

CHAPTER 187

CORRECTIONS

HOUSE BILL 93-1233

BY REPRESENTATIVES Romero, Armstrong, Dyer, Kerns, Morrison, and Snyder;
also SENATORS Wham, Bishop, Casey, Cassidy, Hopper, Johnson, Pastore, Tebedo, and Traylor.

AN ACT**CONCERNING THE RESTRUCTURING OF STATUTES RELATING TO COMMUNITY CORRECTIONS PROGRAMS.**

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

SECTION 1. Article 27 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 27
Community Corrections Programs

17-27-101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS THE PURPOSE OF THIS ARTICLE TO ESTABLISH AND MAINTAIN COMMUNITY CORRECTIONS PROGRAMS WHICH PROVIDE THE COURTS, THE DEPARTMENT OF CORRECTIONS, AND THE STATE BOARD OF PAROLE WITH MORE FLEXIBILITY AND A BROADER RANGE OF CORRECTIONAL OPTIONS FOR OFFENDERS UNDER THE JURISDICTION OF SUCH ENTITIES. IT IS THE FURTHER PURPOSE OF THIS ARTICLE TO INCREASE PUBLIC SAFETY AND PROMOTE COMMUNITY-BASED CORRECTIONAL PROGRAMMING THROUGH COLLABORATION BETWEEN THE STATE OF COLORADO AND LOCAL UNITS OF GOVERNMENT. IT IS ALSO THE PURPOSE OF THIS ARTICLE TO GIVE LOCAL UNITS OF GOVERNMENT THE AUTHORITY TO DESIGNATE THE PROGRAMS, BOARDS, AND NETWORKS ESTABLISHED UNDER THIS ARTICLE TO ADDRESS LOCAL CRIMINAL JUSTICE NEEDS WITH RESOURCES OTHER THAN THOSE APPROPRIATED PURSUANT TO THIS ARTICLE.

17-27-102. Definitions. AS USED IN THIS ARTICLE:

(1) "ADMINISTRATIVE REVIEW PROCESS" MEANS A SEQUENCE OF ACTIONS THAT INCLUDES WRITTEN NOTIFICATION TO AN OFFENDER OF THE DECISION TO REJECT AND TERMINATE PROGRAM PLACEMENT, A BRIEF EXPLANATION OF THE REASON FOR THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TERMINATION, INSTRUCTIONS FOR THE OFFENDER TO REQUEST REVIEW OF THE ACTION OF THE COMMUNITY CORRECTIONS BOARD OR COMMUNITY CORRECTIONS PROGRAM, AND A METHOD FOR THE COMMUNITY CORRECTIONS BOARD OR COMMUNITY CORRECTIONS PROGRAM TO INFORMALLY REVIEW THE REJECTION AND TERMINATION.

(2) "COMMUNITY CORRECTIONS BOARD" MEANS THE GOVERNING BODY OF ANY UNIT OF LOCAL GOVERNMENT, ANY COMBINATIONS OF SUCH GOVERNING BODIES FOR THE PURPOSE OF THIS ARTICLE, OR ANY SEPARATE BOARD CREATED BY ANY GOVERNING BODY OR BODIES PURSUANT TO THIS ARTICLE.

(3) "COMMUNITY CORRECTIONS PROGRAM" MEANS A COMMUNITY-BASED OR COMMUNITY-ORIENTED PROGRAM WHICH PROVIDES SUPERVISION OF OFFENDERS PURSUANT TO THIS ARTICLE. SUCH PROGRAM SHALL BE OPERATED BY A UNIT OF LOCAL GOVERNMENT, THE DEPARTMENT OF CORRECTIONS, OR ANY PRIVATE INDIVIDUAL, PARTNERSHIP, CORPORATION, OR ASSOCIATION. SUCH PROGRAM MAY PROVIDE RESIDENTIAL OR NON-RESIDENTIAL SERVICES FOR OFFENDERS, MONITORING OF THE ACTIVITIES OF OFFENDERS, OVERSIGHT OF VICTIM RESTITUTION AND COMMUNITY SERVICE BY OFFENDERS, PROGRAMS AND SERVICES TO AID OFFENDERS IN OBTAINING AND HOLDING REGULAR EMPLOYMENT, PROGRAMS AND SERVICES TO AID OFFENDERS IN ENROLLING IN AND MAINTAINING ACADEMIC COURSES, PROGRAMS AND SERVICES TO AID OFFENDERS IN PARTICIPATING IN VOCATIONAL TRAINING PROGRAMS, PROGRAMS AND SERVICES TO AID OFFENDERS IN UTILIZING THE RESOURCES OF THE COMMUNITY, MEETING THE PERSONAL AND FAMILY NEEDS OF SUCH OFFENDERS, PROGRAMS AND SERVICES TO AID OFFENDERS IN OBTAINING APPROPRIATE TREATMENT FOR SUCH OFFENDERS, PROGRAMS AND SERVICES TO AID OFFENDERS IN PARTICIPATING IN WHATEVER SPECIALIZED PROGRAMS EXIST WITHIN THE COMMUNITY, AND SUCH OTHER SERVICES AND PROGRAMS AS MAY BE APPROPRIATE TO AID IN OFFENDER REHABILITATION AND PUBLIC SAFETY.

(4) "GOVERNING BODY" MEANS THE BOARD OR COUNCIL OF ELECTED OR APPOINTED OFFICIALS WHICH IS RESPONSIBLE FOR GOVERNING ANY UNIT OF LOCAL GOVERNMENT, SUCH AS A CITY COUNCIL OR A BOARD OF COUNTY COMMISSIONERS.

(5) "NONGOVERNMENTAL AGENCY" MEANS ANY PRIVATE INDIVIDUAL, PARTNERSHIP, CORPORATION, OR ASSOCIATION.

(6) "OFFENDER" MEANS ANY PERSON ACCUSED OF OR CONVICTED OF A FELONY OR MISDEMEANOR AS DEFINED BY THE LAWS OF THE STATE OF COLORADO.

(7) "REFERRING AGENCY" MEANS THE AGENCY WHICH MAINTAINS LEGAL JURISDICTION OVER ANY OFFENDER REFERRED TO OR PLACED IN A COMMUNITY CORRECTIONS PROGRAM SUCH AS THE SENTENCING COURT, THE DEPARTMENT OF CORRECTIONS, OR THE STATE BOARD OF PAROLE.

(8) "UNIT OF LOCAL GOVERNMENT" MEANS ANY COUNTY, CITY AND COUNTY, CITY, TOWN, OR SERVICE AUTHORITY WHICH MAY BE ESTABLISHED PURSUANT TO SECTION 17 OF ARTICLE XIV OF THE STATE CONSTITUTION.

17-27-103. Community corrections boards - establishment - duties. (1) A COMMUNITY CORRECTIONS BOARD MAY BE ESTABLISHED BY RESOLUTION OR ORDINANCE OF A GOVERNING BODY, OR A COMBINATION OF GOVERNING BODIES. ANY

COMMUNITY CORRECTIONS BOARD WHICH IS ESTABLISHED MAY BE ADVISORY TO THE GOVERNING BODY OR BODIES WHICH CREATED SUCH BOARD OR IT MAY BE FUNCTIONALLY INDEPENDENT FROM THE GOVERNING BODY OR BODIES. PURSUANT TO SUBSECTION (8) OF THIS SECTION, THE GOVERNING BODY OR BODIES MAY DELEGATE TO THE COMMUNITY CORRECTIONS BOARD THE AUTHORITY WHICH SUCH GOVERNING BODY OR BODIES HAVE TO APPROVE OR DISAPPROVE THE ESTABLISHMENT AND OPERATION OF COMMUNITY CORRECTIONS PROGRAMS WITHIN THE JURISDICTION OF SUCH GOVERNING BODY OR BODIES. IN ADDITION, THE GOVERNING BODY OR BODIES MAY DELEGATE SUCH OTHER POWERS WHICH THE GOVERNING BODY OR BODIES POSSESS TO THE COMMUNITY CORRECTIONS BOARD TO ACCOMPLISH THE PURPOSES OF THIS ARTICLE.

(2) A COMMUNITY CORRECTIONS BOARD SHALL HAVE THE AUTHORITY TO ENTER INTO CONTRACTS WITH THE STATE OF COLORADO, RECEIVE GRANTS FROM GOVERNMENTAL AND PRIVATE SOURCES, AND RECEIVE COURT-AUTHORIZED EXPENSE REIMBURSEMENT RELATED TO COMMUNITY CORRECTIONS PROGRAMS. A COMMUNITY CORRECTIONS BOARD MAY DESIGNATE A COMMUNITY CORRECTIONS PROGRAM OR PROGRAMS WITHIN THE JURISDICTION OF SUCH BOARD TO CONTRACT WITH THE STATE OF COLORADO TO PROVIDE SERVICES AND SUPERVISION FOR OFFENDERS.

(3) A COMMUNITY CORRECTIONS BOARD MAY ESTABLISH PROGRAMS TO BE OPERATED BY A UNIT OR UNITS OF LOCAL GOVERNMENT, OR AN AGENCY OF STATE GOVERNMENT, TO ACCOMPLISH THE PURPOSES OF THIS ARTICLE, OR SUCH BOARD MAY CONTRACT WITH OTHER UNITS OF LOCAL GOVERNMENT, OTHER COMMUNITY CORRECTIONS BOARDS, ANY AGENCY OF STATE GOVERNMENT, OR ANY COMMUNITY CORRECTIONS PROGRAM TO PROVIDE SUPERVISION OF AND SERVICES FOR OFFENDERS.

(4) A COMMUNITY CORRECTIONS BOARD MAY ESTABLISH AND ENFORCE STANDARDS FOR THE OPERATION OF ANY COMMUNITY CORRECTIONS PROGRAM LOCATED WITHIN THE PHYSICAL BOUNDARIES OF THE JURISDICTION OF THE GOVERNING BODY OR BODIES WHICH CREATED SUCH BOARD. THE STANDARDS ESTABLISHED BY A COMMUNITY CORRECTIONS BOARD MAY EXCEED, BUT SHALL NOT CONFLICT WITH, STANDARDS ESTABLISHED FOR COMMUNITY CORRECTIONS PROGRAMS BY THE DIVISION OF CRIMINAL JUSTICE OF THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 17-27-108. THE COMMUNITY CORRECTIONS BOARD SHALL, IN COORDINATION WITH STATE AND LOCAL AGENCIES, MONITOR COMMUNITY CORRECTIONS PROGRAMS WITHIN THE JURISDICTION OF SUCH BOARD AND OVERSEE COMPLIANCE WITH STATE AND LOCAL STANDARDS.

(5) A COMMUNITY CORRECTIONS BOARD HAS THE AUTHORITY TO ACCEPT OR REJECT ANY OFFENDER REFERRED FOR PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM UNDER THE JURISDICTION OF SUCH BOARD. THE COMMUNITY CORRECTIONS BOARD SHALL PROVIDE, IN WRITING, ACCEPTANCE CRITERIA AND SCREENING PROCEDURES TO EACH REFERRING AGENCY.

(6) A COMMUNITY CORRECTIONS BOARD MAY ESTABLISH CONDITIONS OR GUIDELINES FOR THE CONDUCT OF OFFENDERS PLACED IN ANY COMMUNITY CORRECTIONS PROGRAM OPERATED WITHIN THE PHYSICAL BOUNDARIES OF THE JURISDICTION OF THE GOVERNING BODY OR BODIES WHICH CREATED SUCH BOARD. WRITTEN COPIES OF SUCH CONDITIONS OR GUIDELINES SHALL BE MADE AVAILABLE TO OFFENDERS PLACED IN COMMUNITY CORRECTIONS PROGRAMS UNDER THE

JURISDICTION OF THE COMMUNITY CORRECTIONS BOARD.

(7) A COMMUNITY CORRECTIONS BOARD HAS THE AUTHORITY TO REJECT AFTER ACCEPTANCE THE PLACEMENT OF ANY OFFENDER IN A COMMUNITY CORRECTIONS PROGRAM WITHIN THE JURISDICTION OF SUCH BOARD. IF THE REFERRING AGENCY DOES NOT PROVIDE AN ADMINISTRATIVE REVIEW PROCESS RELATING TO SUCH REJECTION AFTER ACCEPTANCE, THE COMMUNITY CORRECTIONS BOARD SHALL PROVIDE AN ADMINISTRATIVE REVIEW PROCESS FOR ANY OFFENDER WHO IS REJECTED AFTER ACCEPTANCE BY SUCH BOARD. THE COMMUNITY CORRECTIONS BOARD SHALL PROVIDE WRITTEN NOTIFICATION OF THE REJECTION AFTER ACCEPTANCE OF ANY OFFENDER TO THE REFERRING AGENCY AND THE ADMINISTRATOR OF THE COMMUNITY CORRECTIONS PROGRAM IN WHICH THE OFFENDER IS PLACED.

(8) A GOVERNING BODY SHALL APPROVE OR DISAPPROVE THE ESTABLISHMENT AND OPERATION OF ALL COMMUNITY CORRECTIONS PROGRAMS WITHIN THE JURISDICTION OF SUCH GOVERNING BODY, BUT SUCH AUTHORITY MAY BE DELEGATED TO THE COMMUNITY CORRECTIONS BOARD CREATED BY SUCH GOVERNING BODY.

(9) A COMMUNITY CORRECTIONS BOARD MAY SERVE IN A PLANNING AND COORDINATING CAPACITY BY ADVISING THE GOVERNING BODY WHICH CREATED SUCH BOARD AND CONSULTING WITH OFFICIALS OF STATE CRIMINAL JUSTICE AGENCIES TO IMPROVE LOCAL COMMUNITY CORRECTIONS SERVICES.

(10) A COMMUNITY CORRECTIONS BOARD, AND EACH INDIVIDUAL MEMBER OF SUCH BOARD, SHALL BE IMMUNE FROM ANY CIVIL LIABILITY FOR THE PERFORMANCE OF THE DUTIES OF SUCH BOARD OR SUCH INDIVIDUAL MEMBER AS SPECIFIED IN THIS ARTICLE, IF SUCH PERSON WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF SUCH PERSON'S RESPECTIVE CAPACITY, MAKES A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH ACTION WAS TAKEN, AND ACTS IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY SUCH PERSON WAS WARRANTED BY THE FACTS.

17-27-104. Community corrections programs operated by units of local government, state agencies, or nongovernmental agencies. (1) ANY UNIT OF LOCAL GOVERNMENT, OR ANY STATE AGENCY AUTHORIZED BY THIS ARTICLE, MAY ESTABLISH, MAINTAIN, AND OPERATE SUCH COMMUNITY CORRECTIONS PROGRAMS AS SUCH UNIT OR AGENCY DEEMS NECESSARY TO SERVE THE NEEDS OF SUCH UNIT OF LOCAL GOVERNMENT OR STATE AGENCY AND OFFENDERS WHO ARE ASSIGNED TO SUCH PROGRAMS BY THE DEPARTMENT OF CORRECTIONS, PLACED IN SUCH PROGRAMS BY THE STATE BOARD OF PAROLE, OR SENTENCED TO SUCH PROGRAMS BY THE COURT.

(2) PURSUANT TO PROVISIONS OF SECTION 17-27-103, ANY NONGOVERNMENTAL AGENCY MAY ESTABLISH, MAINTAIN, AND OPERATE A COMMUNITY CORRECTIONS PROGRAM UNDER A CONTRACT WITH THE STATE OF COLORADO, A CONTRACT WITH A UNIT OR UNITS OF LOCAL GOVERNMENT, OR A CONTRACT WITH OTHER NONGOVERNMENTAL AGENCIES FOR THE PURPOSE OF PROVIDING SERVICES TO OFFENDERS WHO ARE ASSIGNED TO SUCH PROGRAMS BY THE DEPARTMENT OF CORRECTIONS, PLACED IN SUCH PROGRAMS BY THE STATE BOARD OF PAROLE, OR SENTENCED TO SUCH PROGRAMS BY THE COURT.

(3) THE ADMINISTRATORS OF ANY COMMUNITY CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL HAVE THE AUTHORITY TO ACCEPT OR

REJECT ANY OFFENDER REFERRED FOR PLACEMENT IN SUCH PROGRAM. SCREENING PROCEDURES SHALL BE DEVELOPED IN COOPERATION WITH THE COMMUNITY CORRECTIONS BOARD OF THE JURISDICTION IN WHICH SUCH COMMUNITY CORRECTIONS PROGRAM IS LOCATED. ACCEPTANCE CRITERIA AND SCREENING PROCEDURES SHALL BE PROVIDED IN WRITING BY EACH COMMUNITY CORRECTIONS PROGRAM TO EACH REFERRING AGENCY.

(4) THE ADMINISTRATORS OF EACH COMMUNITY CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL ESTABLISH CONDITIONS OR GUIDELINES FOR THE CONDUCT OF OFFENDERS ACCEPTED AND PLACED IN SUCH PROGRAM. SUCH CONDITIONS OR GUIDELINES SHALL NOT CONFLICT WITH ANY CONDITIONS OR GUIDELINES ESTABLISHED PURSUANT TO SECTION 17-27-103 (6) BY THE COMMUNITY CORRECTIONS BOARD OF THE JURISDICTION IN WHICH SUCH COMMUNITY CORRECTIONS PROGRAM IS LOCATED. OFFENDERS ACCEPTED AND PLACED IN ANY COMMUNITY CORRECTIONS PROGRAM SHALL HAVE ACCESS TO WRITTEN COPIES OF SUCH CONDITIONS OR GUIDELINES FOR THE CONDUCT OF OFFENDERS UPON PLACEMENT IN SUCH PROGRAM.

(5) THE ADMINISTRATORS OF EACH COMMUNITY CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL HAVE THE AUTHORITY TO REJECT AFTER ACCEPTANCE AND TERMINATE THE PLACEMENT OF ANY OFFENDER WHO VIOLATES CONDITIONS OR GUIDELINES ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION, OR IF ANY CONDITIONS OF SUCH OFFENDER'S PLACEMENT IN THE PROGRAM ARE NOT SATISFIED. IF THE REFERRING AGENCY DOES NOT PROVIDE AN ADMINISTRATIVE REVIEW PROCESS, THE COMMUNITY CORRECTIONS PROGRAM SHALL PROVIDE AN ADMINISTRATIVE REVIEW PROCESS FOR ANY OFFENDER WHO IS REJECTED AFTER ACCEPTANCE. IF THE TERMINATION OF PLACEMENT OF AN OFFENDER IS INITIATED BY THE COMMUNITY CORRECTIONS PROGRAM, THE REFERRING AGENCY SHALL BE NOTIFIED IMMEDIATELY TO ARRANGE A TRANSFER OF CUSTODY FOR SUCH OFFENDER. THE COMMUNITY CORRECTIONS PROGRAM MAY BE REQUIRED BY THE REFERRING AGENCY TO MAINTAIN TEMPORARY CUSTODY OF THE OFFENDER WHOSE PLACEMENT IS BEING TERMINATED FOR A REASONABLE PERIOD OF TIME PENDING RECEIPT OF APPROPRIATE TRANSFER ORDERS FROM THE REFERRING AGENCY UNLESS THE PROVISIONS OF SUBSECTION (6) OF THIS SECTION APPLY.

(6) WHEN THE ADMINISTRATOR OF A COMMUNITY CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION, OR ANY OTHER APPROPRIATE REFERRING AGENCY, HAS CAUSE TO BELIEVE THAT AN OFFENDER PLACED IN A COMMUNITY CORRECTIONS PROGRAM HAS VIOLATED ANY RULE OR CONDITION OF SUCH OFFENDER'S PLACEMENT IN SUCH PROGRAM, OR CANNOT BE SAFELY HOUSED IN SUCH PROGRAM, THE ADMINISTRATOR OR OTHER APPROPRIATE AUTHORITY SHALL NOTIFY THE APPROPRIATE JUDICIAL OR EXECUTIVE AUTHORITY OF THE FACTS WHICH ARE THE BASIS OF SUCH ADMINISTRATOR'S BELIEF. SUCH ADMINISTRATOR MAY THEN EXECUTE A TRANSFER ORDER TO ANY SHERIFF, UNDERSHERIFF, DEPUTY SHERIFF, POLICE OFFICER, OR STATE PATROL OFFICER WHICH AUTHORIZES SUCH PEACE OFFICER TO TRANSPORT THE OFFENDER TO THE COUNTY JAIL IN THE COUNTY IN WHICH THE COMMUNITY CORRECTIONS PROGRAM IS LOCATED AND THE OFFENDER SHALL BE CONFINED IN SUCH JAIL PENDING A DETERMINATION BY THE APPROPRIATE JUDICIAL OR EXECUTIVE AUTHORITY AS TO WHETHER THE OFFENDER SHOULD REMAIN IN COMMUNITY CORRECTIONS OR BE REMOVED THEREFROM. SUCH OFFENDER SHALL BE CONFINED WITHOUT BOND.

(7) THE ADMINISTRATOR OF ANY COMMUNITY CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL NOTIFY A REFERRING AGENCY IMMEDIATELY THAT AN OFFENDER HAS BEEN TRANSFERRED TO A COUNTY JAIL PURSUANT TO SUBSECTION (6) OF THIS SECTION. SUCH NOTIFICATION SHALL CONTAIN THE NAME OF THE OFFENDER AND IDENTIFY THE RULE OR CONDITION OF PLACEMENT VIOLATED, AND DESCRIBE SUCH VIOLATION, OR STATE THE REASON THE OFFENDER CANNOT BE SAFELY HOUSED IN THE COMMUNITY CORRECTIONS PROGRAM.

(8) UPON PLACEMENT OF AN OFFENDER IN A COMMUNITY CORRECTIONS PROGRAM, THE ADMINISTRATOR OF THE PROGRAM SHALL NOTIFY LOCAL LAW ENFORCEMENT AGENCIES OF THE IDENTITY OF EACH SUCH OFFENDER.

(9) THE ADMINISTRATOR OF ANY COMMUNITY CORRECTIONS PROGRAM SHALL DOCUMENT THE NUMBER OF DAYS OF RESIDENTIAL PLACEMENT COMPLETED BY EACH OFFENDER SENTENCED DIRECTLY TO THE COMMUNITY CORRECTIONS PROGRAM BY THE COURT. IF ANY SUCH OFFENDER IS REJECTED AFTER ACCEPTANCE BY THE COMMUNITY CORRECTIONS BOARD OR THE COMMUNITY CORRECTIONS PROGRAM, THE PROGRAM ADMINISTRATOR SHALL PROVIDE A WRITTEN SUMMARY OF THE RESIDENTIAL DAYS COMPLETED BY SUCH OFFENDER TO THE REFERRING AGENCY. IF THE OFFENDER IS THEREAFTER COMMITTED TO THE DEPARTMENT OF CORRECTIONS, SUCH SUMMARY SHALL BE REPORTED TO THE DEPARTMENT OF CORRECTIONS TO FACILITATE THE CALCULATION OF ANY TIME CREDITS PURSUANT TO PART 3 OR PART 4 OF ARTICLE 22.5 OF THIS TITLE.

(10) THE ADMINISTRATOR OF ANY COMMUNITY CORRECTIONS PROGRAM SHALL ENFORCE ANY ORDER RELATING TO THE PAYMENT OF RESTITUTION, COURT COSTS, FEES, OR COMMUNITY SERVICE WHICH IS ORDERED BY THE SENTENCING COURT. SUCH ADMINISTRATOR SHALL ESTABLISH A PAYMENT CONTRACT AND SCHEDULE FOR EACH OFFENDER PLACED IN THE COMMUNITY CORRECTIONS PROGRAM.

17-27-105. Authority to place offenders in community corrections programs.

(1) (a) ANY JUDGE OF A DISTRICT COURT MAY REFER ANY OFFENDER CONVICTED OF A FELONY TO A COMMUNITY CORRECTIONS PROGRAM UNLESS SUCH OFFENDER IS REQUIRED TO BE SENTENCED PURSUANT TO SECTION 16-11-309 (1), C.R.S. IF AN OFFENDER WHO IS SENTENCED PURSUANT TO SECTION 16-11-309 (1), C.R.S., HAS SUCH SENTENCE MODIFIED UPON THE FINDING OF UNUSUAL AND EXTENUATING CIRCUMSTANCES PURSUANT TO SUCH SECTION, SUCH OFFENDER MAY BE REFERRED TO A COMMUNITY CORRECTIONS PROGRAM IF SUCH OFFENDER IS OTHERWISE ELIGIBLE FOR SUCH PROGRAM AND IS APPROVED FOR PLACEMENT PURSUANT TO SECTION 17-27-103 (5) AND SECTION 17-27-104 (3). FOR THE PURPOSES OF THIS ARTICLE, PERSONS SENTENCED PURSUANT TO THE PROVISIONS OF SECTION 19-2-703 (1) (c), C.R.S., SECTION 19-2-801 (2) (a), C.R.S., AND SECTION 19-2-803 (2) (b), C.R.S., SHALL BE DEEMED TO BE "OFFENDERS".

(b) IN MAKING A DIRECT SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM, THE SENTENCING COURT MAY IMPOSE A SENTENCE TO COMMUNITY CORRECTIONS WHICH INCLUDES TERMS, LENGTHS, AND CONDITIONS PURSUANT TO SECTION 18-1-105, C.R.S. THE SENTENCING COURT MAY ALSO REFER ANY OFFENDER TO A COMMUNITY CORRECTIONS PROGRAM AS A CONDITION OF PROBATION PURSUANT TO SECTION 16-11-202, C.R.S. ANY PLACEMENT OF OFFENDERS REFERRED AS A DIRECT SENTENCE OR AS A CONDITION OF PROBATION SHALL BE SUBJECT TO APPROVAL PURSUANT TO

SECTION 17-27-103 (5) AND SECTION 17-27-104 (3).

(c) A PROBATION OFFICER, IN MAKING A PRESENTENCE REPORT TO THE COURT PURSUANT TO SECTION 16-11-102, C.R.S., OR IN MAKING A REPORT TO THE COURT AFTER A PROBATION VIOLATION, MAY RECOMMEND THE UTILIZATION OF A COMMUNITY CORRECTIONS PROGRAM IN SENTENCING OR RESENTENCING AN OFFENDER.

(d) IF AN OFFENDER IS REJECTED BY A COMMUNITY CORRECTIONS BOARD OR A COMMUNITY CORRECTIONS PROGRAM BEFORE PLACEMENT IN A PROGRAM, THE COURT SHALL PROMPTLY RESENTENCE THE OFFENDER. IF A SENTENCE TO THE DEPARTMENT OF CORRECTIONS WAS IMPOSED UPON THE OFFENDER PRIOR TO THE REFERRAL OF THE OFFENDER TO COMMUNITY CORRECTIONS, THE RESENTENCE SHALL NOT EXCEED THE SENTENCE WHICH WAS ORIGINALLY IMPOSED UPON THE OFFENDER.

(e) IF AN OFFENDER IS REJECTED AFTER ACCEPTANCE BY A COMMUNITY CORRECTIONS BOARD OR A COMMUNITY CORRECTIONS PROGRAM, THE COURT MAY RESENTENCE THE OFFENDER WITHOUT ANY FURTHER HEARING SO LONG AS THE OFFENDER'S SENTENCE DOES NOT EXCEED THE SENTENCE WHICH WAS ORIGINALLY IMPOSED UPON THE OFFENDER.

(f) THE PROBATION DEPARTMENT OF THE JUDICIAL DISTRICT IN WHICH A COMMUNITY CORRECTIONS PROGRAM IS LOCATED SHALL HAVE JURISDICTION OVER ALL OFFENDERS SENTENCED DIRECTLY TO A COMMUNITY CORRECTIONS PROGRAM. SUCH PROBATION DEPARTMENT SHALL INITIATE ARREST WARRANTS, PROCESS REPORTS OR OTHER OFFICIAL DOCUMENTS REGARDING OFFENDERS AT THE DIRECTION OF THE COURT, COORDINATE WITH COMMUNITY CORRECTIONS BOARDS AND COMMUNITY CORRECTIONS PROGRAMS, REVIEW OFFENDER SUPERVISION AND TREATMENT, AUTHORIZE OFFENDER TRANSFERS BETWEEN RESIDENTIAL AND NONRESIDENTIAL PHASES OF PLACEMENT, AND CARRY OUT SUCH OTHER DUTIES AS THE COURT DIRECTS.

(g) THE SENTENCING COURT MAY MAKE APPROPRIATE ORDERS FOR THE DETENTION, TRANSFER, OR RESENTENCING OF ANY OFFENDER WHOSE PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM IS TERMINATED PURSUANT TO SECTION 17-27-103 (7) OR SECTION 17-27-104 (5). AS TO ANY OFFENDER HELD PURSUANT TO SECTION 17-27-104 (6) IN A JAIL OPERATED BY A UNIT OF LOCAL GOVERNMENT IN A COUNTY OTHER THAN WHERE THE OFFENDER'S ORIGINAL CONVICTION OCCURRED, THE SENTENCING COURT SHALL ORDER THE TRANSFER OF THE OFFENDER TO THE JAIL OF THE COUNTY WHERE THE ORIGINAL CONVICTION OCCURRED AS SOON AS POSSIBLE. THE SENTENCING COURT IS NOT REQUIRED TO PROVIDE THE OFFENDER WITH AN EVIDENTIARY HEARING PERTAINING TO THE REJECTION OF PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM PRIOR TO RESENTENCING.

(h) THE SENTENCING COURT SHALL HAVE THE AUTHORITY TO MODIFY THE SENTENCE OF AN OFFENDER WHO HAS BEEN DIRECTLY SENTENCED TO A COMMUNITY CORRECTIONS PROGRAM IN THE SAME MANNER AS IF THE OFFENDER HAD BEEN PLACED ON PROBATION.

(i) AN OFFENDER SENTENCED DIRECTLY TO COMMUNITY CORRECTIONS PURSUANT TO THIS SUBSECTION (1) SHALL RECEIVE TIME CREDITS PURSUANT TO PART 3 OR PART

4 OF ARTICLE 22.5 OF THIS TITLE.

(j) ANY OFFENDER SENTENCED TO THE DEPARTMENT OF CORRECTIONS SUBSEQUENT TO PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM IS ENTITLED TO CREDIT AGAINST THE TERM OF CONFINEMENT AS DESCRIBED IN SECTION 17-27-104 (9). THE COURT SHALL MAKE A FINDING OF THE AMOUNT OF SUCH TIME CREDITS AND INCLUDE SUCH FINDING IN THE MITTIMUS THAT ORDERS THE OFFENDER TO BE PLACED IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS. THE DEPARTMENT OF CORRECTIONS SHALL APPLY CREDITS FOR RESIDENTIAL PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM IN THE SAME MANNER AS CREDITS FOR TIME SERVED IN A DEPARTMENT OF CORRECTIONS FACILITY.

(2) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS MAY TRANSFER ANY OFFENDER WHO IS ELIGIBLE PURSUANT TO THIS SUBSECTION (2) TO A COMMUNITY CORRECTIONS PROGRAM IF SUCH OFFENDER IS ACCEPTED FOR PLACEMENT BY A COMMUNITY CORRECTIONS BOARD PURSUANT TO SECTION 17-27-103 AND A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 17-27-104.

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS MAY REFER FOR PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM ANY OFFENDER WHO IS NOT SERVING A SENTENCE IMPOSED PURSUANT TO SECTION 16-11-309, C.R.S., AND WHO HAS DISPLAYED ACCEPTABLE INSTITUTIONAL BEHAVIOR, AT ANY TIME WITHIN SIXTEEN MONTHS PRIOR TO SUCH OFFENDER'S PAROLE ELIGIBILITY DATE, UNLESS SUCH OFFENDER HAS AN ACTIVE FELONY WARRANT OR DETAINER OR HAS REFUSED COMMUNITY PLACEMENT. THE EXECUTIVE DIRECTOR MAY REFER ANY OTHER OFFENDER WHO HAS DISPLAYED ACCEPTABLE INSTITUTIONAL BEHAVIOR TO A COMMUNITY CORRECTIONS PROGRAM AT ANY TIME WITHIN ONE HUNDRED EIGHTY DAYS PRIOR TO SUCH OFFENDER'S PAROLE ELIGIBILITY DATE, UNLESS SUCH OFFENDER HAS AN ACTIVE FELONY WARRANT OR DETAINER OR HAS REFUSED COMMUNITY PLACEMENT.

(c) PRIOR TO PLACEMENT OF AN OFFENDER IN ANY COMMUNITY CORRECTIONS PROGRAM, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL GIVE THE FIRST RIGHT TO REFUSE PLACEMENT OF SUCH OFFENDER TO THE COMMUNITY CORRECTIONS BOARD AND COMMUNITY CORRECTIONS PROGRAMS IN THE COMMUNITY WHERE THE OFFENDER INTENDS TO RESIDE AFTER RELEASE FROM CUSTODY OF THE DEPARTMENT OF CORRECTIONS OR PAROLE BY THE STATE BOARD OF PAROLE.

(d) AS TO ANY OFFENDER HELD IN A COUNTY JAIL PURSUANT TO SECTION 17-27-104 (6), THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL ORDER TRANSFER OF SUCH OFFENDER TO A FACILITY OF THE DEPARTMENT OF CORRECTIONS AS SOON AS POSSIBLE.

(3) (a) THE STATE BOARD OF PAROLE MAY REFER ANY PAROLEE FOR PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM. SUCH PLACEMENT, IF APPROVED BY THE COMMUNITY CORRECTIONS BOARD PURSUANT TO SECTION 17-27-103 AND THE COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 17-27-104, MAY BE MADE A CONDITION OF RELEASE ON PAROLE OR AS A MODIFICATION OF THE CONDITIONS OF AN OFFENDER'S PAROLE AFTER RELEASE.

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL DESIGNATE STAFF OF THE DEPARTMENT TO MAINTAIN JURISDICTION OVER ALL OFFENDERS PLACED IN ANY COMMUNITY CORRECTIONS PROGRAM BY ORDER OF THE EXECUTIVE DIRECTOR OR AS A CONDITION OF PAROLE. SUCH STAFF SHALL ISSUE WARRANTS, PROCESS REPORTS OR OTHER OFFICIAL DOCUMENTS REGARDING OFFENDERS, COORDINATE WITH COMMUNITY CORRECTIONS BOARDS AND COMMUNITY CORRECTIONS PROGRAMS, REVIEW OFFENDER SUPERVISION AND TREATMENT, AUTHORIZE OFFENDER TRANSFERS BETWEEN RESIDENTIAL AND NONRESIDENTIAL PHASES OF PLACEMENT, AND CARRY OUT SUCH OTHER DUTIES AS THE EXECUTIVE DIRECTOR DIRECTS.

(4) DISTRICT COURTS, COUNTY COURTS, AND OTHER LOCAL CRIMINAL JUSTICE OFFICIALS MAY ENTER INTO AGREEMENTS WITH COMMUNITY CORRECTIONS PROGRAMS WHICH INCLUDE THE USE OF SUCH PROGRAMS TO SUPERVISE OFFENDERS AWAITING TRIAL FOR FELONY OR MISDEMEANOR OFFENSES, OFFENDERS CONVICTED OF MISDEMEANORS, OR OFFENDERS UNDER DEFERRED JUDGMENTS. SUCH AGREEMENTS ARE SUBJECT TO REVIEW AND APPROVAL BY THE COMMUNITY CORRECTIONS BOARD OF THE JURISDICTION IN WHICH ANY COMMUNITY CORRECTIONS PROGRAM MAKING SUCH AGREEMENT IS LOCATED. ANY SUCH USE OF A COMMUNITY CORRECTIONS PROGRAM MAY BE SUPPORTED WITH FUNDING FROM LOCAL GOVERNMENTS, PUBLIC OR PRIVATE GRANTS, OFFENDER FEES, AND OTHER SOURCES OTHER THAN THE STATE GENERAL FUND.

17-27-106. Escape from custody from a community corrections program. IF AN OFFENDER FAILS TO REMAIN WITHIN THE EXTENDED LIMITS OF SUCH OFFENDER'S CONFINEMENT OR PLACEMENT, OR FAILS TO RETURN WITHIN THE TIME PRESCRIBED TO ANY COMMUNITY CORRECTIONS PROGRAM TO WHICH SUCH OFFENDER WAS ASSIGNED OR TRANSFERRED; OR IF ANY OFFENDER WHO PARTICIPATES IN A PROGRAM ESTABLISHED UNDER THE PROVISIONS OF THIS ARTICLE LEAVES SUCH OFFENDER'S PLACE OF EMPLOYMENT OR, HAVING BEEN ORDERED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR THE CHIEF PROBATION OFFICER OF THE JUDICIAL DISTRICT TO RETURN TO THE COMMUNITY CORRECTIONS PROGRAM, NEGLECTS OR FAILS TO DO SO, SUCH OFFENDER SHALL BE DEEMED TO HAVE ESCAPED FROM CUSTODY AND SHALL, UPON CONVICTION THEREOF, BE PUNISHED AS PROVIDED IN SECTION 18-8-208, C.R.S., AND ALL REDUCTIONS IN SENTENCE AUTHORIZED BY PART 2 OF ARTICLE 22.5 OF THIS TITLE SHALL BE FORFEITED.

17-27-107. Administrative procedure act not to apply. THE PROVISIONS OF THIS ARTICLE SHALL NOT BE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

17-27-108. Division of criminal justice in the department of public safety - duties - community corrections contracts. (1) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO ADMINISTER AND EXECUTE ALL CONTRACTS WITH UNITS OF LOCAL GOVERNMENT, COMMUNITY CORRECTIONS BOARDS, OR NONGOVERNMENTAL AGENCIES FOR THE PROVISION OF COMMUNITY CORRECTIONS PROGRAMS AND SERVICES.

(2) (a) THE DIVISION OF CRIMINAL JUSTICE IS AUTHORIZED TO ESTABLISH STANDARDS FOR COMMUNITY CORRECTIONS PROGRAMS OPERATED BY UNITS OF LOCAL GOVERNMENT OR NONGOVERNMENTAL AGENCIES. SUCH STANDARDS SHALL

PRESCRIBE MINIMUM LEVELS OF OFFENDER SUPERVISION AND SERVICES, HEALTH AND SAFETY CONDITIONS OF FACILITIES, AND OTHER MEASURES TO ENSURE QUALITY SERVICES. THE STANDARDS SHALL BE PROMULGATED OR REVISED AFTER CONSULTATION WITH REPRESENTATIVES OF REFERRING AGENCIES, COMMUNITY CORRECTIONS BOARDS, AND ADMINISTRATORS OF COMMUNITY CORRECTIONS PROGRAMS.

(b) THE DIVISION OF CRIMINAL JUSTICE SHALL AUDIT COMMUNITY CORRECTIONS PROGRAMS TO DETERMINE LEVELS OF COMPLIANCE WITH STANDARDS PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2). SUCH AUDITS SHALL OCCUR AT LEAST ONCE IN EACH THREE-YEAR PERIOD, UNLESS WAIVED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY. WRITTEN REPORTS OF SUCH AUDITS SHALL BE PROVIDED TO THE ADMINISTRATOR OF THE PROGRAM WHICH IS AUDITED, THE LOCAL COMMUNITY CORRECTIONS BOARD, AND REFERRING AGENCIES.

(3) THE DIVISION OF CRIMINAL JUSTICE SHALL ALLOCATE APPROPRIATIONS FOR COMMUNITY CORRECTIONS TO LOCAL COMMUNITY CORRECTIONS BOARDS AND COMMUNITY CORRECTIONS PROGRAMS IN A MANNER WHICH CONSIDERS THE DISTRIBUTION OF OFFENDER POPULATIONS AND SUPPORTS PROGRAM AVAILABILITY PROPORTIONATE TO SUCH DISTRIBUTION AND PROJECTED NEED.

(4) THE DIVISION OF CRIMINAL JUSTICE MAY AUTHORIZE UP TO FIVE PERCENT OF COMMUNITY CORRECTIONS APPROPRIATIONS TO BE SPENT BY UNITS OF LOCAL GOVERNMENT AND COMMUNITY CORRECTIONS BOARDS IN SUPPORT OF ADMINISTRATIVE COSTS INCURRED PURSUANT TO THIS ARTICLE. SUCH MONEYS FOR ADMINISTRATIVE COSTS MAY BE APPLIED TO SUPPORT FUNCTIONS AUTHORIZED IN SECTION 17-27-103, TO SUPPLEMENT ADMINISTRATIVE EXPENSES OF COMMUNITY CORRECTIONS PROGRAMS WHICH HAVE CONTRACTED WITH OR ARE UNDER THE JURISDICTION OF A UNIT OF LOCAL GOVERNMENT, OR TO SUPPORT OTHER DIRECT OR INDIRECT COSTS OF INVOLVEMENT IN COMMUNITY CORRECTIONS.

(5) THE DIVISION OF CRIMINAL JUSTICE IS AUTHORIZED TO TRANSFER UP TO TEN PERCENT OF ANNUAL APPROPRIATIONS AMONG OR BETWEEN LINE ITEMS FOR COMMUNITY CORRECTIONS PROGRAM SERVICES. ADVANCE NOTICE OF SUCH TRANSFERS SHALL BE PROVIDED TO THE GENERAL ASSEMBLY, THE GOVERNOR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, AND THE CHIEF JUSTICE OF THE SUPREME COURT.

(6) THE DIVISION OF CRIMINAL JUSTICE SHALL PROVIDE TECHNICAL ASSISTANCE TO COMMUNITY CORRECTIONS BOARDS, COMMUNITY CORRECTIONS PROGRAMS, AND REFERRING AGENCIES.

SECTION 2. 16-11-213 (4), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

16-11-213. Intensive supervision probation programs. (4) The court may sentence any offender who is otherwise eligible for probation and who would otherwise be sentenced to the department of corrections to an intensive supervision probation program if the court determines that such offender is not a threat to society. For purposes of this section, "offender" shall have the same meaning as that set forth in section 17-27-102 ~~(4)~~ (6), C.R.S.

SECTION 3. 17-25-101 (2), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

17-25-101. Definitions. (2) "Minimum security facility" means a facility which has at least one physical barrier between offenders and freedom and is designed and operated to protect the public from least security risk offenders and is operated by the department for adult felony offenders committed to the custody of the executive director of the department and includes but is not limited to Camp George West at Golden, the Rifle conservation camp at Rifle, the Roubideau conservation camp at Delta, but does not include any community ~~correctional facility~~ CORRECTIONS PROGRAM as defined in section 17-27-102 ~~(+)~~ (3). Such facility shall have a less restrictive setting than the correctional facilities at Canon City and the correctional facilities at Buena Vista and a more restrictive setting than a community ~~correctional facility~~ CORRECTIONS PROGRAM as defined in section 17-27-102 ~~(+)~~ (3).

SECTION 4. 17-27.1-101 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

17-27.1-101. Nongovernmental facilities for offenders - notice requirements. (1) Any nongovernmental facility not authorized to provide involuntary residential treatment pursuant to sections 27-10-105, 27-10-106, 27-10-107, or 27-10.5-110, C.R.S., but nevertheless providing residential treatment for five or more persons, each of whom remains under the jurisdiction of any court, the department of corrections, or the state board of parole or any probation department, parole division, or adult diversion program because of having been charged with or convicted of a felony or a misdemeanor in this state or of a crime anywhere in the United States or another nation which would be a felony or misdemeanor if committed in this state shall give a written notice prior to each admission to any local law enforcement agency for the jurisdiction in which the facility is located or to the local COMMUNITY corrections board, as defined in section 17-27-102 (2). Such notices shall include the full name of the person; the person's date and place of birth; a complete description of ~~his~~ THE PERSON'S arrests, the charges against ~~him~~ SUCH PERSON, and ~~his~~ SUCH PERSON'S convictions; the name and address of any court, the department, the state board of parole, or any probation department, parole division, or adult diversion program involved; and a complete description of the terms and conditions of the placement and any related court order. By written policy the local law enforcement agency may require such person to physically appear at the local law enforcement agency for photographing and fingerprinting. The facility shall immediately report the unauthorized absence of any person placed in such facility to the local law enforcement agency. This section shall apply to any nongovernmental facility whether or not the facility is operating as a community correctional facility pursuant to article 27 of this title. This section shall not apply to any persons placed in a work release program pursuant to the authority of a sheriff.

SECTION 5. 17-27.5-102 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-27.5-102. Minimum standards and criteria for the operation of intensive supervision programs. (3) An offender as defined in section 17-27-102 ~~(+)~~ (6) is eligible for an intensive supervision program only upon the recommendation of the department if such offender has not more than ninety days remaining until his parole

eligibility date or upon a transfer from a community corrections residential program under article 27 of this title if such offender has not more than one hundred twenty days remaining until his parole eligibility date and if the local community corrections board finds that the correctional needs of such offender will be better served by such supervision. The local community corrections board has the authority to accept, reject, or reject after acceptance the participation of any offender in each and every intensive supervision program under this article. In selecting offenders for transfer to an intensive supervision program, the department and the local community corrections board shall consider, but shall not be limited to, the following factors:

- (a) The frequency, severity, and recency of disciplinary actions against the offender;
- (b) The offender's escape history, if any;
- (c) Whether the offender has functioned at a high level of responsibility in a community corrections program, if applicable;
- (d) Whether the offender will have adequate means of support and suitable housing in the community; and
- (e) The nature of the offense for which the offender has been incarcerated.

SECTION 6. 17-27.9-102 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-27.9-102. Specialized restitution and community service programs - contract with treatment providers - division of criminal justice. (1) The director of the division of criminal justice in the department of public safety may, pursuant to section ~~17-27-115~~ 17-27-108, contract with one or more public or private providers or COMMUNITY corrections boards, as defined in section 17-27-102 (2), who operate restitution and community service facilities, to provide specialized restitution and community service programs that meet the requirements of this section. As used in this article, such providers shall be referred to as "providers". The provision of any substance abuse treatment shall be by an entity approved by the division of alcohol and drug abuse in the department of health pursuant to part 2 of article 1 of title 25, C.R.S.

SECTION 7. 17-27.9-103 (2) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-27.9-103. Offenders who may be sentenced to the specialized restitution and community service program. (2) Prior to sentencing an eligible offender to a specialized restitution and community service program pursuant to this section, the court shall make the determinations required in subsection (1) of this section and such offender must have been accepted by both of the following:

- (b) The COMMUNITY corrections board, as defined in section 17-27-102 (2), of the community in which the program is located.

SECTION 8. 17-31-102 (3) (b), Colorado Revised Statutes, 1986 Repl. Vol., as

amended, is amended to read:

17-31-102. Definitions. (3) "Institution" means any of the following:

(b) A community ~~correctional facility or~~ CORRECTIONS program, as that term is defined in section 17-27-102 ~~(1)~~ (3);

SECTION 9. Effective date. This act shall take effect July 1, 1993.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 6, 1993