

## CHAPTER 122

---

**CORRECTIONS**

---

**HOUSE BILL 08-1363**

BY REPRESENTATIVE(S) Madden, McFadyen, Carroll M., Carroll T., Green, Labuda, Merrifield, Stafford, and Todd;  
also SENATOR(S) Romer, Bacon, Boyd, Keller, and Morse.

**AN ACT**

**CONCERNING CAPPING THE RATE AT WHICH THE DEPARTMENT OF CORRECTIONS SHALL CONTRACT  
FOR THE CONFINEMENT OF STATE INMATES.**

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

**SECTION 1.** 17-1-105.5, Colorado Revised Statutes, is amended to read:

**17-1-105.5. Contract rates - repeal.** (1) Contracts for the confinement and maintenance of state inmates in private contract facilities or facilities operated by a political subdivision of the state entered into pursuant to this article shall be at rates ~~as provided in the annual general appropriations bill~~ THAT ARE NEGOTIATED BY THE DEPARTMENT; EXCEPT THAT THE RATE SHALL NOT EXCEED THE MAXIMUM RATE THAT IS PROVIDED IN THE ANNUAL GENERAL APPROPRIATION BILL.

(2) (a) FOR THE 2008-09 FISCAL YEAR, A CONTRACT IN HOLDOVER STATUS OR A PURCHASE ORDER FOR THE CONFINEMENT AND MAINTENANCE OF STATE INMATES IN PRIVATE CONTRACT FACILITIES OR FACILITIES OPERATED BY A POLITICAL SUBDIVISION OF THE STATE ENTERED INTO PURSUANT TO THIS ARTICLE SHALL BE AT THE RATE PROVIDED IN THE GENERAL APPROPRIATION BILL ENACTED IN THE 2007 REGULAR LEGISLATIVE SESSION.

(b) IF, UPON JUNE 1, 2008, BOTH THE DEPARTMENT AND EITHER A PRIVATE CONTRACTOR OR A POLITICAL SUBDIVISION OF THE STATE ARE SIGNATORIES TO A CONTRACT FOR THE CONFINEMENT AND MAINTENANCE OF STATE INMATES IN PRIVATE CONTRACT FACILITIES OR FACILITIES OPERATED BY THE POLITICAL SUBDIVISION OF THE STATE DURING THE 2008-09 FISCAL YEAR, WHICH CONTRACT IS ENTERED INTO PURSUANT TO THIS ARTICLE AND IS NOT IN HOLDOVER STATUS, THEN THE RATE SHALL BE THE RATE PROVIDED FOR IN THE CONTRACT; EXCEPT THAT THE RATE SHALL NOT EXCEED THE RATE ESTABLISHED IN THE GENERAL APPROPRIATION

---

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

BILL ENACTED DURING THE 2008 REGULAR LEGISLATIVE SESSION.

(c) AS USED IN THIS SUBSECTION (2), "CONTRACT" INCLUDES AN INTERGOVERNMENTAL AGREEMENT.

(d) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JUNE 30, 2009.

**SECTION 2. 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: April 10, 2008