

CHAPTER 190

CORRECTIONS

HOUSE BILL 95-1087

BY REPRESENTATIVES Kerns, Berry, and Schwarz;
also SENATOR Wham.

AN ACT**CONCERNING REVISIONS TO THE BODY OF LAW THAT GOVERNS THE ADMINISTRATION OF THE
DEPARTMENT OF CORRECTIONS.**

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

SECTION 1. 18-1-901 (3) (I) (II) (A) and (3) (I) (III), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

18-1-901. Definitions. (3) (I) (II) (A) "Peace officer, level Ia," means any sheriff; district attorney; assistant district attorney; deputy district attorney; special deputy district attorney; the attorney general of the state, the deputy attorney general, and any deputy or assistant attorney general assigned to a criminal enforcement function in the office of the attorney general; authorized investigator of a county or district attorney, the attorney general, or the executive director of the department of public safety; agent of the Colorado bureau of investigation pursuant to section 24-33.5-409, C.R.S.; PAROLE OFFICERS OR COMMUNITY PROGRAM AGENTS PURSUANT TO ARTICLE 2 OF TITLE 17, C.R.S.; any investigator employed by the department of corrections; or any officer of the Southern Ute Indian police force or Ute Mountain Ute Indian police force who is certified pursuant to part 3 of article 31 of title 24, C.R.S., or otherwise qualified under section 24-31-305 (2), C.R.S. "Peace officer, level Ia," has the authority to enforce all the laws of the state of Colorado while acting within the scope of the officer's authority and in the performance of the officer's duties.

(III) "Peace officer, level II," means an inspector of the state licensing authority under section 12-46-116, C.R.S., of the "Colorado Beer Code"; an inspector of the liquor enforcement division under section 12-47-131, C.R.S.; an authorized investigator of the state lottery division pursuant to section 24-35-205 (3) or 24-35-206 (7), C.R.S.; any authorized investigators and the director of the division of gaming and the executive director of the department of revenue pursuant to section

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

12-47.1-204, C.R.S.; any officer, guard, or supervisory employee within the department of corrections, ~~including parole officers pursuant to article 2 of title 17, C.R.S.~~; except any investigator employed by the department of corrections; a security guard employed by the state of Colorado; a security officer as defined in section 24-7-101, C.R.S.; a district wildlife manager, special district wildlife manager, or parks and recreation officer defined as a peace officer pursuant to section 33-1-102, C.R.S., and acting under the authority of a peace officer pursuant to sections 33-6-101 and 33-15-101, C.R.S.; or a railroad employee defined as a peace officer pursuant to section 40-32-104.5, C.R.S., who shall have access to Colorado bureau of investigation fugitive and stolen property records. "Peace officer, level II," has the authority to enforce all the laws of the state of Colorado while acting within the scope of his authority and in the performance of his duties, and section 18-1-106 (1.5) and section 18-3-107 shall apply to "peace officer, level II".

SECTION 2. 13-22-103 (1), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-22-103. Minors - consent for medical, dental, and related care. (1) Except as otherwise provided in ~~sections 18-6-101~~ SECTIONS 16-11-311 (4.5), 18-6-101, and 25-4-402, C.R.S., a minor eighteen years of age or older, or a minor fifteen years of age or older who is living separate and apart from his parent, parents, or legal guardian, with or without the consent of his parent, parents, or legal guardian, and is managing his own financial affairs, regardless of the source of his income, or any minor who has contracted a lawful marriage may give consent to the furnishing of hospital, medical, dental, emergency health, and surgical care to himself. Such consent shall not be subject to disaffirmance because of minority, and, when such consent is given, said minor shall have the same rights, powers, and obligations as if he had obtained majority.

SECTION 3. 16-11-311 (5) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 16-11-311 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - repeal. (4.5) THE CONSENT OF THE PARENT, PARENTS, OR LEGAL GUARDIAN OF AN OFFENDER UNDER THE AGE OF EIGHTEEN YEARS WHO HAS BEEN SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM PURSUANT TO THIS SECTION SHALL NOT BE NECESSARY IN ORDER TO AUTHORIZE HOSPITAL, MEDICAL, DENTAL, EMERGENCY HEALTH, OR EMERGENCY SURGICAL CARE. IN ADDITION, NEITHER THE DEPARTMENT NOR ANY HOSPITAL, PHYSICIAN, SURGEON, DENTIST, TRAINED EMERGENCY HEALTH CARE PROVIDER, OR AGENT OR EMPLOYEE THEREOF WHO, IN GOOD FAITH, RELIES ON SUCH A MINOR OFFENDER'S CONSENT SHALL BE LIABLE FOR CIVIL DAMAGES FOR FAILURE TO SECURE THE CONSENT OF SUCH AN OFFENDER'S PARENT, PARENTS, OR LEGAL GUARDIAN PRIOR TO RENDERING SUCH CARE. HOWEVER, THE PARENT, PARENTS, OR LEGAL GUARDIAN OF A MINOR OFFENDER DESCRIBED IN THIS SUBSECTION (4.5) MAY BE LIABLE, AS PROVIDED BY LAW, TO PAY THE CHARGES FOR THE CARE PROVIDED THE MINOR ON SAID MINOR'S CONSENT.

(5) (a) Except as otherwise provided by paragraph (b) of this subsection (5), the department of corrections shall implement a procedure for the transfer of an offender

to another facility for vocational or training services or when an offender in the system poses a danger to himself or herself or others and has been convicted of a class 3 felony and has attained the age of eighteen years. The executive director of the department of corrections shall review any transfer determination by the department prior to the actual transfer of an inmate, including a transfer back to the district court for revocation of the sentence to the youthful offender system. ~~When the department seeks to revoke a youthful offender's sentence to the department of corrections, the executive director shall review the department's decision in accordance with section 24-4-105, C.R.S.~~

SECTION 4. 16-13-301 (2.7), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-13-301. Definitions. As used in this part 3, unless the context otherwise requires:

(2.7) "Seizing agency" means any agency which is charged with the enforcement of the laws of this state, of any other state, or of the United States and which has participated in a seizure or has been substantially involved in effecting a forfeiture through the development of evidence underlying the claim for forfeiture or through legal representation pursuant to this part 3. THE DEPARTMENT OF CORRECTIONS SHALL BE DEEMED TO BE INCLUDED UNDER THIS DEFINITION.

SECTION 5. 16-13-502 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-13-502. Definitions. As used in this part 5, unless the context otherwise requires:

(2) "Seizing agency" means any agency which is charged with the enforcement of the laws of this state, of any other state, or of the United States relating to controlled substances and which has participated in a seizure or has been substantially involved in effecting a forfeiture through legal representation pursuant to this part 5; except that the filing of any lien against property forfeited under this part 5 by the governing body or agency thereof of any seizing agency after the date of seizure shall preclude such agency from participating pursuant to this part 5 as a seizing agency and shall deny any such agency from receiving any proceeds under this part 5. THE DEPARTMENT OF CORRECTIONS SHALL BE DEEMED TO BE INCLUDED UNDER THIS DEFINITION.

SECTION 6. 16-13-506 (1) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-13-506. Final order - disposition of property. (1) If the prosecution prevails in the forfeiture action, the court shall order the property forfeited and perfect the state's right and interest in and title to such property, and such order shall relate back to the date of seizure. The court shall also order such property to be sold by the sheriff in the manner provided for sales on execution. The proceeds of sale shall be applied as follows and in the following order:

(c) Of the balance remaining after payment pursuant to paragraphs (a) and (b) of

this subsection (1):

(I) Ten percent shall be deposited into the state general fund for appropriation by the general assembly to the judicial department for the payment of costs attributable to proceedings brought pursuant to section 16-13-505;

(I.5) Ten percent shall be deposited into the state general fund for appropriation by the general assembly to the department of public safety for law enforcement purposes. FOR THE PURPOSES OF THIS SUBPARAGRAPH (I.5), LAW ENFORCEMENT PURPOSES SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE ADMINISTRATION OF THE DEPARTMENT OF CORRECTIONS AND ITS FACILITIES.

(II) One and one-half percent to the district attorney as fees for bringing said action.

SECTION 7. 17-1-104.3, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-1-104.3. Correctional facilities - locations - security level. (1) The correctional facilities managed, supervised, and controlled by the department pursuant to section 17-1-104, the location of such facilities, and the primary security level of such facilities shall be as follows:

Correctional facility	Location	Security level
Colorado state penitentiary	Fremont county	Maximum/Ad. seg.
Centennial correctional facility	Fremont county	Close
Limon correctional facility	Lincoln county	Medium
Arkansas Valley correctional facility	Crowley county	Medium
Buena Vista correctional facility	Chaffee county	Medium
Colorado Territorial correctional facility	Fremont county	Medium
Fremont correctional facility	Fremont county	Medium
Buena Vista modular unit	Chaffee county	Minimum restrictive
Arrowhead correctional	Fremont county	Minimum restrictive

center

Four Mile Fremont county Minimum restrictive
correctional center

Pre-release Fremont county Minimum restrictive
correctional center

Skyline correctional Fremont county Minimum
center

Colorado correctional Jefferson county Minimum
center

Delta correctional Delta county Minimum
center

Rifle correctional Garfield county Minimum
center

Colorado correctional Chaffee county Minimum
alternative program

Colorado women's Fremont and Mixed
correctional facility Pueblo counties

Denver reception and City and county Mixed
diagnostic center of Denver

PUEBLO MINIMUM PUEBLO COUNTY MINIMUM RESTRICTIVE
CENTER

SAN CARLOS FACILITY PUEBLO COUNTY MIXED

(2) SUBSECTION (1) OF THIS SECTION SHALL BE CONSTRUED TO SET FORTH THE FEATURES AND GENERAL OPERATION STATUS OF THE FACILITIES DESCRIBED IN THAT SUBSECTION. NOTHING IN SUBSECTION (1) OF THIS SECTION SHALL BE CONSTRUED TO DEFINE OR RESTRICT THE CUSTODY LEVEL OF INMATES PLACED IN THE FACILITIES DESCRIBED IN THAT SUBSECTION.

(3) THE DEPARTMENT SHALL USE AN ACCOUNTING SYSTEM THAT:

(a) WITH RESPECT TO EACH CUSTODY LEVEL, ASSURES A COMPLETE AND SEPARATE ACCOUNTING OF THE CONSTRUCTION AND DIRECT OPERATING COSTS ASSOCIATED WITH MAINTAINING THE POPULATION OF EACH LEVEL AT A CORRECTIONAL FACILITY THAT MAINTAINS MIXED CUSTODY LEVELS OF INMATES;

(b) IS BASED UPON GENERALLY ACCEPTED ACCOUNTING PRINCIPLES THAT PRECLUDE THE COMMINGLING OF COSTS FOR DIFFERENT POPULATIONS OF INMATES; AND

(c) REQUIRES EACH FACILITY TO MAINTAIN COMPLETE RECORDS OF ALL EXPENDITURES FOR ALL CUSTODY LEVELS OF INMATES.

(4) ON OR BEFORE NOVEMBER 1, 1995, AND THE FIRST DAY OF EACH NOVEMBER THEREAFTER, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE JOINT BUDGET COMMITTEE, THE CAPITAL DEVELOPMENT COMMITTEE, AND THE JUDICIARY COMMITTEES OF EACH HOUSE OF THE GENERAL ASSEMBLY THAT COMPARES THE CONSTRUCTION AND OPERATING COSTS OF FACILITIES WITH MIXED CUSTODY LEVELS TO THE CONSTRUCTION AND OPERATING COSTS OF FACILITIES WITHOUT SUCH MIXED CUSTODY LEVELS.

SECTION 8. 17-20-116, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is repealed as follows:

~~**17-20-116. County or municipal roadwork.** Upon written request of a majority of the board of county commissioners of any county in this state and the order of the department, the superintendent of any state correctional facility shall detail such inmates as are specified in such order, not exceeding the number specified in said written request, to work upon such public roads and highways of the state or of such county or upon such streets and alleys of any municipality within such county as are designated in the written request of said county commissioners. Such county shall pay all additional expenses of guarding said inmates while working upon said public roads and highways within such county and shall furnish all tools and materials necessary in the performance of said work. When said work is done within the limits of any municipality within such county, the municipality where said work is done shall likewise pay all additional expenses of guarding such inmates while performing said work and shall furnish all necessary material used in said work.~~

SECTION 9. 17-24-121, Colorado Revised Statutes, 1986 Repl. Vol., is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

17-24-121. Venture agreements. (1) THE DEPARTMENT OF CORRECTIONS, WORKING THROUGH THE DIVISION, IS AUTHORIZED TO ENTER INTO AGREEMENTS WITH PRIVATE PERSONS FOR THE UTILIZATION OF INMATE LABOR IN THE MANUFACTURE, PROCESSING, OR ASSEMBLY OF COMPONENTS, FINISHED GOODS, SERVICES, OR PRODUCT LINES WITHIN FACILITIES OWNED OR LEASED BY THE DEPARTMENT. SUCH AGREEMENTS SHALL BE SUBJECT TO THE PRIOR REVIEW OF THE ATTORNEY GENERAL AND THE CORRECTIONAL INDUSTRIES ADVISORY COMMITTEE.

(2) THE DEPARTMENT IS AUTHORIZED TO ENTER INTO AGREEMENTS SUBJECT TO STATE FISCAL RULES AND THE PRIOR REVIEW OF THE ATTORNEY GENERAL WHICH ALLOW FOR SHARED FINANCING BY THE DIVISION AND THE PRIVATE CONTRACTOR FOR THE FACILITY, EQUIPMENT, RAW MATERIALS, AND OPERATION OF INDUSTRIES DEVELOPED PURSUANT TO THE PROVISIONS OF THIS SECTION.

(3) INMATES PRODUCING GOODS AND SERVICES UNDER THE TERMS OF AN AGREEMENT AUTHORIZED BY THIS SECTION SHALL BE PAID ON A SCALE TO BE DETERMINED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT IN THE BEST INTERESTS OF THE DIVISION.

(4) THE DIVISION IS AUTHORIZED TO MARKET GOODS AND SERVICES PRODUCED

UNDER A VENTURE AGREEMENT TO ANY OFFICE, DEPARTMENT, INSTITUTION, OR AGENCY SUPPORTED IN WHOLE OR IN PART BY THE STATE OR ANY POLITICAL SUBDIVISION THEREOF OR TO ANY OTHER STATE, THE FEDERAL GOVERNMENT, ANY NONPROFIT ORGANIZATION, ANY PRIVATE SECTOR RETAILER, OR THE GENERAL PUBLIC.

(5) THE WAGES OF AN INMATE WORKING UNDER AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION WITH A PRIVATE PERSON SHALL BE DISTRIBUTED UNDER GUIDELINES ESTABLISHED BY THE EXECUTIVE DIRECTOR IN ORDER TO OFFSET THE COST OF IMPRISONMENT AND INCIDENTAL EXPENSES, PAY COURT-ORDERED RESTITUTION, PAY THE PRO RATA SHARE OF CHILD SUPPORT COST AS ESTABLISHED BY THE DEPARTMENT OF HUMAN SERVICES, AND ESTABLISH A SAVINGS ACCOUNT TO ASSIST THE INMATE UPON RELEASE AND TO OFFSET STATE COSTS AT THE TIME OF RELEASE.

SECTION 10. 17-29-104, Colorado Revised Statutes, 1986 Repl. Vol., is repealed as follows:

17-29-104. Offenders in work program. ~~(1) Each able-bodied offender assigned to a work program shall:~~

~~(a) Work eight hours per day for five days a week under the close supervision of department personnel;~~

~~(b) Receive no compensation; and~~

~~(c) Be provided with necessary hygiene items.~~

SECTION 11. Article 29 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

17-29-105. Minimum security off-grounds work programs - authorized.

(1) THE EXECUTIVE DIRECTOR MAY ESTABLISH AN OFF-GROUNDS WORK PROGRAM FOR INMATES AT ANY OF THE MINIMUM SECURITY FACILITIES. THE PURPOSE OF THE PROGRAM IS TO PROVIDE EMPLOYMENT OPPORTUNITIES FOR THE INMATES AT SUCH FACILITIES, TO REINFORCE THE REHABILITATION OF SUCH INMATES, AND TO PROVIDE INMATES WITH THE NECESSARY SKILLS AND APPROPRIATE WORK ETHICS IN REENTERING THE WORK FORCE AND THEIR COMMUNITIES. UNDER THE PROGRAM, INMATES MAY BE ASSIGNED TO APPROPRIATE WORK ASSIGNMENTS REQUESTED BY ANY FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY OR NONPROFIT AGENCY. APPROPRIATE WORK ASSIGNMENTS SHALL BE DETERMINED BY THE EXECUTIVE DIRECTOR. REQUESTS FROM AGENCIES AND AGENCY AGREEMENTS WITH THE DEPARTMENT OF CORRECTIONS SHALL COMPLY WITH CRITERIA ESTABLISHED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 17-20-115; EXCEPT THAT SUCH CRITERIA MAY INCLUDE BUT IS NOT LIMITED TO THE FOLLOWING REQUIREMENTS:

(a) THAT A REQUESTING AGENCY OUTLINE IN DETAIL ANY WORK TO BE PERFORMED BY INMATES, THE PERIOD OF TIME FOR COMPLETING THE PROJECT, AND THE RESPECTIVE RESPONSIBILITIES OF THE REQUESTING AGENCY AND THE DEPARTMENT OF CORRECTIONS IN CONNECTION WITH THE PROJECT AGREEMENT;

(b) THAT A REQUESTING AGENCY PROVIDE ANY NECESSARY MATERIALS,

EQUIPMENT, AND TRANSPORTATION OR DEFRAY OPERATIONAL COSTS OF STATE VEHICLES;

(c) THAT APPROPRIATE SECURITY BE PROVIDED AT ALL TIMES. IN CONNECTION WITH THIS REQUIREMENT, AGENCIES MAY CONTRACT WITH THE DEPARTMENT OF CORRECTIONS FOR THE DEPARTMENT TO PROVIDE SUCH SECURITY.

(d) THAT A REQUESTING AGENCY ENSURE THAT ANY PERSON WHO SUPERVISES AN INMATE IN CONNECTION WITH A WORK PROJECT BE TRAINED BY DEPARTMENT OF CORRECTIONS PERSONNEL TO SUPERVISE CORRECTIONAL INMATES. SUCH TRAINING MAY BE PROVIDED BY DEPARTMENT OF CORRECTIONS PERSONNEL.

(e) THAT THE NUMBER OF INMATES SUPERVISED BY ONE PERSON NOT EXCEED TEN;

(f) THAT A REQUESTING AGENCY COMPLY WITH ANY REPORTING REQUIREMENTS ESTABLISHED BY THE EXECUTIVE DIRECTOR IN CONNECTION WITH AN OFF-GROUNDS WORK PROJECT AND THE INMATES PARTICIPATING IN SUCH PROJECT;

(g) THAT AN INMATE RECEIVE SECURITY CLEARANCE TO LEAVE A CORRECTIONAL FACILITY BY THE CLASSIFICATION OFFICER OR COMMITTEE AND RECEIVE APPROVAL FROM THE EXECUTIVE DIRECTOR;

(h) THAT INMATES BE COMPENSATED IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND WITH THE COLORADO DEPARTMENT OF CORRECTIONS INMATE PAY REGULATION, INCLUDING, BUT NOT LIMITED TO, PROVISIONS WITH RESPECT TO DEDUCTIONS AND REIMBURSEMENT FOR CARE CLAIMS.

(2) NO PROJECT SHALL BE UNDERTAKEN OR AGREEMENT MADE FOR ANY PROJECT THAT RESULTS IN ANY PERSONAL BENEFIT OR PROFIT FOR A PRIVATE INDIVIDUAL AS OPPOSED TO THE PUBLIC.

(3) THE EXECUTIVE DIRECTOR MAY APPOINT ONE OR MORE DESIGNEES TO PERFORM THE DUTIES AND FUNCTIONS SET FORTH IN THIS SECTION.

SECTION 12. 17-22.5-303 (7), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-22.5-303. Parole. (7) For persons who are granted parole pursuant to subsection (6) of this section, the division of adult services shall provide a period of up to five years of parole supervision and assistance in securing employment, housing, and such other services as may effect the successful reintegration of such offender into the community while recognizing the need for public safety. The conditions for parole for any such offender under this subsection (7) shall be established pursuant to section 17-22.5-404 by the state board of parole prior to ~~his~~ SUCH OFFENDER'S release from incarceration. Upon a determination that the conditions of parole have been violated in a parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the parole and order the return of the offender to a place of confinement designated by the executive director for a period of not more than five years. In computing the period of reincarceration FOR AN OFFENDER

OTHER THAN AN OFFENDER SENTENCED FOR A NONVIOLENT FELONY OFFENSE, AS DEFINED IN SECTION 17-22.5-405 (5), the time between the offender's release on parole and the revocation of such parole shall not be considered to be any part of the term of the sentence. In no event shall any period of reincarceration and sentence actually served exceed the sentence imposed pursuant to section 18-1-105, C.R.S. The state board of parole may discharge an offender granted parole under this section at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

SECTION 13. 17-22.5-403 (6), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-22.5-403. Parole eligibility. (6) For persons who are granted parole pursuant to subsection (5) of this section, the division of adult services shall provide parole supervision and assistance in securing employment, housing, and such other services as may affect the successful reintegration of such offender into the community while recognizing the need for public safety. The conditions for parole for any such offender under this subsection (6) shall be established pursuant to section 17-22.5-404 by the state board of parole prior to such offender's release from incarceration. Upon a determination that the conditions of parole have been violated in a parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the parole and order the return of the offender to a place of confinement designated by the executive director for any period of time up to the period remaining on such person's sentence until the discharge date as determined by section 17-22.5-402 or one year, whichever is longer. In computing the period of reincarceration FOR AN OFFENDER OTHER THAN AN OFFENDER SENTENCED FOR A NONVIOLENT FELONY OFFENSE, AS DEFINED IN SECTION 17-22.5-405 (5), the time between the offender's release on parole and the revocation of such parole shall not be considered to be part of the term of the sentence. The state board of parole may discharge an offender granted parole under this section at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

SECTION 14. 17-22.5-405 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-22.5-405. Earned time. (5) (a) Notwithstanding subsections (1), (2), and (3) of this section, no offender who is SENTENCED AND PAROLED FOR ~~an~~ A FELONY offense OTHER THAN A NONVIOLENT FELONY committed on or after July 1, 1993, shall be eligible to receive any earned time while such offender is on parole or while such offender is reincarcerated after a revocation of the mandatory period of parole pursuant to section 18-1-105 (1) (a) (V), C.R.S. AN OFFENDER WHO IS SENTENCED AND PAROLED FOR A NONVIOLENT FELONY OFFENSE COMMITTED ON OR AFTER JULY 1, 1993, SHALL BE ELIGIBLE TO RECEIVE ANY EARNED TIME WHILE SUCH OFFENDER IS ON PAROLE BUT SHALL NOT BE ELIGIBLE FOR EARNED TIME WHILE SUCH OFFENDER IS REINCARCERATED AFTER A REVOCATION OF THE MANDATORY PERIOD OF PAROLE PURSUANT TO SECTION 18-1-105 (1) (a) (V), C.R.S.

(b) AS USED IN THIS SUBSECTION (5), UNLESS THE CONTEXT OTHERWISE REQUIRES, A "NONVIOLENT FELONY OFFENSE" MEANS A FELONY OFFENSE OTHER THAN A CRIME OF VIOLENCE AS DEFINED IN SECTION 16-11-309 (2), C.R.S., ANY OF THE FELONY OFFENSES SET FORTH IN SECTION 18-3-104, 18-4-203, 18-4-301, OR 18-4-401 (2) (c), (2) (d), OR (5), C.R.S., OR ANY FELONY OFFENSE COMMITTED AGAINST A CHILD AS SET FORTH IN ARTICLES 3, 6, AND 7 OF TITLE 18, C.R.S.

SECTION 15. 18-1-105 (1) (a) (V) (D), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-1-105. Felonies classified - presumptive penalties. (1) (a) (V) (D) The mandatory period of parole imposed pursuant to sub-subparagraph (A) of this subparagraph (V) shall commence immediately upon the discharge of an offender from imprisonment in the custody of the department of corrections. If the offender has been granted release to parole supervision by the state board of parole, the offender shall be deemed to have discharged the offender's sentence to imprisonment provided for in sub-subparagraph (A) of this subparagraph (V) in the same manner as if such sentence were discharged pursuant to law. When an offender is released by the state board of parole or released because the offender's sentence was discharged pursuant to law, the mandatory period of parole shall be served by such offender. AN OFFENDER SENTENCED FOR NONVIOLENT FELONY OFFENSES, AS DEFINED IN SECTION 17-22.5-405 (5), C.R.S., MAY RECEIVE EARNED TIME PURSUANT TO SECTION 17-22.5-405, C.R.S., WHILE SERVING A MANDATORY PAROLE PERIOD IN ACCORDANCE WITH THIS SECTION BUT NOT WHILE SUCH OFFENDER IS REINCARCERATED AFTER A REVOCATION OF THE MANDATORY PERIOD OF PAROLE.

SECTION 16. 17-1-103 (3) (a) and (3) (e), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

17-1-103. Duties of the executive director. (3) (a) (I) The executive director shall, upon the recommendation of the department's chief medical officer, appoint a panel of medical consultants.

(II) The executive director shall, upon the recommendation of the department's chief medical officer, determine the membership of the panel based on the medical and surgical needs of the department.

(III) The executive director shall determine the qualifications for appointment to the panel of medical consultants; except that all members of the panel shall be licensed by the state board of medical examiners pursuant to the provisions of article 36 of title 12, C.R.S., OR THE STATE BOARD OF DENTAL EXAMINERS PURSUANT TO THE PROVISIONS OF ARTICLE 35 OF TITLE 12, C.R.S.

(e) For purposes of this subsection (3), "panel of medical consultants" means a panel of medical physicians OR ORAL SURGEONS whose duty is to deliver medical services OR SERVICES RELATED TO ORAL SURGERY.

SECTION 17. 17-1-112 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-1-112. Expenses - reimbursement by department. (2) Any moneys to which

a county or city and county may be entitled pursuant to the provisions of this section shall be paid to the treasurer of the county or the manager of revenue of the city and county, who shall credit the same to the general fund of the county or city and county OR SUCH OTHER FUND AS THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OR THE CITY COUNCIL OF THE CITY AND COUNTY MAY DIRECT and who shall account for such moneys as provided by law.

SECTION 18. 17-22.5-202 (3)(a) and (3)(b.5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

17-22.5-202. Ticket to leave - discharge - clothes, money, transportation.

(3) Prior to the release from a correctional facility by discharge or parole of any person imprisoned for the commission of a child abuse offense which occurred within the state of Colorado, the executive director shall:

(a) Notify the Colorado bureau of investigation of:

(I) The identity of the offender; and

(II) The anticipated release date of the offender; and

(III) The last-known home address of the offender; and

(IV) The parole address of the offender; AND

(V) THE RESULTS OF A CHEMICAL TEST OF A SEX OFFENDER'S BLOOD IN ACCORDANCE WITH PARAGRAPH (b.5) OF THIS SUBSECTION (3).

(b.5) (I) On and after July 1, 1994, direct appropriate personnel with the department of corrections to require any offender who is released from the custody of the department of corrections having completed serving a sentence for an offense involving unlawful sexual behavior as described in part 4 of article 3 of title 18, C.R.S., or for the offense described in section 18-3-305, C.R.S., who is under their jurisdiction to sign a notice that informs the offender of the duty to register with local law enforcement agencies in accordance with section 18-3-412.5, C.R.S. The same persons, after obtaining a signed notice from an offender, shall notify local law enforcement agencies where the offender plans to reside of the offender's address within forty-eight hours after an offender has been placed on parole or probation when such an address is provided in the signed notice. Department of corrections personnel shall provide such notice no later than two days before the offender is to be released from the department of corrections.

(II) IN ADDITION, THE DEPARTMENT SHALL REQUIRE ANY OFFENDER CONVICTED OF AN OFFENSE FOR WHICH THE FACTUAL BASIS INVOLVED A SEXUAL ASSAULT AS DEFINED IN PART 4 OF ARTICLE 3 OF TITLE 18, C.R.S., OR ANY SEXUAL OFFENSE COMMITTED AGAINST A CHILD AS ENUMERATED IN SECTION 18-3-411, C.R.S., TO SUBMIT TO CHEMICAL TESTING OF THE OFFENDER'S BLOOD TO DETERMINE THE GENETIC MARKERS THEREOF AND TO CHEMICAL TESTING OF THE OFFENDER'S SALIVA TO DETERMINE THE SECRETOR STATUS THEREOF. SUCH TESTING SHALL OCCUR PRIOR TO THE OFFENDER'S RELEASE FROM INCARCERATION, AND THE RESULTS THEREOF SHALL BE FILED WITH AND MAINTAINED BY THE COLORADO BUREAU OF

INVESTIGATION. THE RESULTS OF SUCH TESTS SHALL BE FURNISHED TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST.

(III) THE DEPARTMENT MAY USE REASONABLE FORCE TO OBTAIN A BLOOD SAMPLE AND SALIVA SAMPLE IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b.5). IN ADDITION, ANY PERSON WHO REFUSES TO COMPLY WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b.5) MAY BE DENIED PAROLE, OR, IF SUCH PERSON HAS BEEN GRANTED PAROLE, SUCH PAROLE MAY BE REVOKED.

SECTION 19. Effective date - applicability. This act shall take effect upon passage; except that sections 10 and 11 of this act shall take effect July 1, 1995, and shall apply to sentences imposed on or after said date.

SECTION 20. 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 24, 1995