

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0233.01 Richard Sweetman x4333

SENATE BILL 17-048

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary

House Committees

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.*

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.

23 (3) SUBSEQUENT TO ANY ARREST PURSUANT TO SUBSECTION (2) OF
24 THIS SECTION, IF A PEACE OFFICER OR COMMUNITY PAROLE OFFICER HAS
25 PROBABLE CAUSE TO BELIEVE THAT A PERSON HAS COMMITTED THE
26 OFFENSE OF ESCAPE UNDER THIS SECTION, THE PEACE OFFICER OR

1 COMMUNITY PAROLE OFFICER SHALL SUBMIT CHARGES TO THE OFFICE OF
2 THE DISTRICT ATTORNEY FOR CONSIDERATION OF FILING PURSUANT TO
3 SECTION 16-5-205.

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

6 (a) "ESCAPE" INCLUDES BUT IS NOT LIMITED TO KNOWINGLY
7 REMOVING OR TAMPERING WITH AN ELECTRONIC MONITORING DEVICE
8 THAT A PAROLEE IS REQUIRED TO WEAR AS A CONDITION OF PAROLE.

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

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