

CHAPTER 403

CORRECTIONS

SENATE BILL 09-006

BY SENATOR(S) Boyd, Keller, Newell;
also REPRESENTATIVE(S) Solano, Casso, Fischer, Kerr J., Labuda, Merrifield, Pace, Ryden, Todd.

AN ACT**CONCERNING CREATION OF AN IDENTIFICATION PROCESSING UNIT FOR DETENTION FACILITIES, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Successful offender reentry into society is critical to the criminal justice system;

(b) One of the barriers to successful reentry into society for a person convicted of a crime is the lack of an acceptable form of identification;

(c) Identification cards are necessary for most aspects of everyday life, including receiving health care and mental health services, securing employment, and finding housing;

(d) Many prisoners in county jails lack acceptable identification cards, and obtaining identification cards may be difficult, particularly for prisoners who have mental illness;

(e) The need to access available mental health services is particularly important for successful reentry by a prisoner with a mental illness; and

(f) Ensuring that every prisoner in a county jail leaves with a proper identification card can be the first step to the prisoner's successful reentry into society.

(2) Therefore, the general assembly finds and declares that a mobile identification

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

processing unit that can travel to metropolitan-area county jails to process identification cards for prisoners is an appropriate first phase in providing identification cards to prisoners in the state.

SECTION 2. Part 3 of article 2 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

42-2-311. County jail identification processing unit - report - repeal.

(1) (a) THERE IS HEREBY CREATED THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT, REFERRED TO IN THIS SECTION AS THE "UNIT", IN THE DIVISION THAT ISSUES DRIVERS' LICENSES WITHIN THE DEPARTMENT.

(b) THE UNIT SHALL CONSIST OF A MOBILE IDENTIFICATION PROCESSING VEHICLE STAFFED BY THE DEPARTMENT. THE UNIT SHALL TRAVEL TO THE COUNTY JAILS IN ADAMS, ARAPAHOE, BOULDER, DOUGLAS, AND JEFFERSON COUNTIES, THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF BROOMFIELD ON A REGULAR BASIS TO PROCESS IDENTIFICATION CARDS FOR EACH PRISONER WHO IS A LEGAL RESIDENT OF THIS STATE AND WHO DOES NOT POSSESS AN IDENTIFICATION CARD ISSUED PURSUANT TO THIS PART 3 OR A DRIVER'S LICENSE ISSUED PURSUANT TO PART 1 OF THIS ARTICLE. EACH PRISONER SHALL BEAR THE COST OF THE IDENTIFICATION CARD; EXCEPT THAT A COUNTY OR JAIL MAY CHOOSE TO BEAR THE COST OF THE IDENTIFICATION CARD. THE UNIT SHALL, UPON THE PRISONER MEETING ALL OF THE REQUIREMENTS FOR OBTAINING AN IDENTIFICATION CARD, PROCESS AN IDENTIFICATION CARD FOR EACH PRISONER WHO IS SCHEDULED TO BE RELEASED PRIOR TO THE UNIT'S SCHEDULED RETURN DATE TO THAT COUNTY JAIL. THE UNIT SHALL GIVE PRIORITY TO A PRISONER WHO HAS A MEDICALLY DOCUMENTED MENTAL ILLNESS.

(c) THE DEPARTMENT PERSONNEL ARE AUTHORIZED TO WORK WITH COUNTY JAIL PERSONNEL AND VOLUNTEERS TO ASSIST PRISONERS IN THE PROCESS OF OBTAINING THE IDENTIFICATION CARDS. COUNTY JAIL PERSONNEL MAY ASSIST A PRISONER WITH OBTAINING THE NECESSARY DOCUMENTATION FOR THE IDENTIFICATION CARD.

(d) THE DEPARTMENT SHALL DEVELOP A SCHEDULE WITH THE SHERIFF OF EACH OF THE COUNTIES PURSUANT TO WHICH THE UNIT WILL VISIT EACH OF THE PARTICIPATING COUNTY JAILS. THE UNIT SHALL VISIT THE PARTICIPATING COUNTY JAILS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1). AFTER ESTABLISHING THE SCHEDULE FOR VISITING THE COUNTIES SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE DEPARTMENT SHALL DETERMINE WHETHER IT HAS THE RESOURCES TO EXPAND THE NUMBER OF COUNTY JAILS OR OTHER FACILITIES THAT THE UNIT MAY SERVE, WHICH FACILITIES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, CORRECTIONAL FACILITIES, YOUTH DETENTION FACILITIES, AND MENTAL HEALTH INSTITUTIONS.

(2) BEGINNING JULY 1, 2011, AND BY JULY 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT REGARDING THE UNIT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) THE NUMBER OF IDENTIFICATION CARDS ISSUED BY THE UNIT;

(b) THE NUMBER OF IDENTIFICATION CARD REQUESTS DENIED BY THE UNIT AND THE REASONS FOR THE DENIALS;

(c) THE LEVEL OF IN-KIND CONTRIBUTIONS MADE BY THE PARTICIPATING COUNTIES;

(d) THE SUCCESSES THE UNIT ACHIEVED AND THE CHALLENGES FACED BY THE UNIT; AND

(e) AN ACCOUNT OF THE COSTS AND EMPLOYEE TIME ASSOCIATED WITH THE OPERATION OF THE UNIT FOR:

(I) THE UNIT;

(II) THE PARTICIPATING COUNTIES SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION; AND

(III) THE RESPECTIVE SHERIFF'S DEPARTMENTS.

(3)(a) THE PROVISIONS OF THIS SECTION SHALL ONLY TAKE EFFECT IF BY JUNE 15, 2012, THE DEPARTMENT OF REVENUE RECEIVES AN AMOUNT THROUGH GIFTS, GRANTS, AND DONATIONS THAT IS EQUAL TO OR GREATER THAN THE FINAL FISCAL ESTIMATE FOR SENATE BILL 09-006, AS ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY, TO COVER THE ESTIMATED COSTS OF IMPLEMENTING THIS SECTION. ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE STATE DEPARTMENT PURSUANT TO THIS SUBSECTION (3) SHALL BE DEPOSITED INTO THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT FUND CREATED PURSUANT TO SECTION 42-2-312.

(b) ON OR BEFORE JUNE 30, 2012, THE EXECUTIVE DIRECTOR SHALL FILE A WRITTEN NOTICE WITH THE REVISOR OF STATUTES INDICATING THAT THE ESTIMATED AMOUNT OF MONEYS WAS RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3). IF THE NOTICE IS NOT RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30, 2012, THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012. IF THE NOTICE IS RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30, 2012, THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

42-2-312. County jail identification processing unit fund. THE DEPARTMENT OF REVENUE IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF IMPLEMENTING SECTION 42-2-311; EXCEPT THAT NO GIFT, GRANT, OR DONATION MAY BE ACCEPTED BY THE STATE TREASURER IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE. ALL MONEYS COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF SECTION 42-2-311. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE

INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

42-2-313. Department consult with counties on county jail identification processing unit. THE DEPARTMENT SHALL MEET WITH REPRESENTATIVES OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, AND JEFFERSON COUNTIES, THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF BROOMFIELD ON A REGULAR BASIS TO DISCUSS FUTURE IMPLEMENTATION OF A COUNTY JAIL IDENTIFICATION PROCESSING UNIT THAT WOULD TRAVEL TO COUNTY JAILS TO PROCESS IDENTIFICATION CARDS FOR PRISONERS, AS WELL AS TO DISCUSS INTERGOVERNMENTAL AGREEMENTS FOR COST-SHARING SOLUTIONS TO FUND THE UNIT, SOLUTIONS TO TECHNICAL AND EQUIPMENT ISSUES THAT THE DEPARTMENT HAS IDENTIFIED, AND IMPLEMENTATION OF PROGRAM TIMELINES.

SECTION 3. Part 1 of article 26 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-26-139. County jail identification processing unit - personnel authority - repeal. (1) COUNTY JAIL PERSONNEL AND VOLUNTEERS ARE AUTHORIZED TO WORK WITH THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT CREATED IN SECTION 42-2-311, C.R.S.

(2) THIS SECTION SHALL ONLY BECOME EFFECTIVE IF SECTION 42-2-311, C.R.S., BECOMES EFFECTIVE ON OR BEFORE JULY 1, 2012. IF SECTION 42-2-311, C.R.S., DOES NOT BECOME EFFECTIVE BY JULY 1, 2012, THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the county jail identification processing unit fund created in section 42-2-312, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, driver and vehicle services, for the fiscal year beginning July 1, 2009, the sum of one hundred eighty-six thousand one hundred sixty dollars (\$186,160) cash funds and 1.2 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 2009