



Legislative Council Staff

Research Note

Version: Final

Date: 4/11/2017

Bill Number

Senate Bill 17-048

Sponsors

Senator Cooke
Representative Willett

Short Title

***Require Arrests of Intensive
Supervision Program Escapees
From the Department of
Corrections***

Research Analyst

Conrad Imel (x2756)

Status

This research note reflects the final version of the bill, which becomes effective August 9, 2017, assuming no referendum petition is filed.

Background

State law gives the Department of Corrections (DOC) the authority to establish and directly operate or to contract with local governments to operate an intensive supervision program (ISP) for any offender who has no more than 180 days to his or her parole eligibility date (PED), has met program objectives of a residential community corrections program with no more than 180 days to his or her PED, or has successfully completed a regimented inmate discipline program. State law requires that offenders in ISP receive at least the minimum services consistent with public safety. Sex offenders have a separate ISP program.

Under Section 18-8-208, C.R.S., the level of offense of an escape is determined by the underlying offense or other circumstances. For example, if an offender is in custody for a class 1 or class 2 felony, the escape is a class 2 felony. If an offender is being held for a misdemeanor, petty offense, or violation of municipal ordinance, an escape would be a class 3 misdemeanor.

Senate Action

Senate Judiciary Committee (January 23, 2017). At the hearing, the committee heard testimony in favor of the bill from representatives of the County Sheriffs of Colorado, the Colorado

This research note was prepared by Legislative Council Staff, the nonpartisan research staff for the Colorado General Assembly. The research note is provided for informational purposes only and should not be relied upon as an official record of action by the General Assembly. Legislative Council Staff are not attorneys, and the research note is not a legal opinion. If you have legal questions about the bill, including questions about the meaning of the bill language or amendments, please contact the drafter.

Association of Chiefs of Police, the Colorado District Attorneys' Council, and a private citizen. A representative of the Colorado Criminal Justice Reform Coalition testified in opposition to the bill.

The committee adopted amendments L.002 and L.003, and referred the bill, as amended, to the Senate Committee of the Whole. Amendment L.002 clarifies that knowingly removing or tampering with an electronic monitoring device that is required to be worn qualifies as escaping from custody, clarifies the duties of a parole or peace officer to include such an action as a situation in which the parole or peace officer must detain the escapee, and requires a parole or peace officer to arrest an escapee if the escapee is in the officer's presence. Amendment L.003 clarifies the definition of escape to require knowingly removing or tampering with an electronic monitoring device, and the definition of peace officer to mean an officer certified by the Peace Officer Standards and Training (P.O.S.T.) Board.

Senate second reading (January 30, 2017). The Senate adopted the Senate Judiciary Committee report and Amendment No. 2 (L.007). Amendment No. 2 requires an officer, prior to an arrest, if practicable, to determine that the notification on removal or tampering was not the result of an equipment malfunction. The amendment also adds the definition of "tampering" to the bill, and removes the definition of "escape". The Senate passed the bill, as amended, on second reading.

Senate third reading (February 1, 2017). The Senate passed the bill on third reading with no amendments.

House Action

House Judiciary Committee (March 14, 2017). At the hearing, the committee heard testimony in favor of the bill from representatives of the County Sheriffs of Colorado, the DOC, the Colorado District Attorneys' Council, and a private citizen. The committee referred the bill to the House Committee of the Whole.

House second reading (March 20, 2017). The House passed the bill on second reading with no amendments.

House third reading (March 21, 2017). The House passed the bill on third reading with no amendments.

Relevant Research

Legislative Council Staff, *State Parole Initiatives*, Issue Brief, August 2016: http://leg.colorado.gov/sites/default/files/parole_initiatives_issue_brief_2016.pdf.

Legislative Council Staff, *Background and Purpose of the Intensive Supervision Program*, Memorandum to the Joint Judiciary Committee, September 2013: <http://tinyurl.com/psyjhfl>.