

## CHAPTER 144

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**CORRECTIONS**


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## SENATE BILL 08-171

BY SENATOR(S) Ward;  
 also REPRESENTATIVE(S) Stafford, Casso, Frangas, Gardner B., Garza-Hicks, Labuda, Merrifield, Mitchell V., Summers, and  
 Todd.

## AN ACT

### CONCERNING SUBSTANCE TESTING OF PAROLEES.

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

**SECTION 1.** The introductory portion to 17-2-201 (5.5) (a) and 17-2-201 (5.5) (c) and (5.5) (e), Colorado Revised Statutes, are amended to read:

**17-2-201. State board of parole.** (5.5) (a) As a condition of parole, the board shall require every parolee at ~~his~~ **THE PAROLEE'S** own expense to submit to random chemical testing of ~~his urine~~ **A BIOLOGICAL SUBSTANCE SAMPLE FROM THE PAROLEE** to determine the presence of drugs or alcohol. Such testing shall take place as follows:

(c) (I) The parole officer shall be responsible for acquiring at random, but within the time requirements of paragraph (a) of this subsection (5.5), a ~~urine specimen~~ **BIOLOGICAL SUBSTANCE SAMPLE** from a parolee. ~~The department of public health and environment shall designate the container to be used for the collection of such specimen. A labeling system shall be established by the department to ensure compliance with evidentiary rules and requirements.~~

(II) ~~The department of public health and environment shall establish by rule and regulation the fee to be charged to the parolee pursuant to paragraph (a) of this subsection (5.5) for chemical testing of the parolee's urine~~ **AT THE TIME THE PAROLE OFFICER ACQUIRES A BIOLOGICAL SUBSTANCE SAMPLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), the parole officer shall** ~~collect such fee from the parolee at the same time the parole officer acquires a urine specimen pursuant to subparagraph (I) of this paragraph (c)~~ **DIRECT THE PAROLEE TO PAY THE NECESSARY FEE FOR THE TESTING OF HIS OR HER BIOLOGICAL SUBSTANCE SAMPLE DIRECTLY TO**

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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.*

THE PRIVATE LABORATORY UNDER CONTRACT WITH THE DEPARTMENT, THE DEPARTMENT OF PUBLIC SAFETY, OR A LOCAL GOVERNMENTAL AGENCY PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c).

(III) The parole officer shall submit the ~~urine specimen~~ BIOLOGICAL SUBSTANCE SAMPLE to ~~the department of public health and environment or to a private laboratory under contract with the board~~ DEPARTMENT, THE DEPARTMENT OF PUBLIC SAFETY, OR A LOCAL GOVERNMENTAL AGENCY pursuant to subparagraph (IV) of this paragraph (c) for testing. The ~~department of public health and environment or the~~ contracting laboratory shall return the results of ~~such~~ THE tests to the parole officer within five working days ~~of~~ AFTER receipt of the ~~specimen~~ SAMPLE. The results of the test shall be made available by the parole officer to the parolee or the parolee's attorney on request.

(IV) The ~~board may~~ DEPARTMENT AND THE DEPARTMENT OF PUBLIC SAFETY AND LOCAL GOVERNMENTAL AGENCIES FOR INMATES PAROLED TO COMMUNITY CORRECTIONS FACILITIES SHALL enter into one or more contracts with private laboratories for chemical testing under this subsection (5.5). Any private laboratory that contracts with the ~~board~~ DEPARTMENT, THE DEPARTMENT OF PUBLIC SAFETY, OR A LOCAL GOVERNMENTAL AGENCY shall ~~meet standards established by the department of public health and environment and shall comply with the labeling system established by the department under subparagraph (I) of this paragraph (c)~~ USE APPROPRIATE METHODS to ensure compliance with evidentiary rules and requirements. Any contract entered into pursuant to this subparagraph (IV) shall specify the fee to be charged the parolee for chemical ~~urine~~ BIOLOGICAL SUBSTANCE SAMPLE testing.

(e) A parolee who refuses to submit to chemical testing of ~~his urine~~ A SAMPLE OF HIS OR HER BIOLOGICAL SUBSTANCE pursuant to the requirements of this subsection (5.5) shall be arrested, and revocation proceedings shall be initiated pursuant to section 17-2-103.

**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 14, 2008