

CHAPTER 269

CORRECTIONS

HOUSE BILL 97-1244

BY REPRESENTATIVES George, McElhany, Dyer, Adkins, Grossman, Kaufman, Kreutz, Smith, Tool, Udall, Agler, Anderson, Arrington, Epps, Lamborn, Miller, Musgrave, Pankey, Salaz, and Schwarz;
also SENATORS Ament, Wham, J. Johnson, Dennis, Mutzebaugh, Schroeder, Arnold, and Tebedo.

AN ACT

CONCERNING FACILITIES FOR THE HOUSING OF OFFENDERS WITHIN THE CRIMINAL JUSTICE SYSTEM, AND,
IN CONNECTION THEREWITH, PROVIDING ADDITIONAL BEDS AND RELATED SUPPORTING FACILITIES
OVER THE NEXT FIVE YEARS AND MAKING APPROPRIATIONS.

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

SECTION 1. 17-1-104.4 (3) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 17-1-104.4 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

17-1-104.4. Future correctional facility needs. (3) (b) Pursuant to the provisions of part 14 of article 30 of title 24, C.R.S., the department of personnel shall contract with one or more persons or firms to provide contract administration, oversight of the various contractors, management and coordination services between the various contractors and the department of corrections or between the various contractors and the department of human services, and such other project management services as may be required to accomplish the construction of the correctional facility projects authorized by this section and the juvenile facility projects authorized in sections 15 (2) and 16 of House Bill 94-1340, as enacted at the second regular session of the fifty-ninth general assembly, and as amended by House Bill 95-1352, enacted at the first regular session of the sixtieth general assembly. IF ANY CONTRACT FOR PROJECT MANAGEMENT SERVICES IS ENTERED INTO PURSUANT TO THIS PARAGRAPH (b) TO ACCOMPLISH THE CONSTRUCTION OF ANY OF THE CORRECTIONAL FACILITY PROJECTS AUTHORIZED IN SUBSECTION (8) OF THIS SECTION, SAID CONTRACT SHALL INCLUDE A PROVISION SPECIFYING THAT THE PERSONS OR FIRMS PROVIDING PROJECT MANAGEMENT SERVICES PURSUANT TO SAID CONTRACT AND THE DEPARTMENT OF CORRECTIONS SHALL HAVE JOINT RESPONSIBILITY FOR ESTABLISHING THE SCHEDULE FOR COMPLETION OF THE CONSTRUCTION OF THE CORRECTIONAL

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

FACILITY PROJECT OR PROJECTS, AS APPLICABLE. The cost for contracting for such persons or firms shall be paid out of the appropriations made by the general assembly for the construction of the correctional facility projects authorized by this section and the juvenile facility projects authorized in sections 15 (2) and 16 of House Bill 94-1340, as enacted at the second regular session of the fifty-ninth general assembly, and as amended by House Bill 95-1352, enacted at the first regular session of the sixtieth general assembly.

(8) TO MEET THE STATE'S CORRECTIONAL FACILITY NEEDS, BASED ON THE PROJECTIONS MADE BY THE LEGISLATIVE COUNCIL, FOR THE NEXT FIVE YEARS AND SUBJECT TO THE PROVISIONS OF SECTION 17-1-104.8, THE DEPARTMENT IS DIRECTED TO COMMENCE PLANNING FOR THE CONSTRUCTION OF THE FOLLOWING NEW CORRECTIONAL FACILITIES OR EXPANSIONS OF OR ADDITIONS TO EXISTING CORRECTIONAL FACILITIES:

(a) FOUR HUNDRED EIGHTY MINIMUM RESTRICTIVE SECURITY BEDS AT A CORRECTIONAL FACILITY AT TRINIDAD;

(b) ONE HUNDRED NINETY-TWO MINIMUM RESTRICTIVE SECURITY BEDS IN TWO NINETY-SIX-BED HOUSING UNITS AS ADDITIONS TO THE FOUR MILE CORRECTIONAL CENTER, TO REPLACE THE EXISTING THREE HUNDRED BEDS IN LIVING UNITS 1 AND 2, INCLUDING, UPON THE REPLACEMENT OF SAID EXISTING BEDS, THE DECOMMISSIONING OF LIVING UNIT 1 AND THE RENOVATION OF LIVING UNIT 2 INTO PROGRAM SPACE, FOR A TOTAL CAPACITY OF FOUR HUNDRED EIGHTY-FOUR BEDS AT THE CENTER;

(c) TWO HUNDRED NINETY-TWO MINIMUM RESTRICTIVE SECURITY BEDS IN THREE NINETY-SIX-BED HOUSING UNITS AND A FOUR-BED MANAGEMENT UNIT AS ADDITIONS TO THE BUENA VISTA MINIMUM COMPLEX, TO REPLACE THE EXISTING TWO HUNDRED FOURTEEN BEDS IN MODULAR UNITS, FOR A TOTAL CAPACITY OF TWO HUNDRED NINETY-TWO MINIMUM RESTRICTIVE SECURITY BEDS AT THE COMPLEX;

(d) THE CENTRAL PLANT BUILDING SHELL, THE BUILD-OUT OF THE COOK-TO-SERVE FOOD SERVICE OPERATION, AND THE CENTRAL WAREHOUSE AS ADDITIONS TO THE DENVER WOMEN'S CORRECTIONAL FACILITY THAT ARE NECESSARY TO SUPPORT PHASE II OF THE EXPANSION PROJECT AT THE FACILITY, THAT WILL INCLUDE AN ADDITIONAL SIX HUNDRED FIFTY-TWO BEDS; AND

(e) ONE HUNDRED EIGHTY BEDS AS AN ADDITION TO THE YOUTH OFFENDER SYSTEM FACILITY ON THE GROUNDS OF THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO FOR A TOTAL CAPACITY OF FOUR HUNDRED EIGHTY BEDS AT THE FACILITY.

(9) SUBJECT TO THE PROVISIONS OF SECTION 17-1-104.8, THE DEPARTMENT IS DIRECTED TO COMMENCE PREPARATION OF:

(a) THE SCHEMATIC DESIGN FOR PHASE II OF THE EXPANSION PROJECT AT THE SAN CARLOS CORRECTIONAL FACILITY, THAT INCLUDES TWO HUNDRED FIFTY MAXIMUM SECURITY BEDS IN SINGLE OCCUPANCY CELLS; AND

(b) THE FACILITIES PROGRAM PLAN FOR A TRAINING FACILITY ON THE GROUNDS OF THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO.

(10) SUBJECT TO THE PROVISIONS OF SECTION 17-1-104.8, THE DEPARTMENT IS DIRECTED TO COMMENCE PLANNING FOR THE CONSTRUCTION OF PHASE III OF THE CONSTRUCTION PROJECT AT THE STERLING CORRECTIONAL FACILITY, CONSISTING OF SIXTY-FOUR ADMINISTRATIVE SEGREGATION, SIXTY-FOUR CLOSE, FIVE HUNDRED SEVENTY-SIX MINIMUM, AND THREE HUNDRED EIGHTY-FOUR MINIMUM RESTRICTIVE SECURITY BEDS.

SECTION 2. 17-1-104.3 (1), 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 MINIMUM COMPLEX	Chaffee county	Minimum restrictive
Arrowhead correctional center	Fremont county	Minimum restrictive
Four Mile correctional center	Fremont county	Minimum restrictive

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Pre-release correctional center	Fremont county	Minimum restrictive
Skyline correctional center	Fremont county	Minimum
Colorado correctional center	Jefferson county	Minimum
Delta correctional center	Delta county	Minimum
Rifle correctional center	Garfield county	Minimum
Colorado correctional alternative program	Chaffee county	Minimum
Colorado women's correctional facility	Fremont and Pueblo counties	Mixed
Denver reception and diagnostic center	City and county of Denver	Mixed
Pueblo minimum center	Pueblo county	Minimum restrictive
San Carlos CORRECTIONAL facility	Pueblo county	Mixed
STERLING CORRECTIONAL FACILITY	LOGAN COUNTY	MIXED
TRINIDAD CORRECTIONAL FACILITY	LAS ANIMAS COUNTY	MIXED
DENVER WOMEN'S CORRECTIONAL FACILITY	CITY AND COUNTY OF DENVER	MIXED

SECTION 3. Part 1 of article 1 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-119. Lethal perimeter security systems for correctional facilities - governmental immunity - limitations. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE INSTALLATION AND OPERATION OF ELECTRIFIED, LETHAL PERIMETER SECURITY SYSTEMS AT CERTAIN STATE CORRECTIONAL FACILITIES WILL

ENHANCE THE SAFETY OF THE CITIZENS OF THIS STATE AND WILL RESULT IN REDUCED COSTS FOR OPERATING SUCH CORRECTIONAL FACILITIES.

(2) THE DEPARTMENT IS AUTHORIZED, THROUGH ITS AGENTS AND CONTRACTORS, TO DESIGN AND CONSTRUCT ELECTRIFIED, LETHAL PERIMETER SECURITY SYSTEMS AT CORRECTIONAL FACILITIES TO BE MANAGED, OPERATED, SUPERVISED, AND CONTROLLED BY THE DEPARTMENT IF THE DEPARTMENT DETERMINES THE USE OF SUCH SECURITY SYSTEMS TO BE NECESSARY AND APPROPRIATE.

(3) THE DEPARTMENT, ANY AGENT OF THE DEPARTMENT, OR CONTRACTOR HIRED BY THE DEPARTMENT FOR THE DESIGN AND CONSTRUCTION OF AN ELECTRIFIED, LETHAL PERIMETER SECURITY SYSTEM AT A STATE CORRECTIONAL FACILITY SHALL BE PROVIDED ALL PROTECTIONS OF GOVERNMENTAL IMMUNITY PROVIDED TO PUBLIC EMPLOYEES BY ARTICLE 10 OF TITLE 24, C.R.S., INCLUDING BUT NOT LIMITED TO THE PAYMENT OF JUDGMENTS AND SETTLEMENTS, THE PROVISION OF LEGAL DEFENSE, AND THE PAYMENT OF COSTS INCURRED IN COURT ACTIONS IN REGARD TO ANY AND ALL CLAIMS ARISING FROM THE DESIGN AND CONSTRUCTION, CONSISTENT WITH THE DESIGN APPROVED BY THE DEPARTMENT, OF THE LETHAL ASPECT OF SUCH SECURITY SYSTEM.

(4) THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION SHALL BE CONSTRUED AS A SPECIFIC EXCEPTION FOR INDEPENDENT CONTRACTORS HIRED TO DESIGN AND CONSTRUCT ELECTRIFIED, LETHAL PERIMETER SECURITY SYSTEMS AT STATE CORRECTIONAL FACILITIES FROM THE GENERAL EXCLUSION OF INDEPENDENT CONTRACTORS FROM THE PROTECTIONS OF GOVERNMENTAL IMMUNITY PROVIDED IN ARTICLE 10 OF TITLE 24, C.R.S.

SECTION 4. 24-75-302 (2) (j), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 1998, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(j) On July 1, 1997, fifty million dollars, PLUS SEVENTY-EIGHT MILLION SEVEN HUNDREDEIGHTY-FIVE THOUSAND SIX HUNDRED SEVENTY-FIVE DOLLARS PURSUANT TO H.B. 97-1244, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY; and

SECTION 5. Appropriation for the 1997-98 fiscal year. (1) In addition to any other appropriation made for the fiscal year beginning July 1, 1997, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, the following amounts:

(a) Twenty-nine million nine hundred fifty thousand dollars (\$29,950,000), or so much thereof as may be necessary, for the construction of four hundred eighty minimum restrictive security beds as authorized by section 17-1-104.4 (8) (a), Colorado Revised Statutes.

(b) Seven million nine hundred twenty-two thousand nine hundred sixty-seven dollars (\$7,922,967), or so much thereof as may be necessary, for the construction of one hundred ninety-two minimum restrictive security beds, the decommissioning of living unit 1, and the renovation of living unit 2, at the Four Mile correctional center as authorized by section 17-1-104.4 (8) (b), Colorado Revised Statutes.

(c) Fourteen million seventy-eight thousand seven hundred sixty-four dollars (\$14,078,764), or so much thereof as may be necessary, for the construction of two hundred ninety-two minimum restrictive security beds as authorized by section 17-1-104.4 (8) (c), Colorado Revised Statutes.

(d) Thirteen million one hundred fifty-nine seven hundred sixty dollars (\$13,159,760), or so much thereof as may be necessary, for the construction of the central plant building shell and the central warehouse and the build-out of the cook-to-serve food service operation at the women's correctional facility at the Denver reception and diagnostic center at Denver as authorized by section 17-1-104.4 (8) (d), Colorado Revised Statutes.

(e) Eleven million eighty-five thousand eight hundred twenty-four dollars (\$11,085,824), or so much thereof as may be necessary, for the construction of one hundred eighty beds as authorized by section 17-1-104.4 (8) (e), Colorado Revised Statutes.

(f) Four hundred twenty-three thousand three hundred sixty dollars (\$423,360), or so much thereof as may be necessary, for the preparation of the schematic design for phase II of the expansion project at the San Carlos facility as authorized by section 17-1-104.4 (9) (a), Colorado Revised Statutes.

(g) One hundred sixty-five thousand dollars (\$165,000), or so much thereof as may be necessary, for the preparation of the facilities program plan for a training facility on the grounds of the Colorado mental health institute at Pueblo as authorized by section 17-1-104.4 (9) (b), Colorado Revised Statutes.

(h) Two million dollars (\$2,000,000), or so much thereof as may be necessary, for the planning for the construction of sixty-four administrative segregation, sixty-four close, five hundred seventy-six minimum, and three hundred eighty-four minimum restrictive security beds at the Sterling correctional facility as authorized by section 17-1-104.4 (10), Colorado Revised Statutes.

(2) The appropriations made in subsection (1) of this section shall become available upon passage of this act, and, if any appropriated project is initiated within the fiscal year, the appropriations for the project shall remain available until completion of the project or for a period of three years, whichever comes first, at which time unexpended and unencumbered balances shall revert to the capital construction fund.

SECTION 6. 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: June 4, 1997