



## Commission on Criminal and Juvenile Justice Legislative Fact Sheet

Regarding HB 1213 - Concerning the penalty for a person who escapes from a place of confinement other than a county jail or correctional facility

Sponsors: Representative Fields /Senator King, S.  
February, 2012

### BILL SUMMARY

**Remove “walkaway” escapes as crimes eligible for habitual criminal sentencing.**

### DISCUSSION

#### **What is the problem?**

Colorado’s escape statute fails to differentiate between an inmate who escapes from a confined, secured facility (e.g., county jail or state prison) versus an offender who ‘walks away’ from a non-secure correctional facility (e.g., a community corrections facility or halfway house). With no statutory distinction between a true ‘escape’ and a ‘walkaway’, the habitual criminal statute is applied equally to both situations. Under the current habitual criminal statute, an offender may face a sentence multiplier for an escape regardless of whether it is a true ‘escape’ or a ‘walkaway’.

#### **What does the data, information, research tell us?**

On average, three individuals per year escape from a secure DOC facility.<sup>1</sup> Nevertheless, over 1,100 individuals annually are convicted of escape for behaviors that range from running from a police car to failing to return on time to a halfway house. This same behavior could normally result in an arrest warrant or a technical violation for those on probation. Hundreds of individuals on parole and in community corrections, however, receive lengthy prison sentences for this same conduct because of their particular criminal justice history.<sup>2</sup>

#### **What is the proposed solution?**

- This proposal would eliminate walkaway offenses from eligibility as either a predicate offense or a presenting offense for purposes of habitual criminal charges.
- This proposal would effectively define a “walkaway” offense as an escape or attempted escape from a place of custody or confinement *other than* a secure

<sup>1</sup> For more information, please see pages 49-50 of the DOC’s *Statistical Report: Fiscal Year 2010*, available at <http://www.doc.state.co.us/opa-publications/132>. Of the three escapes from DOC in 2010, one occurred while the inmate was out to court.

<sup>2</sup> For more information, please see page 160 of the Commission’s 2008 annual report, Appendix I, “Escape: Mandatory Consecutive Sentences” a position paper prepared by the Post-Incarceration Supervision Reentry Task Force, available at <http://cdpsweb.state.co.us/cccj/PDF/2008%20Recommendations/12-18-2008%20FINAL%20CCJ%20Report.pdf>.

Department of Corrections (DOC) facility, jail facility or transport while under confined supervision.

- Walkaways could still be charged with escape. This proposal would, however, remove this particular type of escape from eligibility for the sentence multiplier.
- Escape from a county jail or a DOC facility would still be habitual-eligible as either a present offense or a predicate offense.

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The Colorado Commission on Criminal and Juvenile Justice is a multidisciplinary 26-member entity that was established in 2007 by C.R.S. 16-11.3-101 to improve "the effective administration of justice" by undertaking a comprehensive examination of the criminal and juvenile justice systems and making recommendations for reform. For more information about the Commission and its activities, please see the Commission's website at [www.cdps.state.co.us/ccjj](http://www.cdps.state.co.us/ccjj).

To speak to a Commissioner about this bill, please call Jeanne Smith, Director, Colorado Division of Criminal Justice at 303-239-4451.

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