

**Second 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. 20-0362.01 Michael Dohr x4347

HOUSE BILL 20-1019

HOUSE SPONSORSHIP

Herod,

SENATE SPONSORSHIP

Gonzales,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO MANAGE THE STATE PRISON POPULATION,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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/>.)

Prison Population Management Interim Study Committee. Under current law, the Centennial south campus of the Centennial correctional facility is only able to house inmates under limited circumstances. The bill would open the facility for close custody inmates and require that for each inmate who is housed at the facility, an inmate must be removed from a private prison until the facility is full.

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.

HOUSE
Amended 2nd Reading
February 5, 2020

The bill directs the department of corrections (department) to study how to end the practice of using private prisons by 2025 in a responsible way. The study must include:

- ! Evidence-based strategies to stop using private prisons and move individuals into alternative facilities or programs;
- ! An analysis of the economic impacts on affected communities, including the loss of local tax revenue;
- ! An analysis of the impact that reducing private prison beds would have on local governments and community-based providers;
- ! A utilization analysis of all state-operated facilities and all other facilities that can be used for housing inmates;
- ! An analysis of the effect of releasing sex offenders who are assessed as low risk;
- ! An analysis of what state-operated facilities and programs may be utilized to keep pace with demand;
- ! An analysis of the best practices and programs that are necessary for successful reintegration of offenders;
- ! An analysis of the feasibility of the department to obtain private prison facilities in Colorado; and
- ! An analysis of the resources necessary to accomplish the strategies required to transition the state away from private prisons.

The bill adds to the list of achievements that allow an inmate to receive earned time showing exemplary leadership through mentoring, community service, and distinguished actions benefiting the health, safety, environment, and culture for staff and other inmates.

Under current law, an offender is not entitled to an evidentiary hearing for resentencing when the offender is rejected for placement in a community corrections program. The bill requires the sentencing court to provide the offender with an evidentiary hearing, or in the alternative a new sentencing hearing, for any termination from a community corrections program.

The bill amends the escape statutes to exclude direct sentences, transitioning from the department to a community corrections program, or placement in an intensive supervision parole program from the concepts of custody or confinement for purposes of escape. The bill lowers the penalties for escape and attempted escape crimes. The bill creates a new crime of absconding if the location of a person on intensive supervision parole or a person in a community corrections program is unknown to the authorized agency responsible for the person's supervision.

1 **SECTION 1.** In Colorado Revised Statutes, 17-1-104.3, **amend**
2 (1)(b.5); and **repeal** (1)(b.7) as follows:

3 **17-1-104.3. Correctional facilities - locations - security level.**

4 (1) (b.5) ~~Notwithstanding the provisions of paragraph (b) of this~~
5 ~~subsection (1), beginning February 1, 2013, NOT MORE THAN SIX~~
6 ~~HUNDRED AND FIFTY BEDS AT the Centennial south campus of the~~
7 ~~Centennial correctional facility shall not MAY be operated by the~~
8 ~~department for the purpose of housing inmates in the housing units but,~~
9 ~~if necessary, may be maintained to provide support and other services to~~
10 ~~the Centennial correctional facility. The department shall actively pursue~~
11 ~~options to sell or lease the Centennial south campus of the Centennial~~
12 ~~correctional facility, which is also known as Colorado state penitentiary~~
13 ~~H or CSP II. Any proceeds received as a result of a sale or lease of~~
14 ~~Centennial south campus of the Centennial correctional facility shall be~~
15 ~~first applied to the payment of the certificates of participation WHO ARE~~
16 ~~CLOSE CUSTODY INMATES. AT THE DISCRETION OF THE EXECUTIVE~~
17 ~~DIRECTOR, THE DEPARTMENT MAY HOUSE INMATES OF A LOWER THAN~~
18 ~~CLOSE CUSTODY LEVEL FOR NO LONGER THAN THREE MONTHS FROM THE~~
19 ~~EFFECTIVE DATE OF THIS SECTION IN ORDER TO FACILITATE THE~~
20 ~~MOVEMENT OF INMATES DISPLACED AS A RESULT OF PRISON CLOSURE OR~~
21 ~~IF THE LOWER THAN CLOSE CUSTODY INMATE IS VOLUNTARILY SERVING AS~~
22 ~~A MENTOR PEER-SUPPORT, OR IN ANOTHER OTHER LEADERSHIP ROLE AS~~
23 ~~PART OF DEPARTMENTAL PROGRAMMING WITH THE PURPOSE OF~~
24 ~~PROGRESSING CLOSE CUSTODY INMATES TO LOWER SECURITY LEVELS.~~

25 [REDACTED]

26 (b.7) (f) ~~Notwithstanding subsection (1)(b.5) of this section, the~~
27 ~~Centennial south campus of the Centennial correctional facility may be~~

1 ~~used to house inmates on a limited basis when the state male prison~~
2 ~~vacant bed rate, excluding RTP treatment beds, remains below one~~
3 ~~percent vacancy for two consecutive months and the department has~~
4 ~~exhausted all options pursuant to section 17-1-119.7. The department~~
5 ~~shall not house more than one hundred twenty-six inmates at one time in~~
6 ~~the Centennial south campus. Once the state male prison vacant bed rate~~
7 ~~surpasses one percent vacancy, including calculating the inmates housed~~
8 ~~in the Centennial south campus, the department shall transfer inmates~~
9 ~~housed in the Centennial south campus to an appropriate facility under the~~
10 ~~department's control within thirty calendar days.~~

11 ~~(II) The department shall report the use of the Centennial south~~
12 ~~campus of the Centennial correctional facility to the joint budget~~
13 ~~committee and the judiciary committees of the senate and the house of~~
14 ~~representatives, or any successor committees, within five calendar days~~
15 ~~after the use of the Centennial south campus. For each month that the~~
16 ~~Centennial south campus of the Centennial correctional facility is used,~~
17 ~~the department shall report on the first day of every month the continued~~
18 ~~nature of the use of the Centennial south campus at the Centennial~~
19 ~~correctional facility, the steps taken by the department to address the~~
20 ~~vacancy issue, and the expected time frame for the vacancy issue to end.~~

21 ~~(III) The department shall consider input from any legislative~~
22 ~~interim committee that meets during the 2019 interim regarding prison~~
23 ~~population management, specifically including:~~

24 ~~(A) Strategies to safely reduce the prison population and reduce~~
25 ~~recidivism; and~~

26 ~~(B) Prison use analysis including the Centennial south campus at~~
27 ~~the Centennial correctional facility, private prisons, and alternative bed~~

1 programs.

2 ~~(IV) This subsection (1)(b.7) is repealed, effective September 1,~~
3 ~~2020.~~

4 **SECTION 2.** In Colorado Revised Statutes, 17-1-104.5, **amend**
5 **(2)(b); and repeal (2)(a) as follows:**

6 **17-1-104.5. Incarceration of inmates from other states -**
7 **private contract prison facilities.** (2) No inmate from a state other than
8 Colorado may be received into the state of Colorado and be housed in a
9 private contract prison facility or a prison facility operated by a political
10 subdivision of the state:

11 ~~(a) Without the express approval of the executive director, which~~
12 ~~approval shall not be unreasonably withheld; and~~

13 ~~(b) Unless the private contract prison facility or a prison facility~~
14 ~~operated by a political subdivision is designed to meet or exceed the~~
15 ~~appropriate security level for the inmate EXECUTIVE DIRECTOR, IN~~
16 ~~CONSULTATION, WITH THE GOVERNOR DETERMINES THAT EXIGENT~~
17 ~~CIRCUMSTANCES REQUIRE THAT INMATES BE HOUSED IN A PRIVATE~~
18 ~~CONTRACT PRISON FACILITY IN ORDER TO PROTECT PUBLIC HEALTH OR~~
19 ~~SAFETY.~~

20 **SECTION 3.** In Colorado Revised Statutes, 17-1-119.7, **amend**
21 **(2)(a)(II) and (2)(a)(IV)(A) as follows:**

22 **17-1-119.7. Prison population management measures.**

23 (2) (a) If the vacancy rate in correctional facilities and state-funded
24 private contract prison beds falls below three percent for thirty
25 consecutive days, the department shall:

26 (II) Request that the parole board review a list of inmates who are
27 within ninety days of their mandatory release date ~~have an approved~~

1 ~~parole plan~~, and do not require full board review or victim notification
2 pursuant to section 24-4.1-302.5 (1)(j);

3 (IV) (A) Submit to the parole board a list of eligible inmates ~~with~~
4 ~~a favorable parole plan~~ who have been assessed to be medium or lower
5 risk on the validated risk assessment scale developed pursuant to section
6 17-22.5-404 (2). Except as provided in subsection (2)(a)(IV)(B) of this
7 section, the parole board shall conduct a file review of each inmate on the
8 list and set conditions of release for the inmate within thirty days after
9 receipt of the list and set a day of release no later than thirty days after
10 conducting the file review.

11 **SECTION 4.** In Colorado Revised Statutes, 17-1-201, **add** (3) as
12 follows:

13 **17-1-201. Duties of department - report - rules.** (3) (a) THE
14 DEPARTMENT SHALL STUDY THE IMPACT ON ENDING THE USE OF PRIVATE
15 PRISONS N COLORADO. WHILE CONDUCTING THE STUDY, THE DEPARTMENT
16 SHALL SOLICIT INPUT FROM LOCAL COMMUNITIES AND OTHER INTERESTED
17 PARTIES OR ISSUE EXPERTS, INCLUDING BUT NOT LIMITED TO PUBLIC
18 SAFETY EXPERTS, VICTIM'S ADVOCATES, PROSECUTORS, DEFENSE
19 ATTORNEYS, AND COMMUNITY REENTRY PROVIDERS.

20 (b) THE DEPARTMENT SHALL CONSULT WITH COUNTY
21 COMMISSIONERS OF THE COUNTIES IN WHICH PRIVATE PRISONS ARE
22 LOCATED. THE STUDY MUST INCLUDE:

23 (I) EVIDENCE-BASED STRATEGIES TO STOP USING PRIVATE PRISONS
24 AND MOVE INDIVIDUALS INTO ALTERNATIVE FACILITIES OR PROGRAMS;

25 (II) AN ANALYSIS OF THE ECONOMIC IMPACTS ON AFFECTED
26 COMMUNITIES, INCLUDING THE LOSS OF LOCAL TAX REVENUE;

27 (III) AN ANALYSIS OF THE IMPACT THAT REDUCING PRIVATE

1 PRISON BEDS WOULD HAVE ON LOCAL GOVERNMENTS AND
2 COMMUNITY-BASED PROVIDERS;

3 (IV) A UTILIZATION ANALYSIS OF ALL STATE-OPERATED FACILITIES
4 AND ALL OTHER FACILITIES THAT CAN BE USED FOR HOUSING INMATES;

5 [REDACTED]
6 (V) AN ANALYSIS OF WHAT STATE-OPERATED FACILITIES AND
7 PROGRAMS MAY BE UTILIZED TO KEEP PACE WITH DEMAND;

8 (VI) AN ANALYSIS OF THE BEST PRACTICES AND PROGRAMS THAT
9 ARE NECESSARY FOR SUCCESSFUL REINTEGRATION OF OFFENDERS,
10 ALTERNATIVES TO INCARCERATION, AND RECIDIVISM REDUCTION
11 STRATEGIES CONSISTENT WITH PUBLIC SAFETY;

12 (VII) AN ANALYSIS OF THE FEASIBILITY OF THE DEPARTMENT TO
13 OBTAIN PRIVATE PRISON FACILITIES IN COLORADO; AND

14 (VIII) AN ANALYSIS OF THE RESOURCES NECESSARY TO
15 ACCOMPLISH THE STRATEGIES REQUIRED TO TRANSITION THE STATE AWAY
16 FROM PRIVATE PRISONS IF THE DECISION IS MADE TO TRANSITION THE
17 STATE AWAY FROM PRIVATE PRISONS.

18 (c) THE DEPARTMENT SHALL PROVIDE THE STUDY TO THE JOINT
19 BUDGET COMMITTEE WHEN PRESENTING ITS BUDGET RECOMMENDATIONS
20 FOR FISCAL YEAR 2021-22 AND SHALL PROVIDE COPIES OF THE STUDY TO
21 THE MEMBERS OF THE JUDICIARY COMMITTEES OF THE HOUSE OF
22 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

23 **SECTION 5.** In Colorado Revised Statutes, 17-2-103, **amend**
24 (11)(c) introductory portion as follows:

25 **17-2-103. Arrest of parolee - revocation proceedings.**
26 (11) (c) If the board determines that the parolee is in need of treatment,
27 ~~and is amenable to treatment,~~ the board shall consider placing the parolee

1 in one of the following treatment options and, if appropriate, may modify
2 the conditions of parole to include:

3 **SECTION 6.** In Colorado Revised Statutes, 17-22.5-405, **amend**
4 (1) introductory portion and (1.5)(b); and **add** (1)(h) as follows:

5 **17-22.5-405. Earned time - earned release time - achievement**
6 **earned time - definition.** (1) Earned time, not to exceed ten days for
7 each month of incarceration or parole, may be deducted from the inmate's
8 sentence upon a demonstration to the department by the inmate, which is
9 certified by the inmate's case manager or community parole officer, that
10 ~~he or she~~ THE INMATE has made consistent progress in the following
11 categories as required by the department of corrections:

12 (h) THE INMATE HAS SHOWN EXEMPLARY LEADERSHIP THROUGH
13 MENTORING, COMMUNITY SERVICE, AND DISTINGUISHED ACTIONS
14 BENEFITING THE HEALTH, SAFETY, ENVIRONMENT, AND CULTURE FOR
15 STAFF AND OTHER INMATES.

16 (1.5) (b) The earned time specified in ~~paragraph (a) of this~~
17 ~~subsection (1.5)~~ SUBSECTION (1.5)(a) OF THIS SECTION may be deducted
18 based upon a demonstration to the department by the inmate, which is
19 certified by the inmate's case manager or community parole officer, that
20 he or she has made ~~consistent progress in the categories described in~~
21 ~~subsection (1) of this section~~ POSITIVE PROGRESS IN ACCORDANCE WITH
22 PERFORMANCE STANDARDS ESTABLISHED BY THE DEPARTMENT.

23 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-301, **amend**
24 (1)(g) as follows:

25 **18-1.3-301. Authority to place offenders in community**
26 **corrections programs.** (1) (g) The sentencing court may make
27 appropriate orders for the detention, transfer, or resentencing of any

1 offender whose placement in a community corrections program is
2 terminated pursuant to section 17-27-103 (7) ~~C.R.S.~~, or section 17-27-104
3 (5). ~~C.R.S.~~ As to any offender held pursuant to section 17-27-104 (6)
4 ~~C.R.S.~~, in a jail operated by a unit of local government in a county other
5 than where the offender's original conviction occurred, the sentencing
6 court shall order the transfer of the offender to the jail of the county
7 where the original conviction occurred as soon as possible. ~~The~~
8 ~~sentencing court is not required to provide the offender with an~~
9 ~~evidentiary hearing pertaining to the rejection of placement in a~~
10 ~~community corrections program prior to resentencing~~ THE SENTENCING
11 COURT SHALL PROVIDE THE OFFENDER WITH A NEW SENTENCING HEARING,
12 FOR ANY TERMINATION FROM A COMMUNITY CORRECTIONS PROGRAM,
13 INCLUDING A VIOLATION OF SECTION 18-8-208.2. AT ANY NEW
14 SENTENCING HEARING, THE COURT MAY CONSIDER ANY SENTENCING
15 ALTERNATIVE ORIGINALLY AVAILABLE TO THE COURT WHEN ORDERING
16 THE APPROPRIATE SENTENCE.

17 **SECTION 8.** In Colorado Revised Statutes, 18-8-208, **amend**
18 (11) as follows:

19 **18-8-208. Escapes.** (11) IF a person ~~who~~ IS SERVING A DIRECT
20 SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO
21 SECTION 18-1.3-301, OR IS TRANSITIONING FROM THE DEPARTMENT OF
22 CORRECTIONS TO A COMMUNITY CORRECTIONS PROGRAM, OR IS PLACED IN
23 AN INTENSIVE SUPERVISION PROGRAM PURSUANT TO SECTION
24 17-27.5-101, OR IS PARTICIPATING IN A WORK RELEASE OR HOME
25 DETENTION PROGRAM PURSUANT TO SECTION 18-1.3-106 (1.1), INTENSIVE
26 SUPERVISION PROGRAM OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED
27 OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN

1 SECTION 18-8-203 (3), IS HOUSED IN A STAFF SECURE FACILITY AS DEFINED
2 IN SECTION 19-1-103 (101.5), OR IS placed in a community corrections
3 program for purposes of obtaining residential treatment as a condition of
4 probation pursuant to section 18-1.3-204 (2.2) or 18-1.3-301 (4)(b), THEN
5 THE PERSON is not in custody or confinement for purposes of this section.

6 SECTION 9. In Colorado Revised Statutes, 18-8-208.1, **amend**
7 (1.5); and **repeal** (6) as follows:

8 **18-8-208.1. Attempt to escape.** (1.5) ~~If a person, while in~~
9 ~~custody or confinement following conviction of a felony and either~~
10 ~~servng a direct sentence to a community corrections program pursuant to~~
11 ~~section 18-1.3-301, or having been placed in an intensive supervision~~
12 ~~parole program pursuant to section 17-27.5-101, C.R.S., knowingly~~
13 ~~attempts to escape from his or her custody or confinement, he or she~~
14 ~~commits a class 5 felony. The sentence imposed pursuant to this~~
15 ~~subsection (1.5) may run concurrently or consecutively with any sentence~~
16 ~~being served by the offender~~ IF A PERSON IS SERVING A DIRECT SENTENCE
17 TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION
18 18-1.3-301, OR IS TRANSITIONING FROM THE DEPARTMENT OF
19 CORRECTIONS TO A COMMUNITY CORRECTIONS PROGRAM, OR IS PLACED IN
20 AN INTENSIVE SUPERVISION [REDACTED] PROGRAM PURSUANT TO SECTION
21 17-27.5-101, OR IS PARTICIPATING IN A WORK RELEASE OR HOME
22 DETENTION PROGRAM PURSUANT TO SECTION 18-1.3-106 (1.1), INTENSIVE
23 SUPERVISION PROGRAM OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED
24 OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN
25 SECTION 18-8-203 (3), IS HOUSED IN A STAFF SECURE FACILITY AS DEFINED
26 IN SECTION 19-1-103 (101.5), OR IS PLACED IN A COMMUNITY
27 CORRECTIONS PROGRAM FOR PURPOSES OF OBTAINING RESIDENTIAL

1 TREATMENT AS A CONDITION OF PROBATION PURSUANT TO SECTION
2 18-1.3-204 (2.2) OR 18-1.3-301 (4)(b), THEN THE PERSON IS NOT IN
3 CUSTODY OR CONFINEMENT FOR PURPOSES OF THIS SECTION.

4 (6) A person who participates in a work release program, a home
5 detention program, as defined in section 18-1.3-106 (1.1), a furlough, an
6 intensive supervision program, or any other similar authorized supervised
7 or unsupervised absence from a detention facility, as defined in section
8 18-8-203 (3), and who is required to report back to the detention facility
9 at a specified time shall be deemed to be in custody.

10 **SECTION 10.** In Colorado Revised Statutes, **add** 18-8-208.2 as
11 follows:

12 **18-8-208.2. Unauthorized absence.** (1) A PERSON WHO IS
13 SERVING A DIRECT SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM
14 PURSUANT TO SECTION 18-1.3-301; TRANSITIONING FROM THE
15 DEPARTMENT OF CORRECTIONS TO A COMMUNITY CORRECTIONS PROGRAM
16 OR PLACED IN AN INTENSIVE SUPERVISION PROGRAM PURSUANT TO
17 SECTION 17-27.5-101; PARTICIPATING IN A WORK RELEASE OR HOME
18 DETENTION PROGRAM PURSUANT TO 18-1.3-106 (1.1), INTENSIVE
19 SUPERVISION PROGRAM, OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED
20 OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN
21 SECTION 18-8-203 (3); OR IS HOUSED IN A STAFF SECURE FACILITY AS
22 DEFINED IN SECTION 19-1-103 (101.5) COMMITS THE CRIME OF
23 UNAUTHORIZED ABSENCE IF THE PERSON KNOWINGLY:

24 (a) LEAVES OR FAILS TO RETURN TO HIS OR HER RESIDENTIAL OR
25 FACILITY LOCATION WITHOUT PERMISSION OF THE SUPERVISING AGENCY
26 AND IN VIOLATION OF THE TERMS AND CONDITIONS OF SUPERVISION; OR

27 (b) REMOVES OR TAMPERS WITH AN ELECTRONIC MONITORING

1 DEVICE REQUIRED BY THE SUPERVISING AGENCY TO BE WORN BY THE
2 PERSON IN ORDER TO MONITOR HIS OR HER LOCATION, WITHOUT
3 PERMISSION AND WITH THE INTENT TO AVOID ARREST, PROSECUTION,
4 MONITORING OR OTHER LEGAL PROCESS.

5 (2) (a) IF A PERSON COMMITS UNAUTHORIZED ABSENCE FOR A
6 CRIME LISTED IN SECTION 24-4.1-302 (1) OR A CRIME OF VIOLENCE AS
7 DESCRIBED IN SECTION 18-1.3-406, UNAUTHORIZED ABSENCE IS A CLASS
8 6 FELONY AND AN ATTEMPT THEREOF IS A CLASS 6 FELONY.

9 (b) IF A PERSON COMMITS UNAUTHORIZED ABSENCE FOR A CRIME
10 OTHER THAN THE CRIMES LISTED IN SECTION 24-4.1-302 (1) AND THE
11 CRIME IS NOT A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406,
12 UNAUTHORIZED ABSENCE IS A CLASS 3 MISDEMEANOR AND AN ATTEMPT
13 THEREOF IS A CLASS 3 MISDEMEANOR.

14 (c) A PERSON WHO KNOWINGLY VIOLATES A PERMANENT OR
15 TEMPORARY PROTECTION ORDER ISSUED PURSUANT TO SECTION
16 18-1-1001(1), 13-14-103, 13-14-104.5, OR 13-14-106 DURING THE
17 COMMISSION OF UNAUTHORIZED ABSENCE COMMITS A CLASS 3 FELONY.

18 (3) IF A PAROLEE PLACED IN A COMMUNITY CORRECTIONS OR IN AN
19 INTENSIVE SUPERVISION PROGRAM PURSUANT TO SECTION 17-27.5-101
20 HAS AN UNAUTHORIZED ABSENCE, THE DEPARTMENT OF CORRECTIONS
21 SHALL NOTIFY THE APPROPRIATE COMMUNITY REENTRY PROGRAM
22 DESCRIBED IN SECTION 17-33-101 (7)(a), AND PROVIDE CONTACT
23 INFORMATION FOR THE PURPOSES OF ASSISTING THE PERSON TO REENGAGE
24 WITH SUPERVISION.

25 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-801, **amend**
26 (5) as follows:

27 **18-1.3-801. Punishment for habitual criminals.** (5) A current

1 or prior conviction for escape, as described in section 18-8-208 (1), (2),
2 or (3), or attempt to escape, as described in section 18-8-208.1 (1) ~~(1.5)~~,
3 or (2), may not be used for the purpose of adjudicating a person an
4 habitual criminal as described in subsection (1.5) or subsection (2) of this
5 section unless the conviction is based on the offender's escape or attempt
6 to escape from a correctional facility, as defined in section 17-1-102, or
7 from physical custody within a county jail; except that, for the purposes
8 of this section, "correctional facility" does not include a community
9 corrections facility, as defined in section 17-27-102 (2.5), or a halfway
10 house, as defined in section 19-1-103 (62).

11 **SECTION 12.** In Colorado Revised Statutes, 24-4.1-302.5,
12 **amend** (1)(c)(I)(B) as follows:

13 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
14 order to preserve and protect a victim's rights to justice and due process,
15 each victim of a crime has the following rights:

16 (c) (I) Except as otherwise provided in subsection (1)(c)(II) of this
17 section:

18 (B) The right to be informed when a person who is accused or
19 convicted of a crime against the victim is released or discharged from
20 custody other than county jail, is paroled, escapes from a secure or
21 nonsecure correctional facility or program, ~~or absconds from probation~~
22 ~~or parole, OR COMMITS AN UNAUTHORIZED ABSENCE AS DESCRIBED IN~~
23 ~~SECTION 18-8-208.2 (1).~~

24 **SECTION 13.** In Colorado Revised Statutes, 24-4.1-303, **amend**
25 (14)(e) and (14.2)(e) as follows:

26 **24-4.1-303. Procedures for ensuring rights of victims of**
27 **crimes.** (14) Upon receipt of a written victim impact statement as

1 provided in section 24-4.1-302.5 (1)(j.5), the department of corrections
2 shall include the statement with any referral made by the department of
3 corrections or a district court to place an offender in a public or private
4 community corrections facility or program. The department of corrections
5 or the public or private local corrections authorities shall notify the victim
6 of the following information regarding any person who was charged with
7 or convicted of a crime against the victim:

8 (e) Any escape OR UNAUTHORIZED ABSENCE AS DESCRIBED IN
9 SECTION 18-8-208.2 (1) by such person, or transfer or release from any
10 state hospital, a detention facility, a correctional facility, a community
11 correctional facility, or other program, and any subsequent recapture of
12 such person;

13 (14.2) Upon receipt of a written statement as provided in section
14 24-4.1-302.5 (1)(j.5), the department of human services, division of youth
15 services, shall include the statement with any referral made by the
16 department of human services or a district court to place an offender in
17 a public or private community corrections facility or program. The
18 department of human services and any state hospital shall notify the
19 victim of the following information regarding any person who was
20 charged with or adjudicated of a crime against the victim:

21 (e) Any escape OR UNAUTHORIZED ABSENCE AS DESCRIBED IN
22 SECTION 18-8-208.2 (1) by the person, or transfer or release from any state
23 hospital, a detention facility, a correctional facility, a community
24 correctional facility, parole supervision, or other program, and any
25 subsequent recapture of the person;

26 **SECTION 14. Appropriation.** For the 2020-21 state fiscal year,
27 \$250,000 is appropriated to the department of corrections for use by the

1 executive director's office. This appropriation is from the general fund.
2 To implement this act, the department may use this appropriation for a
3 study of how to end the use of private prisons to incarcerate individuals
4 in Colorado.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
SECTION 15. Appropriation to the department of corrections for the fiscal year beginning July 1, 2019. In Session Laws of Colorado 2019, section 2 of chapter						
454, (SB 19-207), amend Part II (1)(A), (1)(C), (2)(A), (2)(B), (2)(C), (2)(D), (2)(E), (2)(F), (2)(G), (2)(I), (2)(J), (2)(K), (4)(B), (4)(C), (4)(D), (5)(A), and (5)(C), as follows:						
Section 2. Appropriation.						
PART II						
DEPARTMENT OF CORRECTIONS						
(1) MANAGEMENT						
(A) Executive Director's Office Subprogram						
Personal Services	3,599,788		3,355,983		243,805 ^a	
			(22.8 FTE)		(4.0 FTE)	
Restorative Justice Program						
with Victim-Offender						
Dialogues in Department						
Facilities	75,000		75,000			
			(1.2 FTE)			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Health, Life, and Dental	60,376,258	58,561,755		1,814,503 ^b		
2		60,812,248	58,997,745				
3	Short-term Disability	613,889	596,142		17,747 ^b		
4		617,365	599,618				
5	S.B. 04-257 Amortization						
6	Equalization Disbursement	18,302,638	17,782,744		519,894 ^b		
7		18,404,864	17,884,970				
8	S.B. 06-235 Supplemental						
9	Amortization Equalization						
10	Disbursement	18,302,638	17,782,744		519,894 ^b		
11		18,404,864	17,884,970				
12	PERA Direct Distribution	9,854,160	9,569,276		284,884 ^b		
13	Salary Survey	10,973,701	10,656,469		317,232 ^b		
14	Shift Differential	9,264,502	9,210,052		54,450 ^b		
15	Workers' Compensation	5,943,515	5,755,701		187,814 ^b		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Operating Expenses	357,759		267,759		5,000 ^a	85,000(I) ^c
2	Legal Services	2,390,373 ^d		2,309,875	80,498 ^b		
3	Payment to Risk Management						
4	and Property Funds	4,388,047		4,214,706	173,341 ^b		
5	Leased Space	5,250,810		4,960,104	290,706 ^b		
6	Capitol Complex Leased						
7	Space	56,871		40,626	16,245 ^b		
8	Planning and Analysis						
9	Contracts	82,410		82,410			
10	Payments to District						
11	Attorneys	681,102		681,102			
12	Payments to Coroners	32,175		32,175			
13	Annual depreciation-lease						
14	equivalent payments	235,033		235,033			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	150,780,669						
2	151,424,587						
3							
4	^a These amounts shall be transferred from the Department of Public Safety from the State Victims Assistance and Law Enforcement Program line item appropriation in the Victims						
5	Assistance section of the Division of Criminal Justice. These amounts originate as cash funds from the Victims Assistance and Law Enforcement Fund created in Section 24-33.5-506						
6	(1), C.R.S.						
7	^b Of these amounts, an estimated \$3,756,425 shall be from sales revenues earned by Correctional Industries and an estimated \$520,783 shall be from sales revenues earned by the Canteen						
8	Operation.						
9	^c This amount shall be from the Social Security Administration Incentive Payment Memorandum of Understanding. This amount is included for informational purposes only.						
10	^d Of this amount, \$2,369,627 shall be used to purchase legal services from the Department of Law and \$20,746 shall be used to contract for legal services from private firms for litigation						
11	related to the Rifle Correctional Center.						
12							
13	(C) Inspector General Subprogram						
14	Personal Services	4,368,414		4,262,181		106,233 ^a	
15				(48.2 FTE)			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Operating Expenses	429,367	346,180		83,187 ^a		
2		435,229	352,042				
3	Inspector General Grants	207,912					207,912(I)
4		<u>5,005,693</u>					
5		5,011,555					
6							
7	^a These amounts shall be from revenues earned from private prison out of state offender investigations.						
8							
9	(2) INSTITUTIONS						
10	(A) Utilities Subprogram						
11	Personal Services	326,492	326,492				
12			(2.6 FTE)				
13	Utilities	22,062,944	20,658,874		1,404,070 ^a		
14		<u>22,210,739</u>	20,806,669				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	22,389,433						
2	22,537,231						
3							
4	^a This amount shall be from sales revenues earned by Correctional Industries.						
5							
6	(B) Maintenance Subprogram						
7	Personal Services						
	21,441,109						
8	21,664,385						
9	(276.8 FTE)						
10	(280.6 FTE)						
11	Operating Expenses						
	7,114,522						
12	7,150,222						
13	Maintenance Pueblo Campus						
	2,079,408						
14	<u>30,635,039</u>			30,635,039			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	30,894,015		30,894,015				
2							
3	(C) Housing and Security Subprogram						
4	Personal Services ² 185,089,091		185,086,144		2,947 ^a		
5	186,661,337		186,658,390				
6			(2,980.6 FTE)				
7			(3,000.3 FTE)				
8	Operating Expenses 1,852,341		1,852,341				
9	1,946,141		1,946,141				
10	<u>186,941,432</u>						
11	188,607,478						

^a This amount shall be from the Corrections Expansion Reserve Fund created in Section 17-1-116, C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(D) Food Service Subprogram						
2	Personal Services	20,446,510	20,446,510				
3		20,509,272	20,509,272				
4			(317.8 FTE)				
5			(318.8 FTE)				
6	Operating Expenses	18,015,818	18,015,818				
7		18,389,845	18,389,845				
8	Food Service Pueblo Campus	2,030,375	2,030,375				
9		<u>40,492,703</u>					
10		40,929,492					
11							
12	(E) Medical Services Subprogram						
13	Personal Services	39,728,651	39,477,164		251,487 ^a		
14		40,226,059	39,974,572				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1			(384.5 FTE)				
2			(390.5 FTE)		(3.0 FTE)		
3	Operating Expenses	2,579,052	2,579,052				
4		2,621,731	2,621,731				
5	Purchase of Pharmaceuticals	15,561,728	15,561,728				
6		15,805,940	15,805,940				
7	Hepatitis C Treatment Costs	20,514,144	20,514,144				
8	Purchase of Medical Services						
9	from Other Medical Facilities	34,869,955	34,869,955				
10	Service Contracts	2,575,733	2,575,733				
11	Indirect Cost Assessment	914			914 ^a		
12		<u>115,830,177</u>					
13		116,614,476					
14							
15	^a These amounts shall be from inmate medical fees collected pursuant to Section 17-1-113 (2), C.R.S.						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2	(F) Laundry Subprogram						
3	Personal Services	2,606,790					
4		2,622,480					
5		(37.4 FTE)					
6		(37.7 FTE)					
7	Operating Expenses	2,197,545					
8		2,234,127					
9		<u>4,804,335</u>	4,804,335				
10		4,856,607	4,856,607				
11							
12	(G) Superintendents Subprogram						
13	Personal Services	11,669,599					
14		11,693,752					

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(156.9 FTE)						
2	(157.4 FTE)						
3	Operating Expenses						
	5,202,001						
4	5,301,663						
5	Dress Out						
	1,006,280						
6	Start-up Costs						
	1,462						
7	938,089						
	<hr/>						
8	17,879,342		17,879,342				
9	18,939,784		18,939,784				
10							
11	(I) Case Management Subprogram						
12	Personal Services						
	17,946,764						
13	18,022,196						
14	(248.2 FTE)						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(249.5 FTE)						
2	Operating Expenses						
3	173,081						
4	178,943						
5	Offender ID Program						
6	341,135						
7	Start-up Costs						
8	4,703						
9	<hr/>						
10	18,465,683		18,465,683				
11	18,546,977		18,546,977				
12							
13	(J) Mental Health Subprogram						
14	Personal Services						
15	11,151,627		11,151,627				
16	11,226,986		11,226,986				
17	(154.0 FTE)		(154.0 FTE)				
18	(155.4 FTE)		(155.4 FTE)				
19	Operating Expenses						
20	281,266		281,266				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	292,991		292,991				
2	Medical Contract Services		4,544,498				
3	Start-up Costs		4,703				
4	<u>15,982,094</u>						
5	16,069,178						
6							
7	(K) Inmate Pay Subprogram		2,376,618				
8	2,429,146		2,429,146				
9							
10	(4) INMATE PROGRAMS						
11	(B) Education Subprogram						
12	Personal Services		14,105,285				
13	14,167,093		14,167,093				
14			(194.0 FTE)				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1			(195.0 FTE)				
2	Operating Expenses	4,521,663	2,817,246		1,293,402 ^a	411,015 ^b	
3		4,580,288			1,352,027 ^a		
4	Contract Services	237,128	237,128				
5	Education Grants	80,060			10,000 ^c	42,410 ^d	27,650(I)
6		(2.0 FTE)					
7	Start-up Costs	4,703	4,703				
8		18,948,839					
9		19,069,272					

11 ^a Of this amount, an estimated \$735,467 shall be from sales revenues earned by vocational programs and an estimated ~~\$557,935~~ \$616,560 shall be from sales revenues earned by the
 12 Canteen Operation.

13 ^b This amount shall be from sales revenues earned by vocational programs for products and services sold to other government agencies.

14 ^c This amount shall be from gifts, grants, and donations.

15 ^d This amount shall be from the Colorado Department of Education from special education funds.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2	(C) Recreation Subprogram						
3	Personal Services	7,732,383		7,732,383			
4		7,781,935		7,781,935			
5				(116.7 FTE)			
6				(117.6 FTE)			
7	Operating Expenses	71,232			71,232 ^a		
8		73,577			73,577 ^a		
9		7,803,615					
10		7,855,512					
11							
12	^a This amount shall be from sales revenues earned by the Canteen Operation.						
13							
14	(D) Drug and Alcohol Treatment Subprogram						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Personal Services	5,589,854	5,589,854				
2		5,618,296	5,618,296				
3			(85.4 FTE)				
4			(85.9 FTE)				
5	Operating Expenses	110,932	110,932				
6		113,511	113,511				
7	Services for Substance Abuse						
8	and Co-occurring Disorders	1,027,121				1,027,121 ^a	
9	Contract Services	2,508,458	2,147,206			361,252 ^a	
10	Treatment Grants	126,682				126,682 ^b	
11		<u>9,363,047</u>					
12		9,394,068					
13							
14	^a These amounts shall be transferred from the Judicial Department from the Correctional Treatment Cash Fund Expenditures line item appropriation in the Probation and Related						
15	Services section.						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	^b This amount shall be from grant funds appropriated to the Division of Criminal Justice in the Department of Public Safety.						
2							
3	(5) COMMUNITY SERVICES						
4	(A) Parole Subprogram						
5	Personal Services	19,007,465		19,007,465			
6		19,022,598		19,022,598			
7				(302.2 FTE)			
8				(302.5 FTE)			
9	Operating Expenses	2,615,820		2,615,820			
10		2,616,320		2,616,320			
11	Parolee Supervision and						
12	Support Services	11,299,514		9,089,758		2,209,756 ^a	
13	Wrap-Around Services						
14	Program	2,336,782		2,336,782			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Grants to Community-based						
2	Organizations for Parolee						
3	6,697,140		6,697,140				
4	Community-based						
5	Organizations Housing						
6	500,000		500,000				
7	500,000		500,000				
8	3,500,000		3,500,000				
9	<u>46,456,721</u>						
10	46,472,354						

12 ^a Of this amount, \$2,163,125 shall be transferred from the Judicial Department from the Correctional Treatment Cash Fund Expenditures line item appropriation in the Probation and
13 Related Services section and \$46,631 shall be transferred from the General Fund appropriation to the Offender Treatment and Services line item in the Probation and Related Services
14 section. The transfer from the Offender Treatment and Services line item is for the provision of day reporting services.

15

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(C) Community Re-entry Subprogram						
2	Personal Services	2,512,252		2,512,252			
3		2,526,627		2,526,627			
4				(41.6 FTE)			
5				(41.9 FTE)			
6	Operating Expenses	146,202		146,202			
7		146,702		146,702			
8	Offender Emergency						
9	Assistance	96,768		96,768			
10	Contract Services	190,000		190,000			
11	Offender Re-employment						
12	Center	374,000		364,000	10,000 ^a		
13	Community Reintegration						
14	Grants	39,098					39,098(I)
15							(1.0 FTE)

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	3,358,320						
2	3,373,195						
3							
4	^a This amount shall be from gifts, grants, and donations.						
5							
6							
7	TOTALS PART II						
8	(CORRECTIONS)	\$975,865,876	\$872,913,457		\$47,619,442 ^a	\$51,757,665	\$3,575,312 ^b
9		\$981,377,043	\$878,363,654		\$47,680,412 ^a		
10							

11 ^a Of this amount, \$21,314,186 contains an (I) notation.

12 ^b This amount contains an (I) notation.

13

1 **SECTION 16. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.