

CHAPTER 106

CORRECTIONS

SENATE BILL 10-130

BY SENATOR(S) Kester, Newell;
also REPRESENTATIVE(S) McCann, Labuda, Nikkel, Schafer S., Stephens, Todd.

AN ACT**CONCERNING THE ALLOCATION OF POWERS WITHIN THE DEPARTMENT OF CORRECTIONS.**

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

SECTION 1. 24-1-128.5 (2) (a), Colorado Revised Statutes, is amended, and the said 24-1-128.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-1-128.5. Department of corrections - creation. (1.5) THE DEPARTMENT OF CORRECTIONS SHALL SUPERVISE AND CONTROL EACH CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102, C.R.S. THE POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF INSTITUTIONS RELATING TO HONOR CAMPS, WORK RELEASE PROGRAMS, AND OTHER ADULT CORRECTIONAL PROGRAMS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF CORRECTIONS. THE POWERS, DUTIES, AND FUNCTIONS OF THE DIVISION OF PAROLE IN THE DEPARTMENT OF INSTITUTIONS ARE TRANSFERRED BY A **TYPE 3** TRANSFER TO THE DEPARTMENT OF CORRECTIONS, AND THE DIVISION OF PAROLE IN THE DEPARTMENT OF INSTITUTIONS IS ABOLISHED. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL HAVE THE POWERS AND DUTIES SPECIFIED IN TITLE 17, C.R.S.

(2) The department of corrections shall consist of the following divisions:

(a) The division of adult parole, the head of which shall be the director of the division of adult parole. The division of adult parole shall exercise its powers and perform its duties and functions under the department of corrections as if the same were transferred by a **type 2** transfer. ~~The division of adult parole shall supervise and control each correctional facility, as defined in section 17-1-102, C.R.S., including but not limited to the state penitentiary at Canon City, the Colorado state~~

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

reformatory at Buena Vista, and the women's correctional institution at Canon City, which are transferred by a ~~type 2~~ transfer to the department of corrections and allocated to the division of adult parole. The powers, duties, and functions of the department of institutions relating to honor camps, work release programs, and other adult correctional programs are transferred by a ~~type 2~~ transfer to the department of corrections and allocated to the division of adult parole. The powers, duties, and functions of the division of parole in the department of institutions are transferred by a ~~type 3~~ transfer to the department of corrections and allocated to the division of adult parole, and the division of parole is abolished.

SECTION 2. 16-16-102 (1) and (6), Colorado Revised Statutes, are amended to read:

16-16-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "EXECUTIVE director" means the executive director of the department of corrections.

(6) ~~"Superintendent"~~ "WARDEN" means the chief correctional officer at ~~any~~ A correctional facility.

SECTION 3. The introductory portions to 16-16-103 (1) and (2), 16-16-103 (3) (a), the introductory portion to 16-16-103 (3) (b), and 16-16-103 (3) (b) (I) and (4), Colorado Revised Statutes, are amended to read:

16-16-103. Place of confinement - extension of limits. (1) The ~~superintendents~~ WARDENS, with the approval of the EXECUTIVE director, shall designate one or more facilities ~~which~~ THAT may be physically separated from the correctional facilities ~~which~~ AND THAT may be used for the following purposes:

(2) The ~~superintendents~~ EXECUTIVE DIRECTOR, in the exercise of ~~their~~ HIS OR HER discretion, ~~and with the assistance of the director of the division of adult parole,~~ may extend the limits of confinement of any inmate in the following instances:

(3) (a) Any inmate who is allowed to participate in such paid employment or in such job training for which a subsistence allowance is paid in connection with the job training shall pay over to the ~~respective superintendent or the~~ EXECUTIVE director ~~of the division of adult parole~~ all moneys received from ~~such~~ THE paid employment or job training; except that the inmate may retain that part of the moneys so received ~~which~~ THAT the ~~superintendent or the~~ EXECUTIVE director ~~of the division of adult services~~ deems necessary for expenses connected with the employment or job training. These expenses shall include, but not be limited to, travel expenses, food expenses, clothing, tools, and safety equipment.

(b) The remainder of the moneys shall be disbursed by the ~~respective superintendent~~ EXECUTIVE DIRECTOR for the following purposes, in the order stated:

(I) To the state treasurer for the reasonable cost of the inmate's confinement as determined by the ~~respective superintendent~~ EXECUTIVE DIRECTOR;

(4) The extension of the limits of confinement by the ~~superintendents~~ EXECUTIVE DIRECTOR shall not for any purpose be considered to be parole as provided in part 2 of article 2 or article 22.5 of title 17, C.R.S.

SECTION 4. 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 15, 2010