

CHAPTER 6

CORRECTIONS

HOUSE BILL 06-1063

BY REPRESENTATIVE(S) Cadman, Balmer, Berens, Coleman, Garcia, Hoppe, Jahn, Kerr, King, Knoedler, Schultheis, Stafford, Sullivan, Todd, Welker, and Romanoff;
also SENATOR(S) McElhany, Bacon, Dyer, Entz, Evans, Groff, Grossman, Jones, Kester, Lamborn, May R., Mitchell, Sandoval, Shaffer, Spence, Taylor, Teck, Traylor, Tupa, and Wiens.

AN ACT

CONCERNING CLARIFYING A COURT'S ABILITY TO IMPOSE GLOBAL POSITION MONITORING ON PERSONS INVOLVED IN CRIMINAL MATTERS.

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

SECTION 1. 16-4-105 (3) (d) (VII), Colorado Revised Statutes, is amended to read:

16-4-105. Selection by judge of the amount of bail and type of bond - criteria. (3) (d) Any pretrial services program may also include different methods and levels of community-based supervision as a condition of pretrial release. The program may use established supervision methods for defendants who are released prior to trial in order to decrease unnecessary pretrial incarceration. The program may include any of the following conditions for pretrial release or any combination thereof:

(VII) Electronic OR GLOBAL POSITION monitoring of the defendant; and

SECTION 2. 18-1.3-106 (1.1), Colorado Revised Statutes, is amended to read:

18-1.3-106. County jail sentencing alternatives - work, educational, and medical release - home detention - day reporting. (1.1) For purposes of this section, "home detention" means an alternative correctional sentence or term of legal supervision wherein a defendant charged or convicted of a misdemeanor, felony, nonpayment of any fine, or contempt of court is allowed to serve his or her sentence or term of supervision, or a portion thereof, within his or her home or other approved residence. Such sentence or term of supervision shall cause the defendant

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

to remain within such defendant's approved residence at all times except for approved employment, court-ordered activities, and medical needs. Supervision of the defendant shall include personal monitoring by an agent or designee of the referring unit of government and monitoring by electronic OR GLOBAL POSITIONING devices ~~which~~ THAT are capable of detecting and reporting the defendant's absence or presence within the approved residence.

SECTION 3. 18-1.3-204 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18-1.3-204. Conditions of probation. (2) (a) When granting probation, the court may, as a condition of probation, require that the defendant:

(XIV.5) BE SUBJECT TO ELECTRONIC OR GLOBAL POSITION MONITORING;

SECTION 4. 19-2-302 (4) (h), Colorado Revised Statutes, is amended to read:

19-2-302. Preadjudication service program created - community advisory board established - duties of board. (4) The plan may include different methods and levels of community-based supervision as conditions for preadjudication release. The plan may provide for the use of the same supervision methods that have been established for adult defendants as a pretrial release method to reduce pretrial incarceration or that have been established as sentencing alternatives for juvenile or adult offenders placed on probation or parole. The use of such supervision methods is intended to reduce preadjudication detentions without sacrificing the protection of the community from juveniles who may be risks to the public. The plan may provide for the use of any of the following supervision methods as conditions of preadjudication release:

(h) Electronic OR GLOBAL POSITION monitoring of the juvenile;

SECTION 5. 19-2-307 (1) (f), Colorado Revised Statutes, is amended to read:

19-2-307. Juvenile intensive supervision program - elements. (1) The juvenile intensive supervision program created by section 19-2-306 shall include, but shall not be limited to, utilization of any or all of the following elements:

(f) Use of electronic OR GLOBAL POSITION monitoring and substance abuse testing to monitor compliance with the program by the juvenile and providing sanctions for failure to comply with the program; and

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 8, 2006