

CHAPTER 203

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 98-1207

BY REPRESENTATIVES Lawrence, Allen, Gotlieb, June, Kaufman, Swenson, Tool, S. Williams, Epps, Kreutz, Leyba, and Reeser;
also SENATORS Mutzebaugh and Arnold.

AN ACT

CONCERNING THE TRANSPORTATION OF PRISONERS THROUGH THE STATE.

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

SECTION 1. Part 1 of article 3 of title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

16-3-107.5. Transportation of prisoners. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONTRACTING ENTITY" MEANS ANY PERSON OR ENTITY CONTRACTING WITH THIS STATE, ANOTHER STATE, OR A POLITICAL SUBDIVISION OF THIS OR ANOTHER STATE TO TRANSPORT A PRISONER; EXCEPT THAT "CONTRACTING ENTITY" SHALL NOT INCLUDE THE DEPARTMENT OF CORRECTIONS, ANY COMMUNITY CORRECTIONS PROGRAM OPERATED PURSUANT TO THIS TITLE, OR A COUNTY SHERIFF OF A COUNTY LOCATED WITHIN THE STATE OF COLORADO.

(b) "PRISONER" MEANS ANY PERSON CONVICTED OF AN OFFENSE IN COLORADO OR ANY OTHER STATE OR ANY PERSON UNDER ARREST FOR SUSPICION OF THE COMMISSION OF A CRIME IN COLORADO OR ANY OTHER STATE.

(c) "SECURE FACILITY" MEANS A COUNTY, CITY AND COUNTY, OR MUNICIPAL JAIL OR A NONSTATE-OWNED PRISON FACILITY, AS DEFINED IN SECTION 17-24-125 (1) (b), C.R.S.

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

(d) "SUPERVISING INDIVIDUAL" MEANS A PERSON EMPLOYED BY A CONTRACTING ENTITY TO TRANSPORT PRISONERS FROM ONE LOCATION TO ANOTHER.

(e) "TRANSPORT" MEANS TO MOVE A PRISONER WITHIN, INTO, OUT OF, OR THROUGH THE STATE OF COLORADO.

(2) (a) A SUPERVISING INDIVIDUAL IN EACH VEHICLE IN WHICH ONE OR MORE PRISONERS ARE BEING TRANSPORTED BY A CONTRACTING ENTITY SHALL MAINTAIN A LOG BOOK THAT DOCUMENTS FOR EACH PRISONER:

(I) HIS OR HER NAME, DATE OF BIRTH, SOCIAL SECURITY NUMBER, AND ANY PRESCRIBED MEDICATION;

(II) THE NAME OF THE JURISDICTIONAL AUTHORITY AUTHORIZING THE TRANSPORTATION, THE DATE AND TIME THAT THE PRISONER WAS FIRST PICKED UP, AND THE DATE AND TIME THAT THE PRISONER WAS RELEASED TO THE JURISDICTIONAL AUTHORITY;

(III) THE DATE, TIME, LENGTH, AND PURPOSE OF ANY STOP MADE BY THE VEHICLE TRANSPORTING ANY PRISONER; AND

(IV) INFORMATION CONCERNING ANY INJURIES SUFFERED BY THE PRISONER WHILE BEING TRANSPORTED.

(b) UPON REQUEST, A SUPERVISING INDIVIDUAL SHALL SURRENDER FOR INSPECTION THE LOG BOOK REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2) TO ANY FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT OFFICER.

(3) WHENEVER A PRISONER IS TRANSPORTED BY A CONTRACTING ENTITY, THE PRISONER:

(a) AT A MINIMUM, SHALL BE SHACKLED AND PLACED IN A TRANSPORT BELT OR CHAINS WITH HANDCUFFS AND SHALL BE UNDER THE OBSERVATION OF AT LEAST ONE SUPERVISING INDIVIDUAL WHO SHALL REMAIN AWAKE;

(b) SHALL WEAR A SEAT BELT;

(c) SHALL NOT BE SHACKLED TO ANOTHER PRISONER; AND

(d) SHALL HAVE AVAILABLE IN THE VEHICLE IN WHICH THE PRISONER IS BEING TRANSPORTED APPROPRIATE ATTIRE FOR THE SEASON, INCLUDING FOOTWEAR.

(4) (a) AT LEAST ONCE EVERY TWENTY-FOUR HOURS THAT A PRISONER IS BEING TRANSPORTED BY A CONTRACTING ENTITY, THE PRISONER SHALL BE HOUSED UNSHACKLED IN A CELL AT A SECURE FACILITY FOR A PERIOD OF NOT LESS THAN SIX HOURS AND PERMITTED TO SHOWER AND SLEEP.

(b) THE CONTRACTING ENTITY OR THE SUPERVISING INDIVIDUAL SHALL, IF PRACTICABLE, NOTIFY THE CHIEF LAW ENFORCEMENT OFFICER IN CHARGE OF THE SECURE FACILITY IN WHICH THE PRISONER IS TO BE HOUSED, AT LEAST TWENTY-FOUR HOURS PRIOR TO THE DELIVERY OF THE PRISONER TO THE SECURE FACILITY, OF EACH

PRISONER'S NAME, DATE OF BIRTH, CRIMINAL HISTORY, AND ANY SPECIAL MEDICAL NEEDS.

(5) WHENEVER A VEHICLE TRANSPORTING ONE OR MORE PRISONERS FOR A CONTRACTING ENTITY STOPS FOR MORE THAN TWO HOURS FOR ANY REASON:

(a) THE SUPERVISING INDIVIDUAL SHALL PROMPTLY NOTIFY, IF PRACTICABLE, THE LAW ENFORCEMENT AGENCY OF THE LOCAL JURISDICTION IN WHICH THE VEHICLE IS STOPPED; AND

(b) ALL PRISONERS SHALL BE HOUSED IN A SECURE FACILITY UNLESS, ACCORDING TO THE CHIEF LAW ENFORCEMENT OFFICER OF THE SECURE FACILITY, IT WOULD BE IMPRACTICAL TO DO SO.

(6) WHENEVER A VEHICLE TRANSPORTING PRISONERS FOR A CONTRACTING ENTITY ENTERS THE STATE, A SUPERVISING INDIVIDUAL SHALL PROMPTLY NOTIFY THE COLORADO BUREAU OF INVESTIGATION OF THE NUMBER OF PRISONERS AND THE LOCATION OR LOCATIONS WITHIN THE STATE WHERE THE VEHICLE IS SCHEDULED TO STOP.

(7) WHENEVER A PRISONER IS HOUSED IN A SECURE FACILITY, THE CONTRACTING ENTITY SHALL PAY TO THE OPERATOR OF THE SECURE FACILITY PROVIDING THE HOUSING THE ACTUAL COST OF HOUSING THE PRISONER.

(8) ANY INDIVIDUAL OR ENTITY WHO VIOLATES ANY PROVISION OF SUBSECTIONS (2) TO (5) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS.

(9) IF ANY PRISONER BEING TRANSPORTED ESCAPES DUE TO THE NEGLIGENCE OF THE CONTRACTING ENTITY OR A SUPERVISING INDIVIDUAL, THE CONTRACTING ENTITY SHALL BE HELD LIABLE FOR ALL ACTUAL COSTS INCURRED BY ANY GOVERNMENTAL ENTITY IN RECAPTURING THE ESCAPED PRISONER AND ALL ACTUAL DAMAGES CAUSED BY THE ESCAPED PRISONER WHILE AT LARGE.

SECTION 2. 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 18, 1998