

CHAPTER 222

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 02-1301

BY REPRESENTATIVE(S) Decker, Hefley, Mitchell, Ragsdale, Romanoff, Coleman, Larson, Lawrence, and Mace;
also SENATOR(S) Hillman, Arnold, Epps, and Lamborn.

AN ACT**CONCERNING CLARIFICATION OF THE CRIMES OF INTRODUCING CONTRABAND, AND MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. The introductory portion to 18-8-203 (1) and 18-8-203 (1) (a) and (3), Colorado Revised Statutes, are amended to read:

18-8-203. Introducing contraband in the first degree. (1) A person commits introducing contraband in the first degree if he OR SHE knowingly and unlawfully:

(a) Introduces or attempts to introduce a dangerous instrument, as defined in subsection (4) of this section, malt, vinous, or spirituous liquor, as defined in section 12-47-103, C.R.S., fermented malt beverage, as defined in section 12-46-103, C.R.S., controlled substance, as defined in section 12-22-303 (7), C.R.S., or marihuana or marihuana concentrate, as defined in section 12-22-303 (17) and (18), C.R.S., into a detention facility OR AT ANY LOCATION WHERE AN INMATE IS OR IS LIKELY TO BE LOCATED, WHILE SUCH INMATE IS IN THE CUSTODY AND UNDER THE JURISDICTION OF A POLITICAL SUBDIVISION OF THE STATE OF COLORADO OR THE DEPARTMENT OF CORRECTIONS, BUT NOT ON PAROLE; or

(3) "Detention facility" means any building, structure, enclosure, vehicle, institution, WORKSITE, or place, whether permanent or temporary, fixed or mobile, where persons are or may be lawfully held in custody or confinement UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS OR under the authority of the United States, the state of Colorado, or any political subdivision of the state of Colorado.

SECTION 2. The introductory portion to 18-8-204 (1) and 18-8-204 (2) (m),

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

Colorado Revised Statutes, are amended, and the said 18-8-204 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-8-204. Introducing contraband in the second degree. (1) A person commits introducing contraband in the second degree if he OR SHE knowingly and unlawfully:

(1.5) A PERSON CONFINED IN A DETENTION FACILITY COMMITS INTRODUCING CONTRABAND IN THE SECOND DEGREE IF HE OR SHE KNOWINGLY AND UNLAWFULLY INTRODUCES OR ATTEMPTS TO INTRODUCE CONTRABAND INTO A DETENTION FACILITY OR AT ANY LOCATION WHERE AN INMATE IS LIKELY TO BE LOCATED, WHILE SUCH INMATE IS IN THE CUSTODY AND UNDER THE JURISDICTION OF A POLITICAL SUBDIVISION OF THE STATE OF COLORADO OR THE DEPARTMENT OF CORRECTIONS, BUT NOT ON PAROLE.

(2) "Contraband" as used in this section means any of the following, but does not include any article or thing referred to in section 18-8-203:

(m) For purposes of a facility of the department of corrections OR ANY PRIVATE CONTRACT PRISON, any cigarettes or tobacco products, as defined in section 39-28.5-101 (5), C.R.S.

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

17-1-139. Appropriation to comply with section 2-2-703 - HB 02-1301.

(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. 02-1301, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, 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 TWENTY-FOUR THOUSAND FIVE HUNDRED TWENTY-SIX DOLLARS (\$24,526).

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2002, and shall apply to offenses committed on or after said date.

SECTION 5. 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 30, 2002