFENDER'S ARREST.

19 (3) SUBSEQUENT TO ANY ARREST PURSUANT TO SUBSECTION (2) OF
20 THIS SECTION, IF A PEACE OFFICER OR COMMUNITY PAROLE OFFICER HAS
21 PROBABLE CAUSE TO BELIEVE THAT A PERSON HAS COMMITTED THE
22 OFFENSE OF ESCAPE UNDER THIS SECTION, THE PEACE OFFICER OR
23 COMMUNITY PAROLE OFFICER SHALL SUBMIT CHARGES TO THE OFFICE OF
24 THE DISTRICT ATTORNEY FOR CONSIDERATION OF FILING PURSUANT TO
25 SECTION 16-5-205.

26 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES, "ESCAPE" INCLUDES BUT IS NOT LIMITED TO THE REMOVAL OF,
2 OR TAMPERING WITH, AN ELECTRONIC MONITORING DEVICE THAT A
3 PAROLEE IS REQUIRED TO WEAR AS A CONDITION OF PAROLE.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2018 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.