

CHAPTER 167

CORRECTIONS

HOUSE BILL 99-1164

BY REPRESENTATIVES Dean, Hoppe, Kaufman, Kester, King, Lawrence, Lee, Miller, Morrison, Paschall, Piffner, Plant, Scott, Spradley, Stengel, Swenson, Taylor, and Young;
also SENATORS Lacy, Arnold, Congrove, Epps, Hernandez, Hillman, Lamborn, Musgrave, Nichol, and Powers.

AN ACT

CONCERNING THE CREATION OF INCENTIVES TO PREVENT RECEIPT BY INMATES OF ILLEGAL PAYMENTS UNDER PUBLIC PROGRAMS.

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

SECTION 1. Part 1 of article 26 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-26-118.5. Prevention of erroneous payments to prisoners - identifying information reporting system. (1) IN ORDER TO ELIMINATE ERRONEOUS PAYMENTS OF BENEFITS TO PERSONS CONFINED IN LOCAL JAILS IN THE STATE, COUNTY SHERIFFS, THE DEPARTMENT OF HUMAN SERVICES, COUNTY DEPARTMENTS OF SOCIAL SERVICES, AND THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL COOPERATIVELY DEVELOP A SYSTEM FOR REPORTING IDENTIFYING INFORMATION ABOUT PERSONS CONFINED IN LOCAL JAILS FOR A PERIOD EXCEEDING THIRTY DAYS TO STATE AND COUNTY AGENCIES RESPONSIBLE FOR THE ADMINISTRATION OF WORKERS' COMPENSATION AND PUBLIC ASSISTANCE BENEFITS. SUCH A SYSTEM SHALL BE IMPLEMENTED ON OR BEFORE JULY 1, 2000, WITHIN EXISTING APPROPRIATIONS.

(2) ON AND AFTER THE IMPLEMENTATION DATE OF THE INFORMATION REPORTING SYSTEM DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS SECTION, BUT IN ANY EVENT NO LATER THAN JULY 1, 2000, EACH SHERIFF IN THE STATE SHALL PERIODICALLY TRANSMIT IDENTIFYING INFORMATION ABOUT EACH PERSON CONFINED FOR A PERIOD EXCEEDING THIRTY DAYS IN ANY LOCAL JAIL WITHIN THE SHERIFF'S JURISDICTION TO THE DEPARTMENT OF HUMAN SERVICES, COUNTY DEPARTMENTS OF SOCIAL SERVICES, AND THE DEPARTMENT OF LABOR AND EMPLOYMENT.

SECTION 2. Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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

26-1-127.5. Prevention of erroneous payments to prisoners - incentives.

(1) IN THE EVENT THE IDENTIFYING INFORMATION TRANSMITTED TO THE STATE DEPARTMENT AND THE COUNTY DEPARTMENTS PURSUANT TO SECTION 17-26-118.5 (2), C.R.S., RESULTS IN THE TERMINATION OF BENEFITS FROM ANY PROGRAM ADMINISTERED BY THE STATE DEPARTMENT OR COUNTY DEPARTMENTS, THE STATE DEPARTMENT OR COUNTY DEPARTMENT SHALL PAY AS A REWARD TO THE SHERIFF TEN PERCENT OF EACH OF THE FOLLOWING:

(a) ANY PORTION OF ONE MONTH'S BENEFIT THAT WOULD HAVE BEEN PAYABLE TO THE INCARCERATED RECIPIENT THAT CONSISTS OF STATE OR COUNTY MONEYS;

(b) ANY PORTION OF ONE MONTH'S BENEFIT THAT WOULD HAVE BEEN PAYABLE TO THE INCARCERATED RECIPIENT THAT CONSISTS OF FEDERAL MONEYS GRANTED TO THE STATE OR COUNTIES, UNLESS FEDERAL LAW PROHIBITS THE USE OF SUCH GRANT MONEYS FOR THE PURPOSE SPECIFIED IN THIS SUBSECTION (1);

(c) ANY PORTION OF ONE MONTH'S BENEFIT THAT WOULD HAVE BEEN PAYABLE TO THE INCARCERATED RECIPIENT THAT CONSISTS OF FEDERAL MONEYS MADE AVAILABLE BY WAIVER FOR THE PURPOSE SPECIFIED IN THIS SUBSECTION (1).

(2) THE EXECUTIVE DIRECTOR MAY APPLY FOR ANY FEDERAL WAIVERS NECESSARY TO MAXIMIZE THE AMOUNT OF THE INCENTIVE PAYMENTS TO SHERIFFS.

(3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE STATE DEPARTMENT OR COUNTY DEPARTMENTS SHALL NOT PAY A REWARD TO A SHERIFF FOR PROVIDING IDENTIFYING INFORMATION PURSUANT TO SUBSECTION (1) OF THIS SECTION IN CONNECTION WITH A PARTICIPANT IN THE COLORADO WORKS PROGRAM, CREATED PURSUANT TO PART 7 OF ARTICLE 2 OF THIS TITLE, UNLESS THE FEDERAL GOVERNMENT PERMITS ANY AMOUNT PAID AS A REWARD TO QUALIFY AS AN EXPENDITURE FOR THE PURPOSES OF MEETING THE STATE MAINTENANCE OF HISTORIC EFFORT REQUIRED PURSUANT TO SECTION 26-2-713.

(b) THE STATE DEPARTMENT OR COUNTY DEPARTMENTS SHALL NOT PAY A REWARD AS AUTHORIZED UNDER THIS SECTION IF THE STATE OR COUNTY COSTS OF IMPLEMENTING THE PROVISIONS OF THIS SECTION EXCEED THE OVERALL SAVING OF STATE OR COUNTY MONEYS THAT THE STATE DEPARTMENT OR COUNTY DEPARTMENTS ESTIMATE SHALL BE REALIZED BY IMPLEMENTING THIS SECTION.

SECTION 3. 8-42-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8-42-113. Limitations on payments to prisoners - incentives to sheriffs and department of corrections. (1.5) (a) IN THE EVENT THE IDENTIFYING INFORMATION TRANSMITTED TO THE DEPARTMENT OF LABOR AND EMPLOYMENT PURSUANT TO SECTION 17-26-118.5 (2), C.R.S., RESULTS IN THE TERMINATION OF WORKERS' COMPENSATION BENEFITS PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE EMPLOYER OR THE INSURANCE CARRIER, IF ANY, SHALL PAY TO THE SHERIFF A REWARD EQUAL TO TEN PERCENT OF ONE WEEK'S BENEFIT TO WHICH THE INELIGIBLE INDIVIDUAL WOULD OTHERWISE BE ELIGIBLE TO RECEIVE.

(b) AN INDIVIDUAL WHO IS INELIGIBLE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL REPAY TO THE EMPLOYER OR THE INSURANCE CARRIER, IF ANY, ANY AMOUNTS RECEIVED WHILE NOT ELIGIBLE.

SECTION 4. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 5. 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: May 7, 1999