

## CHAPTER 73

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**CORRECTIONS**

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**HOUSE BILL 00-1421**

BY REPRESENTATIVES Spradley and Kester;  
also SENATORS Dennis, Arnold, Chlouber, Epps, and Hernandez.

**AN ACT**

CONCERNING COMMUNITY CORRECTIONS PROGRAM AGENTS WITHIN THE DEPARTMENT OF  
CORRECTIONS.

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

**SECTION 1.** 17-27-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-27-102. Definitions.** As used in this article:

(3.5) "COMMUNITY CORRECTIONS PROGRAM AGENT" OR "AGENT" MEANS A PERSON WHO IS AN EMPLOYEE OF THE DEPARTMENT AND IS A PEACE OFFICER, LEVEL Ia, WITH THE POWERS AND DUTIES DESCRIBED IN SECTION 17-27-105.5.

**SECTION 2.** Part 1 of article 27 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-27-105.5. Community corrections program agents - duties - arrest powers.** (1) FOR PURPOSES OF THIS SECTION:

(a) "OFFENDER" MEANS AN INMATE ASSIGNED TO RESIDENTIAL AND NONRESIDENTIAL COMMUNITY CORRECTIONS PROGRAMS AS THOSE PROGRAMS ARE SET FORTH IN ARTICLES 27, 27.5, AND 27.7 OF THIS TITLE AND AN OFFENDER WHO IS IN PHASE III OF THE YOUTHFUL OFFENDER SYSTEM AS SET FORTH IN SECTION 16-11-311, C.R.S.; AND

(b) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT'S COMMUNITY CORRECTIONS PROGRAM AND WHOSE POWERS AND DUTIES INCLUDE THOSE OF A COMMUNITY CORRECTIONS PROGRAM AGENT.

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

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL DESIGNATE STAFF OF THE DEPARTMENT TO MAINTAIN JURISDICTION OVER ALL OFFENDERS PLACED IN ANY COMMUNITY CORRECTIONS PROGRAM BY ORDER OF THE EXECUTIVE DIRECTOR OR AS A CONDITION OF PAROLE. SUCH STAFF MAY INCLUDE COMMUNITY CORRECTIONS PROGRAM AGENTS AND THE DIRECTOR.

(3) COMMUNITY CORRECTIONS PROGRAM AGENTS ARE AUTHORIZED TO:

- (a) SUPERVISE AND HABILITATE OFFENDERS;
- (b) INVESTIGATE, DETECT, AND PREVENT CRIME INVOLVING OFFENDERS;
- (c) ISSUE WARRANTS FOR THE ARREST OF OFFENDERS;
- (d) ARREST OFFENDERS;
- (e) PROCESS REPORTS OR OTHER OFFICIAL DOCUMENTS REGARDING OFFENDERS;
- (f) COORDINATE WITH COMMUNITY CORRECTIONS BOARDS AND COMMUNITY CORRECTIONS PROGRAMS;
- (g) REVIEW OFFENDER SUPERVISION AND TREATMENT;
- (h) AUTHORIZE OFFENDER TRANSFERS BETWEEN RESIDENTIAL AND NONRESIDENTIAL PHASES OF PLACEMENT; AND
- (i) CARRY OUT SUCH OTHER DUTIES AS THE EXECUTIVE DIRECTOR DIRECTS.

(4) THE DIRECTOR OF COMMUNITY CORRECTIONS OR ANY COMMUNITY CORRECTIONS PROGRAM AGENT MAY ARREST ANY OFFENDER WHEN ANY OFFENSE UNDER THE LAWS OF THIS STATE HAS BEEN OR IS BEING COMMITTED BY THE OFFENDER IN THE PRESENCE OF THE DIRECTOR OR THE AGENT, THE DIRECTOR OR THE AGENT HAS A WARRANT COMMANDING THAT SUCH OFFENDER BE ARRESTED, OR THE DIRECTOR OR THE AGENT HAS PROBABLE CAUSE TO BELIEVE:

- (a) THAT A WARRANT FOR THE OFFENDER'S ARREST HAS BEEN ISSUED IN THIS STATE OR ANOTHER STATE FOR ANY CRIMINAL OFFENSE OR FOR A VIOLATION OF THE DEPARTMENT'S ADMINISTRATIVE CODE OF PENAL DISCIPLINE, A SUPERVISION ORDER, OR OTHER ADMINISTRATIVE ORDER;
- (b) THAT A CRIME HAS BEEN COMMITTED AND THAT THE OFFENDER HAS COMMITTED SUCH CRIME;
- (c) THAT THE OFFENDER HAS VIOLATED A CONDITION OF THE ADMINISTRATIVE CODE OF PENAL DISCIPLINE;
- (d) THAT THE OFFENDER IS LEAVING OR IS ABOUT TO LEAVE THE STATE;
- (e) THAT THE OFFENDER WILL FAIL OR REFUSE TO APPEAR AT A HEARING TO ANSWER CHARGES FOR A VIOLATION OF THE DEPARTMENT'S CODE OF PENAL

DISCIPLINE; OR

(f) THAT THE ARREST OF THE OFFENDER IS NECESSARY TO PREVENT PHYSICAL HARM TO THE OFFENDER OR ANOTHER PERSON OR TO PREVENT THE COMMISSION OF A CRIME.

(5) IF A COMMUNITY CORRECTIONS PROGRAM AGENT MAKES AN ARREST OF AN OFFENDER WITH OR WITHOUT A WARRANT, OR THE OFFENDER IS OTHERWISE ARRESTED, THE OFFENDER SHALL BE HELD IN A COUNTY JAIL OR PROGRAM PENDING ACTION BY THE AGENT OR THE DIRECTOR OF THE COMMUNITY CORRECTIONS PROGRAM.

(6) A COMMUNITY CORRECTIONS PROGRAM AGENT SHALL SEEK OUT AND ARREST ANY FUGITIVE FROM A CORRECTIONAL FACILITY WHEN CALLED UPON AND ASSIST OTHER AGENCIES IN THE APPREHENSION OF FUGITIVES FROM JURISDICTIONS THROUGHOUT THE STATE.

(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, EACH AGENT, OR THE DIRECTOR ACTING AS AN AGENT, SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY WHEN THE AGENT IS OPERATING OR INTENDS TO OPERATE ANYWHERE WITHIN THE LOCAL LAW ENFORCEMENT AGENCY'S JURISDICTION AND SHALL COOPERATE WITH SUCH AGENCY DURING THE CONDUCT OF THE INVESTIGATION.

**SECTION 3.** 17-27-105 (3) (b), Colorado Revised Statutes, is repealed as follows:

**17-27-105. Authority to place offenders in community corrections programs - repeal.** (3) (b) ~~The executive director of the department of corrections shall designate staff of the department to maintain jurisdiction over all offenders placed in any community corrections program by order of the executive director or as a condition of parole. Such staff shall issue warrants, process reports or other official documents regarding offenders, coordinate with community corrections boards and community corrections programs, review offender supervision and treatment, authorize offender transfers between residential and nonresidential phases of placement, and carry out such other duties as the executive director directs.~~

**SECTION 4.** 18-1-901 (3) (l) (II) (A), Colorado Revised Statutes, is amended to read:

**18-1-901. Definitions.** (3) (l) (II) (A) "Peace officer, level Ia," means any sheriff; district attorney; assistant district attorney; deputy district attorney; special deputy district attorney; the attorney general of the state, the deputy attorney general, and any deputy or assistant attorney general assigned to a criminal enforcement function in the office of the attorney general; authorized investigator of a county or district attorney, the attorney general, or the executive director of the department of public safety; agent of the Colorado bureau of investigation pursuant to section 24-33.5-409, C.R.S.; parole officers ~~or community program agents~~ pursuant to article 2 of title 17, C.R.S., OR ANY COMMUNITY CORRECTIONS PROGRAM AGENT PURSUANT TO SECTION 17-27-105.5, C.R.S.; the inspector general and any investigators appointed pursuant to section 17-1-103.8, C.R.S., employed by the department of corrections; or any officer of the Southern Ute Indian police force or Ute Mountain

Ute Indian police force who is certified pursuant to part 3 of article 31 of title 24, C.R.S., or otherwise qualified under section 24-31-305 (2), C.R.S. "Peace officer, level Ia," has the authority to enforce all the laws of the state of Colorado while acting within the scope of the officer's authority and in the performance of the officer's duties.

**SECTION 5. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**SECTION 6. 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: March 29, 2000