

CHAPTER 8

CORRECTIONS

HOUSE BILL 98-1054

BY REPRESENTATIVES McPherson and Kaufman;
also SENATORS Schroeder, Arnold, Bishop, Chlouber, Coffman, Congrove, Dennis, Mutzebaugh, Norton, Powers, and Weddig.

AN ACT

CONCERNING THE USE OF INMATE LABOR FOR DISASTER RELIEF.

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

SECTION 1. Article 24 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-24-124. Inmate disaster relief program - legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT INMATES HOUSED IN CERTAIN PRISON FACILITIES THROUGHOUT THE STATE FORM A LABOR POOL THAT COULD BE SAFELY UTILIZED TO FIGHT FOREST FIRES, HELP WITH FLOOD RELIEF, AND ASSIST IN THE PREVENTION OF OR CLEAN UP AFTER OTHER NATURAL OR MAN-MADE DISASTERS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "DISASTER" MEANS THE OCCURRENCE OR IMMINENT THREAT OF WIDESPREAD OR SEVERE DAMAGE, INJURY, OR LOSS OF LIFE OR PROPERTY RESULTING FROM ANY NATURAL CAUSE OR CAUSE OF HUMAN ORIGIN, BUT "DISASTER" DOES NOT INCLUDE ANY HAZARDOUS SUBSTANCE INCIDENT, OIL SPILL OR OTHER CONTAMINATION, EPIDEMIC, AIR POLLUTION, BLIGHT, DROUGHT, INFESTATION, EXPLOSION, CIVIL DISTURBANCE, OR HOSTILE MILITARY OR PARAMILITARY ACTION.

(3) THERE IS HEREBY ESTABLISHED IN THE DIVISION THE INMATE DISASTER RELIEF PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM". THE PURPOSE OF THE PROGRAM SHALL BE TO ESTABLISH ONE OR MORE INMATE DISASTER RELIEF CREWS COMPOSED OF INMATES FROM MINIMUM RESTRICTIVE, OR MINIMUM SECURITY FACILITIES. AN INMATE DISASTER RELIEF CREW MAY BE UTILIZED BY THE STATE OR BY LOCAL OR FEDERAL GOVERNMENTAL AGENCIES THAT APPLY TO THE DIVISION FOR ASSISTANCE.

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

(4) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES GOVERNING THE PROGRAM INCLUDING BUT NOT LIMITED TO:

- (a) THE INMATES WHO ARE ELIGIBLE TO PARTICIPATE IN THE PROGRAM;
- (b) TYPES OF DISASTERS TO WHICH AN INMATE DISASTER RELIEF CREW MAY BE SENT;
- (c) THE SECURITY MEASURES THAT ARE REQUIRED TO PREVENT ESCAPES AND PROTECT THE PUBLIC;
- (d) THE PROCEDURES THAT MUST BE FOLLOWED BEFORE AN INMATE DISASTER RELIEF CREW MAY BE UTILIZED;
- (e) THE FEES THAT MAY BE CHARGED BY THE DIVISION FOR THE PROVISION OF SERVICES BY AN INMATE DISASTER RELIEF CREW; AND
- (f) THE COMPENSATION THAT MAY BE PAID TO INMATES PARTICIPATING IN THE PROGRAM.

(5) THE DIVISION IS AUTHORIZED TO PURCHASE EQUIPMENT AND OBTAIN NECESSARY TRAINING FOR ANY INMATE DISASTER RELIEF CREWS.

(6) THE DEPARTMENT IS AUTHORIZED TO SOLICIT, ACCEPT, AND EXPEND GRANTS, DONATIONS, GIFTS, AND OTHER MONEYS TO DEFER THE COSTS OF EQUIPPING AND TRAINING ONE OR MORE INMATE DISASTER RELIEF CREWS. THE PROGRAM SHALL NOT BE IMPLEMENTED OR MADE AVAILABLE TO OTHER AGENCIES UNTIL SUFFICIENT MONEYS ARE AVAILABLE FROM APPROPRIATIONS, GRANTS, DONATIONS, GIFTS, AND OTHER MONEYS TO COVER THE COSTS OF EQUIPPING AND TRAINING AT LEAST ONE INMATE DISASTER RELIEF CREW. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND REVENUES BE USED FOR THIS PROGRAM.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 16, 1998