

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

ENGROSSED

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

LLS NO. 19-1037.02 Michael Dohr x4347

SENATE BILL 19-259

SENATE SPONSORSHIP

Garcia and Hisey,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADDRESS PRISON POPULATION**
102 **MANAGEMENT ISSUES, AND, IN CONNECTION THEREWITH,**
103 **AUTHORIZING THE EMERGENCY USE OF THE CENTENNIAL SOUTH**
104 **CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY TO**
105 **HOUSE INMATES.**

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>.)

Under current law, the Centennial south campus of the Centennial correctional facility (CSP II) is not available to house inmates. The bill

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

SENATE
2nd Reading Unamended
April 26, 2019

allows CSP II to be used to house inmates when the state male prison vacant bed rate, excluding RTP treatment beds, remains below one percent vacancy for 2 consecutive months. Once the prison population surpasses one percent vacancy, the department of corrections (department) shall transfer any inmates housed in CSP II to an appropriate facility under the department's control within 30 calendar days. No more than 126 inmates may be housed at CSP II.

The department shall report the use of CSP II to the joint budget committee and the judiciary committees of the senate and the house of representatives, or any successor committees, within 5 calendar days after the use and will make monthly reports during its use.

The bill requires the department to do a prison population management study and report its findings to the joint budget committee and judiciary committees of the senate and the house of representatives, or any successor committees, by December 1, 2019.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-1-104.3, **add**
3 (1)(b.7) as follows:

4 **17-1-104.3. Correctional facilities - locations - security level -**
5 **report - repeal.** (1) (b.7) (I) NOTWITHSTANDING SUBSECTION (1)(b.5) OF
6 THIS SECTION, THE CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL
7 CORRECTIONAL FACILITY MAY BE USED TO HOUSE INMATES ON A LIMITED
8 BASIS WHEN THE STATE MALE PRISON VACANT BED RATE, EXCLUDING RTP
9 TREATMENT BEDS, REMAINS BELOW ONE PERCENT VACANCY FOR TWO
10 CONSECUTIVE MONTHS AND THE DEPARTMENT HAS EXHAUSTED ALL
11 OPTIONS PURSUANT TO SECTION 17-1-119.7. THE DEPARTMENT SHALL NOT
12 HOUSE MORE THAN ONE HUNDRED TWENTY-SIX INMATES AT ONE TIME IN
13 THE CENTENNIAL SOUTH CAMPUS. ONCE THE STATE MALE PRISON VACANT
14 BED RATE SURPASSES ONE PERCENT VACANCY, INCLUDING CALCULATING
15 THE INMATES HOUSED IN THE CENTENNIAL SOUTH CAMPUS, THE
16 DEPARTMENT SHALL TRANSFER INMATES HOUSED IN THE CENTENNIAL
17 SOUTH CAMPUS TO AN APPROPRIATE FACILITY UNDER THE DEPARTMENT'S

1 CONTROL WITHIN THIRTY CALENDAR DAYS.

2 (II) THE DEPARTMENT SHALL REPORT THE USE OF THE CENTENNIAL
3 SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY TO THE
4 JOINT BUDGET COMMITTEE AND THE JUDICIARY COMMITTEES OF THE
5 SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
6 COMMITTEES, WITHIN FIVE CALENDAR DAYS AFTER THE USE OF THE
7 CENTENNIAL SOUTH CAMPUS. FOR EACH MONTH THAT THE CENTENNIAL
8 SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY IS USED,
9 THE DEPARTMENT SHALL REPORT ON THE FIRST DAY OF EVERY MONTH THE
10 CONTINUED NATURE OF THE USE OF THE CENTENNIAL SOUTH CAMPUS AT
11 THE CENTENNIAL CORRECTIONAL FACILITY, THE STEPS TAKEN BY THE
12 DEPARTMENT TO ADDRESS THE VACANCY ISSUE, AND THE EXPECTED TIME
13 FRAME FOR THE VACANCY ISSUE TO END.

14 (III) THE DEPARTMENT SHALL CONSIDER INPUT FROM ANY
15 LEGISLATIVE INTERIM COMMITTEE THAT MEETS DURING THE 2019 INTERIM
16 REGARDING PRISON POPULATION MANAGEMENT, SPECIFICALLY INCLUDING:

17 (A) STRATEGIES TO SAFELY REDUCE THE PRISON POPULATION AND
18 REDUCE RECIDIVISM; AND

19 (B) PRISON USE ANALYSIS INCLUDING THE CENTENNIAL SOUTH
20 CAMPUS AT THE CENTENNIAL CORRECTIONAL FACILITY, PRIVATE PRISONS,
21 AND ALTERNATIVE BED PROGRAMS.

22 (IV) THIS SUBSECTION (1)(b.7) IS REPEALED, EFFECTIVE
23 SEPTEMBER 1, 2021.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.