

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0399.01 Brita Darling

**SENATE BILL 10-130**

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**SENATE SPONSORSHIP**

**Kester,**

**HOUSE SPONSORSHIP**

**McCann,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ALLOCATION OF POWERS WITHIN THE DEPARTMENT**  
102 **OF CORRECTIONS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill clarifies that the executive director of the department of corrections (DOC), and not the director of the division of adult parole within the DOC, shall supervise and control the state's correctional facilities and that the DOC, and not the division of adult parole within the DOC, shall exercise the powers, duties, and functions of the former

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.*

department of institutions with respect to honor camps, work release programs, and other adult correctional programs. The bill clarifies that the powers and duties of the executive director of the DOC are contained in specified statutory provisions. Statutory provisions are relocated for clarification and organizational purposes.

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

2           **SECTION 1.** 24-1-128.5 (2) (a), Colorado Revised Statutes, is  
3 amended, and the said 24-1-128.5 is further amended BY THE  
4 ADDITION OF A NEW SUBSECTION, to read:

5           **24-1-128.5. Department of corrections - creation.** (1.5) THE  
6 DEPARTMENT OF CORRECTIONS SHALL SUPERVISE AND CONTROL EACH  
7 CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102, C.R.S. THE  
8 POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF INSTITUTIONS  
9 RELATING TO HONOR CAMPS, WORK RELEASE PROGRAMS, AND OTHER  
10 ADULT CORRECTIONAL PROGRAMS ARE TRANSFERRED BY A **TYPE 2**  
11 TRANSFER TO THE DEPARTMENT OF CORRECTIONS. THE POWERS, DUTIES,  
12 AND FUNCTIONS OF THE DIVISION OF PAROLE IN THE DEPARTMENT OF  
13 INSTITUTIONS ARE TRANSFERRED BY A **TYPE 3** TRANSFER TO THE  
14 DEPARTMENT OF CORRECTIONS, AND THE DIVISION OF PAROLE IN THE  
15 DEPARTMENT OF INSTITUTIONS IS ABOLISHED. THE EXECUTIVE DIRECTOR  
16 OF THE DEPARTMENT OF CORRECTIONS SHALL HAVE THE POWERS AND  
17 DUTIES SPECIFIED IN TITLE 17, C.R.S.

18           (2) The department of corrections shall consist of the following  
19 divisions:

20           (a) The division of adult parole, the head of which shall be the  
21 director of the division of adult parole. The division of adult parole shall  
22 exercise its powers and perform its duties and functions under the  
23 department of corrections as if the same were transferred by a **type 2**

1 transfer. ~~The division of adult parole shall supervise and control each~~  
2 ~~correctional facility, as defined in section 17-1-102, C.R.S., including but~~  
3 ~~not limited to the state penitentiary at Canon City, the Colorado state~~  
4 ~~reformatory at Buena Vista, and the women's correctional institution at~~  
5 ~~Canon City, which are transferred by a **type 2** transfer to the department~~  
6 ~~of corrections and allocated to the division of adult parole. The powers,~~  
7 ~~duties, and functions of the department of institutions relating to honor~~  
8 ~~camp, work release programs, and other adult correctional programs are~~  
9 ~~transferred by a **type 2** transfer to the department of corrections and~~  
10 ~~allocated to the division of adult parole. The powers, duties, and~~  
11 ~~functions of the division of parole in the department of institutions are~~  
12 ~~transferred by a **type 3** transfer to the department of corrections and~~  
13 ~~allocated to the division of adult parole, and the division of parole is~~  
14 ~~abolished.~~

15 SECTION 2. 16-16-102 (1) and (6), Colorado Revised Statutes,  
16 are amended to read:

17 16-16-102. Definitions. As used in this article, unless the context  
18 otherwise requires:

19 (1) "EXECUTIVE director" means the executive director of the  
20 department of corrections.

21 (6) "Superintendent" "WARDEN" means the chief correctional  
22 officer at any A correctional facility.

23 SECTION 3. The introductory portions to 16-16-103 (1) and (2),  
24 16-16-103 (3) (a), the introductory portion to 16-16-103 (3) (b), and  
25 16-16-103 (3) (b) (I) and (4), Colorado Revised Statutes, are amended to  
26 read:

27 16-16-103. Place of confinement - extension of limits. (1) The

1 superintendents WARDENS, with the approval of the EXECUTIVE director,  
2 shall designate one or more facilities which THAT may be physically  
3 separated from the correctional facilities which AND THAT may be used  
4 for the following purposes:

5 (2) The superintendents EXECUTIVE DIRECTOR, in the exercise of  
6 their HIS OR HER discretion, and with the assistance of the director of the  
7 division of adult parole, may extend the limits of confinement of any  
8 inmate in the following instances:

9 (3) (a) Any inmate who is allowed to participate in such paid  
10 employment or in such job training for which a subsistence allowance is  
11 paid in connection with the job training shall pay over to the respective  
12 superintendent or the EXECUTIVE director of the division of adult parole  
13 all moneys received from such THE paid employment or job training;  
14 except that the inmate may retain that part of the moneys so received  
15 which THAT the superintendent or the EXECUTIVE director of the division  
16 of adult services deems necessary for expenses connected with the  
17 employment or job training. These expenses shall include, but not be  
18 limited to, travel expenses, food expenses, clothing, tools, and safety  
19 equipment.

20 (b) The remainder of the moneys shall be disbursed by the  
21 respective superintendent EXECUTIVE DIRECTOR for the following  
22 purposes, in the order stated:

23 (I) To the state treasurer for the reasonable cost of the inmate's  
24 confinement as determined by the respective superintendent EXECUTIVE  
25 DIRECTOR;

26 (4) The extension of the limits of confinement by the  
27 superintendents EXECUTIVE DIRECTOR shall not for any purpose be

1 considered to be parole as provided in part 2 of article 2 or article 22.5 of  
2 title 17, C.R.S.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.