

## CHAPTER 94

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**CORRECTIONS**


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## SENATE BILL 17-048

BY SENATOR(S) Cooke, Baumgardner, Gardner, Holbert, Lambert, Lundberg, Martinez Humenik, Scott, Grantham;  
also REPRESENTATIVE(S) Willett, McKean.

## AN ACT

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

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 17-27.5-104 as follows:

**17-27.5-104. Escape from custody - duties of peace officer or community parole officer - definition.** (1) If an offender fails to remain within the extended limits on his OR HER confinement as established under the intensive supervision program; or, having been ordered by the parole board, the executive director, or the administrator of the program to return to the correctional institution, neglects or fails to do so; OR KNOWINGLY REMOVES OR TAMPERS WITH AN ELECTRONIC MONITORING DEVICE THAT HE OR SHE IS REQUIRED TO WEAR AS A CONDITION OF PAROLE, **he OR SHE shall be deemed to have escaped from custody and shall, upon conviction thereof, be punished as provided in section 18-8-208.** ~~C.R.S.~~

(2) WHEN A PEACE OFFICER OR COMMUNITY PAROLE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT AN OFFENDER HAS COMMITTED AN ESCAPE, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND SECTION 18-8-208, BY KNOWINGLY REMOVING OR TAMPERING WITH AN ELECTRONIC MONITORING DEVICE THAT HE OR SHE IS REQUIRED TO WEAR AS A CONDITION OF PAROLE, THE OFFICER SHALL IMMEDIATELY SEEK A WARRANT FOR THE OFFENDER'S ARREST OR EFFECTUATE AN IMMEDIATE ARREST IF THE OFFENDER IS IN THE PRESENCE OF THE OFFICER. HOWEVER, BEFORE AN OFFICER ARRESTS AN OFFENDER PURSUANT TO THIS SUBSECTION (2), THE OFFICER, IF PRACTICABLE, SHALL DETERMINE THAT THE NOTIFICATION OF REMOVAL OR TAMPERING WAS NOT MERELY THE RESULT OF AN EQUIPMENT MALFUNCTION.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

(a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION 16-2.5-102.

(b) "TAMPERING" HAS THE SAME MEANING AS SET FORTH IN SECTION 17-1-102 (8.5).

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

Approved: April 4, 2017