

CHAPTER 192

CORRECTIONS

HOUSE BILL 99-1068

BY REPRESENTATIVES Kester, Coleman, George, Lee, McElhany, Miller, Paschall, Pfiffner, Spence, Spradley, Stengel, Taylor, and Witwer;
also SENATORS Dennis, Epps, and Hernandez.

AN ACT

CONCERNING OFFENDERS SENTENCED DIRECTLY TO A COMMUNITY CORRECTIONS PROGRAM WHO FAIL TO COMPLETE THEIR SENTENCE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 17-27-105 (1) (j), Colorado Revised Statutes, is amended, and the said 17-27-105 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

17-27-105. Authority to place offenders in community corrections programs - repeal. (1) (j) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (k) OF THIS SUBSECTION (1), any offender sentenced to the department of corrections subsequent to placement in a community corrections program is entitled to credit against the term of confinement as described in section 17-27-104 (9). The court shall make a finding of the amount of such time credits and include such finding in the mittimus that orders the offender to be placed in the custody of the department of corrections. The department of corrections shall apply credits for residential placement in a community corrections program in the same manner as credits for time served in a department of corrections facility.

(k) (I) ANY OFFENDER WHO ESCAPES FROM A RESIDENTIAL COMMUNITY CORRECTIONS PROGRAM OR WHO ABSCONDS FROM A NONRESIDENTIAL COMMUNITY CORRECTIONS PROGRAM SHALL FORFEIT ANY TIME CREDIT DEDUCTIONS EARNED PURSUANT TO PARAGRAPH (i) OF THIS SUBSECTION (1). WITHIN THIRTY DAYS AFTER AN OFFENDER'S ESCAPE OR ABSCONDMENT, THE PROGRAM ADMINISTRATOR SHALL SUBMIT TO THE SENTENCING COURT A STATEMENT ON THE FORM DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (i) OF THIS SUBSECTION (1) OF THE TIME CREDIT DEDUCTIONS THAT WOULD HAVE BEEN EARNED BY THE OFFENDER.

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

(II) THIS PARAGRAPH (k) IS REPEALED, EFFECTIVE JULY 1, 2001.

SECTION 2. 17-27-106 (1), Colorado Revised Statutes, is amended to read:

17-27-106. Escape from custody from a community corrections program - repeal. (1) (a) If an offender fails to remain within the extended limits of such offender's confinement or placement or fails to return within the time prescribed to any community corrections program to which such offender was assigned or transferred or if any offender who participates in a program established under the provisions of this article leaves such offender's place of employment or, having been ordered by the executive director of the department of corrections or the chief probation officer of the judicial district to return to the community corrections program, neglects or fails to do so, such offender shall be deemed to have escaped from custody and shall, upon conviction thereof, be punished as provided in section 18-8-208, C.R.S., and all reductions in sentence authorized by part 2 of article 22.5 of this title shall be forfeited.

(b) (I) IN ADDITION TO THE FORFEITURE OF ALL REDUCTIONS IN SENTENCE AUTHORIZED BY PART 2 OF ARTICLE 22.5 OF THIS TITLE, ANY PERSON CONVICTED OF ESCAPE FROM CUSTODY FROM A COMMUNITY CORRECTION PROGRAM IN VIOLATION OF PARAGRAPH (a) OF THIS SUBSECTION (1), SHALL ALSO FORFEIT ALL REDUCTIONS IN SENTENCE AUTHORIZED BY SECTION 17-27-105 (1) (i).

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2001.

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

17-1-125. Appropriation to comply with section 2-2-703. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 99-1068, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 1999, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF NINE THOUSAND NINE HUNDRED FIFTY-SEVEN DOLLARS (\$9,957).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THREE THOUSAND FOUR HUNDRED FIFTY-FIVE DOLLARS (\$3,455).

SECTION 4. 24-75-302 (2) (I), Colorado Revised Statutes, 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, 2002, 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:

(1) On July 1, 1999, one hundred million dollars, plus three hundred twenty-three thousand nine hundred ninety-eight dollars pursuant to H.B. 97-1186, enacted at the first regular session of the sixty-first general assembly; plus three thousand eight hundred forty dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; PLUS NINE THOUSAND NINE HUNDRED FIFTY-SEVEN DOLLARS PURSUANT TO H.B. 99-1068, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY;

SECTION 5. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to any escape or abscondment occurring on or after said date.

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: May 18, 1999