

CHAPTER 38

CORRECTIONS

HOUSE BILL 96-1343

BY REPRESENTATIVES Faatz, Agler, Dean, Epps, Kerns, Lamm, Martin, Morrison, Nichol, Schwarz, and Swenson;
also SENATORS Hopper, Bishop, Hernandez, Perlmutter, L. Powers, Tebedo, Weddig, and Wham.

AN ACT**CONCERNING MEASURES TO DETER ESCAPES FROM COMMUNITY CORRECTIONS.**

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

SECTION 1. 17-27-104 (4), 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. (4) (a) 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.

(b) ONE SUCH CONDITION SHALL BE THAT AN OFFENDER, UPON BEING PLACED IN A COMMUNITY CORRECTIONS PROGRAM, SHALL EXECUTE A LIMITED POWER OF ATTORNEY TO THE DIRECTOR, OR THE DIRECTOR'S DESIGNEE, OF THE COMMUNITY CORRECTIONS PROGRAM WITH WHICH THE OFFENDER IS BEING PLACED. THE LIMITED POWER OF ATTORNEY SHALL GRANT TO THE DIRECTOR OR THE DIRECTOR'S DESIGNEE THE AUTHORITY TO DISPOSE OF MONEYS THE OFFENDER HAS EARNED SINCE BEING PLACED IN THE PROGRAM AND THAT HAVE BEEN LEFT IN ACCOUNTS OR ON DEPOSIT WITH THE COMMUNITY CORRECTIONS PROGRAM IN THE EVENT THAT, AFTER THE OFFENDER IS ACCEPTED BY THE COMMUNITY CORRECTIONS PROGRAM, THE OFFENDER IS REJECTED FROM SUCH PROGRAM DUE TO ESCAPE. THE MONEYS SHALL BE DISPOSED

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

OF FOR THE FOLLOWING PURPOSES AND IN THE FOLLOWING ORDER OF PRIORITY:

(I) PAYMENT OF COURT-ORDERED RESTITUTION TO THE VICTIM OF THE CRIME COMMITTED BY THE OFFENDER;

(II) PAYMENT FOR THE COURT-ORDERED SUPPORT OF THE OFFENDER'S DEPENDENTS;

(III) PAYMENT OF FINES, OFFENDER FEES AND SURCHARGES, AND OTHER COURT-ORDERED FINANCIAL OBLIGATIONS IMPOSED AS PART OF THE OFFENDER'S SENTENCE; AND

(IV) ANY REMAINING FUNDS SHALL BE PAID INTO THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND, ESTABLISHED PURSUANT TO SECTION 24-4.2-103, C.R.S., IN THE JUDICIAL DISTRICT IN WHICH THE COMMUNITY CORRECTIONS PROGRAM IS LOCATED.

(c) THE DIRECTOR OF THE COMMUNITY CORRECTIONS PROGRAM, OR THE DIRECTOR'S DESIGNEE, SHALL MAINTAIN RECORDS OF ANY DISBURSEMENTS OF OFFENDERS' FUNDS PURSUANT TO THIS SUBSECTION (4).

(d) THE LIMITED POWER OF ATTORNEY SHALL BE VALID UNTIL THE OFFENDER'S SENTENCE TO COMMUNITY CORRECTIONS IS DISCHARGED FROM COMMUNITY PLACEMENT BY THE COURT.

SECTION 2. 24-4.2-103, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-4.2-103. Victims and witnesses assistance and law enforcement fund - control of fund. (1.5) IN ADDITION TO THE MONEYS PAID INTO THE FUND PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE FUND SHALL CONSIST OF MONEYS PAID PURSUANT TO SECTION 17-27-104 (4) (b) (IV), C.R.S.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1996, and shall apply to placements in community corrections programs occurring 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: March 25, 1996