SENATE COMMITTEE OF REFERENCE REPORT

_____   April 27, 2011
Chairman of Committee   Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB11-241   be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1   Amend printed bill, page 2, line 10, after "PROVIDER" insert "WHO IS
2   EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT".

3   Page 3, line 6, strike "PROVIDER," and substitute "PROVIDER WHO IS
4   EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT,".

5   Page 3, line 20, strike "PRISON." and substitute "A DEPARTMENT OF
6   CORRECTIONS FACILITY FOR THE OFFENSE; OR".

7   Page 3, line 22, after "or" insert "WAS CONVICTED OF A CLASS 2 FELONY
8   CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., AND
9   THE OFFENDER HAS SERVED FEWER THAN TEN YEARS IN A DEPARTMENT OF
10 CORRECTIONS FACILITY FOR THE OFFENSE.".

11 Page 4, line 1, strike "(1) (a)" and substitute "(1) (a) (I)".

12 Page 5, after line 8 insert:

13   "(II) EACH MEMBER OF THE PAROLE BOARD WHO IS A MEMBER OF
14 THE BOARD ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II) MAY
15 REAPPLY FOR APPOINTMENT TO THE BOARD AT THE END OF HIS OR HER
16 TERM AND THE GOVERNOR MAY REAPPOINT THE MEMBER REGARDLESS OF
17 WHETHER THE MEMBER MEETS THE QUALIFICATIONS OF THIS PARAGRAPH
18 (a).".

1   Page 5, line 19, after the period add "THE SOLE REMEDY FOR FAILURE TO
2   COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION
3   REQUIREMENTS SHALL BE REMOVAL OF THE BOARD MEMBER BY THE
4   GOVERNOR, AND THE FAILURE TO COMPLY WITH EDUCATION, TRAINING,
5   AND DATA COLLECTION REQUIREMENTS SHALL NOT CREATE ANY RIGHT
6   FOR ANY OFFENDER.".

7   Page 6, line 10, strike "BOARD." and substitute "BOARD BY DECEMBER 31,
8   2012.".

9   Page 9, after line 24 insert:

10   "(d) THE SOLE REMEDY FOR FAILURE TO COMPLY WITH EDUCATION,
11 TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL BE TERMINATION
12 OF THE EMPLOYEE, AND THE FAILURE TO COMPLY WITH EDUCATION,
13 TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL NOT CREATE
14 ANY RIGHT FOR ANY OFFENDER.".

15 Page 10, after line 14 insert:

16   "(d) THE SOLE REMEDY FOR FAILURE TO COMPLY WITH EDUCATION,
17 TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL BE TERMINATION
18 OF THE EMPLOYEE, AND THE FAILURE TO COMPLY WITH EDUCATION,
19 TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL NOT CREATE
20 ANY RIGHT FOR ANY OFFENDER.".

21 Page 12, line 3, strike "STATEMENT," and substitute "STATEMENT OR
22 RESPONSE FROM THE DISTRICT ATTORNEY THAT PROSECUTED THE
23 OFFENDER,".

24 Page 12, line 5, strike "(c)" and substitute "(c) (I)".

25 Page 12, after line 9 insert:

26   "(II) AT THE SAME TIME THAT THE DEPARTMENT COMPLETES THE
27 NOTIFICATION REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (c),
28 THE DEPARTMENT SHALL NOTIFY THE DISTRICT ATTORNEY THAT
29 PROSECUTED THE OFFENDER IF THE OFFENDER IS SERVING A SENTENCE FOR
30 A CONVICTION OF A CRIME OF VIOLENCE AS DESCRIBED IN SECTION
31 18-1.3-406, C.R.S., OR A SEX OFFENSE AS LISTED IN SECTION 18-1.3-1004
32 (4), C.R.S. A DISTRICT ATTORNEY SHALL HAVE THIRTY DAYS AFTER

1   RECEIVING NOTIFICATION TO SUBMIT A RESPONSE TO THE DEPARTMENT.
2   THE DEPARTMENT SHALL INCLUDE ANY DISTRICT ATTORNEY RESPONSE IN
3   THE REFERRAL TO THE STATE BOARD OF PAROLE.".

4   Page 13, strike line 12 and substitute:

5   "(6) THE".

6   Page 13, line 14, strike "THE INMATE" and substitute "ANY OFFENDER".

7   Page 14, line 3, strike "PRESUMPTION" and substitute "PRESUMPTION,
8   SUBJECT TO THE FINAL DISCRETION OF THE PAROLE BOARD,".

9   Page 14, line 11, after "18-12-109, C.R.S.;" insert "SECTION 18-17-104,
10 C.R.S., OR SECTION 18-18-407, C.R.S.;".

11 Page 14, after line 14 insert:

12   "(2) IN DETERMINING WHETHER TO GRANT PAROLE PURSUANT TO
13 PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL
14 CONSIDER THE COST OF INCARCERATION TO THE STATE OF COLORADO IN
15 RELATION TO THE NEEDS OF FURTHER CONFINEMENT OF THE INMATE TO
16 ACHIEVE THE PURPOSE OF THE INMATE'S SENTENCE.".

17 Renumber succeeding subsections accordingly.

18 Page 15, line 8, strike "FOR AN INMATE WHO MEETS THE CRITERIA LISTED
19 IN".

20 Page 15, strike lines 9 and 10.

** *** ** *** **