

CHAPTER 226

CORRECTIONS

HOUSE BILL 04-1419

BY REPRESENTATIVE(S) Witwer, Plant, and Young;
also SENATOR(S) Teck, Owen, and Reeves.

AN ACT

CONCERNING A REQUIREMENT THAT PRIVATE PRISON CONTRACTORS REIMBURSE THE STATE ONLY FOR MONITORING COSTS ASSOCIATED WITH MONITORING OUT-OF-STATE INMATES WITH A CORRESPONDING REDUCTION IN THE PRIVATE PRISON REIMBURSEMENT RATE FROM \$50.37 PER INMATE PER DAY TO \$49.56 PER INMATE PER DAY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 17-1-202 (1) (g), Colorado Revised Statutes, is amended to read:

17-1-202. Requests for proposals and contract requirements. (1) Before entering into any contract for designing, financing, acquiring, constructing, or operating a private contract prison or any contract for any combination of these functions, the department may issue a request for proposals. The department's rules, at a minimum, shall require that any contract proposed and awarded by the executive director pursuant to this part 2 shall be governed by the following principles:

(g) The executive director shall monitor all private contract prisons. Each contractor shall bear the costs of monitoring ~~the facilities~~ ASSOCIATED WITH OUT-OF-STATE INMATES AND SHALL REIMBURSE THE DEPARTMENT ON A PER-INMATE BASIS FOR OUT-OF-STATE INMATES, BUT SHALL NOT BEAR THE COSTS OF MONITORING ASSOCIATED WITH COLORADO INMATES.

SECTION 2. Appropriation - adjustments to the 2004 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2004, shall be adjusted as follows:

(a) The appropriation to the department of corrections, management, executive director's office subprogram, for health, life, and dental, is decreased by twenty-three

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

thousand four hundred twenty-two dollars (\$23,422) cash funds and increased by twenty-three thousand four hundred twenty-two dollars (\$23,422) general fund. The cash fund amount shall be from private prison monitoring fees.

(b) The appropriation to the department of corrections, management, executive director's office subprogram, for short-term disability, is decreased by one thousand eight dollars (\$1,008) cash funds and increased by one thousand eight dollars (\$1,008) general fund. The cash fund amount shall be from private prison monitoring fees.

(c) The appropriation to the department of corrections, management, executive director's office subprogram, for salary survey and senior executive service, is decreased by twenty-two thousand five hundred dollars (\$22,500) cash funds and increased by twenty-two thousand five hundred dollars (\$22,500) general fund. The cash fund amount shall be from private prison monitoring fees.

(d) The appropriation to the department of corrections, management, executive director's office subprogram, for performance-based pay awards, is decreased by fifteen thousand two hundred seventy-five dollars (\$15,275) cash funds and increased by fifteen thousand two hundred seventy-five dollars (\$15,275) general fund. The cash fund amount shall be from private prison monitoring fees.

(e) The appropriation to the department of corrections, management, executive director's office subprogram, for leased space, is decreased by twenty-five thousand nine hundred thirty-seven dollars (\$25,937) cash funds and increased by twenty-five thousand nine hundred thirty-seven dollars (\$25,937) general fund. The cash fund amount shall be from private prison monitoring fees.

(f) The appropriation to the department of corrections, management, external capacity subprogram, private prison monitoring unit, for personal services, is decreased by seven hundred ninety-nine thousand two hundred forty-eight dollars (\$799,248) cash funds and increased by seven hundred ninety-nine thousand two hundred forty-eight dollars (\$799,248) general fund. The cash fund amount shall be from private prison monitoring fees.

(g) The appropriation to the department of corrections, management, external capacity subprogram, private prison monitoring unit, for operating expenses, is decreased by one hundred fifty-seven thousand nine hundred forty-nine dollars (\$157,949) cash funds and increased by one hundred fifty-seven thousand nine hundred forty-nine dollars (\$157,949) general fund. The cash fund amount shall be from private prison monitoring fees.

(h) For the appropriation to the department of corrections, management, external capacity subprogram, payments to house state prisoners, for payments to private prisons at a rate of \$50.37 per inmate per day, the rate per inmate per day is reduced to \$49.56.

(i) The appropriation to the department of corrections, management, external capacity subprogram, payments to house state prisoners, for payments to private prisons at a rate of \$49.56 per inmate per day, is decreased by one million sixty-four thousand three hundred forty dollars (\$1,064,340) general fund.

(j) The appropriation to the department of corrections, communications subprogram, for operating expenses, is decreased by eight thousand one hundred ninety dollars (\$8,190) cash funds and increased by eight thousand one hundred ninety dollars (\$8,190) general fund. The cash fund amount shall be from private prison monitoring fees.

(k) The appropriation to the department of corrections, transportation subprogram, for vehicle lease payments, is decreased by ten thousand eight hundred eleven dollars (\$10,811) cash funds and increased by ten thousand eight hundred eleven dollars (\$10,811) general fund. The cash fund amount shall be from private prison monitoring fees.

SECTION 3. 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 12, 2004