

CHAPTER 165

CORRECTIONS

HOUSE BILL 94-1201

BY REPRESENTATIVES Snyder, Hernandez, Jerke, June, and Salaz;
also SENATOR Ruddick.

AN ACT

CONCERNING TIME CREDITS FOR OFFENDERS SENTENCED DIRECTLY TO COMMUNITY CORRECTIONS PROGRAMS.

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

SECTION 1. 17-27-105 (1) (i), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

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

(1) (i) (I) An offender sentenced directly to A community corrections PROGRAM BY THE SENTENCING COURT pursuant to this subsection (1) ~~shall receive time credits pursuant to part 3 or part 4 of article 22.5 of this title~~ MAY BE ELIGIBLE FOR TIME CREDIT DEDUCTIONS FROM THE OFFENDER'S SENTENCE NOT TO EXCEED TEN DAYS FOR EACH MONTH OF PLACEMENT UPON A DEMONSTRATION TO THE PROGRAM ADMINISTRATOR BY THE OFFENDER THAT THE OFFENDER HAS MADE CONSISTENT PROGRESS IN THE FOLLOWING CATEGORIES:

(A) MAINTENANCE OF EMPLOYMENT, EDUCATION, OR TRAINING, INCLUDING ATTENDANCE, PROMPTNESS, PERFORMANCE, COOPERATION, CARE OF MATERIALS, AND SAFETY;

(B) DEVELOPMENT AND MAINTENANCE OF POSITIVE SOCIAL AND DOMESTIC RELATIONS;

(C) COMPLIANCE WITH RULES, REGULATIONS, AND REQUIREMENTS OF RESIDENTIAL OR NONRESIDENTIAL PROGRAM PLACEMENT;

(D) COMPLETION AND COMPLIANCE WITH COMPONENTS OF THE INDIVIDUALIZED

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

PROGRAM PLAN; AND

(E) DEMONSTRATION OF FINANCIAL RESPONSIBILITY AND ACCOUNTABILITY.

(II) THE ADMINISTRATOR OF EACH COMMUNITY CORRECTIONS PROGRAM SHALL DEVELOP OBJECTIVE STANDARDS FOR MEASURING PROGRESS IN THE CATEGORIES LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (i), SHALL APPLY SUCH STANDARDS CONSISTENTLY TO EVALUATIONS OF ALL SUCH OFFENDERS, AND SHALL DEVELOP PROCEDURES FOR RECOMMENDING THE AWARD OF TIME CREDITS TO SUCH OFFENDERS.

(III) THE ADMINISTRATOR OF EACH COMMUNITY CORRECTIONS PROGRAM SHALL REVIEW THE PERFORMANCE RECORD OF EACH OFFENDER DIRECTLY SENTENCED TO SUCH PROGRAM. SUCH REVIEW SHALL BE CONDUCTED AT INTERVALS TO BE DETERMINED BY EACH PROGRAM ADMINISTRATOR. SUCH REVIEWS SHALL BE CONDUCTED AT LEAST ONCE EVERY SIX MONTHS, BUT MAY BE CONDUCTED AT MORE FREQUENT INTERVALS AS DETERMINED BY THE PROGRAM ADMINISTRATOR. IF THE PROGRAM ADMINISTRATOR DETERMINES THAT THE OFFENDER ENGAGED IN CRIMINAL ACTIVITY DURING THE TIME PERIOD FOR WHICH THE TIME CREDITS WERE GRANTED, THE PROGRAM ADMINISTRATOR MAY WITHDRAW THE TIME CREDITS GRANTED DURING SUCH PERIOD. PRIOR TO THE TIME OF THE OFFENDER'S RELEASE, THE PROGRAM ADMINISTRATOR SHALL SUBMIT TO THE SENTENCING COURT THE TIME CREDIT DEDUCTIONS GRANTED, WITHDRAWN, OR RESTORED CONSISTENT WITH THE PROVISIONS OF THIS PARAGRAPH (i). SUCH TIME CREDIT DEDUCTIONS SHALL BE SUBMITTED ON STANDARDIZED FORMS PREPARED BY THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY THAT INCLUDE VERIFICATION BY THE PROGRAM ADMINISTRATOR THAT THE TIME CREDIT DEDUCTIONS ARE TRUE AND ACCURATE. THE SENTENCING COURT SHALL CERTIFY SUCH TIME CREDIT DEDUCTIONS AS PART OF THE OFFENDER'S PERMANENT RECORD. ANY TIME CREDITS AUTHORIZED UNDER THIS PARAGRAPH (i) SHALL VEST UPON CERTIFICATION OF TIME CREDIT DEDUCTIONS BY THE SENTENCING COURT AT THE TIME OF THE OFFENDER'S RELEASE FROM THE PROGRAM.

(IV) AN OFFENDER SHALL NOT BE CREDITED WITH MORE THAN ONE-HALF THE ALLOWABLE TIME CREDITS FOR ANY MONTH OR PORTION THEREOF UNLESS THE OFFENDER WAS EMPLOYED OR WAS PARTICIPATING IN TRAINING, EDUCATION, OR TREATMENT PROGRAMS WHICH PRECLUDED THE ABILITY TO REMAIN EMPLOYED. THIS SUBPARAGRAPH (IV) SHALL NOT APPLY TO THOSE OFFENDERS EXCUSED FROM SUCH EMPLOYMENT OR TRAINING BY THE PROGRAM ADMINISTRATOR OR FOR MEDICAL REASONS.

(V) NO TIME CREDIT DEDUCTIONS SHALL BE GRANTED TO ANY OFFENDER FOR TIME SPENT IN JAIL, WHETHER AWAITING SENTENCING, PLACEMENT IN THE PROGRAM, DISCIPLINARY ACTION, OR AS A RESULT OF A SUBSEQUENT ARREST, UNLESS SUCH TIME SPENT IN JAIL WAS A PREARRANGED COMPONENT OF THE OFFENDER'S INDIVIDUALIZED PROGRAM PLAN AND THE OFFENDER HAS MADE CONSISTENT PROGRESS IN THE CATEGORIES LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (i).

(VI) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PARAGRAPH (i), TIME CREDITS SHALL NOT REDUCE THE SENTENCE OF ANY OFFENDER SENTENCED DIRECTLY TO A COMMUNITY CORRECTIONS PROGRAM BY A PERIOD OF TIME WHICH IS MORE THAN TWENTY-FIVE PERCENT OF THE SENTENCE OR TWENTY-FIVE PERCENT OF THE

SENTENCE AFTER ADJUSTMENTS ARE CALCULATED FOR ANY CREDITS OUTLINED BY THE MITTIMUS.

SECTION 2. 17-27-104 (9), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-27-104. Community corrections programs operated by units of local government, state agencies, or nongovernmental agencies. (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 AND THE TIME CREDITS GRANTED TO SUCH OFFENDER PURSUANT TO SECTION 17-27-105 (1) (i). 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.

SECTION 3. Effective date - applicability. This act shall take effect upon passage and shall apply to offenders sentenced directly to community corrections programs on or after said date.

SECTION 4. 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: April 28, 1994