

CHAPTER 253

CORRECTIONS

SENATE BILL 00-218

BY SENATORS Powers, Chlouber, Dennis, and Tebedo;
also REPRESENTATIVES Kaufman, Clarke, Fairbank, Gagliardi, George, Gotlieb, Hefley, Hoppe, Larson, Lawrence, McKay,
Scott, Stengel, Taylor, and Zimmerman.

AN ACT

CONCERNING IMPLEMENTATION OF THE REQUIREMENT THAT PERSONS IN JAIL WORK.

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

SECTION 1. 17-26-107, Colorado Revised Statutes, is amended to read:

17-26-107. Prisoners to work - penalty. (1) When any able-bodied prisoner is confined in the county jail of any county or ~~the jail of any municipality~~ CITY AND COUNTY, having been convicted of a misdemeanor or of the violation of ~~an ordinance of such municipality~~ A MUNICIPAL ORDINANCE and being confined in punishment therefor, the sheriff of such county ~~or the marshal or chief of police of such municipality~~ OR THE PERSON HAVING THE DUTIES OF A SHERIFF OF SUCH CITY AND COUNTY shall compel such ~~person~~ PRISONER to work ~~at hard labor~~ eight hours of every working day. The provisions of this section shall not apply to any case where there are ~~less~~ FEWER than three prisoners so confined in said jail at any one time or to any prisoner physically unable to work. In counties and ~~municipalities~~ CITY AND COUNTIES, it shall be discretionary with the sheriff ~~or chief of police~~ OR PERSON HAVING THE DUTIES OF A SHERIFF to employ prisoners on the road serving sentences of sixty OR FEWER days. ~~or under.~~ It is the duty of the sheriff of such county ~~or the marshal or the chief of police of such municipality;~~ OR THE SHERIFF OR PERSON HAVING THE DUTIES OF A SHERIFF OF SUCH CITY AND COUNTY, when no other work is available, to compel the prisoners to work upon the public roads, highways, or streets of such county or ~~municipality~~ CITY AND COUNTY. ~~in the making or repairing of such roads, highways, or streets.~~ EMPLOYMENT AS A JAIL TRUSTY SHALL BE SUFFICIENT TO MEET THE REQUIREMENTS OF THIS SECTION.

(2) The county commissioners of the county or the governing body of the ~~municipality~~ CITY AND COUNTY, when informed by the sheriff ~~marshal, or chief of~~

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

~~police~~ OR PERSON HAVING THE DUTIES OF A SHERIFF that there are prisoners confined in ~~his~~ THE jail who may be put to work upon the roads, highways, or streets, if there is such work upon the roads, highways, or streets, shall provide for the payment of additional expenses of guarding such prisoners while performing such work. Such prisoners shall not be used for the purpose of building any bridge or structure of like character ~~which~~ THAT requires the employment of skilled labor.

~~(3) Any sheriff, marshal, or chief of police who fails or refuses to employ prisoners so confined, without the written consent therefor of the county commissioners or governing body, as the case may be, upon conviction shall forfeit the sum of fifty dollars for each day he fails or refuses to so employ the said prisoners; but he shall not be required to employ such prisoners during inclement weather or upon legal holidays or Sundays. It is the duty of such sheriff, marshal, or chief of police to keep an accurate account of the earnings of each of said prisoners less the expense of guarding, which said earnings shall be computed upon the value of the work done, and report the same to the county commissioners or governing body, as the case may be, once each month. It is the duty of the county commissioners to provide for the payment out of the money so earned to the spouse or minor children, if any, of such prisoner one-half of the amount so earned if such spouse or minor children are residents of the county wherein such prisoners are confined and such spouse or minor children would otherwise be a public charge.~~

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: May 26, 2000