

CHAPTER 274

CORRECTIONS

HOUSE BILL 08-1352

BY REPRESENTATIVE(S) Stephens, Casso, Frangas, Gagliardi, Gardner C., Garza-Hicks, Jahn, Kerr J., Labuda, Looper, McFadyen, Rice, Rose, Stafford, Todd, Gardner B., and Summers;
also SENATOR(S) Morse, and Kester.

AN ACT

CONCERNING PROVISIONS TO LIMIT THE STATE BOARD OF PAROLE'S OPTION OF PLACING A PAROLEE IN A COMMUNITY RETURN-TO-CUSTODY FACILITY TO ONLY THOSE PAROLEES WHO AT THE TIME OF REVOCATION ARE NOT SUBJECT TO THE CRIMINAL JUSTICE SYSTEM BASED ON THE COMMISSION OF A NEW OFFENSE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 17-2-103 (11) (b) (III), Colorado Revised Statutes, is amended to read:

17-2-103. Arrest of parolee - revocation proceedings. (11) (b) (III) If the board determines that the parolee has violated any condition of parole ~~other than~~ THAT DOES NOT INVOLVE THE commission of a crime, ~~and~~ the parolee HAS NO ACTIVE FELONY WARRANT, FELONY DETAINER, OR PENDING FELONY CRIMINAL CHARGE, AND THE PAROLEE was on parole for an offense that was a class 5 or class 6 nonviolent felony as defined in section 17-22.5-405 (5) (b), except for menacing as defined in section 18-3-206, C.R.S., or any unlawful sexual behavior contained in section 16-22-102 (9), C.R.S., or unless the parolee was subject to article 6.5 of title 18, C.R.S., or section 18-6-801, C.R.S., the board may revoke parole for a period not to exceed one hundred eighty days and request the sheriff of the county in which the hearing is held to transport the parolee to the facility described in section 17-1-206.5 (3).

SECTION 2. Title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 18
Correctional Facilities - Statutory Appropriations

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

17-18-101. Appropriation to comply with section 2-2-703 - HB 08-1352 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 08-1352, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY:

(a) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF TWO MILLION ONE HUNDRED TWENTY-SEVEN THOUSAND EIGHT HUNDRED FIVE DOLLARS (\$2,127,805).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWO HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED SIXTY-SIX DOLLARS (\$217,566).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWO HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED SIXTY-SIX DOLLARS (\$217,566).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWO HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED SIXTY-SIX DOLLARS (\$217,566).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWO HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED SIXTY-SIX DOLLARS (\$217,566).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWO HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED SIXTY-SIX DOLLARS (\$217,566).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 3. 24-75-302 (2) (u), Colorado Revised Statutes, is amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2010, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount that shall accrue pursuant to this

subsection (2) shall be as follows:

(u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus four hundred sixty-two thousand one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the second regular session of the sixty-fifth general assembly; plus twenty-six thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus sixty-nine thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004, enacted at the first extraordinary session of the sixty-fifth general assembly; plus three hundred twenty-five thousand four hundred twenty-nine dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred fifty thousand one hundred ninety-eight dollars pursuant to H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly; PLUS TWO MILLION ONE HUNDRED TWENTY-SEVEN THOUSAND EIGHT HUNDRED FIVE DOLLARS PURSUANT TO H.B. 08-1352, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY.

SECTION 4. Appropriation - adjustments to the 2008 long bill. For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by two hundred seventeen thousand five hundred sixty-six dollars (\$217,566).

SECTION 5. 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 6, 2008, if adjournment sine die is on May 7, 2008); 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: May 21, 2008