

CHAPTER 243

**CORRECTIONS**

**HOUSE BILL 95-1352**

BY REPRESENTATIVES Adkins and Prinzler;  
also SENATORS Wham, Dennis, Johnson, Lacy, Matsunaka, Mutzebaugh, Norton, Schroeder, and Tebedo.

**AN ACT**

**CONCERNING MEASURES TO IMPROVE THE SYSTEMS FOR THE CONFINEMENT OF OFFENDERS  
REGARDLESS OF AGE, AND MAKING APPROPRIATIONS THEREFOR.**

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

**SECTION 1.** Article 1 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

**PART 2  
CORRECTIONS PRIVATIZATION -  
REQUESTS FOR PROPOSALS PROCESS**

**17-1-201. Duties of department.** (1) THE DEPARTMENT OF CORRECTIONS SHALL ADOPT RULES AND IMPLEMENT A PROCESS TO ISSUE REQUESTS FOR PROPOSALS FOR THE PRIVATIZATION OF CORRECTIONAL FACILITIES. THE DEPARTMENT SHALL INVITE INNOVATION AND SHALL NOT REQUIRE USE OF PROTOTYPE DESIGNS OF STATE CORRECTIONAL FACILITIES SPECIFIED OR DESIGNED BY OR FOR THE DEPARTMENT OF CORRECTIONS. THE DEPARTMENT OF CORRECTIONS SHALL NOT REQUIRE THE USE OF ANY PROTOTYPE DESIGN THAT PROVIDES A SPECIAL ADVANTAGE TO ANY CONTRACTOR.

(2) NO LATER THAN DECEMBER 1 OF EACH FISCAL YEAR, BEGINNING WITH THE 1996-97 FISCAL YEAR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL SUBMIT A REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE CONCERNING THE STATUS OF CONTRACT NEGOTIATIONS, CONTRACTS IN EFFECT, AND, WITH RESPECT TO COMPLETED FACILITIES, THE EFFECTIVENESS OF EACH PRIVATE CORRECTIONAL FACILITY GOVERNED BY A CONTRACT WITH THE DEPARTMENT. EACH REPORT AFTER THE

---

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

REPORT FOR THE FISCAL YEAR 1999-2000 SHALL INCLUDE A COMPARISON OF RECIDIVISM RATES FOR INMATES OF PRIVATE CORRECTIONAL FACILITIES TO THE RECIDIVISM RATES FOR INMATES OF COMPARABLE FACILITIES MANAGED BY THE DEPARTMENT OF CORRECTIONS.

**17-1-202. Requests for proposals and contract requirements.** (1) BEFORE ENTERING INTO ANY CONTRACT FOR DESIGNING, FINANCING, ACQUIRING, CONSTRUCTING, OR OPERATING OR ANY CONTRACT FOR ANY COMBINATION OF THESE FUNCTIONS, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS. THE DEPARTMENT'S RULES, AT A MINIMUM, SHALL REQUIRE THAT ANY CONTRACT PROPOSED AND AWARDED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS PURSUANT TO THIS PART 2 SHALL BE GOVERNED BY THE FOLLOWING PRINCIPLES:

(a) A CONTRACT SHALL BE NEGOTIATED WITH THE CONTRACTOR FOUND TO BE THE MOST QUALIFIED; EXCEPT THAT A CONTRACT FOR PRIVATE CORRECTIONAL FACILITIES SHALL NOT BE EXECUTED UNLESS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS DETERMINES THAT THE CONTRACTOR HAS DEMONSTRATED COMPLIANCE WITH THE FOLLOWING STANDARDS:

(I) THE QUALIFICATIONS, EXPERIENCE, AND MANAGEMENT PERSONNEL NECESSARY TO CARRY OUT THE TERMS OF THE CONTRACT. IN CONNECTION WITH THIS STANDARD, THE CONTRACTOR SHALL REQUIRE APPLICANTS FOR EMPLOYMENT TO SUBMIT A SET OF FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR A CRIMINAL BACKGROUND CHECK AS PROVIDED IN SECTION 17-1-204.

(II) THE ABILITY TO EXPEDITE THE LOCATION, DESIGN, AND CONSTRUCTION OF A PRIVATE CORRECTIONAL FACILITY; AND

(III) THE ABILITY TO COMPLY WITH APPLICABLE LAWS, COURT ORDERS, AND NATIONAL CORRECTIONAL STANDARDS.

(b) A CONTRACTOR SHALL AGREE TO INDEMNIFY THE STATE AND THE DEPARTMENT OF CORRECTIONS, INCLUDING THEIR OFFICIALS AND AGENTS, AGAINST ANY AND ALL LIABILITY INCLUDING BUT NOT LIMITED TO ANY CIVIL RIGHTS CLAIMS. THE DEPARTMENT OF CORRECTIONS SHALL REQUIRE PROOF OF SATISFACTORY INSURANCE, THE AMOUNT TO BE DETERMINED BY THE DEPARTMENT OF CORRECTIONS FOLLOWING CONSULTATION WITH THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES.

(c) THE CONTRACTOR SHALL SEEK, OBTAIN, AND MAINTAIN ACCREDITATION BY THE ASSOCIATION RESPONSIBLE FOR ADOPTING NATIONAL CORRECTIONAL STANDARDS. IN ADDITION, THE CONTRACTOR SHALL COMPLY WITH THE ASSOCIATION'S AMENDMENTS TO THE ACCREDITATION STANDARDS UPON APPROVAL OF THE AMENDMENTS BY THE DEPARTMENT OF CORRECTIONS.

(d) THE PROPOSED PRIVATE CORRECTIONAL FACILITIES AND THE MANAGEMENT PLANS FOR INMATES SHALL MEET APPLICABLE NATIONAL CORRECTIONAL STANDARDS AND THE REQUIREMENTS OF APPLICABLE COURT ORDERS AND STATE LAW.

(e) THE CONTRACTOR SHALL AGREE TO ABIDE BY OPERATIONS STANDARDS FOR

CORRECTIONAL FACILITIES ADOPTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS.

(f) THE CONTRACTOR SHALL BE RESPONSIBLE FOR A RANGE OF DENTAL, MEDICAL, AND PSYCHOLOGICAL SERVICES AND DIET, EDUCATION, AND WORK PROGRAMS AT LEAST EQUAL TO THOSE SERVICES AND PROGRAMS PROVIDED BY THE DEPARTMENT OF CORRECTIONS AT COMPARABLE STATE CORRECTIONAL FACILITIES. THE WORK AND EDUCATION PROGRAMS SHALL BE DESIGNED TO REDUCE RECIDIVISM.

(g) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL MONITOR THE CONTRACTED PRIVATE CORRECTIONAL FACILITIES. EACH CONTRACTOR SHALL BEAR THE COSTS OF MONITORING THE FACILITIES.

(2) A CONTRACT ENTERED INTO UNDER THIS PART 2 DOES NOT ACCORD THIRD-PARTY BENEFICIARY STATUS TO ANY INMATE OR TO ANY MEMBER OF THE GENERAL PUBLIC.

(3) EACH CONTRACT SHALL INCLUDE ANY OTHER REQUIREMENTS THE DEPARTMENT CONSIDERS NECESSARY AND APPROPRIATE FOR CARRYING OUT THE PURPOSES OF THIS PART 2.

**17-1-203. Powers and duties not delegable to contractor.** (1) A CONTRACT EXECUTED PURSUANT TO THIS PART 2 SHALL NOT BE CONSTRUED AS AUTHORIZING, ALLOWING, OR DELEGATING AUTHORITY TO THE CONTRACTOR TO:

(a) CHOOSE THE CORRECTIONAL FACILITY TO WHICH AN INMATE IS INITIALLY ASSIGNED OR SUBSEQUENTLY TRANSFERRED. THE CONTRACTOR MAY REQUEST, IN WRITING, THAT AN INMATE BE TRANSFERRED TO A FACILITY OPERATED BY THE DEPARTMENT OF CORRECTIONS. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS AND THE CONTRACTOR SHALL DEVELOP AND IMPLEMENT A COOPERATIVE AGREEMENT FOR TRANSFERRING INMATES BETWEEN A CORRECTIONAL FACILITY OPERATED BY THE DEPARTMENT OF CORRECTIONS AND A PRIVATE CORRECTIONAL FACILITY. THE DEPARTMENT OF CORRECTIONS AND THE CONTRACTOR MUST COMPLY WITH THE COOPERATIVE AGREEMENT.

(b) DEVELOP OR ADOPT DISCIPLINARY RULES OR PENALTIES THAT DIFFER FROM THE DISCIPLINARY RULES AND PENALTIES THAT APPLY TO INMATES HOUSED IN CORRECTIONAL FACILITIES OPERATED BY THE DEPARTMENT OF CORRECTIONS;

(c) MAKE A FINAL DETERMINATION ON A DISCIPLINARY ACTION THAT AFFECTS THE LIBERTY OF AN INMATE. THE CONTRACTOR MAY REMOVE AN INMATE FROM THE GENERAL PRISON POPULATION DURING AN EMERGENCY, BEFORE FINAL RESOLUTION OF A DISCIPLINARY HEARING, OR IN RESPONSE TO AN INMATE'S REQUEST FOR ASSIGNED HOUSING IN PROTECTIVE CUSTODY.

(d) MAKE A DECISION THAT AFFECTS THE SENTENCE IMPOSED UPON OR THE TIME SERVED BY AN INMATE, INCLUDING A DECISION TO AWARD, DENY, OR FORFEIT EARNED TIME;

(e) MAKE RECOMMENDATIONS TO THE STATE BOARD OF PAROLE WITH RESPECT TO THE DENIAL OR GRANTING OF PAROLE OR RELEASE; HOWEVER, THE CONTRACTOR MAY

SUBMIT WRITTEN REPORTS TO THE STATE BOARD OF PAROLE AND SHALL RESPOND TO ANY WRITTEN REQUEST BY THE STATE BOARD OF PAROLE FOR INFORMATION;

(f) DEVELOP AND IMPLEMENT REQUIREMENTS THAT INMATES ENGAGE IN ANY TYPE OF WORK, EXCEPT TO THE EXTENT THAT THOSE REQUIREMENTS ARE ACCEPTED BY THE DEPARTMENT;

(g) DETERMINE INMATE ELIGIBILITY FOR ANY FORM OF RELEASE FROM A CORRECTIONAL FACILITY.

**17-1-204. Background checks.** (1) THE COLORADO BUREAU OF INVESTIGATION MAY ACCEPT FINGERPRINTS OF INDIVIDUALS WHO APPLY FOR EMPLOYMENT AT A PRIVATE CORRECTIONAL FACILITY AND WHO SHALL BE SUBJECT TO BACKGROUND CHECKS IN ACCORDANCE WITH SECTION 17-1-202 (1) (a) (I).

(2) FOR THE PURPOSE OF CONDUCTING BACKGROUND CHECKS, TO THE EXTENT PROVIDED FOR BY FEDERAL LAW, THE COLORADO BUREAU OF INVESTIGATION MAY EXCHANGE WITH THE DEPARTMENT STATE, MULTISTATE, AND FEDERAL CRIMINAL HISTORY RECORDS OF INDIVIDUALS WHO APPLY FOR EMPLOYMENT AT A PRIVATE CORRECTIONAL FACILITY.

**17-1-205. Contract termination - control of a correctional facility by the department of corrections.** A CONTRACTOR SHALL SUBMIT A DETAILED PLAN FOR THE DEPARTMENT OF CORRECTIONS TO ASSUME TEMPORARY RESPONSIBILITY FOR A PRIVATE CORRECTIONAL FACILITY WHEN THE CONTRACT BETWEEN THE STATE AND THE CONTRACTOR TERMINATES. THE STATE, THROUGH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, MAY TERMINATE THE CONTRACT FOR CAUSE AFTER WRITTEN NOTICE OF MATERIAL DEFICIENCIES AND AFTER SIXTY WORKDAYS HAVE BEEN PROVIDED TO THE CONTRACTOR TO CORRECT THE MATERIAL DEFICIENCIES. IF ANY EVENT OCCURS INVOLVING THE NONCOMPLIANCE WITH OR VIOLATION OF CONTRACT TERMS AND PRESENTS A SERIOUS THREAT TO THE SAFETY, HEALTH, OR SECURITY OF THE INMATES, EMPLOYEES, OR THE PUBLIC, THE DEPARTMENT OF CORRECTIONS MAY TEMPORARILY ASSUME RESPONSIBILITY FOR THE PRIVATE CORRECTIONAL FACILITY. IN ADDITION, A CONTRACTOR SHALL SUBMIT A PLAN FOR THE TEMPORARY ASSUMPTION OF OPERATIONS AND PURCHASE OF A CORRECTIONAL FACILITY BY THE DEPARTMENT OF CORRECTIONS IN THE EVENT OF BANKRUPTCY OR THE FINANCIAL INSOLVENCY OF THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE AN EMERGENCY PLAN TO ADDRESS INMATE DISTURBANCES, EMPLOYEE WORK STOPPAGES, STRIKES, OR OTHER SERIOUS EVENTS. THE PLAN SHALL COMPLY WITH APPLICABLE NATIONAL CORRECTIONAL STANDARDS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE STATE TO ASSUME THE RESPONSIBILITY FOR THE OPERATION OF PRIVATE CORRECTIONAL FACILITIES AND COSTS ASSOCIATED WITH CONTRACTUAL TERMINATION DESCRIBED IN THIS SECTION. IF THE STATE CHOOSES, IT MAY ASSUME RESPONSIBILITY UPON APPROVAL BY THE GENERAL ASSEMBLY THROUGH THE ENACTMENT OF LEGISLATION.

**17-1-206. Inmates in custody of the department of corrections.** THE PROVISIONS OF SECTION 16-11-308, C.R.S., SHALL APPLY TO INMATES PLACED IN A PRIVATE CORRECTIONAL FACILITY PURSUANT TO THIS PART 2.

**17-1-207. Applicability of part.** THIS PART 2 SHALL NOT APPLY TO THE

CONTRACTS BETWEEN COUNTIES AND THE DEPARTMENT OF CORRECTIONS UNDER WHICH THE COUNTY AGREES TO HOUSE THE BACKLOG OF INMATES AS PROVIDED BY SECTION 16-11-308.5, C.R.S., WHICH CONTRACTS SHALL BE GOVERNED BY SAID SECTION. IN ADDITION, THIS PART 2 SHALL NOT APPLY TO ANY CONTRACT ENTERED INTO BY THE DEPARTMENT UNDER CIRCUMSTANCES WHERE THE CONTRACT HAS BEEN REVIEWED IN ACCORDANCE WITH SECTION 17-1-105 (2).

**SECTION 2.** Part 11 of article 2 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**19-2-1115.5. Facilities for juvenile offenders.** THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL ADOPT RULES AND IMPLEMENT A PROCESS TO ISSUE REQUESTS FOR PROPOSALS WITH RESPECT TO CONTRACTS FOR DESIGNING, FINANCING, ACQUIRING, CONSTRUCTING, AND OPERATING PRIVATE FACILITIES FOR JUVENILE OFFENDERS. THE PROCESS TO ISSUE REQUESTS FOR PROPOSALS AND PRIVATIZATION CONTRACTS SHALL MEET THE REQUIREMENTS SET FORTH IN PART 2 OF ARTICLE 1 OF TITLE 17, C.R.S., WITH RESPECT TO PRIVATE ADULT CORRECTIONAL FACILITIES.

**SECTION 3.** 17-1-105, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-105. Powers of executive director.** (3) THE ENTITY WITH WHICH THE DEPARTMENT ENTERS INTO AN AGREEMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL SUBMIT A DETAILED PLAN FOR THE DEPARTMENT OF CORRECTIONS TO ASSUME RESPONSIBILITY FOR A CORRECTIONAL FACILITY WHEN THE CONTRACT BETWEEN THE STATE AND THE ENTITY TERMINATES. THE STATE, THROUGH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, MAY TERMINATE THE AGREEMENT FOR CAUSE AFTER WRITTEN NOTICE OF MATERIAL DEFICIENCIES AND AFTER SIXTY WORKDAYS HAVE BEEN PROVIDED TO THE ENTITY TO CORRECT THE MATERIAL DEFICIENCIES. IF ANY EVENT OCCURS INVOLVING THE NONCOMPLIANCE WITH OR VIOLATION OF CONTRACT TERMS AND PRESENTS A SERIOUS THREAT TO THE SAFETY, HEALTH, OR SECURITY OF THE INMATES, EMPLOYEES, OR THE PUBLIC, THE DEPARTMENT OF CORRECTIONS MAY TEMPORARILY ASSUME RESPONSIBILITY FOR THE CORRECTIONAL FACILITY. IN ADDITION, THE ENTITY SHALL SUBMIT A PLAN FOR THE TEMPORARY ASSUMPTION OF OPERATIONS OF A CORRECTIONAL FACILITY BY THE DEPARTMENT OF CORRECTIONS IN THE EVENT OF BANKRUPTCY OR THE FINANCIAL INSOLVENCY OF THE ENTITY. THE ENTITY SHALL PROVIDE AN EMERGENCY PLAN TO ADDRESS INMATE DISTURBANCES, EMPLOYEE WORK STOPPAGES, STRIKES, OR OTHER SERIOUS EVENTS. THE PLAN SHALL COMPLY WITH APPLICABLE NATIONAL CORRECTIONAL STANDARDS. THE STATE MAY ASSUME RESPONSIBILITY FOR THE OPERATION OF A FACILITY UPON APPROVAL BY THE GENERAL ASSEMBLY THROUGH THE ENACTMENT OF LEGISLATION.

**SECTION 4.** Part 5 of article 33.5 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-33.5-511. Inmate classification instrument - independent evaluation required.** (1) THE GENERAL ASSEMBLY FINDS THAT THE BASIC STANDARD APPLIED

IN THE PLACEMENT OF INMATES IS THAT INMATE PLACEMENTS SHOULD BE AT THE LOWEST POSSIBLE CUSTODY LEVEL WHILE BALANCING THE SAFETY OF THE GENERAL PUBLIC, THE SAFETY OF STAFF AND OTHER INMATES, AND THE PROGRAMMATIC NEEDS OF THE OFFENDER; THAT THE DEPARTMENT OF CORRECTIONS USES A CLASSIFICATION INSTRUMENT TO DETERMINE INMATE CUSTODY CLASSIFICATION LEVELS; AND THAT THE DEPARTMENT'S PRACTICE OF OVERRIDING ITS INMATE CLASSIFICATION INSTRUMENT AND ITS RELIANCE ON THEORETICAL PERCENTAGES FOR THE DISTRIBUTION OF INMATES IN THE VARIOUS CLASSIFICATIONS RESULTS IN ACTUAL INMATE ASSIGNMENTS THAT DIFFER SIGNIFICANTLY FROM PREDICTION OF BED NEEDS BASED ON THE CLASSIFICATION INSTRUMENT PERCENTAGES. AS A RESULT, THE CLASSIFICATION INSTRUMENT FAILS TO YIELD ACCURATE DISTRIBUTION OF INMATES ACROSS THE VARIOUS CUSTODY LEVELS.

(2) DUE TO THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE DIVISION SHALL CONTRACT WITH AN INDEPENDENT EVALUATOR TO ANALYZE THE DEPARTMENT OF CORRECTION'S INMATE CLASSIFICATION INSTRUMENT AND TO MAKE RECOMMENDATIONS TO THE DEPARTMENT CONCERNING ADJUSTMENTS TO THE INSTRUMENT SO THAT THE INSTRUMENT CAN BE USED TO MAKE MORE APPROPRIATE CUSTODY CLASSIFICATION DISTRIBUTIONS. NO LATER THAN NOVEMBER 1, 1995, THE DIVISION SHALL SUBMIT A REPORT CONTAINING THE EVALUATOR'S FINDINGS AND RECOMMENDATIONS TO THE JOINT BUDGET COMMITTEE, THE CAPITAL DEVELOPMENT COMMITTEE, AND THE JUDICIARY COMMITTEES OF THE GENERAL ASSEMBLY.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1996.

**SECTION 5.** 17-2-201 (3) (c) and (9) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**17-2-201. State board of parole.** (3) The chairperson, in addition to other provisions of law, has the following powers and duties:

(c) (I) TO CONTRACT WITH LICENSED ATTORNEYS TO SERVE AS ADMINISTRATIVE HEARING OFFICERS TO CONDUCT PAROLE REVOCATION HEARINGS PURSUANT TO RULES ADOPTED BY THE PAROLE BOARD; OR

(II) To appoint an administrative law judge pursuant to the provisions of section 24-30-1003, C.R.S., to conduct parole revocation hearings pursuant to the rules and regulations promulgated pursuant to this subsection (3). Any references to the board regarding parole revocation hearings or revocation of parole shall include an administrative law judge appointed pursuant to this paragraph (c).

(9) (b) When a recommendation has been made before the board for revocation or modification of a parole, the final disposition of such application shall be reduced to writing. The parolee shall be advised by the board of the final decision at the conclusion of the hearing or ~~in no event more than~~ WITHIN A PERIOD NOT TO EXCEED five working days following said hearing; HOWEVER, A PAROLEE MAY WAIVE THE FIVE-DAY NOTICE REQUIREMENT. A copy of the final order of the board shall be delivered to the parolee within ten working days after the completion of the hearing.

**SECTION 6.** 17-1-104.3 (3) (a), Colorado Revised Statutes, 1986 Repl. Vol., as enacted by House Bill 95-1087, enacted at the First Regular Session of the Sixtieth

General Assembly, is amended to read:

**17-1-104.3. Correctional facilities - locations - security level.** (3) The department shall use an accounting system that:

(a) With respect to each custody level, assures a complete and separate accounting of the construction and ~~direct~~ operating costs associated with maintaining the population of each level at a correctional facility that maintains mixed custody levels of inmates;

**SECTION 7.** 17-1-104.8, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-1-104.8. Legislative review of facilities program plans for correctional facilities.** (1) When moneys are appropriated by the general assembly for the construction of a new correctional facility or for the construction of an addition to an existing correctional facility, the department may not begin the actual construction of any facility until the facilities program plans have been reviewed by the capital development committee and the joint budget committee of the general assembly, acting as a joint committee. The general assembly may contract with a consultant to provide assistance to the joint committee in the review of facilities program plans submitted by the department. The joint committee's review of facilities program plans for a new correctional facility shall include, but not be limited to, whether the facilities program plans allow for a subsequent addition to the facility and whether the plans meet the security level designation. Within thirty days after the date of receipt of the facilities program plans from the department, the joint committee shall provide the department with comments and suggestions concerning the plans. If the joint committee does not provide the department with comments and suggestions within such thirty-day period, the department may proceed with the actual construction of the correctional facility. The department shall submit monthly reports concerning each construction project until the project is completed. The information to be included in the report shall be determined by the department and the joint committee.

(2) AT THE DEPARTMENT'S REQUEST AND WITH THE CONCURRENCE OF THE JOINT BUDGET COMMITTEE, THE CAPITAL DEVELOPMENT COMMITTEE MAY, AS TO A SPECIFIED PORTION OF A CONSTRUCTION PROJECT, WAIVE THE REQUIREMENT THAT THE DEPARTMENT NOT BEGIN CONSTRUCTION OF ANY FACILITY UNTIL THE FACILITIES PROGRAM PLANS FOR THE FACILITY HAVE BEEN REVIEWED BY THE JOINT COMMITTEE. SUCH WAIVER SHALL NOT CONSTITUTE A WAIVER OF THE JOINT COMMITTEE'S RIGHT TO PROVIDE COMMENTS AND SUGGESTIONS CONCERNING THE SPECIFIED PORTION OF THE PROJECT, EITHER AT THE TIME OF THE WAIVER PURSUANT TO THIS SUBSECTION (2) OR AT THE TIME OF THE REVIEW OF THE ENTIRE PROJECT PURSUANT TO SUBSECTION (1) OF THIS SECTION.

**SECTION 8.** 17-1-104.4 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-1-104.4. Future correctional facility needs.** (3) (a) The general assembly hereby finds and declares that it is in the best interests of the state and the goal and purpose of this subsection (3) to ensure adequate contract administration for the

correctional facility projects authorized by this section and the juvenile ~~detention~~ facility projects authorized in sections 15 (2) and 16 of House Bill 94-1340, AS enacted at the second regular session of the fifty-ninth general assembly AND AS AMENDED BY HOUSE BILL 95-1352, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTIETH GENERAL ASSEMBLY.

(b) Pursuant to the provisions of part 14 of article 30 of title 24, C.R.S., the department of administration shall contract with one or more persons or firms to provide contract administration, oversight of the various contractors, management and coordination services between the various contractors and the department of corrections or between the various contractors and the department of human services, and such other project management services as may be required to accomplish the construction of the correctional facility projects authorized by this section and the juvenile ~~detention~~ facility projects authorized in sections 15 (2) and 16 of House Bill 94-1340, AS enacted at the second regular session of the fifty-ninth general assembly AND AS AMENDED BY HOUSE BILL 95-1352, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTIETH GENERAL ASSEMBLY. The cost for contracting for such persons or firms shall be paid out of the appropriations made by the general assembly for the construction of the correctional facility projects authorized by this section and the juvenile ~~detention~~ facility projects authorized in sections 15 (2) and 16 of House Bill 94-1340, AS enacted at the second regular session of the fifty-ninth general assembly AND AS AMENDED BY HOUSE BILL 95-1352, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTIETH GENERAL ASSEMBLY.

(c) The general assembly further finds and declares that the services provided for in paragraph (b) of this subsection (3) are urgent and temporary in nature, are necessary only to complete the specified correctional facility projects and juvenile ~~detention~~ facility projects, are highly specialized, cannot adequately be met with existing personnel system resources, and shall be discontinued once the projects are complete. The general assembly further finds and declares that these legislative, administrative, and legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the state personnel system. Accordingly, the general assembly hereby specifically authorizes the use of independent contractors under section 24-50-504, C.R.S., to achieve the goals and purposes of this subsection (3).

**SECTION 9.** 27-1-104.5, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**27-1-104.5. Legislative review of facilities program plans for juvenile facilities.** (1) When moneys are appropriated by the general assembly for the construction of a new ~~youth detention~~ JUVENILE facility or the construction of an addition to an existing ~~detention~~ JUVENILE facility, the department may not begin the actual construction of any facility until the facilities program plans have been reviewed by the capital development committee and the joint budget committee of the general assembly, acting as a joint committee. The general assembly may contract with a consultant to provide assistance to the joint committee in the review of facilities program plans submitted by the department. The joint committee's review of facilities program plans for a new ~~detention~~ JUVENILE facility shall include, but not be limited to, whether the facilities program plans allow for a subsequent addition to the facility. Within thirty days after the date of receipt of the facilities program plans



from the department, the joint committee shall provide the department with comments and suggestions concerning the plans. If the joint committee does not provide the department with comments and suggestions within such thirty-day period, the department may proceed with the actual construction of the ~~detention~~ JUVENILE facility. The department shall submit monthly reports concerning each construction project until the project is completed. The information to be included in the report shall be determined by the department and the joint committee.

(2) AT THE DEPARTMENT'S REQUEST AND WITH THE CONCURRENCE OF THE JOINT BUDGET COMMITTEE, THE CAPITAL DEVELOPMENT COMMITTEE MAY, AS TO A SPECIFIED PORTION OF A CONSTRUCTION PROJECT, WAIVE THE REQUIREMENT THAT THE DEPARTMENT NOT BEGIN CONSTRUCTION OF ANY FACILITY UNTIL THE FACILITIES PROGRAM PLANS FOR THE FACILITY HAVE BEEN REVIEWED BY THE JOINT COMMITTEE. SUCH WAIVER SHALL NOT CONSTITUTE A WAIVER OF THE JOINT COMMITTEE'S RIGHT TO PROVIDE COMMENTS AND SUGGESTIONS CONCERNING THE SPECIFIED PORTION OF THE PROJECT, EITHER AT THE TIME OF THE WAIVER PURSUANT TO THIS SUBSECTION (2) OR AT THE TIME OF THE REVIEW OF THE ENTIRE PROJECT PURSUANT TO SUBSECTION (1) OF THIS SECTION.

**SECTION 10.** 2-3-203 (1) (e), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**2-3-203. Powers and duties of the joint budget committee.** (1) The committee has the following power and duties:

(e) Acting as a joint committee with the capital development committee of the general assembly, to review and approve facilities program plans of the department of corrections for correctional facilities pursuant to section 17-1-104.8, C.R.S., and facilities program plans of the department of human services for ~~youth detention~~ JUVENILE facilities pursuant to section 27-1-104.5, C.R.S.

**SECTION 11.** 2-3-1304 (1) (e), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**2-3-1304. Powers and duties of capital development committee.** (1) The capital development committee shall have the following powers and duties:

(e) Acting as a joint committee with the joint budget committee of the general assembly, to review facilities program plans of the department of corrections for correctional facilities pursuant to section 17-1-104.8, C.R.S., and facilities program plans of the department of human services for ~~youth detention~~ JUVENILE facilities pursuant to section 27-1-104.5, C.R.S.

**SECTION 12.** 16-11-213, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**16-11-213. Intensive supervision probation programs - legislative declaration.** (7) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS SUBSECTION (7) TO ADDRESS A PORTION OF THE PROJECTED STATE INMATE BEDSPACE REQUIREMENTS THROUGH EXPANSION OF INTENSIVE SUPERVISION PROBATION PROGRAMS AUTHORIZED BY THIS SECTION.

(b) THE JUDICIAL DEPARTMENT IS DIRECTED TO IMPLEMENT A THREE-PHASE EXPANSION OF INTENSIVE SUPERVISION PROBATION PROGRAMS IN FISCAL YEARS 1995-96 AND 1996-97 TO INCLUDE AN ADDITIONAL SEVEN HUNDRED FIFTY PARTICIPANTS OVER THE NUMBER OF PARTICIPANTS IN SUCH PROGRAMS ON JULY 1, 1995.

**SECTION 13.** 17-27-105 (2) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-27-105. Authority to place offenders in community corrections programs.**

(2) (b) The executive director of the department of corrections ~~may~~ SHALL refer for placement in a community corrections program any offender who is not serving a sentence imposed pursuant to section 16-11-309, C.R.S., and who has displayed acceptable institutional behavior, ~~at any time within~~ sixteen months prior to such offender's parole eligibility date, unless such offender has an active felony warrant or detainer or has refused community placement. The executive director ~~may~~ SHALL refer any other offender who has displayed acceptable institutional behavior to a community corrections program ~~at any time within~~ one hundred eighty days prior to such offender's parole eligibility date, unless such offender has an active felony warrant or detainer or has refused community placement.

**SECTION 14.** 17-27.5-101, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-27.5-101. Authority to establish intensive supervision programs for parolees and community corrections offenders - repeal.**

(1) The department shall have the authority to establish and directly operate an intensive supervision program for any offender not having more than one hundred eighty days remaining until such offender's parole eligibility date. The department shall also be authorized to refer for placement any such offender to an intensive supervision program operated under the jurisdiction of units of local government under contract with the department of public safety. Additionally, the department may refer for placement in such an intensive supervision program any offender who has met program objectives of a residential community corrections program and who has not more than one hundred eighty days remaining until such offender's parole eligibility date. The department of public safety shall have the authority to contract with community corrections programs for intensive supervision services subject to the approval of the affected unit of local government. In contracting for such programs, the department of public safety shall obtain the advice and consent of affected units of local government and shall consider the needs of the department, communities, and offenders for successful reintegration into communities and the appropriate allocation of resources for effective correction of offenders.

(2) THE DEPARTMENT MAY PLACE IN AN INTENSIVE SUPERVISION PROGRAM AUTHORIZED PURSUANT TO SUBSECTION (1) OF THIS SECTION ANY OFFENDER WHO HAS BEEN REFERRED TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 17-27-105 (2) (b) AND APPROVED FOR PLACEMENT IN THE PROGRAM PURSUANT TO SECTION 17-27-103 (5) OR SECTION 17-27-104 (3) IF THE PLACEMENT WILL NOT INCREASE THE OVERALL VACANCY RATE AS OF JUNE 30, 1995, FOR THE COMMUNITY CORRECTIONS PROGRAM.

**SECTION 15.** 17-1-104.4 (2) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 17-1-104.4 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**17-1-104.4. Future correctional facility needs.** (2) To meet the projected correctional facility needs for the next five years:

(b) Subject to the provisions of section 17-1-104.8, the department is directed to commence planning for the construction of ~~an additional~~ A correctional facility AT STERLING: PHASE I, consisting of ~~five hundred~~ SIXTY-FOUR ADMINISTRATIVE SEGREGATION, NINETY-SIX CLOSE, AND SEVEN HUNDRED THIRTY-FOUR medium security beds; AND PHASE II, CONSISTING OF THREE HUNDRED SIXTY-SEVEN MEDIUM AND NINETY-SIX MINIMUM RESTRICTED SECURITY BEDS IN A TOTAL OF EIGHT HUNDRED TWENTY-THREE CELLS.

(4) TO MEET THE STATE'S CORRECTIONAL FACILITY NEEDS, BASED ON THE PROJECTIONS MADE BY THE LEGISLATIVE COUNCIL, FOR THE NEXT FIVE YEARS AND SUBJECT TO THE PROVISIONS OF SECTION 17-1-104.8, THE DEPARTMENT IS DIRECTED TO COMMENCE PLANNING FOR THE FOLLOWING EXPANSIONS OF OR ADDITIONS TO EXISTING CORRECTIONAL FACILITIES:

(a) TWENTY-EIGHT MINIMUM SECURITY BEDS FOR FEMALES AT THE PUEBLO MINIMUM CENTER THROUGH THE ADDITION OF PROGRAM SPACE AT THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO FOR A TOTAL OF ONE HUNDRED FIFTY-SIX BEDS AT THE CENTER;

(b) (I) TWENTY-FOUR MINIMUM RESTRICTED SECURITY BEDS IN TWENTY-FOUR CELLS AT THE ARROWHEAD CORRECTIONAL CENTER THROUGH PHASE I OF THE EXPANSION PROJECT, INVOLVING RENOVATION OF PERSONAL LAUNDRY AREAS; AND

(II) NINETY-SIX MINIMUM RESTRICTED SECURITY BEDS IN FIFTY-ONE CELLS AS AN ADDITION TO THE ARROWHEAD CORRECTIONAL CENTER THROUGH PHASE II OF THE EXPANSION PROJECT FOR A TOTAL OF FOUR HUNDRED EIGHTY-FOUR BEDS AT THE CENTER;

(c) (I) NINETY-SIX MEDIUM SECURITY BEDS AT THE FREMONT CORRECTIONAL FACILITY THROUGH PHASE I OF THE DOUBLE OCCUPANCY CONVERSION AND EXPANSION PROJECT; AND

(II) SIXTY-FOUR ADMINISTRATIVE SEGREGATION, NINETY-SIX CLOSE, AND ONE HUNDRED SEVEN MEDIUM SECURITY BEDS AT THE FREMONT CORRECTIONAL FACILITY THROUGH PHASE II OF THE DOUBLE OCCUPANCY CONVERSION AND EXPANSION PROJECT FOR A TOTAL OF ONE THOUSAND FOUR HUNDRED FORTY-EIGHT BEDS AT THE FACILITY;

(d) NINETY-FOUR MEDIUM SECURITY BEDS AS AN ADDITION TO THE COLORADO TERRITORIAL CORRECTIONAL FACILITY FOR A TOTAL OF SIX HUNDRED EIGHTY-SIX BEDS AT THE FACILITY;

(e) TWO HUNDRED EIGHTY-EIGHT MINIMUM AND MINIMUM RESTRICTED SECURITY BEDS IN ONE HUNDRED FIFTY-THREE CELLS AS AN ADDITION TO THE FOUR MILE

CORRECTIONAL CENTER FOR A TOTAL OF FIVE HUNDRED EIGHTY-EIGHT BEDS AT THE CENTER;

(f) ONE HUNDRED NINETY-TWO MINIMUM RESTRICTED SECURITY BEDS IN ONE HUNDRED TWO CELLS AT THE RIFLE CORRECTIONAL CENTER, TO REPLACE THE EXISTING ONE HUNDRED FIFTY BEDS, FOR A PERMANENT TOTAL CAPACITY OF ONE HUNDRED NINETY-TWO BEDS AT THE CENTER; AND

(g) TWO HUNDRED FIFTY MIXED CUSTODY LEVEL BEDS AS AN ADDITION TO THE MAXIMUM SECURITY SAN CARLOS CORRECTIONAL FACILITY FOR A TOTAL OF FIVE HUNDRED BEDS AT THE FACILITY.

(5) SUBJECT TO THE PROVISIONS OF SECTION 17-1-104.8, THE DEPARTMENT IS DIRECTED TO COMMENCE PLANNING FOR THE CONSTRUCTION OF AN ADDITIONAL CORRECTIONAL FACILITY AT TRINIDAD CONSISTING OF SIXTY-FOUR ADMINISTRATIVE SEGREGATION, NINETY-SIX CLOSE, SEVEN HUNDRED THIRTY-FOUR MEDIUM, AND NINETY-SIX MINIMUM RESTRICTED SECURITY BEDS IN SIX HUNDRED SIXTEEN CELLS; EXCEPT THAT THE DEPARTMENT OF CORRECTIONS MAY MAKE ALTERNATE BED RECOMMENDATIONS BASED ON FUTURE NEEDS.

(6) THE DEPARTMENT IS AUTHORIZED TO PROCEED WITH THE FOLLOWING HEALTH AND LIFE SAFETY PROJECTS:

(a) SMOKE COMPARTMENTALIZATION AND VENTILATION IN UNITS 5, 6, AND 7 AT THE FREMONT CORRECTIONAL FACILITY;

(b) REPLACEMENT OF REMAINING LOCKS AND UPGRADING UNIT CONTROL ROOMS AT THE BUENA VISTA CORRECTIONAL FACILITY;

(c) PROVISION OF FIRE-FIGHTING WATER STORAGE ON SITE AND PROVISION OF AN EIGHT-INCH WATER LOOP AT THE BUENA VISTA CORRECTIONAL FACILITY;

(d) ADDITIONAL EXITS IN THE HOUSING UNITS, INCLUDING RELOCATION OF SHOWERS, AT THE CENTENNIAL CORRECTIONAL CENTER; AND

(e) SMOKE COMPARTMENTALIZATION AND VENTILATION IN THE HOUSING UNITS AT CENTENNIAL CORRECTIONAL FACILITY.

(7) THE NUMBERS OF BEDS AT EACH CUSTODY LEVEL AS SET FORTH IN THIS SECTION ARE TO BE USED IN THE CONSTRUCTION AND OPERATION OF THE SPECIFIED CORRECTIONAL FACILITIES. FOR CONSTRUCTION AND OPERATION PURPOSES, THE DEPARTMENT MAY VARY THE CUSTODY LEVEL OF NO MORE THAN FIVE PERCENT OF THE BEDS AT ANY FACILITY DESCRIBED IN THIS SECTION.

**SECTION 16.** 24-75-302 (2) (g) and (2) (h), Colorado Revised Statutes, 1988 Repl. Vol., as amended by House Bill 95-1174, enacted at the First Regular Session of the Sixtieth General Assembly, are amended to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.**

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 1998, a sum as specified in this subsection (2) shall accrue to the capital construction fund.

The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(g) On July 1, 1994, one hundred nine million six hundred seventy-seven thousand eight hundred fifty dollars PLUS TEN MILLION SIX HUNDRED THIRTEEN THOUSAND THREE HUNDRED TEN DOLLARS PURSUANT TO H.B. 95-1352, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTIETH GENERAL ASSEMBLY;

(h) On July 1, 1995, one hundred twenty-five million dollars with seventy-five million dollars of such amount to be available for appropriation only for state highway reconstruction, repair, and maintenance projects, PLUSTWENTY-SIX MILLION NINE HUNDRED NINETY-FOUR THOUSAND FIVE HUNDRED THIRTY-SIX DOLLARS PURSUANT TO H.B. 95-1352, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTIETH GENERAL ASSEMBLY;

**SECTION 17.** 16-11-101 (1) (b.5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 16-11-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**16-11-101. Alternatives in sentencing.** (1) Within the limitations of the penalties provided by the classification of the offense of which a person is found guilty, and subject to the provisions of this title, the trial court has the following alternatives in entering judgment imposing a sentence:

(b.5) (I) EXCEPT AS OTHERWISE PROVIDED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (b.5), any defendant who, in the determination of the court, is a candidate for an alternative sentencing option and who would otherwise be sentenced to imprisonment pursuant to paragraph (b) of this subsection (1) may, as an alternative, be sentenced to a specialized restitution and community service program adopted pursuant to article 27.9 of title 17, C.R.S., if such defendant is determined eligible and is accepted into such program.

(II) (A) THE COURT SHALL CONSIDER AND MAY SENTENCE ANY DEFENDANT WHO IS A NONVIOLENT OFFENDER AS DEFINED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II) PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(B) AS USED IN THIS SECTION, "NONVIOLENT OFFENDER" MEANS A PERSON CONVICTED OF A FELONY OTHER THAN A CRIME OF VIOLENCE AS DEFINED IN SECTION 16-11-309 (2), ONE OF THE FELONIES SET FORTH IN SECTION 18-3-104, 18-4-203, 18-4-301, OR 18-4-401 (2) (c), (2) (d), OR (5), C.R.S., OR A FELONY OFFENSE COMMITTED AGAINST A CHILD AS SET FORTH IN ARTICLES 3, 6, AND 7 OF TITLE 18, C.R.S., AND WHO IS NOT SUBJECT TO THE PROVISIONS OF SECTION 16-13-101.

(2) (a) THE SENTENCING COURT SHALL CONSIDER THE FOLLOWING FACTORS IN SENTENCING NONVIOLENT OFFENDERS:

(I) THE NATURE AND CHARACTER OF THE OFFENSE;

(II) THE CHARACTER AND RECORD OF THE NONVIOLENT OFFENDER, INCLUDING WHETHER THE OFFENDER IS A FIRST-TIME OFFENDER;

(III) THE OFFENDER'S EMPLOYMENT HISTORY;

(IV) THE POTENTIAL REHABILITATIVE VALUE OF THE SENTENCING ALTERNATIVES AVAILABLE TO THE COURT;

(V) ANY POTENTIAL IMPACT ON THE SAFETY OF THE VICTIM, THE VICTIM'S FAMILY, AND THE GENERAL PUBLIC BASED UPON SENTENCING ALTERNATIVES AVAILABLE TO THE COURT; AND

(VI) THE OFFENDER'S ABILITY TO PAY RESTITUTION TO THE VICTIM OR THE VICTIM'S FAMILY BASED UPON THE SENTENCING ALTERNATIVES AVAILABLE TO THE COURT.

(b) A NONVIOLENT OFFENDER MAY BE GRANTED PROBATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND, AS A CONDITION OF PROBATION, BE REQUIRED TO PARTICIPATE IN AN INTENSIVE SUPERVISION PROGRAM PURSUANT TO SECTION 16-11-213.

(c) THE COURT SHALL CONSIDER AND MAY SENTENCE A NONVIOLENT OFFENDER TO ANY ONE OR ANY COMBINATION OF THE SENTENCES DESCRIBED IN THIS PARAGRAPH (c) IF, UPON CONSIDERATION OF THE FACTORS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE COURT DOES NOT GRANT PROBATION PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) OR DOES NOT SENTENCE THE OFFENDER TO THE DEPARTMENT OF CORRECTIONS AS PROVIDED UNDER PARAGRAPH (d) OF THIS SUBSECTION (2):

(I) A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO ARTICLE 27 OF TITLE 17, C.R.S.;

(II) A HOME DETENTION PROGRAM PURSUANT TO ARTICLE 27.8 OF TITLE 17, C.R.S.;  
OR

(III) A SPECIALIZED RESTITUTION AND COMMUNITY SERVICE PROGRAM ADOPTED PURSUANT TO ARTICLE 27.9 OF TITLE 17, C.R.S.

(d) NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED AS PROHIBITING A COURT FROM EXERCISING ITS DISCRETION IN SENTENCING A NONVIOLENT OFFENDER TO THE DEPARTMENT OF CORRECTIONS BASED UPON, BUT NOT LIMITED TO, ANY ONE OR MORE FACTORS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

**SECTION 18.** 16-11-201 (1) and (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**16-11-201. Application for probation.** (1) (a) A person who has been convicted of an offense, other than a class 1 felony or a class 2 petty offense, is eligible to apply to the court for probation.

(b) A NONVIOLENT OFFENDER AS DEFINED IN SECTION 16-11-101 (1) (b.5) (II) (B) IS ELIGIBLE TO APPLY TO THE COURT FOR PROBATION.

(4) (a) (I) The restrictions upon eligibility for probation in subsection (2) of this section may be waived by the sentencing court regarding a particular defendant upon recommendation of the district attorney ~~and approval of such recommendation~~ APPROVED by an order of the sentencing court.

(II) THE RESTRICTIONS UPON ELIGIBILITY FOR PROBATION IN SUBSECTION (2) OF THIS SECTION MAY BE WAIVED UPON A RECOMMENDATION OF THE DISTRICT ATTORNEY APPROVED BY AN ORDER OF THE SENTENCING COURT AFTER A SHOWING THAT THE DEFENDANT IS A NONVIOLENT OFFENDER, AS DEFINED IN SECTION 16-11-101 (1) (b.5) (II) (B), AND THAT ANY PRIOR FELONY CONVICTION FOR THE DEFENDANT WAS NOT FOR A CRIME OF VIOLENCE, AS DEFINED IN SECTION 16-11-309 (2), ONE OF THE FELONIES SET FORTH IN SECTION 18-3-104, 18-4-203, 18-4-301, OR 18-4-401 (2) (c), (2) (d), OR (5), C.R.S., OR A FELONY OFFENSE COMMITTED AGAINST A CHILD AS SET FORTH IN ARTICLES 3, 6, AND 7 OF TITLE 18, C.R.S., OR UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT, IF COMMITTED IN THIS STATE, WOULD BE A CRIME OF VIOLENCE, MANSLAUGHTER, SECOND DEGREE BURGLARY, ROBBERY, THEFT OF PROPERTY WORTH FOUR HUNDRED DOLLARS OR MORE, THEFT FROM THE PERSON OF ANOTHER BY MEANS OTHER THAN THE USE OF FORCE, THREAT, OR INTIMIDATION, OR A FELONY OFFENSE COMMITTED AGAINST A CHILD.

(b) Upon entry of an order pursuant to this subsection (4) regarding a particular defendant, such defendant shall be deemed to be eligible to apply to the court for probation pursuant to this section.

**SECTION 19.** 17-2-402 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-2-402. Authority of the department to operate or to contract for preparole facilities and programs.** (3) The executive director is hereby authorized to enter into a contract or contracts, after a competitive process pursuant to subsection (1) of this section, for up to three hundred eighty-six beds in preparole facilities or programs; ~~at not more than an amount per day per bed established annually by the general assembly in the annual general appropriation act;~~ EXCEPT THAT THE CONTRACT SHALL BE SUBJECT TO ANNUAL REVIEW AND ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. Such facilities and programs shall be contracted for and utilized as soon as possible after May 9, 1994.

**SECTION 20.** 17-25-102, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-25-102. Minimum security facility - limitations.** Except for correctional facilities located in Fremont county and Delta county, a permanent minimum security facility existing on July 14, 1989, including the Rifle correctional center and the Colorado correctional center, shall not exceed a capacity of one hundred ~~fifty~~ NINETY-TWO inmates.

**SECTION 21. Appropriation for the 1994-95 fiscal year.** (1) In addition to any other appropriation made for the current fiscal year, there is hereby appropriated, out of any moneys in the corrections expansion reserve fund created in section 17-1-116, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, the sum of one hundred seventy-one thousand dollars (\$171,000), or

so much thereof as may be necessary, for replacing elements of the cellhouse door locking systems at the Buena Vista correctional facility.

(2) In addition to any other appropriation made for the current fiscal year, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the capital construction fund created in section 24-75-302, Colorado Revised Statutes, the sum of nineteen million two hundred thirty-eight thousand seven hundred twenty-four dollars (\$19,238,724).

(3) In addition to any other appropriation made for the current fiscal year, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, the sum of \_\_\_ dollars (\$ ), or so much thereof as may be necessary, to pay the costs which are in excess of the appropriation from the capital construction fund made in section 15 (1) (b) of chapter 191, Session Laws of Colorado 1994, Second Regular Session, for:

(a) Two hundred eighty-eight minimum and minimum restricted security beds at the Four Mile correctional center as authorized by section 17-1-104.4 (4) (e), Colorado Revised Statutes, of which ten million thirty-one thousand three hundred twenty-eight dollars (\$10,031,328) shall be for new bed construction;

(b) Twenty-eight minimum security beds at the Pueblo minimum center as authorized by section 17-1-104.4 (4) (a), Colorado Revised Statutes, of which six hundred forty-one thousand eighty-eight dollars (\$641,088) shall be for new bed construction;

(c) Twenty-four minimum restricted security beds at the Arrowhead correctional center as authorized by section 17-1-104.4 (4) (b) (I), Colorado Revised Statutes, of which two hundred ten thousand dollars (\$210,000) shall be for new bed construction;

(d) Ninety-six minimum restricted security beds at the Arrowhead correctional center as authorized by section 17-1-104.4 (4) (b) (II), Colorado Revised Statutes, of which an estimated two million two hundred seventy-two thousand two hundred sixty dollars (\$2,272,260) shall be for new bed construction and one hundred fourteen thousand two hundred dollars (\$114,200) shall be for addressing existing infrastructure deficiencies at the center; and

(e) One hundred seven medium, ninety-six close, and sixty-four administrative segregation beds at the Fremont correctional facility as authorized by section 17-1-104.4 (4) (c) (II), Colorado Revised Statutes, of which an estimated ten million ninety-nine thousand one hundred twelve dollars (\$10,099,112) shall be for new bed construction and three million seven hundred thirty-five thousand two hundred eighty-eight dollars (\$3,735,288) shall be for addressing existing infrastructure deficiencies at the facility.

(4) In addition to any other appropriation made for the current fiscal year, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, the following amounts:



(a) Ten thousand eight dollars (\$10,008), or so much thereof as may be necessary, for replacing elements of the cellhouse door locking systems at the Buena Vista correctional facility;

(b) Nine million four hundred thousand dollars (\$9,400,000), or so much thereof as may be necessary, for ninety-six medium security beds at the Fremont correctional facility as authorized by section 17-1-104.4 (4) (c) (I), Colorado Revised Statutes, of which an estimated six million eight hundred sixty-two thousand dollars (\$6,862,000) shall be for new bed construction and two million five hundred thirty-eight thousand dollars (\$2,538,000) shall be for addressing existing infrastructure deficiencies at the facility;

(c) Four million five hundred eighty-four thousand three hundred dollars (\$4,584,300), or so much thereof as may be necessary, for ninety-four medium security beds at the Colorado Territorial correctional facility as authorized by section 17-1-104.4 (4) (d), Colorado Revised Statutes, of which an estimated two million five hundred eighty-two thousand nine hundred eighty-five dollars (\$2,582,985) shall be for new bed construction and two million one thousand three hundred fifteen dollars (\$2,001,315) shall be for addressing existing infrastructure deficiencies at the facility.

**SECTION 22. Appropriation for 1995-96 fiscal year - appropriations in long bill to be adjusted.** (1) In addition to any other appropriation, for the fiscal year beginning July 1, 1995, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the capital construction fund created in section 24-75-302, Colorado Revised Statutes, the sum of thirty-eight million six hundred ninety thousand eighty-one dollars (\$38,690,081).

(2) For the fiscal year beginning July 1, 1995, there is hereby appropriated to the department of corrections, the sum of two million four hundred thousand dollars (\$2,400,000), or so much thereof as may be necessary, to commence planning for the Trinidad correctional facility as authorized by section 17-1-104.4 (5), Colorado Revised Statutes. Of said sum, two million three hundred forty-three thousand dollars (\$2,343,000) shall be out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, and fifty-seven thousand dollars (\$57,000) shall be out of any moneys in the corrections expansion reserve fund created in section 17-1-116, Colorado Revised Statutes, not otherwise appropriated.

(3) For the fiscal year beginning July 1, 1995, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, five million five hundred forty-one thousand two hundred fifty dollars (\$5,541,250), or so much thereof as may be necessary, for the health and life safety projects authorized by section 17-1-104.4 (6), Colorado Revised Statutes.

(4) For the fiscal year beginning July 1, 1995, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, the sum of forty million four hundred twenty-seven thousand one hundred nineteen dollars (\$40,427,119), or so much thereof as may be necessary, to pay the costs that

are in excess of the appropriation from the capital construction fund made in section 15 (1) (a) of chapter 191, Session Laws of Colorado 1994, Second Regular Session, for the purpose of constructing seven hundred thirty-four medium, ninety-six close, and sixty-four administrative segregation beds at the correctional facility at Sterling as authorized by section 17-1-104.4 (2) (b), Colorado Revised Statutes.

(5) For the fiscal year beginning July 1, 1995, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, the sum of six million eight hundred thousand dollars (\$6,800,000), or so much thereof as may be necessary, for one hundred ninety-two minimum restricted security beds at the Rifle correctional center as authorized by section 17-1-104.4 (4) (f), Colorado Revised Statutes, and for the remediation of certain existing infrastructure deficiencies at the center.

(6) For the fiscal year beginning July 1, 1995, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections:

(a) For allocation to administration and consolidated services, the sum of two hundred thirty-four thousand nine hundred sixty-one dollars (\$234,961) and 6.6 FTE, or so much thereof as may be necessary, of which eighty-seven thousand

four hundred fifteen dollars (\$87,415) and 2.0 FTE shall be for construction management;

(b) For allocation to maximum and medium security facilities, the sum of three million six thousand one hundred sixty-two dollars (\$3,006,162) and 50.5 FTE, or so much thereof as may be necessary, for operating expenses resulting from additional beds authorized by this act;

(c) For allocation to minimum security facilities, the sum of one million one hundred fifty-six thousand one hundred twenty-four dollars (\$1,156,124) and 18.0 FTE, or so much thereof as may be necessary, for operating expenses resulting from additional beds authorized by this act; and

(d) For allocation to community supervision, the sum of two hundred fifty-one thousand one hundred seventy-five dollars (\$251,175) and 6.1 FTE, or so much thereof as may be necessary, for operating expenses resulting from the expansion authorized by this act.

(7) For the fiscal year beginning July 1, 1995, there is hereby appropriated, from cash funds consisting of sales revenues of the canteen operation, to the department of corrections, for allocation to canteen operation, the sum of one hundred eighty-five thousand nine hundred thirteen dollars (\$185,913) and 0.5 FTE, or so much thereof as may be necessary, for operating expenses resulting from the additional beds authorized by this act.

(8) For the fiscal year beginning July 1, 1995, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for allocation to probation and related services, the sum of one million two hundred

twenty-seven thousand six hundred fifty-one dollars (\$1,227,651) and 25.2 FTE, or so much thereof as may be necessary, for Phase I and II of the expansion of intensive supervision probation programs as authorized by section 16-11-213 (7), Colorado Revised Statutes.

(9) For the fiscal year beginning July 1, 1995, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the general assembly, for allocation to the legislative council, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, to pay the costs of contracting for the services of a consultant to assist the capital development committee and the joint budget committee in the performance of their functions pursuant to sections 17-1-104.8 and 27-1-104.5, Colorado Revised Statutes.

(10) For the fiscal year beginning July 1, 1995, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety for allocation to the division of criminal justice, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, to pay the costs of contracting for the services of an independent evaluator to perform a review of the department of corrections' classification instrument pursuant to section 24-33.5-511, Colorado Revised Statutes.

(11) For the implementation of this act, appropriations made in the annual general appropriations act to the department of corrections for the fiscal year beginning July 1, 1995, shall be adjusted as follows: The appropriation for administration and consolidated services, payments to local jails, is decreased by six million nine hundred eighty-seven thousand six hundred thirty-five dollars (\$6,987,635).

**SECTION 23. Legislative declaration.** (1) The general assembly hereby finds and declares that construction of the correctional facility authorized by section 17-1-104.4 (2) (b), Colorado Revised Statutes, is anticipated to require an appropriation of twenty-six million seven hundred eighty thousand dollars (\$26,780,000) in fiscal year 1996-97.

(2) The general assembly further finds and declares that the construction of the additional beds authorized by section 17-1-104.4 (4) (g), Colorado Revised Statutes, is anticipated to require an appropriation of twenty-seven million one hundred ninety-three thousand five hundred dollars (\$27,193,500) in fiscal year 1997-98.

(3) The general assembly further finds and declares that Phase III of the expansion of intensive supervision probation programs as authorized by section 16-11-213 (7), Colorado Revised Statutes, is anticipated to require an appropriation of seven hundred eighty-seven thousand seventy-two dollars (\$787,072) and 16.8 FTE in fiscal year 1996-97. It is the intent of the general assembly to make the appropriation, or so much thereof as may be necessary, described in this subsection (3).

(4) If the planning for the additional correctional facility authorized by section 17-1-104.4 (2) (b), Colorado Revised Statutes, and the additional beds authorized by section 17-1-104.4 (4) (g), Colorado Revised Statutes, meets the conditions specified in said sections and the program plans for the projects are approved pursuant to section 17-1-104.8, Colorado Revised Statutes, it is the intent of the general assembly

to make the appropriations, or so much thereof as may be necessary, described in subsections (1) and (2) of this section.

**SECTION 24. Designation of correctional facility.** It is the general assembly's intent to amend its designation of sites and security levels for the construction of additional correctional facilities as set forth in section 2 of chapter 120, Session Laws of Colorado 1990, Second Regular Session, by specifying that the first appropriation made after the effective date of this bill for the construction of a new correctional facility and approved in accordance with section 17-1-104.8, Colorado Revised Statutes, regardless of the security level for the facility, shall be approved for construction at Trinidad.

**SECTION 25.** Section 15 (1) (b) and (2) of chapter 191, Session Laws of Colorado 1994, are amended to read:

**SECTION 15. Appropriation for the 1994-95 fiscal year - adjustment in 1994 long bill.** (1) For the fiscal year beginning July 1, 1994, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, the following amounts:

(b) Twenty-four million dollars (\$24,000,000), or so much thereof as may be necessary, for the construction of additional minimum security beds as authorized by section 17-1-104.4 (2) (c) (IV), Colorado Revised Statutes, AND FOR THE CONSTRUCTION OF ADDITIONAL BEDS AS AUTHORIZED BY SECTION 17-1-104.4 (4) (c) (II), COLORADO REVISED STATUTES.

(2) (a) For the fiscal year beginning July 1, 1994, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of ~~institutions~~ HUMAN SERVICES, for allocation to the division of youth services, ~~seven million nine hundred eighty-seven thousand nine hundred eighty-four dollars (\$7,987,984)~~ FOURTEEN MILLION SIX HUNDRED TWELVE THOUSAND SEVEN HUNDRED THIRTY-FOUR DOLLARS (\$14,612,734) to be allocated as follows:

(I) ~~Five million nine hundred sixty-seven thousand nine hundred eighty-four dollars (\$5,967,984)~~ ELEVEN MILLION NINETY-TWO THOUSAND SEVEN HUNDRED THIRTY-FOUR DOLLARS (\$11,092,734), or so much thereof as may be necessary, for the construction of ~~forty-eight~~ SIXTY juvenile detention beds AND FORTY JUVENILE COMMITMENT BEDS at a facility to be located in El Paso county, WITH SEVEN MILLION FIFTY-ONE THOUSAND NINE HUNDRED EIGHTY-FOUR DOLLARS (\$7,051,984) OF SUCH AMOUNT ALLOCATED FOR DETENTION BEDS AND THE REMAINING FOUR MILLION FORTY THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$4,040,750) ALLOCATED FOR COMMITMENT BEDS.

(II) ~~One million dollars (\$1,000,000)~~ TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000), or so much thereof as may be necessary, for the construction of ten juvenile detention beds AND TWENTY JUVENILE COMMITMENT BEDS as an addition to the Grand Mesa Youth Services Center in Grand Junction, WITH ONE MILLION DOLLARS (\$1,000,000) OF SUCH AMOUNT ALLOCATED FOR DETENTION BEDS AND THE REMAINING ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000)

## ALLOCATED FOR COMMITMENT BEDS.

(III) One million twenty thousand dollars (\$1,020,000), or so much thereof as may be necessary, for the construction of twelve juvenile detention beds as an addition to the Pueblo Youth Services Center in Pueblo.

(b) Notwithstanding the dollar amounts allocated in paragraph (a) of this subsection (2) for specified juvenile detention facilities, it is the intent of the general assembly that the cost per juvenile detention bed AND JUVENILE COMMITMENT BED allowed by such dollar amounts is to be considered an estimate of the cost per bed and that the department OF HUMAN SERVICES should contract for the construction of beds at a cost per bed which is as much below this estimate as reasonably possible. If the dollar amount allocated for a specified ~~detention~~ JUVENILE facility exceeds the actual construction cost for such facility, the department of ~~institutions~~ HUMAN SERVICES, with the approval of the capital development committee, may use the excess dollars to pay for the construction costs at one or both of the other juvenile ~~detention~~ facilities so long as the dollars are used only for the construction of the beds authorized by this subsection (2) and the total construction cost of the three facilities remains within the total appropriation made pursuant to this subsection (2). Any dollars not expended pursuant to this subsection (2) shall revert to the capital construction fund.

**SECTION 26.** Section 16 (1) and (2) of chapter 191, Session Laws of Colorado 1994, are amended to read:

**SECTION 16. Authorization for construction of facilities by division of youth services in the department of human services - additional appropriations for 1993-94 and 1994-95 fiscal years.** (1) (a) As required by section 13 of chapter 1, Session Laws of Colorado 1993, First Extraordinary Session, the general assembly hereby approves the construction by the division of youth services in the department of ~~institutions~~ HUMAN SERVICES of one hundred eight juvenile detention beds at a facility to be located in Arapahoe county at a cost of ~~ten million four hundred seventy-six thousand dollars (\$10,476,000)~~ TEN MILLION SEVEN HUNDRED FORTY-SIX THOUSAND DOLLARS (\$10,746,000), sixty juvenile detention beds at a facility to be located in the city and county of Denver at a cost of ~~six million seven hundred forty-three thousand dollars (\$6,743,000)~~ SIX MILLION EIGHT HUNDRED NINE THOUSAND FOUR HUNDRED DOLLARS (\$6,809,400), and sixty juvenile detention beds AND SIXTY JUVENILE COMMITMENT BEDS at one or more facilities to be located in the northeast area of the state at a cost of ~~six million seven hundred forty-three thousand dollars (\$6,743,000)~~ TWELVE MILLION FOUR HUNDRED THIRTY-SIX THOUSAND THREE HUNDRED DOLLARS (\$12,436,300), WITH SIX MILLION NINE HUNDRED TWENTY-FIVE THOUSAND SIX HUNDRED DOLLARS (\$6,925,600) OF SUCH AMOUNT ALLOCATED FOR DETENTION BEDS AND THE REMAINING FIVE MILLION FIVE HUNDRED TEN THOUSAND SEVEN HUNDRED DOLLARS (\$5,510,700) ALLOCATED FOR COMMITMENT BEDS. If a suitable site cannot be found in the city and county of Denver for the sixty-bed facility, the department of ~~institutions~~ HUMAN SERVICES shall recommend an alternate site for the facility in the Denver metropolitan area, and such recommendation shall be reviewed and approved by the capital development committee prior to a final decision on the site for such facility. The department of ~~institutions~~ HUMAN SERVICES shall recommend the site for the facility or facilities to be located in the northeast area of the state, and such recommendation shall be reviewed and approved by the capital

development committee prior to a final decision on the site for such facility or facilities. The facilities provided for in this section shall be constructed from moneys appropriated to the department of ~~institutions~~ HUMAN SERVICES and allocated to the division of youth services by section 12 (1) of said chapter 1 and subsection (2) of this section.

(b) Notwithstanding the dollar amounts allocated in paragraph (a) of this subsection (1) for specified juvenile ~~detention~~ facilities, it is the intent of the general assembly that the cost per juvenile detention bed AND JUVENILE COMMITMENT BED allowed by such dollar amounts is to be considered an estimate of the cost per bed and that the department OF HUMAN SERVICES should contract for the construction of beds at a cost per bed which is as much below this estimate as reasonably possible. If the dollar amount allocated for a specified ~~detention~~ facility exceeds the actual construction cost for such facility, the department of ~~institutions~~ HUMAN SERVICES, with the approval of the capital development committee, may use the excess dollars to pay for the construction costs at one or more of the other juvenile ~~detention~~ facilities so long as the dollars are used only for the construction of the beds authorized by this subsection (1) and the total construction cost of the facilities remains within the total appropriation made pursuant to section 12 (1) of chapter 1, Session Laws of Colorado 1993, First Extraordinary Session, and subsection (2) of this section. Any dollars not expended pursuant to this subsection (1) shall revert to the capital construction fund.

(2) (a) In addition to any other appropriation made for the ~~current~~ fiscal year BEGINNING JULY 1, 1993, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of ~~institutions~~ HUMAN SERVICES, for allocation to the division of youth services, the sum of two million four hundred ninety-two thousand dollars (\$2,492,000), to pay the costs which are in excess of the appropriation from the capital construction fund made in section 12 (1) of chapter 1, Session Laws of Colorado 1993, First Extraordinary Session, for the purpose of constructing additional juvenile detention AND JUVENILE COMMITMENT beds.

(b) IN ADDITION TO ANY OTHER APPROPRIATION MADE FOR THE FISCAL YEAR BEGINNING JULY 1, 1994, THERE IS HEREBY APPROPRIATED, OUT OF ANY MONEYS IN THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, COLORADO REVISED STATUTES, NOT OTHERWISE APPROPRIATED, TO THE DEPARTMENT OF HUMAN SERVICES, FOR ALLOCATION TO THE DIVISION OF YOUTH SERVICES, THE SUM OF SIX MILLION TWENTY-NINE THOUSAND SEVEN HUNDRED DOLLARS (\$6,029,700), TO PAY THE COSTS WHICH ARE IN EXCESS OF THE APPROPRIATIONS FROM THE CAPITAL CONSTRUCTION FUND MADE IN SECTION 12 (1) OF CHAPTER 1, SESSION LAWS OF COLORADO 1993, FIRST EXTRAORDINARY SESSION, AND PARAGRAPH (a) OF THIS SUBSECTION (2) FOR THE PURPOSE OF CONSTRUCTING ADDITIONAL JUVENILE DETENTION AND JUVENILE COMMITMENT BEDS.

**SECTION 27. Appropriation for the 1995-96 fiscal year.** For the fiscal year beginning July 1, 1995, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for allocation to the division of youth services, four hundred eighty-six thousand six hundred seventy dollars (\$486,670), or so much thereof as may be necessary, for ten additional private juvenile beds by contract with an existing facility in El Paso

county.

**SECTION 28. 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.

Approved: June 5, 1995

**Editor's Note:** The introductory portion to subsection (3) of section 21 of this act makes an appropriation to pay the costs that are in excess of the appropriation made by section 15 (1) (b) of chapter 191, Session Laws of Colorado 1994, Second Regular Session, for certain described projects; however, the introductory portion of subsection (3) contains a blank where this excess amount should be shown. The amount to be placed in this blank should equal the total of the projects described in subsection (3) minus the remaining appropriation from section 15 (1) (b) of chapter 191, Session Laws of Colorado 1994, Second Regular Session. Subsection (3) describes projects requiring \$27,103,276 in total appropriations. The amount that was still available from the 1994 appropriation is \$23,900,000. It therefore appears that the excess amount to be appropriated from the capital construction fund which should have been shown instead of the blank in the introductory portion to subsection (3) of section 21 is \$3,203,276.