SENATE BILL 18-274

SENATE SPONSORSHIP
Lambert, Moreno,

HOUSE SPONSORSHIP
Benavidez, Wilson,

Senate Committees
State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

Concerning the implementation of recommendations from prison utilization studies, and, in connection therewith, renaming and repurposing certain correctional facilities and making an appropriation.

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 the general assembly intends that the department of corrections (department) shall close excess facilities, as prioritized by a 2013 prison utilization study, when prison population...
projections indicate excess capacity within correctional facilities.

The bill states that on or before June 30, 2019, and thereafter, the department shall operate the Centennial south campus of the Centennial correctional facility to:

- Administer a diagnostic program;
- Administer a reentry program;
- Provide support and other services to the department; and
- Use the remaining capacity of the campus to house inmates, as appropriate.

Current law prohibits the department from operating the Centennial south campus for the purpose of housing inmates in housing units. The bill removes this prohibition and appropriates money to make physical modifications at the Centennial south campus to comply with legal requirements for housing inmates.

The bill renames the facility formerly referred to as the "Denver reception and diagnostic center" as the "Denver correctional facility" and requires the Denver correctional facility to administer a residential treatment program that provides mental health treatment services to inmates. The department shall also utilize the Denver correctional facility to house inmates with physical, cognitive, and medical conditions that require long-term treatment.

The bill states that on and after July 1, 2019, subject to available appropriations, the Centennial north campus shall serve as a transportation unit for the department and as a support facility for the Centennial correctional facility.

The bill requires the department to include certain information in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" report to the committees of reference through 2023.

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) In the 2012 regular legislative session, the general assembly enacted House Bill 12-1336, which required the office of state planning and budgeting within the governor's office to contract with a vendor for a system-wide analysis of the department of corrections that identifies the most appropriate and cost-effective uses of the available public and
private inmate beds that house the department's jurisdictional population;

(b) In June 2013, a Colorado prison utilization study was completed and delivered to the office of state planning and budgeting; and

(c) In response to this study, the office of state planning and budgeting commissioned a second prison utilization study, which was completed and delivered to the office of state planning and budgeting in February 2016.

(2) The general assembly further finds that each of these studies offered constructive criticism of the department's utilization of prison facilities and included certain recommendations for improving such utilization. Specifically:

(a) (I) The 2013 study identified three tiers of functionality and placed each correctional facility into a tier; and

(II) The third tier of facilities, according to the study, includes seven prison facilities that are "less essential to the core functions of the department", and, accordingly, "in the event of a significant drop in the prison population . . . should receive serious consideration for closure".

(b) (I) The 2016 study made specific recommendations regarding the immediate future of the Centennial south campus of the Centennial correctional facility in Fremont, which was partially opened in 2010 but subsequently closed in 2012, and which remains vacant to this day; and

(II) The recommendations include the relocation of the department's central reception and diagnostic review functions from the Denver regional reception and diagnostic center to the Centennial south campus.

(3) Now, therefore, the general assembly declares that:
(a) On or before June 30, 2019, and thereafter:
   (I) The department shall operate the Centennial south campus of
       the Centennial correctional facility to administer a diagnostic program,
       administer a reentry program, provide support and other services to the
       department, and use the remaining capacity of the campus to house
       inmates, as appropriate;
   (II) The facility formerly referred to as the "Denver reception and
       diagnostic center" shall be renamed and repurposed as the "Denver
       correctional facility"; and
   (III) The department shall utilize the Denver correctional facility
       to house inmates with physical, cognitive, and medical conditions that
       require long-term treatment;
(b) On and after July 1, 2019, subject to available appropriations:
   (I) The Centennial north campus of the Centennial correctional
       facility shall serve as a transportation unit for the department and as a
       support facility for the Centennial south campus; and
   (II) The Denver correctional facility shall administer a residential
       treatment program that provides mental health treatment program that
       provides mental health treatment services to inmates; and
(c) It is the intent of the general assembly that, when prison
    population projections indicate excess capacity, the department shall
    proceed to close excess prisons as prioritized by the 2013 prison
    utilization study.

SECTION 2. In Colorado Revised Statutes, 17-1-104.3, amend
(1)(b.5); and add (6), (7), (8), (9), and (10) as follows:

17-1-104.3. Correctional facilities - locations - security level -
repeal. (1) (b.5) (I) Notwithstanding the provisions of paragraph (b) of
this subsection (1), beginning February 1, 2013, the Centennial south campus of the Centennial correctional facility shall not be operated by the department for the purpose of housing inmates in the housing units but, if necessary, may be maintained to provide support and other services to the Centennial correctional facility. The department shall actively pursue options to sell or lease the Centennial south campus of the Centennial correctional facility, which is also known as Colorado state penitentiary II or CSP II. Any proceeds received as a result of a sale or lease of Centennial south campus of the Centennial correctional facility shall be first applied to the payment of the certificates of participation. On or before June 30, 2019, and thereafter, the department shall operate the Centennial south campus of the Centennial correctional facility to:

(A) Administer a diagnostic program, as described in subsection (6)(a) of this section;

(B) Administer a reentry program, as described in subsection (6)(b) of this section;

(C) Provide support and other services to the department;

and

(D) Use the remaining capacity of the campus to house offenders, as appropriate.

(II) (A) For the 2018-19 fiscal year, the general assembly shall appropriate sufficient money to make physical modifications at the Centennial south campus of the Centennial correctional facility to comply with legal requirements for housing inmates. The department shall use the entire amount of such appropriation to pay for the purposes described in this
SECTION, AS AMENDED, AND FOR NO OTHER PURPOSES.

(B) This subsection (1)(b.5)(II) is repealed, effective July 1, 2019.

(6) (a) On or before June 30, 2019, and thereafter, the Centennial South Campus of the Centennial Correctional facility shall administer a diagnostic program. For those employees of the diagnostic program at the facility formerly known as the "Denver Reception and Diagnostic Center" who do not want to continue their employment at the Centennial South campus of the Centennial Correctional facility, the department shall explore all practicable alternatives to allow such employees to retain their employment with the department without relocating to the Centennial South campus.

(b) (I) On or before June 30, 2019, and thereafter, the Centennial South Campus of the Centennial Correctional facility shall administer a reentry program to provide transitional preparation and support for inmates from throughout the prison system who are approaching the end of their terms of incarceration.

(II) For the purpose of administering the reentry program described in this subsection (6)(b), the department shall:

(A) establish criteria for determining which inmates are eligible for placement in the reentry program;

(B) identify services that inmates in the reentry program require prior to their reentry into the community;

(C) set forth a mission for the reentry program, including descriptions of services that the reentry program will offer and
A CLEAR DESCRIPTION OF THE OBJECTIVES OF THE REENTRY PROGRAM;

AND

(D) ESTABLISH THE FUNCTIONS AND DUTIES OF PAROLE OFFICERS WHO ARE EMPLOYED IN THE REENTRY PROGRAM.

(7) ON AND AFTER JULY 1, 2019, SUBJECT TO AVAILABLE APPROPRIATIONS, THE CENTENNIAL NORTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY SHALL SERVE AS A TRANSPORTATION UNIT FOR THE DEPARTMENT AND AS A SUPPORT FACILITY FOR THE CENTENNIAL CORRECTIONAL FACILITY.

(8) (a) ON OR BEFORE JUNE 30, 2019, AND THEREAFTER, THE FACILITY FORMERLY REFERRED TO AS THE "DENVER RECESSION AND DIAGNOSTIC CENTER" SHALL BE KNOWN AND REFERRED TO AS THE "DENVER CORRECTIONAL FACILITY".

(b) ON AND AFTER JULY 1, 2019, SUBJECT TO AVAILABLE APPROPRIATIONS, THE DENVER CORRECTIONAL FACILITY SHALL ADMINISTER A RESIDENTIAL TREATMENT PROGRAM THAT PROVIDES MENTAL HEALTH TREATMENT SERVICES TO INMATES.

(c) ON OR BEFORE JUNE 30, 2019, AND THEREAFTER, THE DEPARTMENT SHALL UTILIZE THE DENVER CORRECTIONAL FACILITY TO HOUSE INMATES WITH PHYSICAL, COGNITIVE, AND MEDICAL CONDITIONS THAT REQUIRE LONG-TERM TREATMENT.

(9) (a) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE DEPARTMENT SHALL INCLUDE INFORMATION CONCERNING THE EFFECTS OF SENATE BILL 18-274, ENACTED IN THE 2018 REGULAR SESSION OF THE GENERAL ASSEMBLY.

(b) IN REPORTING PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION, THE DEPARTMENT SHALL:
(I) Consider whether Senate Bill 18-274 is resulting in increased violations by parolees;

(II) Describe the workload of parole officers; and

(III) Include any recommendations of the department regarding the implementation of Senate Bill 18-274.

(c) This subsection (9) is repealed, effective July 1, 2023.

(10) It is the intent of the General Assembly that when prison population projections indicate excess capacity within correctional facilities, the department shall proceed to close excess facilities as prioritized by the 2013 prison utilization study, which study was completed for the Office of State Planning and Budgeting in the Governor's Office pursuant to House Bill 12-1336, enacted in 2012.

SECTION 3. In Colorado Revised Statutes, 17-40-101, amend (1.5) as follows:

17-40-101. Definitions. As used in this article 40, unless the context otherwise requires:

(1.5) "Diagnostic center" means the diagnostic center located within the city and county of Denver CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY.

SECTION 4. In Colorado Revised Statutes, 25-1.5-301, amend (2)(a)(VI) as follows:

25-1.5-301. Definitions. As used in this part 3, unless the context otherwise requires:

(2) "Facility" means:

(a) The correctional facilities under the supervision of the executive director of the department of corrections including, but not
limited to:

(VI) The Denver regional diagnostic center LOCATED WITHIN THE CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY provided for in article 40 of title 17; C.R.S.;

SECTION 5. In Colorado Revised Statutes, 24-75-302, amend (2)(dd) and (2)(ee); and add (2)(ff) as follows:

24-75-302. Capital construction fund - capital assessment fees - calculation - information technology capital account. (2) The controller shall transfer a sum as specified in this subsection (2) from the general fund to the capital construction fund as money becomes available in the general fund during the fiscal year beginning on July 1 of the fiscal year in which the transfer is made. Transfers between funds pursuant to this subsection (2) are not appropriations subject to the limitations of section 24-75-201.1. The amounts transferred pursuant to this subsection (2) are as follows:

(dd) On July 1, 2016, twenty million five hundred eighty-six thousand three hundred ninety-eight dollars; and

(ee) On July 1, 2017, sixty-eight million eight hundred forty thousand four hundred forty-six dollars; AND

(ff) ON JULY 1, 2018, ELEVEN MILLION TWO HUNDRED FIFTY-SIX THOUSAND FIFTEEN DOLLARS.

SECTION 6. Capital construction appropriation. (1) For the 2018-19 state fiscal year, $11,256,561 is appropriated to the department of corrections for use by the institutions. This appropriation is from the capital construction fund created in section 24-75-302 (3.7), C.R.S. To implement this act, the department may use this appropriation for capital construction related to changes at the Centennial south campus of the
Centennial correctional facility, the Denver correctional facility, and the Centennial north campus of the Centennial correctional facility. Any money appropriated in this subsection (1) not expended prior to July 1, 2019, is further appropriated to the division for the 2019-20 and 2020-21 state fiscal years for the same purpose.

SECTION 7. Effective date. (1) Except as described in subsection (2) of this section, this act takes effect upon passage. (2) Sections 3 and 4 of this act take effect June 30, 2019.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.