

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0233.01 Richard Sweetman x4333

SENATE BILL 17-048

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Willett,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING REQUIRING AN OFFICER TO ARREST AN OFFENDER WHO**
102 **ESCAPES FROM AN INTENSIVE SUPERVISION PROGRAM IN THE**
103 **DEPARTMENT OF CORRECTIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

The bill states that when a peace officer or community parole officer has probable cause to believe that an offender in an intensive supervision program has committed an escape, the officer shall arrest the offender without undue delay. If an arrest is impractical under the circumstances, the officer shall seek a warrant for the offender's arrest.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 20, 2017

SENATE
3rd Reading Unamended
February 1, 2017

SENATE
Amended 2nd Reading
January 30, 2017

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 17-27.5-104
3 as follows:

4 **17-27.5-104. Escape from custody - duties of peace officer or**
5 **community parole officer - definition.** (1) If an offender fails to remain
6 within the extended limits on his OR HER confinement as established
7 under the intensive supervision program; or, having been ordered by the
8 parole board, the executive director, or the administrator of the program
9 to return to the correctional institution, neglects or fails to do so; OR
10 KNOWINGLY REMOVES OR TAMPERS WITH AN ELECTRONIC MONITORING
11 DEVICE THAT HE OR SHE IS REQUIRED TO WEAR AS A CONDITION OF
12 PAROLE; he OR SHE shall be deemed to have escaped from custody and
13 shall, upon conviction thereof, be punished as provided in section
14 18-8-208. ~~C.R.S.~~

15 (2) WHEN A PEACE OFFICER OR COMMUNITY PAROLE OFFICER HAS
16 PROBABLE CAUSE TO BELIEVE THAT AN OFFENDER HAS COMMITTED AN
17 ESCAPE, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND SECTION
18 18-8-208, BY KNOWINGLY REMOVING OR TAMPERING WITH AN
19 ELECTRONIC MONITORING DEVICE THAT HE OR SHE IS REQUIRED TO WEAR
20 AS A CONDITION OF PAROLE, THE OFFICER SHALL IMMEDIATELY SEEK A
21 WARRANT FOR THE OFFENDER'S ARREST OR EFFECTUATE AN IMMEDIATE
22 ARREST IF THE OFFENDER IS IN THE PRESENCE OF THE OFFICER. HOWEVER,
23 BEFORE AN OFFICER ARRESTS AN OFFENDER PURSUANT TO THIS
24 SUBSECTION (2), THE OFFICER, IF PRACTICABLE, SHALL DETERMINE THAT
25 THE NOTIFICATION OF REMOVAL OR TAMPERING WAS NOT MERELY THE
26 RESULT OF AN EQUIPMENT MALFUNCTION.

1 (3) SUBSEQUENT TO ANY ARREST PURSUANT TO SUBSECTION (2) OF
2 THIS SECTION, IF A PEACE OFFICER OR COMMUNITY PAROLE OFFICER HAS
3 PROBABLE CAUSE TO BELIEVE THAT A PERSON HAS COMMITTED THE
4 OFFENSE OF ESCAPE UNDER THIS SECTION, THE PEACE OFFICER OR
5 COMMUNITY PAROLE OFFICER SHALL SUBMIT CHARGES TO THE OFFICE OF
6 THE DISTRICT ATTORNEY FOR CONSIDERATION OF FILING PURSUANT TO
7 SECTION 16-5-205.

8 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER
11 DESCRIBED IN SECTION 16-2.5-102.

12 (b) "TAMPERING" HAS THE SAME MEANING AS SET FORTH IN
13 SECTION 17-1-102 (8.5).

14 **SECTION 2. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2018 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.