

CHAPTER 202

CORRECTIONS

HOUSE BILL 00-1133

BY REPRESENTATIVES Kaufman, Coleman, Gagliardi, George, Grossman, Hoppe, Kester, and Miller;
also SENATOR Wham.

AN ACT

CONCERNING THE DEPARTMENT OF CORRECTIONS.

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

SECTION 1. 17-1-101 (2), Colorado Revised Statutes, is amended to read:

17-1-101. Executive director - creation - division heads - medical personnel.

(2) There is hereby created, within the department of corrections, ~~the division of adult services and~~ the division of correctional industries, THE DIVISION OF ADULT PAROLE, AND SUCH OTHER DIVISIONS AND PROGRAMS AS ARE DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR FOR THE SAFE AND EFFICIENT OPERATION OF THE DEPARTMENT. THE EXECUTIVE DIRECTOR SHALL ORGANIZE SUCH DIVISIONS AND PROGRAMS IN AN APPROPRIATE MANNER. Subject to the provisions of section 13 of article XII of the state constitution, the executive director shall appoint the heads of such divisions, and the heads of such divisions shall appoint such personnel as are necessary to carry out the functions of the divisions.

SECTION 2. 17-1-102 (5), (6), (8), and (9), Colorado Revised Statutes, are amended, and the said 17-1-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

17-1-102. Definitions. As used in this title, unless the context otherwise requires:

(5) (a) ~~"Expense" means the direct cost incurred by any county or city and county in the provision of services to prisoners confined in a local jail, including, but not limited to, the costs of labor and all related employment benefits, maintenance, materials, supplies, equipment rentals and purchases, insurance, supervision, engineering, and clerical and accounting services; ordinary and necessary medical, dental, legal, educational, and programmatic services; interest and other costs of financing the provision of services; the value of the use of equipment and facilities, including its depreciation or replacement value; and an equitable share of other administrative costs not otherwise directly~~

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

attributable to a particular service which may be reasonably apportioned to each particular service in accordance with generally accepted cost accounting principles and standards.

(b) ~~"Expense" does not include any extraordinary cost.~~

(6) ~~"Extraordinary cost" means any extraordinary medical or nonmedical cost, including, but not limited to, any cost of extraordinary legal services and physical damage to a local jail, incurred by any county or city and county as a direct result of the presence of any prisoner in a local jail.~~

(6.5) "INMATE" MEANS ANY PERSON WHO IS SENTENCED TO A TERM OF IMPRISONMENT FOR A VIOLATION OF THE LAWS OF THIS STATE, ANY OTHER STATE, OR THE UNITED STATES.

(7.3) "PRIVATE CONTRACT PRISON" MEANS ANY PRIVATE PRISON FACILITY OPERATED BY A COUNTY, CITY AND COUNTY, OR PRIVATE CORPORATION LOCATED IN THIS STATE; EXCEPT THAT "PRIVATE CONTRACT PRISON" DOES NOT INCLUDE ANY LOCAL JAIL, MULTI-JURISDICTIONAL JAIL, OR COMMUNITY CORRECTIONS CENTER.

(8) "State ~~prisoner~~ INMATE" means any person who is sentenced BY THE STATE to a term of imprisonment in a correctional facility or who is sentenced to a term of imprisonment pursuant to section 16-11-308.5, C.R.S.

(9) ~~"Superintendent WARDEN"~~ means the administrative head of a correctional facility.

SECTION 3. 17-1-103 (1) (a) to (1) (d), (1) (f), (1) (g), (1) (h), (1) (j), and (3) (e), Colorado Revised Statutes, are amended, and the said 17-1-103 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

17-1-103. Duties of the executive director. (1) The duties of the executive director shall be:

(a) To manage, supervise, and control the ~~penal, correctional and reformatory~~ institutions operated and supported by the state; TO MONITOR AND SUPERVISE THE ACTIVITIES OF PRIVATE CONTRACT PRISONS; to manage and supervise the DIVISIONS, agencies, boards, and commissions ~~which~~ THAT are or may be transferred to or established within the department by law ~~to improve, develop, and carry forward programs of counseling, including but not limited to a literacy corrections or correctional education program, and parole supervision to the end that persons now dependent upon tax-supported programs may be afforded opportunity and encouragement to be restored to productive independence~~ OR BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 17-1-101 (2); TO PROVIDE WORK AND SELF-IMPROVEMENT OPPORTUNITIES; AND TO ESTABLISH AN ENVIRONMENT THAT PROMOTES HABILITATION FOR SUCCESSFUL REENTRY INTO SOCIETY;

(a.5) TO DEVELOP POLICIES AND PROCEDURES GOVERNING THE OPERATION OF THE DEPARTMENT;

(b) To supervise the business, fiscal, budget, personnel, and financial operations of the department and the institutions and activities under his OR HER control;

(c) In consultation with the division directors and the ~~superintendents~~ WARDENS, to develop a systematic building program providing for the projected, long-range needs of the institutions under his OR HER control;

(d) To ~~classify~~ EFFICIENTLY MANAGE the lands ~~connected~~ ASSOCIATED with OR OWNED BY THE

DEPARTMENT; ~~the state institutions under his control and determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all state institutions for the food products that can be grown or produced thereon, and the relative value of such agricultural use in the treatment or rehabilitation of the persons confined in said institutions;~~

(f) ~~To the extent practical, to develop industries within the institutions which have a rehabilitative or therapeutic value~~ WITHIN THE CORRECTIONAL INSTITUTIONS INDUSTRIES THAT DEVELOP WORK SKILLS for inmates and ~~which~~ THAT also will serve the purpose of supplying necessary products for state institutions and other public purposes as provided by law;

(g) ~~To prepare and transmit annually to the general assembly or, alternatively, to incorporate into the department of corrections yearly~~ A statistical report; ~~information concerning the efficient discharge of all responsibilities assigned by law or directive to the department or to the divisions thereof;~~

(h) ~~To exercise control over publications of the department and subdivisions thereof, and to cause such publications as are approved for circulation in quantity outside the executive branch to be issued in accordance with the provisions of section 24-1-136, C.R.S.;~~

(j) ~~Subject to available appropriations, to enter into contracts for the construction, staffing, operation, and utilization of multi-jurisdictional jails pursuant to article 26.5 of this title;~~

(p) NOTWITHSTANDING THE PROVISIONS OF PARTS 2 AND 3 OF ARTICLE 72 OF TITLE 24, C.R.S., COMMONLY REFERRED TO AS THE "OPEN RECORDS ACT", TO ADOPT SUCH POLICIES AND GUIDELINES AS MAY BE NECESSARY CONCERNING THE RELEASE OF RECORDS TO INMATES.

(3)(e) For purposes of this subsection (3), "panel of medical consultants" means a panel of medical physicians, DENTISTS, or oral surgeons whose duty is to deliver medical services or services related to oral surgery.

SECTION 4. Repeal. 17-1-103.7, Colorado Revised Statutes, is repealed.

SECTION 5. Repeal. 17-1-104, Colorado Revised Statutes, is repealed as follows:

17-1-104. Facilities managed, supervised, and controlled. ~~The department shall manage, supervise, and control each correctional facility supported by the state.~~

SECTION 6. 17-1-104.3 (1), (3), and (4), Colorado Revised Statutes, are amended, and the said 17-1-104.3 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

17-1-104.3. Correctional facilities - locations - security level. (1) (a) EACH FACILITY OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT SHALL HAVE A DESIGNATED SECURITY LEVEL. DESIGNATION OF SECURITY LEVELS SHALL BE AS FOLLOWS:

(I) LEVEL I FACILITIES SHALL HAVE DESIGNATED BOUNDARIES, BUT NEED NOT HAVE PERIMETER FENCING. INMATES CLASSIFIED AS MINIMUM MAY BE INCARCERATED IN LEVEL I FACILITIES, BUT GENERALLY INMATES OF HIGHER CLASSIFICATIONS SHALL NOT BE INCARCERATED IN LEVEL I FACILITIES.

(II) LEVEL II FACILITIES SHALL HAVE DESIGNATED BOUNDARIES WITH A SINGLE OR DOUBLE PERIMETER FENCING. THE PERIMETER OF LEVEL II FACILITIES SHALL BE PATROLLED PERIODICALLY. INMATES CLASSIFIED AS MINIMUM RESTRICTIVE AND MINIMUM MAY BE INCARCERATED IN LEVEL

II FACILITIES, BUT GENERALLY INMATES OF HIGHER CLASSIFICATIONS SHALL NOT BE INCARCERATED IN LEVEL II FACILITIES.

(III) LEVEL III FACILITIES GENERALLY SHALL HAVE TOWERS, A WALL OR DOUBLE PERIMETER FENCING WITH RAZOR WIRE, AND DETECTION DEVICES. THE PERIMETER OF LEVEL III FACILITIES SHALL BE CONTINUOUSLY PATROLLED. APPROPRIATELY DESIGNATED CLOSE CLASSIFIED INMATES, MEDIUM CLASSIFIED INMATES AND INMATES OF LOWER CLASSIFICATION LEVELS MAY BE INCARCERATED IN LEVEL III FACILITIES, BUT GENERALLY INMATES OF HIGHER CLASSIFICATIONS SHALL NOT BE INCARCERATED IN LEVEL III FACILITIES.

(IV) LEVEL IV FACILITIES SHALL GENERALLY HAVE TOWERS, A WALL OR DOUBLE PERIMETER FENCING WITH RAZOR WIRE, AND DETECTION DEVICES. THE PERIMETER OF LEVEL IV FACILITIES SHALL BE CONTINUOUSLY PATROLLED. CLOSE CLASSIFIED INMATES AND INMATES OF LOWER CLASSIFICATION LEVELS MAY BE INCARCERATED IN LEVEL IV FACILITIES, BUT GENERALLY INMATES OF HIGHER CLASSIFICATIONS SHALL NOT BE INCARCERATED IN LEVEL IV FACILITIES ON A LONG-TERM BASIS.

(V) LEVEL V FACILITIES COMPRISE THE HIGHEST SECURITY LEVEL AND ARE CAPABLE OF INCARCERATING ALL CLASSIFICATION LEVELS. THE FACILITIES SHALL HAVE DOUBLE PERIMETER FENCING WITH RAZOR WIRE AND DETECTION DEVICES OR EQUIVALENT SECURITY ARCHITECTURE. THESE FACILITIES GENERALLY SHALL USE TOWERS OR STUN-LETHAL FENCING AS WELL AS CONTROLLED SALLY PORTS. THE PERIMETER OF LEVEL V FACILITIES SHALL BE CONTINUOUSLY PATROLLED.

(b) The correctional facilities managed, supervised, and controlled by the department pursuant to section 17-1-104, the location of such facilities, and the ~~primary~~ DESIGNATED security level of such facilities shall be as follows:

Correctional facility	Location	Security level
Colorado state penitentiary	Fremont county	Maximum/Ad. seg LEVEL V
Centennial correctional facility	Fremont county	Close LEVEL IV
Limon correctional facility	Lincoln county	Medium LEVEL IV
Arkansas Valley correctional facility	Crowley county	Medium LEVEL III
Buena Vista correctional facility COMPLEX	Chaffee county	Medium LEVEL III
Colorado Territorial correctional facility	Fremont county	Medium LEVEL III
Fremont correctional facility	Fremont county	Medium LEVEL III
Buena Vista minimum complex	Chaffee county	Minimum restrictive
Arrowhead correctional center	Fremont county	Minimum restrictive

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		LEVEL II
Four Mile correctional center	Fremont county	Minimum restrictive LEVEL II
Pre-release correctional center	Fremont county	Minimum restrictive LEVEL II
Skyline correctional center	Fremont county	Minimum LEVEL I
Colorado correctional center	Jefferson county	Minimum LEVEL I
Delta correctional center	Delta county	Minimum LEVEL I
Rifle correctional center	Garfield county	Minimum LEVEL I
Colorado correctional alternative program	Chaffee county	Minimum LEVEL I
Colorado women's correctional facility	Fremont and Pueblo counties COUNTY	Mixed LEVEL IV
Denver reception and diagnostic center	City and county of Denver	Mixed LEVEL V
Pueblo minimum center	Pueblo county	Minimum restrictive LEVEL II
San Carlos correctional facility	Pueblo county	Mixed LEVEL V
Sterling correctional facility	Logan county	Mixed LEVEL V
Trinidad correctional facility	Las Animas county	Mixed LEVEL II
Denver women's correctional facility	City and county of Denver	Mixed LEVEL V
YOUTHFUL OFFENDER SYSTEM	PUEBLO COUNTY	LEVEL V

(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 operating costs associated with maintaining the population of each level at a correctional facility that maintains mixed custody levels of inmates;~~

~~(b) Is based upon generally accepted accounting principles that preclude the commingling of costs for different populations of inmates; and~~

~~(c) Requires each facility to maintain complete records of all expenditures for all custody levels of inmates.~~

(4) ~~On or before January 31 of each year, the department shall prepare and transmit to the general assembly or, alternatively, may incorporate into the annual department of corrections statistical report presented to the house and senate in January of each year, a report that compares the construction and operating costs of facilities with mixed custody levels to the construction and operating costs of facilities without such mixed custody levels.~~ ANNUALLY WITH THE DEPARTMENT'S BUDGET SUBMISSION TO THE JOINT BUDGET COMMITTEE, THE DEPARTMENT SHALL PROVIDE AN ITEMIZED REPORT OF COSTS BY FACILITY AND BY SUB-PROGRAM. THIS REPORT SHALL INCLUDE ANNUAL COSTS FOR COMMUNITY CORRECTIONS, PAROLE, CORRECTIONAL INDUSTRIES, AND THE PAROLE BOARD.

(5) MONTHLY THE DEPARTMENT SHALL SUBMIT A PROJECT STATUS REPORT ON CONSTRUCTION AND MONTHLY POPULATION AND CAPACITY REPORT TO THE OFFICE OF STATE PLANNING AND BUDGETING, THE JOINT BUDGET COMMITTEE, THE CAPITAL DEVELOPMENT COMMITTEE, AND LEGISLATIVE COUNCIL. THE MONTHLY POPULATION AND CAPACITY REPORT SHALL INCLUDE INFORMATION ON STATE AND PRIVATE CONTRACT FACILITIES INCLUDING BUT NOT LIMITED TO OPERATIONAL CAPACITY FOR THE PREVIOUS MONTH, THE MONTH JUST ENDING AND CAPACITY CHANGES, ON GROUNDS POPULATION, AND OPERATIONAL CAPACITY FOR THIS PERIOD IN THE PREVIOUS YEAR. THE DEPARTMENT SHALL INCLUDE TOTAL BEDS OCCUPIED IN EACH FACILITY, STATE OR PRIVATE CONTRACT, BY CUSTODY LEVEL AND BY GENDER. THE REPORT SHALL ITEMIZE OPERATIONAL CAPACITIES FOR JAIL BACKLOG, COMMUNITY CORRECTIONS, PAROLE, YOUTHFUL OFFENDERS, ESCAPEES, AND REVOCATIONS.

SECTION 7. Repeal. 17-1-104.4 and 17-1-104.7, Colorado Revised Statutes, are repealed.

SECTION 8. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-104.9. Custody levels for state inmates at private prisons. BASED UPON AVAILABLE APPROPRIATIONS AND BASED UPON AN ANNUAL REVIEW BY THE GENERAL ASSEMBLY, THE DEPARTMENT IS AUTHORIZED TO PERMANENTLY PLACE STATE INMATES CLASSIFIED AS MEDIUM CUSTODY AND BELOW IN PRIVATE CONTRACT PRISONS. THIS SECTION DOES NOT PREVENT A PRIVATE CONTRACT PRISON FROM INCARCERATING AN INMATE WHO HAS BEEN RECLASSIFIED TO A HIGHER CUSTODY DESIGNATION AS A RESULT OF AN OFFENSE COMMITTED WITHIN THE PRIVATE CONTRACT PRISON. HOWEVER, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT MOVE ANY INMATE OF A HIGHER CUSTODY DESIGNATION OUT OF THE PRIVATE CONTRACT PRISON AS SOON AS SPACE IS AVAILABLE AT A STATE-OPERATED CORRECTIONAL FACILITY.

SECTION 9. 17-1-105 (1) (a), (1) (c), and (1) (g), Colorado Revised Statutes, are amended to read:

17-1-105. Powers of executive director. (1) The executive director shall have and exercise:

(a) All the right and power to transfer an inmate between correctional facilities. ~~when such inmate is deemed an incorrigible prisoner whose presence at one correctional facility appears to be seriously detrimental to the administration of said~~

~~correctional facility. The executive director shall likewise have the authority, upon the recommendation of the director of the division of adult services, to transfer between correctional facilities a prisoner or prisoners of good conduct and recognized behavior for the purpose of aiding in instructional work.~~

(c) The authority to enter into contracts and agreements with other jurisdictions, including other states, the federal government, and political subdivisions of this state, for the confinement and maintenance in state correctional facilities of ~~female~~ inmates sentenced to imprisonment by the courts of such other jurisdictions. The executive director shall notify the appropriate authorities of other jurisdictions, as the executive director deems appropriate, of the availability of space in state correctional facilities for the confinement and maintenance of ~~female~~ inmates from other jurisdictions.

(g) The authority to issue administrative warrants, solely for the purpose of returning to a correctional facility, jail, or community corrections center, offenders who have escaped from the custody and care of the department, community corrections, the parole board, or the division of adult ~~supervision~~ PAROLE, containing notice to appropriate law enforcement agencies that there is probable cause to believe that an offender has escaped from custody;

SECTION 10. Repeal. 17-1-105.1 (1), Colorado Revised Statutes, is repealed as follows:

17-1-105.1. Accreditation of private contract prisons. (1) ~~As used in this section, unless the context otherwise requires:~~

(a) ~~"Inmate" means any person who is sentenced to a term of incarceration for a violation of the laws of this state, the United States, or any other state:~~

(b) ~~"Private prison" means any private prison facility located in this state that contracts with any state or local government to house adult inmates and shall not include any local jail or community corrections program.~~

SECTION 11. Repeal. 17-1-106, Colorado Revised Statutes, is repealed.

SECTION 12. 17-1-109 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

17-1-109. Duties and functions of the warden. (1) ~~The superintendent~~ WARDEN of each correctional facility shall exercise the powers and perform the duties and functions assigned to ~~him~~ THE WARDEN by this article under the supervision and control of the EXECUTIVE director OR THE EXECUTIVE DIRECTOR'S DESIGNEE. ~~of the division of adult services in the department.~~

(2) (a) ~~The superintendent~~ WARDEN of each correctional facility should, wherever possible, take such measures as are reasonably necessary to restrict the confinement of any person with known past or current affiliations or associations with any security threat group, as defined in paragraph (b) of this subsection (2), so as to prevent contact with other inmates at such facility. ~~The superintendent~~ WARDEN should, wherever possible, also take such measures as are reasonably necessary to prevent recruitment of new security threat group members from among the general inmate

population.

SECTION 13. 17-1-111, Colorado Revised Statutes, is amended to read:

17-1-111. Certain provisions of the administrative procedure act not to apply. The provisions of this title relating to the PLACEMENT, ASSIGNMENT, management, discipline, and classification of inmates, including objective parole criteria approved by the commission on parole guidelines created pursuant to section 17-22.5-404 (7), shall not be subject to section 24-4-103, 24-4-105, or 24-4-106, C.R.S.

SECTION 14. 17-1-112 (1), (1.5), and (1.7), Colorado Revised Statutes, are amended to read:

17-1-112. Expenses - reimbursement by department. (1) Subject to AVAILABLE appropriations the department shall reimburse any county or city and county for reimbursements made through the end of fiscal year 1992-93, in an amount of forty dollars per day, and for fiscal years thereafter, in any such amount as established in the annual general appropriation bill, to maintain a prisoner in a local jail for A PORTION OF the expenses and costs incurred by that county or city and county in the confinement and maintenance IN A LOCAL JAIL of any person who is sentenced to a term of imprisonment in a correctional facility. THE GENERAL ASSEMBLY SHALL ANNUALLY ESTABLISH THE AMOUNT OF REIMBURSEMENT IN THE GENERAL APPROPRIATIONS BILL. ~~and who is confined in a local jail.~~ Such reimbursement shall be for each day following seventy-two hours after such sentence IS IMPOSED but prior to the transmittal of the ~~qualified person~~ SENTENCED INMATE to a ~~correctional~~ DEPARTMENT facility. Subject to available appropriations, the department may contract with any county or city and county for the expenses incurred by that county or city and county in the confinement and maintenance of any person who is sentenced to a term of imprisonment pursuant to section 16-11-308.5, C.R.S.

(1.5) ~~Notwithstanding the provisions of subsection (1) of this section, the department, subject to appropriations, may provide, by contract, to reimburse any city and county or county for the actual expenses incurred as a result of confining state prisoners in local jails. Said expenses may include extraordinary costs. In no event shall any agreement to reimburse any city and county or county affect or reduce any city and county's or county's duty to exercise reasonable care and use its best efforts to supervise and use reasonable precautions to assure the adequate care of any state prisoner INMATE.~~

(1.7) On or after April 19, 1993, each city and county or county shall send an invoice to the executive director ~~of the department of corrections~~ within three months ~~of when~~ AFTER the expenses and costs for the confinement and maintenance of ~~prisoners~~ INMATES in local jails are incurred; however, each city and county or county is encouraged to send such invoice on a monthly basis, when possible. Failure by a city and county or county to send an invoice to the executive director within three months ~~of when~~ AFTER such expenses and costs are incurred shall result in a forfeiture of any reimbursement by the state for such expenses and costs.

SECTION 15. Repeal. 17-1-113 (6), Colorado Revised Statutes, is repealed as follows:

17-1-113. Medical visits - charge to inmates - legislative declaration. (6) ~~The department shall report to the legislative audit committee on or before September 1, 1999, concerning the volume of medical, dental, and optometric services rendered to inmates prior to July 1, 1998, and the associated copayments received therefor. The report shall also itemize the medical, dental, and optometric services rendered on and after July 1, 1998, to inmates and the copayments assessed for such services since that date. The department shall analyze the effectiveness of the revised copayment schedule and procedures in improving departmental practice consistency and in reducing the provision of unnecessary medical services to inmates.~~

SECTION 16. 17-1-113.1, Colorado Revised Statutes, is amended to read:

17-1-113.1. Administration or monitoring of medications to persons in correctional facilities. The executive director has the power to direct the administration or monitoring of medications to persons in CORRECTIONAL facilities, as defined by DESCRIBED IN section 25-1-107 (1) (ee) (II.5) (A), C.R.S., under the EXECUTIVE director's control, in a manner consistent with section 25-1-107 (1) (ee), C.R.S.

SECTION 17. Repeal. 17-1-117, Colorado Revised Statutes, is repealed.

SECTION 18. 17-1-201, Colorado Revised Statutes, is amended to read:

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~~ USE AND DEVELOPMENT OF PRIVATE CONTRACT PRISONS. ~~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 PRISONS, the effectiveness of each private ~~correctional facility~~ CONTRACT PRISON governed by a contract with the department. ~~Each report after the 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.~~

SECTION 19. The introductory portion to 17-1-202 (1) and 17-1-202 (1) (d) and (1) (g), Colorado Revised Statutes, are amended to read:

17-1-202. Requests for proposals and contract requirements. (1) Before entering into any contract for designing, financing, acquiring, constructing, or operating A PRIVATE CONTRACT PRISON or any contract for any combination of these functions, the department ~~shall~~ MAY 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:

(d) The proposed private ~~correctional facilities~~ CONTRACT PRISONS and the management plans for inmates shall meet applicable national correctional standards and the requirements of applicable court orders and state law.

(g) The executive director ~~of the department of corrections~~ shall monitor ~~the contracted~~ ALL private ~~correctional facilities~~ CONTRACT PRISONS. Each contractor shall bear the costs of monitoring the facilities.

SECTION 20. 17-1-203 (1) (a), Colorado Revised Statutes, is amended to read:

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~~ CONTRACT PRISON. The department ~~of corrections~~ and the contractor must comply with the cooperative agreement.

SECTION 21. 17-1-205, Colorado Revised Statutes, is amended to read:

17-1-205. Contract termination - control of a correctional facility by the department. A contractor shall submit a detailed plan for the department ~~of corrections~~ to assume temporary responsibility for a private ~~correctional facility~~ CONTRACT PRISON 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, INCLUDING BUT NOT LIMITED TO FAILURE TO OBTAIN OR MAINTAIN FACILITY ACCREDITATION, 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~~ CONTRACT PRISON. In addition, a contractor shall submit a plan for the temporary assumption of operations and purchase of a ~~correctional facility~~ PRIVATE CONTRACT PRISON 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~~ CONTRACT PRISONS 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.

SECTION 22. 17-1-206, Colorado Revised Statutes, is amended to read:

17-1-206. Inmates in custody of the department. The provisions of section 16-11-308, C.R.S., shall apply to inmates placed in a private ~~correctional facility~~ CONTRACT PRISON pursuant to this part 2.

SECTION 23. 17-2-101, Colorado Revised Statutes, is amended to read:

17-2-101. Division of adult parole. In order to promote the maximum efficiency, economy, and continuity of services in carrying out the purposes of this part 1, the division of administration created by the "State Parole Reorganization Act of 1951", formerly transferred to the department of institutions and identified as the division of parole, and the director thereof are hereby transferred by a **type 3** transfer to the department of corrections as the division of adult ~~services~~ PAROLE and the director thereof, and the division of parole is abolished. THE DIVISION SHALL BE ORGANIZED AS DIRECTED BY THE EXECUTIVE DIRECTOR.

SECTION 24. 17-2-102 (1) to (5), (7), (8), the introductory portion to 17-2-102 (8.5) (a), and 17-2-102 (9), Colorado Revised Statutes, are amended to read:

17-2-102. Division of adult parole - general powers, duties, and functions.

(1) The division of adult ~~services~~ PAROLE in the department shall administer the adult parole program. The division shall keep a complete record in respect to all domestic as well as interstate parolees. The director of the division of adult ~~services~~ PAROLE shall exercise the power of suspension of paroles in the interim of the meetings of the state board of parole, referred to in this part 1 as the "board", and in connection therewith ~~he~~ THE DIRECTOR may arrest such suspended parolee without warrant and return ~~him~~ SUCH SUSPENDED PAROLEE to ~~the institution from whence he was paroled~~ AN APPROPRIATELY SECURE FACILITY ~~there~~ to await the further action of the board. In case of such suspension of parole, the director shall send to the board, at its first session thereafter, a transcript of all proceedings taken in connection with such suspension and the reasons for his OR HER action.

(2) ~~Subject to the provisions of section 13 of article XII of the state constitution, the director of the division of adult services shall appoint as his assistants six assistant directors of adult services, one of whom shall be located within each congressional district of the state, and shall maintain his office at such place within said congressional district as the executive director shall from time to time deem most advantageous in order to best effectuate the purposes of this article. Appointments made to take effect on January 1, 1983, shall be made in accordance with section 24-1-135, C.R.S. Said assistant directors shall be subordinate to and under the direction and control of the director of the division of adult services, pursuant to such rules and regulations as the executive director shall from time to time adopt and promulgate.~~

(3) The director of the division of adult ~~services~~ PAROLE, pursuant to the provisions of section 13 of article XII of the state constitution, shall appoint such other officers and employees as may be necessary to properly supervise all adult parolees released from any state ~~penal or~~ correctional institution OR PRIVATE CONTRACT PRISON together with such other persons as are accepted for supervision under the interstate compact.

(4) ~~All officers and employees of the division of adult services shall be reimbursed~~

for all necessary expenses incurred by them in the performance of their official duties at such rates and in such amounts as shall be allowed state employees under the rules and regulations promulgated by the controller.

~~(5) A person is eligible for the position of assistant director of adult services if he is at least twenty-five years of age, and a person is eligible for the position of parole officer if he is at least twenty-one years of age. Such persons shall be selected because of definite qualifications as to character, ability, experience, and training; they shall be of known devotion to criminal rehabilitation; and they shall have the capacity and ability for influencing adult human behavior. They shall be persons likely to exercise a strong and helpful influence upon persons placed under their supervision. The enumeration of qualifications in this subsection (5) is not exclusive; but the executive director or the state personnel board, by rule or regulation, may add to such qualifications from time to time as experience may justify.~~

~~(7) The division of adult services shall be responsible for maintaining all areas at each of the state's correctional facilities in a clean and sanitary manner.~~

(8) The division of adult PAROLE services shall establish and administer appropriate programs of education and treatment and other productive activities, which programs and activities are designed to assist in the rehabilitation of an offender.

(8.5) (a) Any parolee, on parole as a result of a conviction of any felony, who is under the supervision of the division of adult services PAROLE pursuant to this part 1 and who is initially tested for the illegal or unauthorized use of a controlled substance and the result of such test is positive shall be subject to any or all of the following actions:

~~(9) Subject to available appropriations, the division of adult services is authorized to establish and maintain an information unit which includes an appropriate telecommunications system for the purpose of providing to law enforcement agencies upon their request accurate supervision information concerning any parolee who is currently under the jurisdiction of the department. Such information shall include the parolee's current status with the department and the name of the parolee's parole officer.~~

SECTION 25. The introductory portion to 17-2-103 (1) and 17-2-103 (6) (b), (8), and (9) (a), Colorado Revised Statutes, are amended to read:

17-2-103. Arrest of parolee - revocation proceedings. (1) The director of the division of adult services PAROLE ~~an assistant director~~; or any parole officer may arrest any parolee when:

(6) (b) At any time after the filing of a complaint, the director of the division of adult services PAROLE may cause the revocation proceedings to be dismissed by giving written notification of the decision for such dismissal to the board, the parole officer, and the parolee. Upon receipt of such notification by the director, the parole officer shall order the release of the parolee pursuant to subsection (5) of this section, and parole shall be restored.

(8) Prior to appearance before the board, a parolee shall be advised in writing by the director of the division of adult ~~services~~ PAROLE concerning the nature of the charges ~~which~~ THAT are alleged to justify revocation of parole and the substance of the evidence sustaining the charges; the parolee shall be given a copy of the complaint unless he or she has already received one; the parolee shall be informed of the consequences which may follow in the event parole is revoked; the parolee shall then be advised that a full and final hearing will be held before the board at which hearing the parolee will be required to plead guilty or not guilty to the charges contained in the complaint; and the parolee shall be further advised that at the hearing before the board he or she may be represented by an attorney and that he or she may testify and present witnesses and documentary evidence in defense of the charges or in mitigation or explanation thereof. The hearing may be continued by the board upon a showing of good cause.

(9) (a) In the event of a plea of not guilty, the division of adult ~~services~~ PAROLE, at the final hearing before the board, shall have the burden of establishing by a preponderance of the evidence the violation of a condition of parole; except that the commission of a criminal offense must be established beyond a reasonable doubt, unless the parolee has been convicted thereof in a criminal proceeding. When it appears that the alleged violation of a condition or conditions of parole consists of an offense with which the parolee is charged in a criminal case then pending, testimony given before the board in a parole revocation proceeding shall not be admissible in such criminal proceeding before a court. When, in a parole revocation hearing, the alleged violation of a condition of parole is the parolee's failure to pay court-ordered compensation to appointed counsel, probation fees, court costs, restitution, or reparations, evidence of the failure to pay shall constitute prima facie evidence of a violation. The board shall revoke the parole if requested to do so by the parolee. Any evidence having probative value shall be admissible in all proceedings related to a parole violation complaint, regardless of its admissibility under the exclusionary rules of evidence, if the parolee is accorded a fair opportunity to rebut hearsay evidence. The parolee shall have the right to confront and to cross-examine adverse witnesses unless the board specifically finds good cause for not allowing confrontation of an informer.

SECTION 26. 17-2-104 (1), Colorado Revised Statutes, is amended to read:

17-2-104. Records - reports - publications. (1) The office of director of the division of adult ~~services~~ PAROLE shall be maintained as a clearing house for all information on domestic as well as interstate parolees, and the director shall prescribe, prepare, and furnish such forms, records, and reports as the executive director may require from time to time. Such data and information so compiled shall not be considered to be public records but shall be held to be confidential in character.

SECTION 27. Repeal. 17-2-105, Colorado Revised Statutes, is repealed as follows:

17-2-105. Appropriation. ~~The general assembly shall appropriate, out of any moneys in the state treasury not otherwise appropriated, an amount sufficient to set up and equip the several offices established in this part 1 and to pay for personal services, maintenance and operation, capital outlays, and other necessary expenses~~

~~of the division, including such moneys as may be necessarily expended in returning parole violators, both domestic and under the interstate compact, to the Colorado institutions from which they were paroled.~~

SECTION 28. Repeal. 17-2-201 (11), Colorado Revised Statutes, is repealed as follows:

~~**17-2-201. State board of parole.** (11) The board shall be furnished with an appropriate conference or hearing room within the administrative area of each institution.~~

SECTION 29. Repeal. 17-2-201.5, Colorado Revised Statutes, is repealed as follows:

~~**17-2-201.5. Study of parole system.** (1) The legislative council shall conduct a study of the parole system of the state of Colorado. Said study shall:~~

~~(a) Examine the structure and composition of the board, and the projected increase in the workload and the size of the board;~~

~~(b) Evaluate the role and the impact of parole supervision on the projected increased workload of the board; and~~

~~(c) Examine the operations of the board and explore alternative modes of operation.~~

~~(2) Based upon the findings of the portion of the study performed pursuant to subsection (1) of this section, the legislative council staff shall include in the study:~~

~~(a) Recommendations concerning how the projected growth of the board can be limited;~~

~~(b) Recommendations regarding the future of mandatory parole, and whether and how the current system can be improved to increase public safety and lower costs; and~~

~~(c) Recommendations concerning alternative methods of conducting parole hearings and parole reviews to save future manpower and operating expenses.~~

~~(3) The legislative council shall conduct the study within existing appropriations. A final report of the findings and results of the study shall be presented to the legislative council, and to any other committee designated by the council, no later than August 1, 1998.~~

SECTION 30. 17-2-212, Colorado Revised Statutes, is amended to read:

17-2-212. Duty of warden. If the board has previously considered an inmate for release and ~~he~~ THE INMATE is still imprisoned and if ~~his~~ THE INMATE'S mental condition is questioned by a ~~superintendent~~ WARDEN of a correctional facility, it is the duty of said ~~superintendent~~ WARDEN to notify the chairperson of the board at least forty days prior to the discharge of the inmate, and the chairperson then shall proceed

in the same manner outlined in sections 17-2-210 and 17-2-211.

SECTION 31. 17-2-302, Colorado Revised Statutes, is amended to read:

17-2-302. Director - powers. The EXECUTIVE director of the division of adult services is authorized to deputize any person regularly employed by the state of Colorado, or any person regularly employed by another state, to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of such a person, any agent so deputized shall have all the powers of a police official of this state.

SECTION 32. 17-2-304, Colorado Revised Statutes, is amended to read:

17-2-304. Interstate agreements. The EXECUTIVE director of the division of adult services is authorized to enter into contracts with similar officials of any other state, subject to approval of the governor, and controller, for the purpose of sharing an equitable portion of the cost of effecting THE return of any person who has violated the terms and conditions of parole or probation as granted by this state.

SECTION 33. 17-19-102, Colorado Revised Statutes, is amended to read:

17-19-102. Employees of correctional facilities. Any person who wishes to become or to continue as an employee, INCLUDING BUT NOT LIMITED TO CONTRACT EMPLOYEES AND VOLUNTEERS, of a correctional facility, as defined in section 17-19-101 (3), shall sign, as a condition of his OR HER employment OR OF VOLUNTEERING, a consent form in which he THE EMPLOYEE OR VOLUNTEER shall give his OR HER consent to be stopped and searched without probable cause by a person of the same sex while engaged in the performance of his OR HER duties within or around the correctional facility. Said form shall be as promulgated by the executive director with the advice of the attorney general.

SECTION 34. 17-20-102 (3), Colorado Revised Statutes, is amended to read:

17-20-102. Administration of correctional facilities - wardens - reports. (3) The ~~superintendents~~ WARDENS of correctional facilities shall report to such persons as the executive director designates at such times and on such matters as the executive director may require. Publications of all correctional facilities under the supervision of the executive director ~~which~~ THAT are intended to be circulated in quantity outside such facilities are subject to the approval and control of the executive director OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

SECTION 35. 17-20-103, Colorado Revised Statutes, is amended to read:

17-20-103. Wardens and others - conservators of peace. The ~~superintendents~~ WARDENS of all correctional facilities under the supervision of the executive director and the staff of such correctional facilities shall be conservators of the peace. ~~and~~ As such THEY SHALL have the power to arrest or cause to be arrested, with or without process, upon any grounds owned or leased by this state and used by such correctional facilities, ~~all persons who break~~ ANY PERSON WHO BREAKS the peace, HAS AN OUTSTANDING ARREST WARRANT, or ~~are~~ IS found upon said grounds violating

any criminal law of this state and to ~~take such persons before any court of competent jurisdiction for trial~~ TURN SUCH PERSON OVER TO LOCAL LAW ENFORCEMENT FOR DETAINMENT AND DISPOSITION. LOCAL LAW ENFORCEMENT AUTHORITIES ARE OBLIGATED TO RESPOND AT THE FACILITIES' REQUEST TO CARRY OUT THE PROVISIONS OF THIS SECTION.

SECTION 36. 17-20-112, Colorado Revised Statutes, is amended to read:

17-20-112. Wardens shall record infractions. It is the duty of the ~~superintendents~~ WARDENS to keep a record ~~in a book for that purpose~~ of all infractions of the prison rules and regulations, as prescribed by the department.

SECTION 37. 17-20-114.5 (1), Colorado Revised Statutes, is amended to read:

17-20-114.5. Restriction of privileges in correctional facilities - restriction of privileges because of lawsuit filed without justification. (1) Any person convicted of a crime and confined in any state correctional facility listed in section 17-1-104.3 is not entitled to any privileges that may be made available by the department. If any such person is required by the department to perform any available labor, participate in any available educational program or work program, undergo any available counseling, or any one or a combination of the foregoing and such person does not perform the labor, participate in the program, undergo the counseling, or do any one or a combination of the foregoing as required by the department, the department shall deny specified privileges to such person. The privileges that the department shall deny to such person include, but are not limited to, television, radios, entertainment systems, ~~cigarettes~~, and access to snacks. If the department denies television privileges, it may allow a person to watch television for educational purposes, including public television broadcasts transmitted to or available to the facility. A person who is physically unable to perform labor, participate in an educational program or work program, or undergo counseling may be allowed the privileges specified in this subsection (1). Nothing in this subsection (1) shall be construed to grant as a right any such labor, program, or counseling or any privileges listed in this subsection (1).

SECTION 38. 17-20-117, Colorado Revised Statutes, is amended to read:

17-20-117. Labor of inmates - earnings. Every able-bodied inmate shall be put to and kept at the work most suitable to such inmate's capacity and most advantageous to the people of this state. ~~The earnings of such inmate, after deducting a sufficient amount thereof to pay and satisfy the cost of maintenance and retention, shall be given to the family of such inmate or the inmate's dependents, if any, but, if there are none, the same shall be accumulated and paid to such inmate upon discharge from the state correctional facilities.~~ Inmates who work in the department ~~of corrections~~ shall not be entitled to any right, benefit, or privilege applicable to employees of the state of Colorado.

SECTION 39. 17-20-124, Colorado Revised Statutes, is amended to read:

17-20-124. Visitors at correctional facilities. The following persons are authorized to visit any correctional facilities under the supervision of the executive director at pleasure: The governor and the judges of the supreme court, court of

appeals, and district courts. No other persons shall be permitted to go within a correctional facility where inmates are confined, except as otherwise provided under prison rules or by special permission of the ~~superintendent~~ WARDEN.

SECTION 40. Repeal. 17-20-126, Colorado Revised Statutes, is repealed as follows:

~~**17-20-126. Correctional facilities for women.** All females sentenced to the custody of the executive director of the department of corrections shall serve the sentences imposed upon such persons in the correctional facilities appropriate for the confinement of female inmates as directed by the executive director.~~

SECTION 41. 17-20-127, Colorado Revised Statutes, is amended to read:

17-20-127. Canteen, vending machine, and library fund created - receipts - disbursements. (1) There is hereby created in the state treasury a fund to be known as the canteen, VENDING MACHINE, and library fund, which fund shall be used to establish a canteen for the use and benefit of the inmates of Colorado state correctional facilities. The revenues derived from such canteen AND FROM VENDING MACHINES OPERATED IN VISITING AREAS are appropriated for the purposes set forth in subsection (2) of this section. Said canteen AND VENDING MACHINES shall be managed under rules prescribed by the executive director, pursuant to the "State Administrative Procedure Act", and ~~it~~ THEY shall not be operated in any manner for the personal profit of any employees of the department of ~~corrections~~ or any inmates of Colorado state correctional facilities.

(2) Items in the canteen AND IN VENDING MACHINES IN VISITOR AREAS may be sold to the inmates at a reasonable profit. Such profit shall be sufficient to fund all expenses of the canteen AND VENDING MACHINES including the cost of services of employees actually employed in the canteen AND TO SERVICE THE VENDING MACHINES IN THE VISITOR AREAS. Any profits arising from the operation of the canteen AND VENDING MACHINES shall be deposited in the canteen, VENDING MACHINE, and library fund and shall be used to purchase educational and recreational supplies and equipment and to supplement direct inmate needs.

(3) ARTICLE 8.5 OF TITLE 26, C.R.S., REGARDING VENDING FACILITIES IN STATE BUILDINGS, SHALL NOT APPLY TO VENDING MACHINES OPERATED IN VISITING AREAS OF ANY DEPARTMENT FACILITY.

SECTION 42. 17-22.5-404 (5), (6) (b), (6) (c), (6) (d), (6) (e), and (7), Colorado Revised Statutes, are amended to read:

~~**17-22.5-404. Parole guidelines.** (5) The division of adult services shall develop a form incorporating the guidelines set forth in subsections (2), (3), and (4) of this section, which form shall be used by the members of the board when considering each application for parole. Such form shall be accompanied by the parolee's arrest record. Such form shall be made available to any member of the public who requests it.~~

(6) (b) In addition to the guidelines contained in subsections (2), (3), and (4) of this section, the division of criminal justice in the department of public safety shall

develop objective parole criteria which shall also be used by the state board of parole in evaluating inmates for parole. ~~Such criteria shall be subject to the approval of the Colorado commission on parole guidelines established pursuant to subsection (7) of this section.~~ As used in this subsection (6), "objective parole criteria" means the criteria which statistically have been shown to be good predictors of risk to society of release on parole.

~~(c) The Colorado commission on parole guidelines shall also develop advisory guidelines to be used by the state board of parole in making parole decisions based upon other factors defined in this section.~~

(d) The division of criminal justice shall collect data on parole decisions and report the results of such data collection quarterly to the ~~Colorado commission on parole guidelines~~ STATE BOARD OF PAROLE AND THE DIVISION OF ADULT PAROLE. The state board of parole shall provide copies of the parole guidelines forms and parole action forms to the division for such purpose.

(e) The division of criminal justice shall validate the Colorado risk assessment scale whenever the predictive accuracy, as determined by data collection, falls below an acceptable level of predictive accuracy of the scale as determined by the ~~Colorado commission on parole guidelines~~ STATE BOARD OF PAROLE AND THE DIVISION OF ADULT PAROLE. Such validation shall be carried out at least every five years.

~~(7) (a) There is hereby established in the department of public safety the Colorado commission on parole guidelines. The commission shall consist of the attorney general who shall serve as chairperson, the executive director of the department of public safety, the executive director of the department of corrections, the chairperson of the state board of parole, the chairperson of a community corrections board, a parole officer, a law enforcement officer, and a private citizen. The latter four members shall be appointed by the governor and confirmed by the senate. The director of the division of criminal justice of the department of public safety shall serve as an ex officio member of the commission. THE DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF PAROLE, THE DIVISION OF ADULT PAROLE, AND THE DIVISION OF CRIMINAL JUSTICE SHALL COOPERATE IN IMPLEMENTING ALL ASPECTS OF THIS SECTION.~~

~~(b) The commission established pursuant to this subsection (7) shall have the power to approve objective parole criteria, as defined in subsection (6) of this section, which are developed by the division of criminal justice.~~

SECTION 43. 17-23-101, Colorado Revised Statutes, is amended to read:

17-23-101. Transfer of mentally ill or developmentally disabled inmates.

(1) The executive director, IN COORDINATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, is empowered ~~when it is reported to the executive director by a superintendent and certified to by the prison physician that any person imprisoned in a correctional facility is mentally ill or retarded, to order said person transferred to the Colorado mental health institute at Pueblo, where said person shall remain for observation and examination for a period not to exceed thirty days, and it is the duty of the superintendent of said institute to make a written report to the executive director concerning the mental condition of said person immediately upon~~

~~the expiration of the period of observation and examination~~ TO TRANSFER AN INMATE WHO IS MENTALLY ILL OR DEVELOPMENTALLY DISABLED AND CANNOT BE SAFELY CONFINED IN A CORRECTIONAL FACILITY TO AN APPROPRIATE FACILITY OPERATED BY THE DEPARTMENT OF HUMAN SERVICES FOR OBSERVATION AND STABILIZATION. THE COSTS ASSOCIATED WITH CARE PROVIDED IN THE FACILITY OPERATED BY THE DEPARTMENT OF HUMAN SERVICES SHALL CONTINUE TO BE CHARGED TO THE DEPARTMENT OF HUMAN SERVICES.

(2) ~~If, from the report, the executive director is of the opinion that the prisoner is mentally ill or retarded and cannot be well taken care of in a correctional facility, it is his duty to place said mentally ill or retarded prisoner without delay in an institution for the care and treatment of the mentally ill or retarded, there to be treated and confined to the extent necessary for the protection of society. Upon recovery of said mentally ill or retarded prisoner, he shall be returned to the correctional facility from which he was sent for the purpose of serving out his sentence if the same has not expired, and the expense of transferring said prisoner to and from, and maintaining him in, such institution shall be paid out of any money appropriated for the expense or maintenance of the department.~~

(3) ~~The executive director is further empowered, when it is reported to him that any mentally ill or retarded person is so dangerous that he cannot be safely confined in any other facility or institution for the care and treatment of the mentally ill or retarded, to order, subject to the approval of the executive director of the department of human services, said mentally ill or retarded person transferred to the Colorado mental health institute at Pueblo or Colorado mental health institute at Fort Logan for safekeeping.~~ EXCEPT WHEN A PERSON IS SERVING A SENTENCE TO THE DEPARTMENT CONCURRENTLY WITH A COMMITMENT TO THE DEPARTMENT OF HUMAN SERVICES, no person who is adjudged to be mentally ill by a court of competent jurisdiction shall be transferred to any ~~penal institution or reformatory~~ CORRECTIONAL FACILITY, except upon a finding that ~~he~~ THE PERSON is so dangerous that he OR SHE cannot be safely confined in the Colorado mental health institute at Pueblo or Fort Logan. A hearing on the dangerousness of the patient shall be conducted pursuant to the provisions of section 17-23-103.

(4) ~~Any mentally ill or retarded person who has been previously transferred from an institution for the care and treatment of the mentally ill or retarded to a correctional facility shall be transferred by the executive director to the Colorado mental health institute at Pueblo or Fort Logan unless he is found, pursuant to section 17-23-103, to be so dangerous that he cannot be safely confined in said institute.~~

SECTION 44. 17-23-102, Colorado Revised Statutes, is amended to read:

17-23-102. Transfer of recovered inmate. When the superintendent of any institution or facility in which any person has been placed by transfer from a correctional facility, as provided in section 17-23-101, is of the opinion that said person is ~~no longer mentally ill or retarded~~ STABILIZED, it is the duty of said superintendent to give written notice of such recovery to the ~~respective superintendent of said correctional facility~~ EXECUTIVE DIRECTOR who shall transfer said person to the place of former commitment for the purpose of serving out said person's sentence, if the same has not expired.

SECTION 45. 17-25-103, Colorado Revised Statutes, is amended to read:

17-25-103. Placement limitations. No adult felony violent or sex offender shall be placed by the department in a minimum security facility located in any county without first having been placed in at least one more restrictive setting for not less than six months. Said six-month time period shall include any time spent by the inmate in any diagnostic unit operated by the department. The six-month requirement may be waived only with the approval of the executive director. ~~of the department; the chief of the diagnostic unit, and the officer in charge of the receiving minimum security facility.~~

SECTION 46. 17-29-101, Colorado Revised Statutes, is amended to read:

17-29-101. Legislative declaration. The general assembly hereby finds and declares that the people of this state would benefit from a program to reclaim and maintain the land and resources of public entities within this state; that the executive director ~~of the department~~ has custody over inmates, both male and female, who could be utilized as a labor force in such a program; that such a program would reinforce the rehabilitation of such inmates, provide work skills, and instill a work ethic in the inmates, thereby facilitating their readjustment to society; and that work assignments involving physical labor will assist the executive director and the ~~superintendents~~ WARDENS in the management of correctional facilities under their supervision. To these ends, it is the purpose of this article to create within the department physical labor work programs, including an intensive labor work program for all inmates sentenced to the department, including repeat offenders and parole violators as well as those inmates who demonstrate behavior inconsistent with the rules of the department or any of its facilities, which utilize the physical labor of inmates. The executive director or the executive director's designee may appoint facility ~~superintendents~~ WARDENS, responsible for the administration of correctional facilities, to perform the duties and functions set forth in this article.

SECTION 47. 17-29-103 (1) and (2), Colorado Revised Statutes, are amended to read:

17-29-103. Executive director to establish work program. (1) The executive director may establish an intensive labor work program at all facilities, utilizing the physical labor of able-bodied offenders, which will be directed toward the reclamation and maintenance of land and resources, including but not limited to those of any federal, state, or local governmental agency or nonprofit agency within this state, and which will be administered by the various ~~superintendents~~ WARDENS responsible for the administration of any correctional facility. Such intensive labor work program shall be operated on an incentive basis so that an offender assigned to the intensive labor work program who demonstrates that he or she is willing to modify his or her behavioral patterns, to cooperate in his or her rehabilitation, and to learn both a work ethic and a job skill becomes eligible for reassignment from the intensive labor work program.

(2) Immediately after the evaluation and diagnosis required by section 16-11-308 (2), C.R.S., and initial placement at a correctional facility, every able-bodied offender may, by departmental classification action, be assigned to and shall participate in the intensive labor work program for a period of not less than thirty days; except that the

executive director or the ~~superintendents~~ WARDENS responsible for the administration of correctional facilities may waive or delay an offender's initial assignment to the intensive labor work program for the good of the department. Offenders assigned to the intensive labor work program will be compensated at a rate set in accordance with the regulations of the department concerning offender pay, including but not limited to provisions concerning deductions and reimbursement for care claims.

SECTION 48. The introductory portion to 17-29-105 (1), Colorado Revised Statutes, is amended to read:

17-29-105. Minimum security off-grounds work programs - authorized.

(1) The executive director may establish an off-grounds work program for ANY APPROPRIATE MINIMUM AND MINIMUM-RESTRICTIVE inmates. ~~at any of the minimum security facilities.~~ The purpose of the program is to provide employment opportunities for ~~the~~ SUCH inmates, ~~at such facilities,~~ to reinforce the rehabilitation of such inmates, and to provide inmates with the necessary skills and appropriate work ethics in reentering the work force and their communities. Under the program, inmates may be assigned to appropriate work assignments requested by any federal, state, or local governmental agency or nonprofit agency. Appropriate work assignments shall be determined by the executive director. Requests from agencies and agency agreements with the department ~~of corrections~~ shall comply with criteria established by the executive director pursuant to section 17-20-115; except that such criteria may include but is not limited to the following requirements:

SECTION 49. Repeal. Article 30.5 of title 17, Colorado Revised Statutes, is repealed.

SECTION 50. 17-31-103 (1) (c), Colorado Revised Statutes, is amended to read:

17-31-103. Volunteers - rehabilitation and transition - programs. (1) Each division shall facilitate, where practicable, the use of volunteers to assist and participate in the development and implementation of programs for the rehabilitation and transition of and growth of support groups and systems for adult and juvenile offenders in the following institutions and programs:

(c) The adult parole program of the division of adult ~~services~~ PAROLE within the department; ~~of corrections;~~

SECTION 51. 17-31-104 (1), Colorado Revised Statutes, is amended to read:

17-31-104. Right to visit offenders. (1) A volunteer who has completed minimum training from an approved volunteer organization may visit any offender or offenders to whom such volunteer has been assigned at any institution and in any program utilizing volunteers as set forth in section 17-31-103, subject to reasonable times and for purposes within such guidelines as may be prescribed by the division of adult ~~services~~ PAROLE within the department, ~~of corrections;~~ if such volunteer presents no security risk to such institution or program and has received basic training in volunteer services. Nothing in this section shall restrict the right of a ~~superintendent~~ WARDEN of any facility or program from denying access to a facility or program to a volunteer seeking to visit any offender or offenders.

SECTION 52. 17-32-102, Colorado Revised Statutes, is amended to read:

17-32-102. Legislative declaration. The general assembly hereby finds and declares that illiteracy is a problem in today's society and a particular problem among persons in correctional facilities. The general assembly further finds and declares that illiteracy among persons in the custody of the department ~~of corrections~~ contributes to their frustration and the likelihood of their return to criminal activity. It is therefore the intent of the general assembly in enacting this article to develop and implement a comprehensive competency-based education program to combat illiteracy among persons in correctional facilities so that they can become more productive members of society when ~~released from said facilities~~. REINTEGRATED INTO THE COMMUNITY.

SECTION 53. Repeal. 17-32-103 (2) and (3), Colorado Revised Statutes, are repealed as follows:

17-32-103. Definitions. As used in this article, unless the context otherwise requires:

(2) ~~"Correctional education program director" means the head of the division of correctional education appointed pursuant to section 17-32-104.~~

(3) ~~"Division" means the division of correctional education created in section 17-32-104.~~

SECTION 54. Repeal. 17-32-104, Colorado Revised Statutes, is repealed.

SECTION 55. The introductory portion to 17-32-105 (1) and 17-32-105 (1) (a) and (3) (b) (II), Colorado Revised Statutes, are amended to read:

17-32-105. Development of correctional education program - goals and objectives. (1) On and after July 1, 1990, the ~~division~~ PROGRAM shall have responsibility for the provision of educational services to persons in correctional facilities under the control of the department and for the development and implementation of a comprehensive competency-based education program, which program shall conform to the goals and objectives outlined in this subsection (1). The correctional education program may be implemented in phases with the goals and objectives implemented in all facilities in the order specified in this subsection (1); except that the goal and objective stated in paragraph (a) of this subsection (1) shall be implemented in all correctional facilities no later than July 1, 1991, and the entire program shall be completely implemented in all correctional facilities no later than July 1, 1992. The ~~division~~ PROGRAM shall continue to operate instructional services currently offered in correctional facilities until such services are incorporated in or replaced by instructional services offered under the correctional education program. The CORRECTIONAL EDUCATION program ~~developed and implemented by the division~~ shall encompass the following goals and objectives:

(a) First, to ensure that every ~~person~~ INMATE in a correctional facility shall receive APPROPRIATE academic services mandated by federal or state statutes, regulations, or orders;

(3) (b) (II) Is specifically exempted by the ~~division~~ PROGRAM from participation for security or health reasons;

SECTION 56. The introductory portion to 17-32-106 (1) and 17-32-106 (1) (d), (1) (f), and (1) (i), Colorado Revised Statutes, are amended to read:

17-32-106. Powers and duties of the program. (1) In connection with the development and implementation of the correctional education program, the ~~division~~ PROGRAM shall have the following powers and duties:

(d) To accept moneys from the federal government as well as contributions, grants, gifts, bequests, and donations from individuals, private organizations, and foundations and do all things necessary, not inconsistent with this article or any other laws of this state, in order to avail itself of such federal moneys under any federal legislation. All moneys accepted by the ~~division~~ PROGRAM shall be transmitted to the state treasurer for credit to the correctional education program fund.

(f) To expend moneys appropriated to the ~~division~~ PROGRAM by the general assembly, including moneys in the correctional education program fund, for the purpose of implementing the correctional education program;

(i) To exercise any other powers or perform any other duties ~~which~~ THAT are consistent with the purposes for which the ~~division~~ PROGRAM was created and ~~which~~ THAT are reasonably necessary for the fulfillment of the ~~division's~~ PROGRAM'S responsibilities under this article.

SECTION 57. 17-32-107, Colorado Revised Statutes, is amended to read:

17-32-107. Correctional education program fund. There is hereby created in the state treasury the correctional education program fund, which shall be administered by the ~~division~~ PROGRAM and ~~which~~ THAT shall consist of all moneys received by the ~~division~~ PROGRAM from the federal government and from contributions, grants, gifts, bequests, and donations from individuals, private organizations, and foundations. The moneys in the fund shall be subject to annual appropriation by the general assembly to the ~~division~~ PROGRAM for the purpose of developing and implementing a correctional education program. Any moneys not appropriated or not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund of the state. Any interest earned on the investment or deposit of moneys in the fund shall remain in the fund and shall not be credited to the general fund of the state.

SECTION 58. 18-8-204 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-8-204. Introducing contraband in the second degree. (2) "Contraband" as used in this section means any of the following, but does not include any article or thing referred to in section 18-8-203:

(m) FOR PURPOSES OF A FACILITY OF THE DEPARTMENT OF CORRECTIONS, ANY CIGARETTES OR TOBACCO PRODUCTS, AS DEFINED IN SECTION 39-28.5-101 (5), C.R.S.

SECTION 59. 16-3-107.5 (3) (b), Colorado Revised Statutes, is amended, and the said 16-3-107.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

16-3-107.5. Transportation of prisoners. (3) Whenever a prisoner is transported by a contracting entity, the prisoner:

(b) ~~Shall wear a seat belt;~~

(3.5) ANY VEHICLE IN WHICH ONE OR MORE PRISONERS ARE BEING TRANSPORTED BY A CONTRACTING ENTITY SHALL ONLY CONTAIN AS MANY INDIVIDUALS AS THE VEHICLE WAS DESIGNED TO CARRY.

SECTION 60. The introductory portion to 16-16-103 (2) and 16-16-103 (3) (a), Colorado Revised Statutes, are amended to read:

16-16-103. Place of confinement - extension of limits. (2) The superintendents, in the exercise of their discretion and with the assistance of the director of the division of adult ~~services~~ PAROLE, may extend the limits of confinement of any inmate in the following instances:

(3) (a) Any inmate who is allowed to participate in such paid employment or in such job training for which a subsistence allowance is paid in connection with the job training shall pay over to the respective superintendent or the director of the division of adult ~~services~~ PAROLE all moneys received from such paid employment or job training; except that the inmate may retain that part of the moneys so received which the superintendent or the director of the division of adult services deems necessary for expenses connected with the employment or job training. These expenses shall include, but not be limited to, travel expenses, food expenses, clothing, tools, and safety equipment.

SECTION 61. 17-22.5-202 (1), Colorado Revised Statutes, is amended to read:

17-22.5-202. Ticket to leave - discharge - clothes, money, transportation. (1) Ten days prior to the date on which any inmate confined in a correctional facility is entitled to be discharged or to be paroled from said correctional facility, the executive director or the executive director's designee shall give such inmate a ticket of leave therefrom, which shall entitle the inmate to depart from said correctional facility. The executive director or the executive director's designee shall at the same time furnish such inmate with suitable clothing and may furnish transportation, at the expense of the state, from the place at which said correctional facility is located to the place of the inmate's residence in Colorado, or any other place in Colorado. The executive director or the executive director's designee shall also furnish to any inmate being discharged, other than a parolee, one hundred dollars. The executive director or the executive director's designee may furnish any inmate being released on parole a reasonable sum of money not to exceed one hundred dollars; except that, if the executive director or the executive director's designee furnishes less than one hundred dollars, the difference between one hundred dollars and the amount furnished shall be credited to an account for such parolee. Notwithstanding any other provision of this subsection (1), if the inmate has previously been returned to custody in a correctional facility after being paroled and before the completion of his or her period

of parole and previously received such sum of money, the executive director or the executive director's designee shall not furnish a sum of money to the inmate. The executive director or the executive director's designee shall certify any amount so credited to the division of adult ~~services~~ PAROLE, and any such amount shall be distributed to an inmate in accordance with rules promulgated by the department.

SECTION 62. 27-22.5-303 (1), (2), (4), and (7), Colorado Revised Statutes, are amended to read:

17-22.5-303. Parole. (1) As to any person sentenced for a class 2, class 3, class 4, or class 5 felony committed on or after July 1, 1979, but before July 1, 1981, the division of adult ~~services~~ PAROLE shall provide a one-year period of parole supervision and assistance in securing employment, housing, and such other services as may effect the successful reintegration of such offender into the community while recognizing the need for public safety; except that the state board of parole may discharge an offender at any time during the year upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision. The conditions of parole for any such person shall be established by the state board of parole prior to his release from incarceration. Upon a determination that the conditions of parole have been violated in any parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, or revoke the parole and order the return of the offender to the institution in which he was originally received for a period of not more than six months. For second and subsequent revocations of parole, the offender shall be reincarcerated; but in no event shall any such person spend more than one year under parole supervision and reincarceration as provided in this section. The good time deduction authorized by section 17-22.5-301 shall apply to periods of reincarceration provided for in this section.

(2) As to any person sentenced for a class 2, class 3, class 4, or class 5 felony committed on or after July 1, 1981, and before July 1, 1984, the division of adult ~~services~~ PAROLE shall provide a one-year period of parole supervision and assistance in securing employment, housing, and such other services as may effect the successful reintegration of such offender into the community while recognizing the need for public safety; except that the state board of parole may discharge an offender at any time during the year upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision. The conditions of parole for any such person shall be subject to section 17-2-201 (5) (b) and (5) (c) prior to his release from incarceration; but in no event shall any such person whose initial parole has not been revoked spend more than one year under parole supervision, as provided in this section. Upon a determination that the conditions of parole have been violated in any such parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, or revoke the parole and order the return of the offender to the institution in which he was originally received for a period of not more than two years; but in no event shall any period of reincarceration, subsequent term of parole, and sentence actually served exceed the sentence imposed pursuant to section 18-1-105, C.R.S. The good time deduction authorized by section 17-22.5-301 shall apply to periods of reincarceration provided for in this section.

(4) As to any person sentenced for a class 2, class 3, class 4, or class 5 felony committed on or after July 1, 1984, but before July 1, 1985, the division of adult ~~services~~ PAROLE shall either release an offender on his parole eligibility date, pursuant to the determination made by the state board of parole, or shall provide up to three years of parole for any offender who is determined by the state board of parole to present a high risk to the general population upon release from incarceration. For persons who are provided parole, the division of adult ~~services~~ PAROLE shall provide a period of up to three years of parole supervision and assistance in securing employment, housing, and such other services as may effect the successful reintegration of such offender into the community while recognizing the need for public safety. The conditions for parole for any such offender under this subsection (4) shall be established pursuant to section 17-2-201 (5) (b) and (5) (c) by the state board of parole prior to his release from incarceration. Upon a determination that the conditions of parole have been violated in a parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, or revoke the parole and order the return of the offender to the institution in which he was originally received for a period of not more than five years. In no event shall any period of reincarceration, subsequent term of parole, and sentence actually served exceed the sentence imposed pursuant to section 18-1-105, C.R.S. The state board of parole may discharge an offender granted parole under this section at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision. The good time deduction authorized by section 17-22.5-301 shall apply to periods of reincarceration provided for in this section.

(7) For persons who are granted parole pursuant to subsection (6) of this section, the division of adult ~~services~~ PAROLE shall provide a period of up to five years of parole supervision and assistance in securing employment, housing, and such other services as may effect the successful reintegration of such offender into the community while recognizing the need for public safety. The conditions for parole for any such offender under this subsection (7) shall be established pursuant to section 17-22.5-404 by the state board of parole prior to such offender's release from incarceration. Upon a determination that the conditions of parole have been violated in a parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the parole and order the return of the offender to a place of confinement designated by the executive director for a period of not more than five years. In computing the period of reincarceration for an offender other than an offender sentenced for a nonviolent felony offense, as defined in section 17-22.5-405 (5), the time between the offender's release on parole and the revocation of such parole shall not be considered to be any part of the term of the sentence. In no event shall any period of reincarceration and sentence actually served exceed the sentence imposed pursuant to section 18-1-105, C.R.S. The state board of parole may discharge an offender granted parole under this section at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

SECTION 63. 17-22.5-403 (6), (8), and (9) (c), Colorado Revised Statutes, are amended to read:

17-22.5-403. Parole eligibility. (6) For persons who are granted parole pursuant to subsection (5) of this section, the division of adult ~~services~~ PAROLE shall provide parole supervision and assistance in securing employment, housing, and such other services as may affect the successful reintegration of such offender into the community while recognizing the need for public safety. The conditions for parole for any such offender under this subsection (6) shall be established pursuant to section 17-22.5-404 by the state board of parole prior to such offender's release from incarceration. Upon a determination that the conditions of parole have been violated in a parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the parole and order the return of the offender to a place of confinement designated by the executive director for any period of time up to the period remaining on such person's sentence until the discharge date as determined by section 17-22.5-402 or one year, whichever is longer. In computing the period of reincarceration for an offender other than an offender sentenced for a nonviolent felony offense, as defined in section 17-22.5-405 (5), the time between the offender's release on parole and the revocation of such parole shall not be considered to be part of the term of the sentence. The state board of parole may discharge an offender granted parole under this section at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

(8) (a) For persons who are granted parole pursuant to paragraph (a) of subsection (7) of this section, the division of adult ~~services~~ PAROLE shall provide parole supervision and assistance in securing employment, housing, and such other services as may affect the successful reintegration of such offender into the community while recognizing the need for public safety. The conditions for parole for any such offender under this paragraph (a) shall be established pursuant to section 17-22.5-404 by the state board of parole prior to such offender's release from incarceration. Upon a determination that the conditions of parole have been violated in a parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the parole and order the return of the offender to a place of confinement designated by the executive director for any period of time up to the period remaining on such person's mandatory period of parole established in section 18-1-105 (1) (a) (V), C.R.S. Any offender who has been reincarcerated due to a parole revocation pursuant to this paragraph (a) shall be eligible for parole at any time during such reincarceration. The state board of parole may discharge an offender granted parole under this section at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision. In making any such determination, the state board of parole shall make written findings as to why such offender is no longer in need of parole supervision.

(b) For sex offenders, as defined in section 16-13-803 (4), C.R.S., who are convicted of an offense committed on or after November 1, 1998, and who are granted parole pursuant to paragraph (b) of subsection (7) of this section, the division of adult ~~services~~ PAROLE shall provide parole supervision and assistance in securing employment, housing, and such other services as may affect the successful reintegration of the sex offender into the community while recognizing the need for

public safety. The conditions for parole for any sex offender shall be established pursuant to section 16-13-806, C.R.S., and section 17-22.5-404 by the state board of parole prior to the sex offender's release from incarceration. Upon a determination in a parole revocation proceeding that the sex offender has violated the conditions of parole, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the parole and order the return of the sex offender to a place of confinement designated by the executive director for any period of time up to the remainder of the sex offender's natural life. The revocation hearing shall be held and the state board of parole shall make its determination as provided in section 16-13-810, C.R.S. Following reincarceration, the sex offender's eligibility for parole shall be determined pursuant to section 16-13-806, C.R.S. The state board of parole may discharge a sex offender from parole as provided in section 16-13-806 (3), C.R.S.

(9) (c) For any offender released to a twelve-month period of supervision pursuant to this subsection (9), the division of adult ~~services~~ PAROLE shall provide supervision and assistance in securing employment, housing, and such other services as may affect the offender's successful reintegration into the community while recognizing the need for public safety. The state board of parole, pursuant to section 17-22.5-404, shall establish the conditions for the offender's twelve-month supervision prior to the offender's release from incarceration. Upon a determination in a revocation proceeding that the conditions of supervision have been violated, the state board of parole shall continue the supervision in effect, modify the conditions of supervision if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the supervision and impose intermediate sanctions as provided in paragraph (f) of this subsection (9) or order the return of the offender to a place of confinement designated by the executive director for any period of time up to twelve months. Any offender who has been reincarcerated due to a supervision revocation pursuant to this paragraph (c) shall be eligible for subsequent release for a twelve-month period of supervision at any time during such reincarceration.

SECTION 64. 17-24-103 (4), Colorado Revised Statutes, is amended to read:

17-24-103. Definitions. As used in this article, unless the context otherwise requires:

(4) "Programs" means the correctional industries programs provided and administered by the division but does not include educational services or other productive activities administered by the division of adult ~~services~~ PAROLE.

SECTION 65. 17-24-109 (4), Colorado Revised Statutes, is amended to read:

17-24-109. Required programs. (4) A portion of the real property at each correctional institution shall be designated by the executive director as an industry area, and all facilities and buildings within this area shall be assigned to the division in cooperation with the division of adult ~~services~~ PAROLE. The responsibility for the maintenance and upkeep of these facilities, buildings, and grounds shall be vested in the division.

SECTION 66. 17-24-110 (2) and (4), Colorado Revised Statutes, are amended to read:

17-24-110. Financial payment incentives. (2) The division shall be provided, from the diagnostic services unit of the division of adult ~~services~~ PAROLE, personnel testing services that perform a vocational assessment of work experience and training needs; from the superintendent of each correctional institution, offender labor services; and from the superintendent of each such institution, security services at the work site, in addition to perimeter and scheduled security, when the division and the superintendent determine such additional services are reasonably necessary to ensure the safety of the public, the staff, and the offenders.

(4) The director and the director of the division of adult ~~services~~ PAROLE are authorized to negotiate resource allocations for the exchange of services set forth in this section, subject to the annual review by the joint budget committee and the governor and appropriation by the general assembly. Payment rates shall be negotiated and set before the exchange of any of the services.

SECTION 67. 17-24-114 (2) and (3), Colorado Revised Statutes, are amended to read:

17-24-114. Provisions for offenders. (2) The director shall establish the rate of compensation for the offenders working. The director and the director of the division of adult services shall have the authority to make rules and regulations regarding the method and time of compensation payments. A portion of such compensation shall be paid to the division of adult ~~services~~ PAROLE to defray the cost of operations for adult ~~services~~ PAROLE, and a portion of such compensation shall be paid to each offender in relation to the number of hours worked, type of work assignment, and quality of work performed. Payment rates shall be established on an annual basis after review by the joint budget committee and by appropriation of the general assembly. No offender shall be compensated if he is placed in administrative or punitive segregation or if he is able-bodied but refuses to participate in an available work program or other productive activity. The department will provide hygienic items to all inmates in administrative or punitive segregation.

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

SECTION 68. 17-24-119 (1), (2) (b), and (2) (d), Colorado Revised Statutes, are amended to read:

17-24-119. Training and employment by organizations - account for proceeds and wages. (1) The division, after consultation with the respective superintendents of the correctional facilities and with the director of the division of adult ~~services~~ PAROLE, is authorized to contract with any corporation, association, labor organization, or private nonprofit organization or with any federal or state agency for the purpose of training or employing offenders who have been committed to the department of corrections or who have been assigned to a community correctional program.

(2) Proceeds and wages due an offender from the sale of products produced by the offender under a program authorized by subsection (1) of this section shall be held in an account maintained by the division and distributed periodically for:

(b) Payment of such amounts for the support of the offender's dependents as is deemed appropriate by the division after consultation with the respective superintendents of the correctional facilities and with the director of the division of adult ~~services~~ PAROLE;

(d) Voluntary payment of such amounts to the victims assistance and law enforcement fund established in section 24-33.5-506, C.R.S., as is deemed appropriate by the division after consultation with the respective superintendents of the correctional facilities and with the director of the division of adult ~~services~~ PAROLE.

SECTION 69. 17-31-102 (2), Colorado Revised Statutes, is amended to read:

17-31-102. Definitions. As used in this article, unless the context otherwise requires:

(2) "Division" means the division or department directing or administering any public or private correctional institution or detention facility in which offenders are housed or treated, any probation program within each judicial district, or any juvenile or adult parole program, including but not limited to, the judicial department, the department of public safety and the division of criminal justice therein, the department of corrections and the division of adult ~~services~~ PAROLE therein, and the department of human services and the division of juvenile parole therein.

SECTION 70. 17-31-103 (1) (c), Colorado Revised Statutes, is amended to read:

17-31-103. Volunteers - rehabilitation and transition - programs. (1) Each division shall facilitate, where practicable, the use of volunteers to assist and participate in the development and implementation of programs for the rehabilitation and transition of and growth of support groups and systems for adult and juvenile offenders in the following institutions and programs:

(c) The adult parole program of the division of adult ~~services~~ PAROLE within the department of corrections;

SECTION 71. 17-31-104 (1), Colorado Revised Statutes, is amended to read:

17-31-104. Right to visit offenders. (1) A volunteer who has completed minimum training from an approved volunteer organization may visit any offender or offenders to whom such volunteer has been assigned at any institution and in any program utilizing volunteers as set forth in section 17-31-103, subject to reasonable times and for purposes within such guidelines as may be prescribed by the division of adult ~~services~~ PAROLE within the department of corrections, if such volunteer presents no security risk to such institution or program and has received basic training in volunteer services. Nothing in this section shall restrict the right of a superintendent of any facility or program from denying access to a facility or program to a volunteer seeking to visit any offender or offenders.

SECTION 72. 17-32-105 (3) (a) and (3) (b) (II), Colorado Revised Statutes, are amended to read:

17-32-105. Development of correctional education program - goals and objectives. (3) (a) Except as otherwise provided in paragraph (b) of this subsection (3), any person in a correctional facility who lacks basic and functional literacy skills, as determined through the use of a literacy test approved by the state board of education, shall be required to complete sequential course work sufficient to allow the inmate to pass a competency test or the test of general education development or both. If a composite test score of functional literacy is not attained, the ~~division~~ PROGRAM may require the inmate to continue to receive adult basic education instruction.

(b) A person in a correctional facility who lacks basic and functional literacy skills shall be required to attend adult basic education instruction unless such person:

(II) Is specifically exempted by the ~~division~~ PROGRAM from participation for security or health reasons;

SECTION 73. 24-1-128.5 (2) (a) and (2) (c), Colorado Revised Statutes, are amended to read:

24-1-128.5. Department of corrections - creation. (2) The department of corrections shall consist of the following divisions:

(a) The division of adult ~~services~~ PAROLE, the head of which shall be the director of the division of adult ~~services~~ PAROLE. The division of adult ~~services~~ PAROLE shall exercise its powers and perform its duties and functions under the department of corrections as if the same were transferred by a **type 2** transfer. The division of adult ~~services~~ PAROLE shall supervise and control each correctional facility, as defined in section 17-1-102, C.R.S., including but not limited to the state penitentiary at Canon City, the Colorado state reformatory at Buena Vista, and the women's correctional institution at Canon City, which are transferred by a **type 2** transfer to the department of corrections and allocated to the division of adult ~~services~~ PAROLE. The powers, duties, and functions of the department of institutions relating to honor camps, work release programs, and other adult correctional programs are transferred by a **type 2** transfer to the department of corrections and allocated to the division of adult ~~services~~ PAROLE. The powers, duties, and functions of the division of parole in the department of institutions are transferred by a **type 3** transfer to the department of corrections and allocated to the division of adult ~~services~~ PAROLE, and the division of parole is abolished.

(c) ~~The division of correctional education, the head of which shall be the correctional education program director. Pending appointment of the correctional education program director, the executive director shall serve in this capacity. The division shall exercise its powers and perform its duties and functions under the department of corrections as if the same were transferred by a type 2 transfer. The division shall develop and implement the correctional education program authorized by article 32 of title 17, C.R.S.~~

SECTION 74. 24-34-102 (14) (a), Colorado Revised Statutes, is amended to

read:

24-34-102. Division of registrations - creation - duties of division and department heads. (14) On and after July 1, 1998, the authority vested in the department of human services and the board of human services to certify and discipline certified alcohol and drug abuse counselors is transferred to the director of the division of registrations in the department of regulatory agencies. The department of human services and board of human services shall continue to exercise all other rights, powers, duties, functions, and obligations vested in the those entities concerning certified alcohol and drug abuse counselors pursuant to part 2 of article 1 of title 25, C.R.S. The director of the division of registrations may promulgate rules, which shall include, but shall not be limited to:

(a) A requirement that alcohol and drug abuse counselors, in order to participate in public programs or to provide purchased services and certification requirements therefor, shall meet standards established by the board of humans services by rule. In addition to alcohol and drug abuse counselors specifically authorized to be certified for approved programs pursuant to part 2 of article 1 of title 25, C.R.S., the director of the division of registrations in the department of regulatory agencies may certify alcohol and drug abuse counselors, upon individual application, in any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 11 of title 16, C.R.S., any alcohol or drug abuse program administered by the division of adult ~~services~~ PAROLE under article 2 of title 17, C.R.S., any community corrections facility or program administered under article 27 of title 17, C.R.S., and any alcohol or drug abuse treatment program administered by the division of youth corrections under title 19, C.R.S.

SECTION 75. 25-1-201 (4), Colorado Revised Statutes, is amended to read:

25-1-201. Definitions. As used in this part 2, unless the context otherwise requires:

(4) "Public program" means a program concerning the problems of alcohol or drug abuse sponsored by a local or regional health department, county department of social services, court, probation department, law enforcement agency, school, school system, board of cooperative services, Indian tribal reservation, or state agency. "Public program" includes any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 11 of title 16, C.R.S., any alcohol or drug abuse program administered by the division of adult ~~services~~ PAROLE under article 2 of title 17, C.R.S., any community correctional facility or program administered under article 27 of title 17, C.R.S., and any alcohol or drug abuse treatment program administered by the division of youth corrections under title 19, C.R.S.

SECTION 76. 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: May 24, 2000