

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
10.13.17

BILL 19

LLS NO. 18-0315.01 Jerry Barry x4341

INTERIM COMMITTEE BILL

Sentencing in the Criminal Justice System Interim Study Committee

BILL TOPIC: "Limit Number Of Beds In DOC"

A BILL FOR AN ACT

101 **CONCERNING A LIMIT ON THE NUMBER OF AVAILABLE BEDS FOR STATE**
102 **INMATES, AND, IN CONNECTION THEREWITH, REQUIRING THE**
103 **COUNTY OF CONVICTION TO PAY THE STATE FOR THE COSTS OF**
104 **INCARCERATION IF THE COUNTY EXCEEDS THE NUMBER OF BEDS**
105 **AVAILABLE TO THAT COUNTY.**

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/>.)

Sentencing in the Criminal Justice System Interim Study Committee. The bill establishes a limit on the total number of available

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

beds for inmates sentenced to a term of imprisonment in the department of corrections (department), including a limit on the number of new admissions beds and the number of technical parole violation return beds.

A working group is established to:

- Allocate the number of new admission beds to each county;
- Establish a process for counties to loan beds to one another;
- Develop a process for assigning inmates to a county;
- Create a process for counties to pay the state for the costs of incarceration when the allocated number of prison beds is exceeded; and
- Establish a process for chief judges and district attorneys to be periodically informed of the number of beds charged to counties within the judicial district.

The parole board is charged with establishing a working group to develop a prison bed usage plan for technical parole violation returns.

If a county exceeds the number of beds allocated and loaned, the bill requires the county of conviction to pay to the state the per diem rate for private prisons.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-20-101.5 as
3 follows:

4 **17-20-101.5. State prison bed cap.** (1) FOR THE STATE FISCAL
5 YEAR 2019-20, AND EACH STATE FISCAL YEAR THEREAFTER, THE NUMBER
6 OF AVAILABLE BEDS FOR STATE INMATES IS LIMITED TO EIGHTEEN
7 THOUSAND ONE HUNDRED BEDS OF WHICH SEVENTEEN THOUSAND BEDS
8 WOULD BE AVAILABLE FOR NEW PRISON ADMISSIONS, INCLUDING NEW
9 COMMITMENTS AND PAROLE RETURNS WITH A NEW FELONY CONVICTION,
10 AND ONE THOUSAND ONE HUNDRED BEDS WOULD BE AVAILABLE FOR
11 ADMISSIONS FOR TECHNICAL PAROLE VIOLATIONS.

12 (2) (a) THERE IS CREATED WITHIN THE JUDICIAL DEPARTMENT A
13 STATE PRISON BED ALLOCATION WORKING GROUP CONSISTING OF THE
14 FOLLOWING:

15 (I) THE STATE COURT ADMINISTRATOR OR THE ADMINISTRATOR'S

- 1 DESIGNEE;
- 2 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
3 CORRECTIONS, OR THE DIRECTOR'S DESIGNEE;
- 4 (III) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE
5 DEPARTMENT OF PUBLIC SAFETY, OR THE DIRECTOR'S DESIGNEE;
- 6 (IV) THE DIRECTOR OF THE STATE OFFICE OF PLANNING AND
7 BUDGETING, OR THE DIRECTOR'S DESIGNEE;
- 8 (V) A REPRESENTATIVE OF THE COLORADO DISTRICT ATTORNEYS'
9 COUNCIL;
- 10 (VI) THE STATE PUBLIC DEFENDER, OR HIS OR HER DESIGNEE;
- 11 (VII) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
12 COUNTIES; AND
- 13 (VIII) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
14 COUNTY SHERIFFS.
- 15 (b) THE STATE PRISON BED ALLOCATION WORKING GROUP SHALL:
- 16 (I) ON OR BEFORE JUNE 15, 2019, AND ON OR BEFORE EACH JUNE
17 15 THEREAFTER, ALLOCATE, FROM THE TOTAL NUMBER OF PRISON BEDS
18 AVAILABLE FOR NEW PRISON ADMISSIONS PURSUANT TO SUBSECTION (1)
19 OF THIS SECTION, A NUMBER OF PRISON BEDS FOR EACH COUNTY WITHIN A
20 JUDICIAL DISTRICT;
- 21 (II) DEVELOP A PROCESS FOR ONE COUNTY TO LOAN TO ANOTHER
22 COUNTY ONE OR MORE BEDS ORIGINALLY ALLOCATED TO THE FIRST
23 COUNTY;
- 24 (III) DEVELOP A METHOD FOR ASSIGNING A STATE INMATE TO A
25 COUNTY IF AN OFFENSE IS COMMITTED IN MORE THAN ONE COUNTY OR IF
26 A TRIAL IS MOVED TO ANOTHER COUNTY;
- 27 (IV) DEVELOP A METHOD FOR A COUNTY TO PAY THE STATE

1 TREASURER FOR THE COSTS OF HOUSING AN INMATE AS REQUIRED BY
2 SUBSECTION (4) OF THIS SECTION; AND

3 (V) DEVELOP A PROCESS FOR THE DEPARTMENT OF CORRECTIONS
4 TO PERIODICALLY INFORM THE CHIEF JUSTICE AND DISTRICT ATTORNEY OF
5 EACH JUDICIAL DISTRICT OF THE NUMBER OF PRISON BEDS CHARGED TO
6 EACH COUNTY WITHIN THAT JUDICIAL DISTRICT.

7 (3) THE PAROLE BOARD, IN CONSULTATION WITH THE EXECUTIVE
8 DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, SHALL ESTABLISH A
9 WORKING GROUP TO ANNUALLY DEVELOP A PRISON BED USAGE PLAN TO
10 LIMIT THE NUMBER OF INMATES INCARCERATED IN STATE PRISONS FOR
11 TECHNICAL PAROLE VIOLATIONS.

12 (4) IF THE NUMBER OF STATE INMATES HOUSED IN THE
13 DEPARTMENT OF CORRECTIONS ON NEW ADMISSIONS FOR A COUNTY
14 EXCEEDS THE NUMBER ALLOCATED TO THE COUNTY, PLUS ANY BEDS
15 LOANED TO THE COUNTY PURSUANT TO SUBSECTION (2)(b)(II) OF THIS
16 SECTION, THE COUNTY IN WHICH THE CONVICTION WAS ENTERED SHALL
17 PAY TO THE STATE TREASURER THE PRIVATE PRISON PER DIEM RATE PAID
18 BY THE DEPARTMENT OF CORRECTIONS FOR EACH DAY THAT THE COUNTY'S
19 INMATE POPULATION EXCEEDS ITS LIMIT.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.