

## CHAPTER 210

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**CORRECTIONS**


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**HOUSE BILL 05-1278**

BY REPRESENTATIVE(S) Hall, Buescher, Plant, McFadyen, and Weissmann;  
also SENATOR(S) Owen, Keller, and Tapia.

**AN ACT**

**CONCERNING THE CREATION OF THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM CASH FUND, AND  
MAKING AN APPROPRIATION THEREFOR.**

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

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

**17-1-107.5. State criminal alien assistance program cash fund - creation.**

(1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM CASH FUND. THE FUND SHALL CONSIST OF MONEYS RECEIVED BY THE STATE UNDER THE FEDERAL STATE CRIMINAL ALIEN ASSISTANCE PROGRAM OF THE FEDERAL "IMMIGRATION AND NATIONALITY ACT", 8 U.S.C. SEC. 1231 (i). ALL SUCH MONEYS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF CORRECTIONS FOR THE 2004-05 STATE FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER FOR THE PURPOSES OF DEFRAYING THE COSTS OF INCARCERATING UNDOCUMENTED CRIMINAL ALIENS SENTENCED TO A TERM OF IMPRISONMENT WITH THE DEPARTMENT. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE GENERAL FUND OR ANOTHER FUND.

(2) FOR THE PURPOSE OF MAXIMIZING REVENUES IN THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM CASH FUND, THE GOVERNOR SHALL, IN CONNECTION WITH AN ANNUAL REQUEST FOR COMPENSATION TO THE STATE FOR INCARCERATING UNDOCUMENTED CRIMINAL ALIENS PURSUANT TO THE FEDERAL "IMMIGRATION AND

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

NATIONALITY ACT", 8 U.S.C. SEC. 1231 (i), SUBMIT TO THE UNITED STATES ATTORNEY GENERAL THE AVERAGE PER-INMATE COST AND THE TOTAL COST OF INCARCERATING SUCH UNDOCUMENTED CRIMINAL ALIENS FOR THE STATE FISCAL YEAR FOR WHICH THE REQUEST IS MADE.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**SECTION 2.** Part II (1) (B) (2) and the affected totals of section 2 of chapter 427, Session Laws of Colorado 2004, as amended by section 1 of Senate Bill 05-109, enacted at the First Regular Session of the Sixty-fifth General Assembly, are amended to read:

Section 2. **Appropriation.**

**PART II  
DEPARTMENT OF CORRECTIONS**

**(1) MANAGEMENT**

**(B) External Capacity Subprogram**

(2) Payments to House State Prisoners

Payments to local jails at a rate of \$46.49 per inmate per day.	9,716,573	9,716,573			
Payments to private prisons at a rate of \$49.56 per inmate per day <sup>4</sup>	55,092,372	51,987,947		3,104,425 <sup>a</sup>	<del>3,104,425<sup>a</sup></del>
Payments to out-of-state private prisons at a rate of \$51.00 per inmate per day	2,252,415	2,252,415			
Community Corrections Programs	<u>2,213,348</u>	2,213,348			

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	69,274,708					

<sup>a</sup> This amount shall be from THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM CASH FUND CREATED IN SECTION 17-1-107.5, C.R.S. ~~a federal reimbursement for housing illegal aliens that is anticipated to be awarded in fiscal year 2004-05 and is subject to appropriation by the General Assembly.~~

115,835,797

**TOTALS PART II  
(CORRECTIONS)<sup>1,2</sup>**

\$553,651,376	\$493,459,635		\$3,436,067 <sup>a</sup>	<del>\$52,376,594<sup>a</sup></del>	<del>\$4,379,080</del>
				\$55,481,019 <sup>a</sup>	\$1,274,655

<sup>a</sup> Of these amounts, \$29,761,777 contains a (T) notation.

**SECTION 3. Appropriation - adjustments to the 2005 long bill.** (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2005, shall be adjusted as follows:

(a) The appropriation to the department of corrections, management, external capacity subprogram, payments to house state prisoners, for payments to private prisons, is increased by three million one hundred four thousand four hundred twenty-five dollars (\$3,104,425). Said sum shall be cash funds exempt from the state criminal alien assistance program cash fund created in section 17-1-107.5, Colorado Revised Statutes.

(b) The appropriation to the department of corrections, management, external capacity subprogram, payments to house state prisoners, for payments to private prisons, is decreased by three million one hundred four thousand four hundred twenty-five dollars (\$3,104,425). Said sum shall be from federal funds.

**SECTION 4. Effective date.** This act shall take effect upon passage; except that Section 2 of this act shall take effect only if Senate Bill 05-109 is enacted at the first regular session of the sixty-fifth general assembly and becomes law.

**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: June 1, 2005