

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 09-0781.01 Richard Sweetman

HOUSE BILL 09-1263

HOUSE SPONSORSHIP

Casso,

SENATE SPONSORSHIP

Carroll M.,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING TIME COMPUTATION WHILE AN INMATE IS**
102 **INCARCERATED IN A COUNTY JAIL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Clarifies that every person who is sentenced to and imprisoned in any county jail and who performs faithfully the duties assigned to him or her during his or her imprisonment therein is entitled to a deduction from the time of his or her sentence of 2 days in any 30-day period, rather than in each calendar month.

Allows a person who is sentenced to and imprisoned in any county jail of this state to be awarded earned time of up to 3 days in any 30-day

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unam ended
March 13, 2009

HOUSE
3rd Reading Unam ended
February 25, 2009

HOUSE
2nd Reading Unam ended
February 24, 2009

period at the discretion of the county sheriff for the successful completion of certain designated programs or educational activities, for outstanding progress in any assigned program or activity, or for unusual or extraordinary actions as determined by the county sheriff. Requires each county sheriff to develop and implement an earned time program and schedule for use in his or her county jail in accordance with the expectations and standards of the community in which he or she serves.

Clarifies that persons confined in the county jail, undergoing any sentence in accordance with law, who are engaged in work within or outside the walls of the jail, and who are designated by the sheriff as trusty prisoners, and who conduct themselves in accordance with the rules of the sheriff of the county and perform their work in a creditable manner, upon approval of the sheriff, to be granted such good time as the sheriff may order, not to exceed 10 days in any 30-day period, rather than each calendar month.

Entitles a person who is confined pending a parole revocation hearing to credit for the entire period of such confinement against any period of reincarceration imposed in the parole revocation proceeding. Requires the department of corrections to deduct the period of confinement from the period of reincarceration.

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

2 **SECTION 1.** 17-26-109, Colorado Revised Statutes, is amended
3 to read:

4 **17-26-109. Deductions of time - good time - earned time.**

5 (1) Every person who is sentenced to and imprisoned in any county jail
6 of this state or SENTENCED to pay a fine and costs or either or all thereof
7 and who performs faithfully the duties assigned to him OR HER during his
8 OR HER imprisonment therein is entitled to a deduction from the time of
9 his OR HER sentence of two days in ~~each month~~ ANY THIRTY-DAY PERIOD.
10 If any such person escapes or attempts to escape from the county jail, he
11 OR SHE shall forfeit all deduction from the time of his OR HER sentence
12 which he OR SHE may have been entitled to up to the time of the escape
13 or attempt at escape, as provided for in this section.

14 (2) A PERSON WHO IS SENTENCED TO AND IMPRISONED IN ANY

1 COUNTY JAIL OF THIS STATE OR SENTENCED TO PAY A FINE AND COSTS OR
2 EITHER OR ALL THEREOF MAY BE AWARDED EARNED TIME OF UP TO THREE
3 DAYS IN ANY THIRTY-DAY PERIOD AT THE DISCRETION OF THE COUNTY
4 SHERIFF FOR THE SUCCESSFUL COMPLETION OF CERTAIN DESIGNATED
5 PROGRAMS OR EDUCATIONAL ACTIVITIES, FOR OUTSTANDING PROGRESS IN
6 ANY ASSIGNED PROGRAM OR ACTIVITY, OR FOR UNUSUAL OR
7 EXTRAORDINARY ACTIONS AS DETERMINED BY THE COUNTY SHERIFF.
8 EACH COUNTY SHERIFF SHALL DEVELOP AND IMPLEMENT AN EARNED TIME
9 PROGRAM AND SCHEDULE FOR USE IN HIS OR HER COUNTY JAIL IN
10 ACCORDANCE WITH THE EXPECTATIONS AND STANDARDS OF THE
11 COMMUNITY IN WHICH HE OR SHE SERVES. EARNED TIME SHALL BE IN
12 ADDITION TO GOOD TIME AS ALLOWED IN SUBSECTION (1) OF THIS SECTION
13 AND SECTION 17-26-115.

14 **SECTION 2.** 17-26-115, Colorado Revised Statutes, is amended
15 to read:

16 **17-26-115. Trusty prisoners - good time.** Persons confined in
17 the county jail, undergoing any sentence in accordance with law, who are
18 engaged in work within or outside the walls of the jail, and who are
19 designated by the sheriff as trusty prisoners, and who conduct themselves
20 in accordance with the rules of the sheriff of the county and perform their
21 work in a creditable manner, upon approval of the sheriff, may be granted
22 such good time, in addition to that allowed in section 17-26-109, as the
23 sheriff may order, not to exceed ten days in any ~~one calendar month~~
24 THIRTY-DAY PERIOD.

25 **SECTION 3.** 18-1.3-405, Colorado Revised Statutes, is amended
26 to read:

27 **18-1.3-405. Credit for presentence confinement.** A person who

1 is confined for an offense prior to the imposition of sentence for said
2 offense is entitled to credit against the term of his or her sentence for the
3 entire period of such confinement. At the time of sentencing, the court
4 shall make a finding of the amount of presentence confinement to which
5 the offender is entitled and shall include such finding in the mittimus.
6 ~~Such~~ THE period of confinement shall be deducted from the sentence by
7 the department of corrections. A PERSON WHO IS CONFINED PENDING A
8 PAROLE REVOCATION HEARING IS ENTITLED TO CREDIT FOR THE ENTIRE
9 PERIOD OF SUCH CONFINEMENT AGAINST ANY PERIOD OF
10 REINCARCERATION IMPOSED IN THE PAROLE REVOCATION PROCEEDING.
11 THE PERIOD OF CONFINEMENT SHALL BE DEDUCTED FROM THE PERIOD OF
12 REINCARCERATION BY THE DEPARTMENT OF CORRECTIONS. If a defendant
13 is serving a sentence or is on parole for a previous offense when he or she
14 commits a new offense and he or she continues to serve the sentence for
15 the previous offense while charges on the new offense are pending, the
16 credit given for presentence confinement under this section shall be
17 granted against the sentence the defendant is currently serving for the
18 previous offense and shall not be granted against the sentence for the new
19 offense.

20 **SECTION 4. Act subject to petition - effective date.** This act
21 shall take effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly that is
23 allowed for submitting a referendum petition pursuant to article V,
24 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
25 sine die is on May 6, 2009); except that, if a referendum petition is filed
26 against this act or an item, section, or part of this act within such period,
27 then the act, item, section, or part, if approved by the people, shall take

- 1 effect on the date of the official declaration of the vote thereon by
- 2 proclamation of the governor.