

## CHAPTER 27

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**CORRECTIONS**

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**HOUSE BILL 95-1131**

BY REPRESENTATIVES Faatz and McPherson;  
also SENATOR Hopper.

**AN ACT****CONCERNING COMMUNITY CORRECTIONS PROGRAMS.**

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

**SECTION 1.** 17-27-103 (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-27-103. Community corrections boards - establishment - duties.** (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. ~~THE COMMUNITY CORRECTIONS BOARD'S OVERSIGHT OF THE COMMUNITY CORRECTIONS PROGRAMS WITHIN THE BOARD'S JURISDICTION SHALL INCLUDE THE FOLLOWING:~~

(a) ~~MAKING AN ASSESSMENT OF THE NUMBER OF OFFENDERS WHO HAVE ESCAPED FROM CUSTODY AS SUCH TERM IS DESCRIBED IN SECTION 17-27-106, WHICH ASSESSMENT SHALL BE BASED ON THE REPORTS PREPARED BY THE ADMINISTRATORS OF COMMUNITY CORRECTIONS PROGRAMS IN ACCORDANCE WITH SECTION 17-27-104 (11);~~

(b) ~~DETERMINING COMPLIANCE BY COMMUNITY CORRECTIONS PROGRAMS WITH THE RECOMMENDATIONS MADE IN AUDIT REPORTS PREPARED BY THE DIVISION OF~~

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

CRIMINAL JUSTICE IN ACCORDANCE WITH SECTION 17-27-108.

**SECTION 2.** 17-27-104, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-27-104. Community corrections programs operated by units of local government, state agencies, or nongovernmental agencies.** (1) THE ADMINISTRATOR OF EACH COMMUNITY CORRECTIONS PROGRAM SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE AND THE COMMUNITY CORRECTIONS BOARD OF THE JURISDICTION IN WHICH SUCH PROGRAM IS LOCATED ON THE OFFENDERS WHO HAVE ESCAPED FROM CUSTODY AS SUCH TERM IS DESCRIBED IN SECTION 17-27-106 (1). THE DIVISION OF CRIMINAL JUSTICE IS AUTHORIZED TO PREPARE FORMS FOR THESE REPORTS.

**SECTION 3.** 17-27-106, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-27-106. Escape from custody from a community corrections program.**  
(1) 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.

(2) THE DIVISION OF CRIMINAL JUSTICE IS HEREBY AUTHORIZED TO PROVIDE NOTICE TO APPROPRIATE LAW ENFORCEMENT AGENCIES AND THE SENTENCING COURT, IF APPLICABLE, THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT AN OFFENDER HAS ESCAPED FROM CUSTODY.

**SECTION 4.** 17-27-108 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-27-108. Division of criminal justice in the department of public safety - duties - community corrections contracts.** (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) (I) 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 INCLUDE AN EVALUATION OF

COMPLIANCE WITH THE REPORTING REQUIREMENTS PURSUANT TO SECTION 17-27-104 (11).

(II) Such audits shall occur at least once in each three-year period, unless waived by the executive director of the department of public safety.

(III) 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. SUCH WRITTEN REPORTS SHALL INCLUDE FINDINGS OF NONCOMPLIANCE WITH CONTRACTUAL OBLIGATIONS, INCLUDING THE STANDARDS PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), AND SHALL IDENTIFY THOSE MATERIAL FINDINGS THAT, IF NOT CORRECTED WITHIN A REASONABLE TIME, WILL RESULT IN A RECOMMENDATION TO TERMINATE THE CONTRACT TO OPERATE THE PROGRAM. AS USED IN THIS SUBPARAGRAPH (III), "MATERIAL FINDINGS" INCLUDES THOSE FINDINGS RELATED TO:

(A) PUBLIC SAFETY, INCLUDING BUT NOT LIMITED TO OFFENDER MONITORING AND REHABILITATION;

(B) HEALTH AND LIFE SAFETY PERTAINING TO BUT NOT LIMITED TO STAFF AND OFFENDERS;

(C) EFFICIENCY AND EFFECTIVENESS OF PROGRAMS' INTERNAL CONTROL SYSTEMS;

(D) STATUTORY COMPLIANCE; AND

(E) FIDUCIARY DUTIES AND RESPONSIBILITIES.

**SECTION 5. 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: March 23, 1995