

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0397.01 Jacob Baus x2173

SENATE BILL 22-050

SENATE SPONSORSHIP

Coleman,

HOUSE SPONSORSHIP

Soper and Exum,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING WORK OPPORTUNITIES FOR PERSONS IMPRISONED BY THE**
102 **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 clarifies the opportunities available to offenders imprisoned by the department of corrections (department).

The bill clarifies that the rehabilitation and work opportunities available to offenders are to promote the person's successful rehabilitation, reentry, and reintegration into the community.

The bill clarifies a distinction between external programs, which

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

are administered by the division of correctional industries (division) in partnership with private employers that occur outside of department facilities, and internal programs, which are opportunities provided inside a department facility administered by the division and may be in partnership with employers outside of department facilities.

The bill amends offender compensation and permissible deductions from an offender's account.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, 17-1-103, **amend**
4 (1)(f) as follows:

5 **17-1-103. Duties of the executive director.** (1) The duties of the
6 executive director are:

7 (f) To ~~the extent practical, to~~ develop within the correctional
8 institutions, ~~industries~~ REHABILITATION AND WORK PROGRAMS that
9 develop work skills for inmates and ~~that also will serve the purpose of~~
10 ~~supplying~~ SUPPLY necessary products for state institutions and other
11 public purposes as ~~provided~~ SPECIFIED by law;

12 **SECTION 2.** In Colorado Revised Statutes, **amend** 17-20-115 as
13 follows:

14 **17-20-115. Rehabilitation and work programs for**
15 **rehabilitation, reentry, and reintegration.** All persons convicted of any
16 crime and confined in any state correctional facilities under the laws of
17 this state, except such as are precluded by the terms of the judgment of
18 conviction, shall ~~perform labor~~ PARTICIPATE IN A REHABILITATION AND
19 WORK PROGRAM THAT PROMOTES THE PERSON'S SUCCESSFUL
20 REHABILITATION, REENTRY, AND REINTEGRATION INTO THE COMMUNITY,
21 under such rules and regulations as may be prescribed by the department.

22 **SECTION 3.** In Colorado Revised Statutes, **amend** 17-20-117 as

1 follows:

2 **17-20-117. Inmate rehabilitation and work.** Every able-bodied
3 inmate shall be put to and kept at PARTICIPATE IN the work most suitable
4 to such THE inmate's capacity and most advantageous to the people of this
5 state. ~~Inmates~~ PROMOTES THE INMATE'S SUCCESSFUL REHABILITATION,
6 REENTRY, AND REINTEGRATION INTO THE COMMUNITY. INMATES who
7 work in the department ~~shall not be~~ ARE NOT entitled to any right, benefit,
8 or privilege applicable to employees of the state of Colorado.

9 **SECTION 4.** In Colorado Revised Statutes, **amend** 17-24-102 as
10 follows:

11 **17-24-102. Legislative declaration.** (1) The general assembly
12 hereby finds and declares that, to the extent possible, all able-bodied
13 offenders INMATES should be employed and that the means now provided
14 for the employment of offenders are inadequate to allow a
15 forty-hour-week work assignment for all able-bodied offenders and for
16 correctional industries programs to be operated on a financially profitable
17 basis PARTICIPATE IN PROGRAMS THAT PROMOTE SUCCESSFUL
18 REHABILITATION, REENTRY, AND REINTEGRATION INTO THE COMMUNITY.
19 Therefore, it is the ~~intent of the general assembly in this article to:~~
20 GENERAL ASSEMBLY'S INTENT TO CREATE A DIVISION OF CORRECTIONAL
21 INDUSTRIES TO DEVELOP REHABILITATION AND WORK PROGRAMS INSIDE
22 AND OUTSIDE OF THE DEPARTMENT'S FACILITIES TO PROMOTE INMATES'
23 SUCCESSFUL REHABILITATION, REENTRY, AND REINTEGRATION INTO THE
24 COMMUNITY.

25 (a) ~~Create a division of correctional industries which is~~
26 profit-oriented, which generates revenue for its operations and capital
27 investment, which partly reimburses the general fund for the expense of

1 ~~correctional services, and which assumes responsibility for training~~
2 ~~offenders in general work habits, work skills, and specific training skills~~
3 ~~that increase their employment prospects when released;~~

4 ~~(b) Develop, to the extent possible, industries that provide forty~~
5 ~~hours of work activity each week for all able-bodied offenders;~~

6 ~~(c) Provide an environment for the operation of correctional~~
7 ~~industries that closely resembles the environment for the business~~
8 ~~operations of a private corporate entity;~~

9 ~~(d) Make the division of correctional industries responsible for~~
10 ~~and accountable to the general assembly and to the governor for~~
11 ~~correctional industries programs in this state.~~

12 (2) It is the GENERAL ASSEMBLY'S intent ~~of the general assembly~~
13 that the division of correctional industries ~~assume~~ COLLABORATE WITH
14 THE DEPARTMENT TO PERFORM all duties and functions for correctional
15 industries.

16 **SECTION 5.** In Colorado Revised Statutes, 17-24-103, **amend**
17 the introductory portion and (4); and **add** (5) and (6) as follows:

18 **17-24-103. Definitions.** As used in this ~~article~~ ARTICLE 24, unless
19 the context otherwise requires:

20 (4) ~~"Programs"~~ "EXTERNAL PROGRAM" means ~~the correctional~~
21 ~~industries programs provided and~~ A REHABILITATION AND WORK
22 PROGRAM administered by the division ~~but~~ IN PARTNERSHIP WITH
23 EMPLOYERS OUTSIDE OF DEPARTMENT FACILITIES. "EXTERNAL PROGRAM"
24 does not include educational services or other productive activities
25 administered by the division of adult parole.

26 (5) "INTERNAL PROGRAM" MEANS A REHABILITATION AND WORK
27 PROGRAM THAT IS PROVIDED INSIDE A DEPARTMENT FACILITY, IS

1 ADMINISTERED BY THE DIVISION, AND MAY BE IN PARTNERSHIP WITH
2 EMPLOYERS OUTSIDE OF DEPARTMENT FACILITIES. "INTERNAL PROGRAM"
3 DOES NOT INCLUDE EDUCATIONAL SERVICES OR OTHER PRODUCTIVE
4 ACTIVITIES ADMINISTERED BY THE DIVISION OF ADULT PAROLE.

5 (6) "PROGRAMS" MEANS EXTERNAL PROGRAMS AND INTERNAL
6 PROGRAMS.

7 **SECTION 6.** In Colorado Revised Statutes, 17-24-106, **amend**
8 (1) introductory portion, (1)(b), (1)(d), (1)(e), (1)(f)(I), (1)(p), and (1)(r);
9 and **repeal** (1)(a) and (1)(c) as follows:

10 **17-24-106. General powers of the division.** (1) In addition to
11 any other powers granted to the division by this article 24, the division
12 ~~shall have~~ HAS the following powers:

13 (a) ~~To provide programs which are profit-oriented, which generate~~
14 ~~revenue for their operation and capital investment, and which partly~~
15 ~~reimburse the general fund for the use of inmate labor for the expense of~~
16 ~~adult correctional services;~~

17 (b) ~~To develop to the extent possible, programs that provide forty~~
18 ~~hours of work activity each week for all able-bodied offenders~~ PROMOTE
19 SUCCESSFUL REHABILITATION, REENTRY, AND REINTEGRATION INTO THE
20 COMMUNITY;

21 (c) ~~To develop programs that assume responsibility for training~~
22 ~~offenders in general work habits, general work skills, and specific~~
23 ~~training skills which increase the offenders' employment prospects when~~
24 ~~released;~~

25 (d) To acquire or purchase equipment, raw materials, supplies,
26 office space, insurance, and services and to engage the supervisory
27 personnel necessary to establish and maintain for the ~~state~~ EXTERNAL

1 programs AND INTERNAL PROGRAMS at the state's correctional institutions
2 pursuant to law;

3 (e) To ~~utilize the labor services of prisoners in the manufacture or~~
4 ~~production of~~ PRODUCE goods and services that are needed for the
5 construction, operation, or maintenance of any office, department,
6 institution, or agency supported in whole or in part by the state, any
7 political subdivision of the state, or the federal government;

8 (f) (I) To sell ~~all~~ goods and services, including capital
9 construction items, produced by the INTERNAL programs to agencies
10 supported in whole or in part by the state, any political subdivision of the
11 state, other states or their political subdivisions, or the federal
12 government; ~~or~~ AND

13 (p) To sell Colorado state flags produced by ~~the programs~~ AN
14 INTERNAL PROGRAM to retailers in this state at a price as near to the
15 prevailing wholesale market price and quality as is practical and to
16 individuals at retail price; however, the division must supply the
17 requirements of state agencies and political subdivisions of the state
18 before selling such flags as provided in this ~~paragraph (p)~~ SUBSECTION
19 (1)(p). The price of flags to state agencies and political subdivisions of
20 this state ~~shall~~ MUST be determined pursuant to section 17-24-112.

21 (r) To ~~utilize the labor services of prisoners in order to~~ receive,
22 repair, and distribute surplus property pursuant to the powers and duties
23 provided in part 4 of article 82 of title 24, ~~C.R.S.~~; and to ~~use such labor~~
24 ~~services in order to~~ receive, repair, sell, or otherwise dispose of surplus
25 state property as provided in section 17-24-106.6;

26 ==
27 **SECTION 7.** In Colorado Revised Statutes, 17-24-110, **amend**

1 (1) and (2) as follows:

2 **17-24-110. Financial payment incentives.** (1) The division shall
3 establish a system of financial payments ~~to serve as an incentive for more~~
4 ~~effective and efficient performance of its programs~~ FOR INMATES WHO
5 PARTICIPATE IN INTERNAL PROGRAMS.

6 (2) The ~~division shall be provided, from the~~ diagnostic services
7 unit of the division of adult parole SHALL PROVIDE TO THE DIVISION
8 personnel testing services that perform a vocational assessment of work
9 experience and training needs; ~~from the superintendent of each~~
10 ~~correctional institution, offender labor services;~~ and from the
11 superintendent of each such institution, security services at the work site,
12 in addition to perimeter and scheduled security, when the division and the
13 superintendent determine such additional services are reasonably
14 necessary to ensure the safety of the public, the staff, and the offenders
15 INMATES.

16 **SECTION 8.** In Colorado Revised Statutes, 17-24-112, **amend**
17 (1) as follows:

18 **17-24-112. Pricing.** (1) The division shall fix and determine the
19 prices ~~at which all labor is performed and at which all goods and services~~
20 ~~produced are sold. Such~~ FOR INTERNAL PROGRAM LABOR, GOODS, AND
21 SERVICES. THE prices for industry products ~~shall~~ MUST be as near the
22 prevailing market prices for similar QUALITY goods and services, ~~and~~
23 ~~quality~~ as is practical. ~~Such~~ THE prices, other than prices for agricultural
24 products, ~~shall~~ MUST not exceed the wholesale market prices for like
25 articles and products in the case of sales to the state or its political
26 subdivisions, or the prevailing retail market prices for like articles and
27 products in the case of sales to the general public.

1 **SECTION 9.** In Colorado Revised Statutes, **amend** 17-24-114 as
2 follows:

3 **17-24-114. Provisions for inmates - rules.** (1) The director, IN
4 COLLABORATION WITH THE DEPARTMENT, shall ~~make all~~ DETERMINE
5 offender INMATE work assignments within the division. Each such
6 offender INMATE work assignment shall MUST take into account the
7 diagnostic services unit recommendation of employment training needs
8 of the offender, and INMATE, the security classification of the offender
9 INMATE as determined by the superintendent of each correctional
10 institution, AND THE REHABILITATION, REENTRY, AND REINTEGRATION
11 NEEDS OF THE INMATE.

12 (2) The director shall establish the ~~rate of~~ compensation RATE for
13 the offenders INMATES working ~~The director and the director of the~~
14 ~~division of adult parole shall have the authority to make rules and~~
15 ~~regulations regarding the method and time of compensation payments. A~~
16 ~~portion of such compensation shall be paid to the division of adult parole~~
17 ~~to defray the cost of operations for adult parole, and a portion of such~~
18 ~~compensation shall be paid to each offender in relation to the number of~~
19 ~~hours worked, type of work assignment, and quality of work performed~~
20 ~~IN INTERNAL PROGRAMS. Payment rates shall MUST be established on an~~
21 ~~annual basis after review by the joint budget committee and by~~
22 ~~appropriation of the general assembly. No offender shall be compensated~~
23 ~~if he is placed in administrative or punitive segregation or if he is~~
24 ~~able-bodied but~~ THE DIRECTOR SHALL NOT COMPENSATE AN INMATE IF
25 THE INMATE refuses to participate in an available ~~work~~ REHABILITATION
26 AND WORK program. ~~or other productive activity. The department will~~
27 ~~provide hygienic items to all inmates in administrative or punitive~~

1 segregation.

2 (3) The division of adult parole is empowered to grant earned time
3 allowances consistent with part 4 of article 22.5 of this title in relation to
4 an offender's work performance and evaluation, as recommended by the
5 director.

6 (4) The division has the power to establish rules and regulations
7 governing the employment, conduct, and management of offenders
8 INMATES while assigned to INTERNAL programs. All such rules and
9 regulations pertaining to the payment, employment, conduct, and
10 management of offenders shall INMATES MUST be published and posted
11 for offenders INMATES.

12 **SECTION 10.** In Colorado Revised Statutes, 17-24-122, **amend**
13 (1), (2), (3), (5), and (6); and **repeal** (4) and (8) as follows:

14 **17-24-122. Agreements for the employment of inmates by**
15 **private entities.** (1) The DIVISION, IN COLLABORATION WITH THE
16 department, of corrections, working through the division, is authorized to
17 enter into agreements with private persons or entities for the utilization
18 of inmate labor in the manufacturing, processing, or assembly of
19 components, finished goods, services, or product lines within facilities
20 owned or leased by the department TO PROVIDE EMPLOYMENT
21 OPPORTUNITIES FOR INMATES THROUGH EXTERNAL PROGRAMS. Such
22 agreements ~~shall be~~ ARE subject to the prior review of the attorney
23 general and the correctional industries advisory committee.

24 (2) The DIVISION, IN COLLABORATION WITH THE department, is
25 authorized to enter into agreements subject to state fiscal rules and the
26 prior review of the attorney general ~~which~~ THAT allow for PRIVATE PARTY
27 financing by the private contractor for equipment, raw materials, training

1 of workers, and operation of industries developed pursuant to the
2 provisions of this section. In any such agreement, the department may
3 provide for the recovery of the costs of providing facilities for the private
4 contractor by requiring the payment of rent for such facilities.

5 (3) Agreements entered into pursuant to this section ~~shall~~ MUST
6 provide that any inmate assigned pursuant to section 17-24-114 (1) to
7 ~~work as inmate labor~~ AN EXTERNAL PROGRAM for a private person or
8 entity ~~which~~ THAT made such agreement pursuant to subsection (1) of this
9 section ~~shall be~~ IS an employee of the private person or entity and,
10 notwithstanding section 17-24-114 (2), ~~such inmate shall be paid~~ THE
11 PRIVATE PERSON OR ENTITY SHALL PAY at least the ~~federal~~ STATE
12 minimum wage for the labor performed. Such wages ~~shall~~ MUST be paid
13 to the department of corrections and shall be held in trust for the inmate
14 ~~in a revenue-producing account until the inmate is paroled or discharged~~
15 ~~from custody. The provisions of~~ AN ACCOUNT FOR THE INMATE. Section
16 8-40-301 (3), C.R.S., ~~shall apply~~ APPLIES to any inmate employed by a
17 private person or entity pursuant to this section.

18 (4) ~~Out of the wages held in trust for an inmate pursuant to~~
19 ~~subsection (3) of this section, the department of corrections shall deduct~~
20 ~~up to fifty percent of such wages to be used to defray the costs incident~~
21 ~~to the inmate's confinement.~~

22 (5) Out of the INMATE'S wages, ~~held in trust for an inmate~~
23 ~~pursuant to subsection (3) of this section, and subsequent to the deduction~~
24 ~~made pursuant to subsection (4) of this section, the department of~~
25 ~~corrections~~ shall deduct periodically for the following purposes and in the
26 following order of priority:

27 (a) Compensation of RESTITUTION FOR the victim of the crime

1 committed by the inmate for expenses actually and reasonably incurred
2 as a result of the injury to the person or property of the victim, including
3 medical expenses, loss of earning power, and any other pecuniary loss
4 directly resulting from the injury to the person or property or the death of
5 the victim, which a court of competent jurisdiction determines or has
6 determined to be reasonable and proper;

7 (a.5) Voluntary payment of such amounts to the victims assistance
8 and law enforcement fund established in section 24-33.5-506, C.R.S., as
9 is deemed appropriate by the executive director of the department; ~~of~~
10 ~~corrections~~; AND

11 (b) Payment of such amounts for the support of the inmate's
12 dependents as is deemed appropriate by the executive director of the
13 department, ~~of corrections~~; taking into account any court orders for such
14 support. ~~and~~

15 (c) ~~Payment of incidental expenses of the inmate while the inmate~~
16 ~~is still in custody.~~

17 (6) Any amounts of money ~~which~~ THAT remain in ~~trust for the~~
18 ~~inmate~~ INMATE'S ACCOUNT after the deductions made pursuant to this
19 section ~~shall~~ MUST be paid to the inmate upon parole or discharge from
20 custody. ~~The executive director of the department of corrections shall~~
21 ~~have the discretion to pay to the inmate any amounts of money which~~
22 ~~remain in trust for such inmate in installments over the period of one year~~
23 ~~from the date of parole or discharge.~~ If an inmate dies prior to discharge
24 from custody and the body goes unclaimed for more than five days, the
25 amount remaining in ~~trust~~ THE INMATE'S ACCOUNT may be used to defray
26 any costs incurred by the state of Colorado in connection with the burial
27 of ~~such~~ THE inmate, and any amount remaining after burial costs have

1 been paid or the body has been claimed ~~shall~~ MUST be paid to the inmate's
2 estate.

3 (8) ~~In making offender work assignments pursuant to section~~
4 ~~17-24-114, there shall be a presumption that the most fit and able inmates~~
5 ~~shall be assigned by the director to a work assignment pursuant to this~~
6 ~~section.~~

7 **SECTION 11.** In Colorado Revised Statutes, 17-24-125, **amend**
8 (4)(a) as follows:

9 **17-24-125. Correctional industries at nonstate-owned facilities**
10 - **definitions.** (4) (a) Each nonstate-owned prison facility operating an
11 inmate labor program shall hold wages earned by a ~~state prisoner in trust~~
12 ~~for the prisoner~~ AN INMATE in a revenue-producing account FOR THE
13 INMATE until the ~~prisoner~~ INMATE is paroled or discharged from custody.
14 Out of the wages held ~~in trust for a state prisoner~~ AN INMATE pursuant to
15 the provisions of this ~~paragraph~~ SUBSECTION (4)(a), the nonstate-owned
16 prison facility shall make disbursements pursuant to the provisions of
17 ~~section 17-24-122 (4) and (5). Section 17-24-122 (6) shall also apply to~~
18 ~~any wages held in trust for a state prisoner pursuant to this paragraph (a)~~
19 SECTION 17-24-122 (5) AND (6).

20 **SECTION 12.** In Colorado Revised Statutes, **amend** 17-29-101
21 as follows:

22 **17-29-101. Legislative declaration.** The general assembly ~~hereby~~
23 finds and declares that the people of this state ~~would~~ benefit from a
24 ~~program to reclaim and maintain the land and resources of public entities~~
25 ~~within this state~~ AN INMATE REHABILITATION AND WORK PROGRAM THAT
26 PROMOTES THAT PERSON'S SUCCESSFUL REHABILITATION, REENTRY, AND
27 REINTEGRATION INTO THE COMMUNITY; that the executive director has

1 custody over inmates both male and female, who could be utilized as a
2 labor force in BENEFIT FROM such a program; that such a program would
3 reinforce the rehabilitation of such inmates, PROVIDES work skills and
4 instill INSTILLS a work ethic in the inmates, thereby facilitating their
5 readjustment to society. and that work assignments involving physical
6 labor will assist the executive director and the wardens in the
7 management of correctional facilities under their supervision. To these
8 ends, it is the purpose of this article ARTICLE 29 to create within the
9 department physical labor work programs, including an intensive labor
10 work program for all inmates INTERNAL AND EXTERNAL REHABILITATION
11 AND WORK PROGRAMS FOR INMATES sentenced to the department.
12 including repeat offenders and parole violators as well as those inmates
13 who demonstrate behavior inconsistent with the rules of the department
14 or any of its facilities, which utilize the physical labor of inmates. The
15 executive director or the executive director's designee may appoint
16 facility wardens, responsible for the administration of correctional
17 facilities, to perform the duties and functions set forth in this article
18 ARTICLE 29.

19 **SECTION 13.** In Colorado Revised Statutes, 17-29-105, **amend**
20 (1) introductory portion and (1)(h); and **repeal** (2) as follows:

21 **17-29-105. Minimum security off-grounds work programs -**
22 **authorized.** (1) The executive director, IN COLLABORATION WITH THE
23 DIVISION OF CORRECTIONAL INDUSTRIES, may establish an **off-grounds**
24 EXTERNAL work program for any appropriate MEDIUM, minimum, and
25 minimum-restrictive inmates. The purpose of the program is to provide
26 employment opportunities for such inmates, to reinforce the rehabilitation
27 of such inmates, and to provide inmates with the necessary skills and

1 appropriate work ethics in reentering the work force and their
2 communities. Under the program, inmates may be assigned to appropriate
3 work assignments ~~requested by~~ THROUGH EMPLOYMENT AGREEMENTS
4 WITH any federal, state, or local governmental agency; ~~or~~ nonprofit
5 agency; ~~Appropriate work assignments shall be determined by the~~
6 ~~executive director. Requests from agencies and agency agreements with~~
7 ~~the department shall~~ OR PRIVATE PERSON OR ENTITY. THE EXECUTIVE
8 DIRECTOR SHALL DETERMINE APPROPRIATE WORK ASSIGNMENTS.
9 EMPLOYMENT AGREEMENTS MUST comply with criteria established by the
10 executive director pursuant to section 17-20-115; except that such criteria
11 may include but is not limited to the following requirements:

12

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13 (h) That inmates be ARE compensated AT THE STATE MINIMUM
14 WAGE, in accordance with the provisions of this ~~title~~ TITLE 17, and with
15 the Colorado department of corrections inmate pay regulation ~~including,~~
16 ~~but not limited to,~~ provisions with respect to deductions. ~~and~~
17 ~~reimbursement for care claims.~~

18 (2) ~~No project shall be undertaken or agreement made for any~~
19 ~~project that results in any personal benefit or profit for a private~~
20 ~~individual as opposed to the public.~~

21 **SECTION 14. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.