

CHAPTER 170

CORRECTIONS

SENATE BILL 06-023

BY SENATOR(S) Hanna, Takis, Taylor, Bacon, Fitz-Gerald, Groff, Shaffer, Tochtrop, Tupa, Williams, and Windels;
also REPRESENTATIVE(S) Vigil, Coleman, and White.

AN ACT

CONCERNING THE PLACEMENT OF INMATES CLASSIFIED HIGHER THAN MEDIUM CUSTODY IN PRIVATE PRISONS.

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

SECTION 1. 17-1-104.9, Colorado Revised Statutes, is amended to read:

17-1-104.9. Custody levels for state inmates at private prisons - correctional emergency - definition. (1) Based upon available appropriations and based upon an annual review by the general assembly, the department is authorized to permanently place state inmates classified as medium custody and below in private contract prisons. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT MAY NOT PLACE STATE INMATES CLASSIFIED HIGHER THAN MEDIUM CUSTODY IN PRIVATE CONTRACT PRISONS OR IN PRIVATE PRISON FACILITIES LOCATED OUTSIDE THE STATE OF COLORADO. This section does not prevent a private contract prison from incarcerating an inmate who has been reclassified to a higher custody designation as a result of an offense committed within the private contract prison. However, it is the intent of the general assembly that the department move any inmate of a higher custody designation out of the private contract prison as soon as space is available at a state-operated correctional facility.

(2) (a) AT THE REQUEST OF THE EXECUTIVE DIRECTOR, THE GOVERNOR MAY, IN HIS OR HER DISCRETION, DECLARE A CORRECTIONAL EMERGENCY AND BY PROCLAMATION AUTHORIZE THE DEPARTMENT TO PLACE STATE INMATES CLASSIFIED HIGHER THAN MEDIUM CUSTODY IN PRIVATE CONTRACT PRISONS OR IN PRIVATE PRISON FACILITIES LOCATED OUTSIDE THE STATE OF COLORADO. A PROCLAMATION ISSUED UNDER THIS SUBSECTION (2) SHALL REMAIN IN EFFECT FOR THIRTY DAYS.

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

(b) AT THE REQUEST OF THE EXECUTIVE DIRECTOR, THE GOVERNOR MAY, IN HIS OR HER DISCRETION, RENEW A DECLARATION OF CORRECTIONAL EMERGENCY AND REISSUE A PROCLAMATION IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2) FOR ONE OR MORE ADDITIONAL THIRTY-DAY PERIODS AS THE GOVERNOR DEEMS APPROPRIATE.

(c) FOR PURPOSES OF THIS SECTION, "CORRECTIONAL EMERGENCY" MEANS A RIOT, A DISTURBANCE, A HOMICIDE, OR INMATE VIOLENCE OCCURRING IN A CORRECTIONAL FACILITY OR IN TRANSIT TO OR FROM A CORRECTIONAL FACILITY, OR A SITUATION INVOLVING INMATES THAT PRESENTS A CLEAR AND IMMEDIATE DANGER TO THE SAFETY, SECURITY, AND CONTROL OF THE DEPARTMENT. "CORRECTIONAL EMERGENCY" DOES NOT INCLUDE INMATE OVERCROWDING.

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 (August 9, 2006, if adjournment sine die is on May 10, 2006); 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: April 28, 2006