

CHAPTER 48

CORRECTIONS

HOUSE BILL 11-1085

BY REPRESENTATIVE(S) Schafer S., Barker, Court, Fields, Fischer, Gardner D., Labuda, Liston, Nikkel, Priola, Ryden, Solano, Stephens, Todd, Tyler, Waller, Williams A., Wilson;
also SENATOR(S) Jahn, Aguilar, Boyd, Giron, Guzman, King S., Morse, Newell, Schwartz, Tochtrop, Williams S.

AN ACT

CONCERNING REFERRAL OF OFFENDERS TO COMMUNITY CORRECTIONS.

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

SECTION 1. 18-1.3-301 (2) (b), Colorado Revised Statutes, is amended, and the said 18-1.3-301 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

18-1.3-301. Authority to place offenders in community corrections programs. (2) (b) Unless the offender has an active felony warrant or detainer or has refused community placement, the executive director of the department of corrections shall refer AN OFFENDER WHO HAS DISPLAYED ACCEPTABLE INSTITUTIONAL BEHAVIOR for placement in a community corrections program ACCORDING TO THE FOLLOWING TIMELINE:

(I) NO MORE THAN TWENTY-EIGHT MONTHS PRIOR TO THE OFFENDER'S PAROLE ELIGIBILITY DATE FOR any offender who successfully completes a regimented inmate discipline program pursuant to article 27.7 of title 17, C.R.S.; ~~within twenty-eight months prior to the offender's parole eligibility date;~~

(II) NO MORE THAN SIXTEEN MONTHS PRIOR TO THE OFFENDER'S PAROLE ELIGIBILITY DATE FOR any offender who is not serving a sentence for an offense referred to in section 18-1.3-406; and ~~who has displayed acceptable institutional behavior sixteen months prior to such offender's parole eligibility date; and~~

(III) NO MORE THAN ONE HUNDRED EIGHTY DAYS PRIOR TO THE PAROLE ELIGIBILITY DATE FOR any other offender ~~who has displayed acceptable institutional behavior one hundred eighty days prior to such offender's parole eligibility date~~ NOT

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

DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (b).

(e) **Subsequent referrals.** FOR AN OFFENDER WHO IS SERVING A SENTENCE FOR A CLASS 1 OR 2 FELONY THAT CONSTITUTES A CRIME OF VIOLENCE UNDER SECTION 18-1.3-406, EXCLUDING ESCAPE, AND WHOSE PAROLE HEARING HAS BEEN DEFERRED FOR AT LEAST THIRTY-SIX MONTHS, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL NOT REFER THE OFFENDER FOR PLACEMENT IN COMMUNITY CORRECTIONS EARLIER THAN SIX MONTHS PRIOR TO THE DATE OF THE OFFENDER'S SECOND OR ANY SUBSEQUENT PAROLE HEARING.

SECTION 2. Act subject to petition - 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 (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 22, 2011