

CHAPTER 152

CORRECTIONS

HOUSE BILL 12-1336

BY REPRESENTATIVE(S) Becker and Levy, Gerou, Barker, Bradford, Fields, Gardner B., Hamner, Kagan, Kefalas, Labuda, Lee, Pace, Ramirez, Singer, Todd, Wilson, Conti, Coram, Jones, Kerr J., Vigil;
also SENATOR(S) Steadman and Lambert, Hodge, Aguilar, Brophy, Heath, King S.

AN ACT

CONCERNING AUTHORIZATION OF A PRISON UTILIZATION ANALYSIS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-37-202 as follows:

24-37-202. Prison utilization study - repeal. (1) (a) THE OFFICE SHALL CONTRACT FOR A DEPARTMENT OF CORRECTIONS SYSTEM-WIDE ANALYSIS BY JULY 1, 2012, OR AS SOON AS POSSIBLE THEREAFTER, THAT IDENTIFIES THE MOST APPROPRIATE AND COST-EFFECTIVE USES OF THE AVAILABLE PUBLIC AND PRIVATE INMATE BEDS THAT HOUSE THE DEPARTMENT OF CORRECTIONS' JURISDICTIONAL POPULATION. THE OFFICE SHALL NOT SELECT A VENDOR TO PERFORM THE CONTRACT IF THE VENDOR HAS A KNOWN CONFLICT OF INTEREST THAT MAY INTERFERE WITH ITS ABILITY TO PRODUCE AN OBJECTIVE REPORT. THE ANALYSIS SHALL CONSIDER DIFFERENT POSSIBLE SCENARIOS OF POPULATION GROWTH OR DECLINE AND CHANGES IN THE COMPOSITION OF THE INMATE POPULATION INCLUDING LEVEL OF RISK, LENGTH OF SENTENCE, AND ASSOCIATED PROGRAMMATIC NEEDS. THE OFFICE IS ENCOURAGED TO CONVENE AN ADVISORY GROUP OF INTERESTED STAKEHOLDERS AND PERSONS WITH CORRECTIONAL EXPERTISE TO ASSIST THE OFFICE IN DEVELOPING THE OPTIONS REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1). IF AN ADVISORY GROUP IS FORMED, THE INDIVIDUALS SELECTED WILL SERVE VOLUNTARILY AND WITHOUT COMPENSATION. IN ADDITION, THE OFFICE SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT REGARDING DEVELOPING THE OPTIONS REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1).

(b) USING THE RESULTS OF THE ANALYSIS IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE OFFICE, IN CONSULTATION WITH THE JOINT BUDGET COMMITTEE AND ANY ADVISORY GROUP CONVENE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1),

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

SHALL IDENTIFY, EVALUATE, AND PRIORITIZE OPTIONS FOR FIVE FISCAL YEARS, BEGINNING WITH FISCAL YEAR 2013-14, FOR THE BEST USE OF AVAILABLE PUBLIC AND PRIVATE INMATE BEDS THAT HOUSE THE DEPARTMENT OF CORRECTIONS' JURISDICTIONAL POPULATION. THE OPTIONS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, REDUCTION IN PRISON BEDS, DECOMMISSIONING PRISON FACILITIES, OPTIMIZING STAFFING LEVELS, OR REPURPOSING EXISTING FACILITIES.

(c) THE OFFICE SHALL PROVIDE THE JOINT BUDGET COMMITTEE WITH QUARTERLY UPDATES ON THE PROGRESS OF THE ANALYSIS AND ENGAGE THE JOINT BUDGET COMMITTEE IN DISCUSSIONS REGARDING DEVELOPING THE OPTIONS REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1).

(d) THE OFFICE SHALL PROVIDE A STATUS REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE BY JANUARY 31, 2013.

(2) IN DEVELOPING THE OPTIONS PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE OFFICE AND THE JOINT BUDGET COMMITTEE SHALL CONSIDER THE FOLLOWING FACTORS:

(a) PUBLIC SAFETY;

(b) THE OPERATIONAL NEEDS OF THE DEPARTMENT OF CORRECTIONS;

(c) FACILITY CHARACTERISTICS INCLUDING, BUT NOT LIMITED TO, THE LOCATION, PHYSICAL PLANT, MISSION, CUSTODY LEVEL, AND POTENTIAL FOR REPURPOSING;

(d) INMATE CLASSIFICATIONS, RIGHTS, AND NEEDS;

(e) EFFICIENCY AND COST OF OPERATIONS;

(f) IMPACT ON THE LOCAL COMMUNITY WITH EMPHASIS ON ECONOMIC IMPACT AND IMPACT TO PUBLIC SCHOOL FUNDING;

(g) IMPACT ON THE PUBLIC AND PRIVATE WORKFORCE;

(h) IMPACT OF STAFFING LEVELS ON SAFETY, OUTCOMES, TURNOVER RATES, AND PAYROLL PRACTICES, INCLUDING OVERTIME AND COMPENSATION POLICIES;

(i) IMPACT ON RELEVANT STAKEHOLDERS;

(j) EFFECTIVENESS OF PROGRAMMING AND OUTCOMES;

(k) STATE CONSTITUTIONAL LIMITATIONS RELATED TO THE STATE PERSONNEL SYSTEM; AND

(l) ANY OTHER RELEVANT FACTORS.

(3) THIS SECTION IS EXEMPT FROM THE REQUIREMENTS OF SECTION 2-3-303.3, C.R.S.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to office of the governor, for the fiscal year beginning July 1, 2012, the sum of \$350,000, or so much thereof as may be necessary, for allocation to the office of state planning and budgeting for a prison utilization study related to the implementation of this act.

SECTION 3. 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: May 3, 2012