

CHAPTER 199

CORRECTIONS

HOUSE BILL 14-1044

BY REPRESENTATIVE(S) Dore, Fields, Gerou, Kraft-Tharp, Labuda, Lawrence, Mitsch Bush, Murray, Pettersen, Rosenthal, Schafer, Tyler, Young;
also SENATOR(S) Tochtrop, Aguilar, Heath, Herpin, King, Lambert, Newell, Rivera, Todd, Zenzinger, Carroll.

AN ACT**CONCERNING CONSEQUENCES FOR A PAROLEE WHO TAMPERS WITH AN ELECTRONIC MONITORING DEVICE THAT THE PAROLEE IS REQUIRED TO WEAR AS A CONDITION OF PAROLE.**

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

SECTION 1. In Colorado Revised Statutes, 17-1-102, **add** (8.5) as follows:

17-1-102. Definitions. As used in this title, unless the context otherwise requires:

(8.5) "TAMPERING" MEANS INTENTIONALLY ATTEMPTING TO DISABLE, DAMAGE, OR DESTROY AN ELECTRONIC MONITORING DEVICE SO AS TO RENDER THE DEVICE NONFUNCTIONAL IN ORDER TO AVOID SUPERVISION.

SECTION 2. In Colorado Revised Statutes, 17-2-103, **add** (11) (f) as follows:

17-2-103. Arrest of parolee - revocation proceedings. (11) (f) (I) A PAROLEE WHO VIOLATES THE CONDITIONS OF HIS OR HER PAROLE BY REMOVING OR TAMPERING WITH AN ELECTRONIC MONITORING DEVICE THAT THE PAROLEE IS REQUIRED TO WEAR AS A CONDITION OF HIS OR HER PAROLE IS SUBJECT TO AN IMMEDIATE WARRANTLESS ARREST.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE BOARD DETERMINES THAT A PAROLEE HAS VIOLATED THE CONDITIONS OF HIS OR HER PAROLE BY REMOVING OR TAMPERING WITH AN ELECTRONIC MONITORING DEVICE THAT THE PAROLEE IS REQUIRED TO WEAR AS A CONDITION OF HIS OR HER PAROLE, THE BOARD MAY REVOKE THE PAROLEE'S PAROLE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (11).

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

SECTION 3. In Colorado Revised Statutes, 17-2-103.5, **amend** (1) (a) (II) (E); and **add** (1) (a) (III) as follows:

17-2-103.5. Revocation proceedings - parolee arrested for certain offenses.

(1) (a) Notwithstanding any provision of section 17-2-103, a community parole officer shall file a complaint seeking revocation of the parole of any parolee who:

(II) Is arrested and charged with:

(E) Unlawful sexual contact as defined in section 18-3-404 (2), C.R.S.; OR

(III) HAS REMOVED OR TAMPERED WITH AN ELECTRONIC MONITORING DEVICE THAT THE PAROLEE IS REQUIRED TO WEAR AS A CONDITION OF HIS OR HER PAROLE; EXCEPT THAT, BEFORE MAKING SUCH AN ARREST, THE COMMUNITY PAROLE OFFICER SHALL FIRST DETERMINE THAT THE NOTIFICATION OF REMOVAL OR TAMPERING WAS NOT MERELY THE RESULT OF AN EQUIPMENT MALFUNCTION.

SECTION 4. In Colorado Revised Statutes, 17-27-105.5, **add** (8) as follows:

17-27-105.5. Community parole officers - duties - arrest powers.

(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, IF A COMMUNITY PAROLE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT A PAROLEE WHO IS UNDER THE SUPERVISION OF THE COMMUNITY PAROLE OFFICER HAS REMOVED OR TAMPERED WITH AN ELECTRONIC MONITORING DEVICE THAT THE PAROLEE IS REQUIRED TO WEAR AS A CONDITION OF HIS OR HER PAROLE, THE PAROLE OFFICER SHALL EITHER:

(a) IMMEDIATELY MAKE A WARRANTLESS ARREST OF THE PAROLEE; EXCEPT THAT, BEFORE MAKING SUCH AN ARREST, THE COMMUNITY PAROLE OFFICER SHALL FIRST DETERMINE THAT THE NOTIFICATION OF REMOVAL OR TAMPERING WAS NOT MERELY THE RESULT OF AN EQUIPMENT MALFUNCTION.

(b) NOT LATER THAN TWELVE HOURS AFTER ACQUIRING SUCH PROBABLE CAUSE, NOTIFY A LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER THE PAROLEE'S LAST-KNOWN ADDRESS THAT THE PAROLEE IS SUBJECT TO AN IMMEDIATE WARRANTLESS ARREST.

SECTION 5. 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 15, 2014