

CHAPTER 5

CORRECTIONS

HOUSE BILL 11-1009

BY REPRESENTATIVE(S) Waller, Barker, Casso, Court, Duran, Ferrandino, Gardner B., Kerr J., Lee, Liston, Nikkel, Pace, Priola, Schafer S., Scott, Stephens, Todd, Vigil;
also SENATOR(S) Newell, Guzman, Jahn, King S., Steadman.

AN ACT**CONCERNING INTERSTATE COMPACTS FOR ADULT CRIMINAL SUPERVISION.**

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

SECTION 1. 17-27.1-101 (1) (b), (2) (a), (2) (c), (3) (a), (3) (b), the introductory portions to 17-27.1-101 (5) (a) and (5) (b), and 17-27.1-101 (5) (c), (6) (a), (6) (b), and (10) (a), Colorado Revised Statutes, are amended, and the said 17-27.1-101 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

17-27.1-101. Nongovernmental facilities for offenders - registration - notifications - penalties. (1) (b) The general assembly further finds that although Colorado is a signatory to the ~~interstate compact for parolee supervision~~ "INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION" ESTABLISHED PURSUANT TO PART 28 OF ARTICLE 60 OF TITLE 24, C.R.S., more information concerning out-of-state offenders is necessary for the protection of the citizens of Colorado, and it may be necessary to further regulate programs that provide treatment and services to such persons.

(2) As used in this section, unless the context otherwise requires:

(a) ~~"Administrator of the interstate compact" means the person designated by the governor pursuant to section 24-60-303 (5), C.R.S., who manages the interstate compact process.~~

(b.5) "COMPACT ADMINISTRATOR" MEANS THE PERSON APPOINTED PURSUANT TO THE PROVISIONS OF PART 28 OF ARTICLE 60 OF TITLE 24, C.R.S., TO BE RESPONSIBLE FOR THE ADMINISTRATION OF THE INTERSTATE COMPACT.

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

(c) "Interstate compact" means the ~~"Uniform Act for Out-of-State Parolee Supervision", part 3~~ "INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION", PART 28 of article 60 of title 24, C.R.S.

(3) (a) In order to ensure uniformity and consistency, the sending state shall be in compliance with ~~24-60-303 (1), C.R.S.~~ THE PROVISIONS OF THE INTERSTATE COMPACT or the COMPACT administrator ~~of the interstate compact~~ shall reject the placement of the supervised person pursuant to subsection (6) of this section.

(b) A sending state shall not permit travel of a supervised person who is a nonresident of this state to the state of Colorado without written notification from the COMPACT administrator ~~of the interstate compact~~ of acceptance of the supervised person into a private treatment program.

(5) No private treatment program in Colorado shall admit or accept a supervised or unsupervised person into the program unless that program:

(a) Is registered with the COMPACT administrator ~~of the interstate compact~~, and, if the person is a supervised person, the private treatment program is:

(b) If the person is unsupervised, has notified the COMPACT administrator ~~of the interstate compact~~ of the following information for each such unsupervised person:

(c) (I) If the person is supervised and is a resident of the state of Colorado, has confirmed that the sending state has provided all information concerning the supervised person required by the interstate compact to the COMPACT administrator; ~~of the interstate compact~~; and

(II) If the person is supervised and is a nonresident of the state of Colorado, has confirmed that the COMPACT administrator ~~of the interstate compact~~ has accepted the person for placement in the private treatment program.

(6) (a) Pursuant to criteria established by the interstate compact, the COMPACT administrator ~~of the interstate compact~~ shall either accept or reject the placement of the supervised person in the private treatment program.

(b) For all unsupervised persons and for supervised persons that the COMPACT administrator ~~of the interstate compact~~ accepts for placement in a private treatment program, the COMPACT administrator shall immediately notify the appropriate chief law enforcement official and the director of the Colorado bureau of investigation.

(10) (a) In addition to any other duties, the COMPACT administrator ~~of the interstate compact~~ may promulgate rules governing unsupervised persons including but not limited to their identification.

SECTION 2. 18-8-213 (1), Colorado Revised Statutes, is amended to read:

18-8-213. Unauthorized residency by an adult offender from another state.

(1) A person commits the crime of unauthorized residency by ~~a parolee or probationer~~ AN ADULT OFFENDER if the person, in order to stay in the state, is required to have the permission of the COMPACT administrator OR A DESIGNATED

DEPUTY OF THE COMPACT ADMINISTRATOR of the interstate compact for ~~parolee~~ ADULT OFFENDER supervision ESTABLISHED pursuant to ~~part 3~~ PART 28 of article 60 of title 24, C.R.S., and the person:

(a) Is not a resident of this state, ~~as defined in section 24-60-302 (1) (b), C.R.S.~~, has not ~~received approval from~~ BEEN ACCEPTED BY the compact administrator of the interstate compact for ~~parolee~~ ADULT OFFENDER supervision established pursuant to ~~part 3~~ PART 28 of article 60 of title 24, C.R.S., and is found residing in this state; or

(b) Is a resident of this state, ~~as defined in section 24-60-302 (1) (b), C.R.S.~~, has not ~~received approval from~~ BEEN ACCEPTED BY the compact administrator of the interstate compact for ~~parolee~~ ADULT OFFENDER supervision established pursuant to ~~part 3~~ PART 28 of article 60 of title 24, C.R.S., and is found residing in this state more than ninety days after his or her transfer from the receiving state. ~~as defined in section 24-60-302 (1), C.R.S.~~

SECTION 3. Repeal. Part 3 of article 60 of title 24, Colorado Revised Statutes, is repealed.

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: March 1, 2011