

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0090.02 Jane Ritter

SENATE BILL 11-176

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SENATE SPONSORSHIP

Carroll,

HOUSE SPONSORSHIP

Levy,

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING APPROPRIATE USE OF RESTRICTIVE CONFINEMENT.

**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 sets forth the requirements to be met before a state inmate, including an offender with a serious mental illness or other significant mental impairment, may be placed in administrative segregation and the requirements for release, including mental health evaluations.

Classification committees are created in each correctional facility and tasked with overseeing classification hearings within the facility. An inmate housed in administrative segregation is ensured time to reintegrate

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.*

into the general correctional population prior to his or her release into the community. Cost savings from the bill are directed to alternatives to administrative segregation.

The warden of each correctional facility in the state is given authority to take such measures as are necessary to restrict the confinement of any person who is a confirmed leader or active member of any security threat group.

An inmate housed in administrative segregation is provided with the opportunity to accrue earned time to be deducted from his or her sentence.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) According to the 2008 department of corrections report,  
5 "Administrative Segregation for Mentally Ill Inmates", over the past  
6 twelve years, placement into administrative segregation has nearly tripled  
7 for state inmates with developmental disabilities or mental health issues.  
8 Currently, thirty-seven percent of state inmates in administrative  
9 segregation have developmental disabilities or mental health needs. In  
10 contrast, in 1999, fifteen percent of state inmates in administrative  
11 segregation had developmental disabilities or mental health needs. This  
12 drastic growth is largely attributed to significant budget cuts targeting  
13 prison services, leaving administrative segregation as the default  
14 placement for many state inmates with developmental disabilities or  
15 mental health needs.

16 (b) According to the department of corrections report, "Analysis  
17 of Colorado's Administrative Segregation", nearly forty-one percent of all  
18 state inmates released from administrative segregation are released  
19 directly into the community either on discretionary parole, mandatory  
20 parole, or as a result of discharging their sentence, in which they are

1 released without any parole supervision. These state inmates are not  
2 given the ability or time to readjust to human interaction through a  
3 transition to the general prison population and thus have very limited  
4 success reintegrating into their communities outside of the prison.

5 (c) According to the department of corrections report, "Analysis  
6 of Colorado's Administrative Segregation", two-thirds of state inmates  
7 who were released directly from administrative segregation to the streets  
8 returned to prison within three years, while state inmates who made a  
9 transition from administrative segregation into the general prison  
10 populations before reentry into the community experienced a six-percent  
11 reduction in their comparative recidivism rate for the same time period.

12 **SECTION 2.** Part 1 of article 1 of title 17, Colorado Revised  
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
14 read:

15 **17-1-113.9. Use of administrative segregation for state**  
16 **inmates, including offenders with serious mental illness or other**  
17 **significant mental impairment - classification committee - definitions.**

18 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
19 REQUIRES:

20 (a) "ADMINISTRATIVE SEGREGATION" MEANS A CUSTODY LEVEL  
21 ASSIGNED TO A STATE INMATE WHEREIN THE STATE INMATE IS ISOLATED  
22 FROM THE GENERAL CORRECTIONAL POPULATION AND HOUSED IN AN  
23 ENVIRONMENT CHARACTERIZED BY SINGLE-CELL CONFINEMENT AND  
24 SEVERELY RESTRICTED OUT-OF-CELL ACTIVITIES.

25 (b) "COMMITTEE" MEANS A CLASSIFICATION COMMITTEE  
26 ESTABLISHED PURSUANT TO SUBSECTION (8) OF THIS SECTION.

27 (c) "OFFENDER WITH SERIOUS MENTAL ILLNESS OR OTHER

1 SIGNIFICANT MENTAL IMPAIRMENT" MEANS A STATE INMATE UNDER THE  
2 JURISDICTION OF THE DEPARTMENT WHO:

3 (I) HAS BEEN DIAGNOSED USING VALIDATED ASSESSMENT  
4 INSTRUMENTS OR DIAGNOSTIC TESTS AS A PERSON AS HAVING A  
5 DEVELOPMENTAL DISABILITY OR ORGANIC BRAIN DISORDER AND WHO HAS  
6 BEEN ASSESSED TO BE IN NEED OF SERVICES RELATED TO HIS OR HER  
7 DEVELOPMENTAL DISABILITY OR DISORDER; OR

8 (II) HAS BEEN DIAGNOSED USING VALIDATED MENTAL HEALTH  
9 ASSESSMENT INSTRUMENTS OR DIAGNOSTIC TESTS OR THROUGH AN  
10 INTERVIEW WITH A LICENSED MENTAL HEALTH CLINICIAN AS BEING IN  
11 MODERATE TO SEVERE NEED OF MENTAL HEALTH SERVICES AS A RESULT  
12 OF A SERIOUS MENTAL ILLNESS, INCLUDING BUT NOT LIMITED TO BIPOLAR  
13 MOOD DISORDERS, MAJOR DEPRESSIVE DISORDER, DEPRESSIVE DISORDER  
14 NOT OTHERWISE SPECIFIED, PARANOID OR DELUSIONAL DISORDERS,  
15 SCHIZOPHRENIC DISORDERS, SCHIZOPHRENIFORM DISORDER, REACTIVE  
16 PSYCHOSIS, AND DISSOCIATIVE IDENTITY DISORDERS. A STATE INMATE  
17 WHO IS FOUND THROUGH AN INTERVIEW WITH A LICENSED MENTAL  
18 HEALTH CLINICIAN TO BE ACTIVELY SUICIDAL OR HAS ENGAGED IN A  
19 RECENT SERIOUS SUICIDE ATTEMPT IS CONSIDERED AN OFFENDER WITH  
20 SERIOUS MENTAL ILLNESS OR OTHER SIGNIFICANT MENTAL IMPAIRMENT  
21 FOR THE PURPOSES OF THIS SECTION.

22 (2) (a) ADMINISTRATIVE SEGREGATION IS THE MOST RESTRICTIVE  
23 CUSTODY LEVEL IMPOSED UPON A STATE INMATE, AND THE IMPOSITION OF  
24 ADMINISTRATIVE SEGREGATION SHALL REQUIRE A SPECIFIC  
25 CLASSIFICATION HEARING AND A WRITTEN DECISION BY THE COMMITTEE.

26 (b) PRIOR TO BEING PLACED OR HOUSED IN ADMINISTRATIVE  
27 SEGREGATION, AN OFFENDER WITH SERIOUS MENTAL ILLNESS OR OTHER

1 SIGNIFICANT MENTAL IMPAIRMENT SHALL BE EVALUATED BY A LICENSED  
2 MENTAL HEALTH CLINICIAN AND BE REVIEWED BY THE CLINICIAN'S  
3 SUPERVISOR. AN OFFENDER WITH SERIOUS MENTAL ILLNESS OR OTHER  
4 SIGNIFICANT MENTAL IMPAIRMENT SHALL BE PLACED IN ADMINISTRATIVE  
5 SEGREGATION ONLY IF THE CRITERIA OUTLINED IN THIS SUBSECTION (2)  
6 AND SUBSECTION (3) OF THIS SECTION ARE MET.

7 (c) MENTAL HEALTH EVALUATIONS SHALL BE CONDUCTED IN  
8 PERSON IN A PRIVATE AND SAFE ENVIRONMENT AND SHALL NOT BE  
9 CONDUCTED AT CELL-FRONT.

10 (d) CONFINEMENT OF A STATE INMATE IN ADMINISTRATIVE  
11 SEGREGATION SHALL BE PERMISSIBLE ONLY IF THE STATE INMATE POSES  
12 AN IMMEDIATE AND SIGNIFICANT RISK OF HARM TO OTHERS OR THE  
13 SECURITY OF THE INSTITUTION AND ALL OTHER LESS-RESTRICTIVE OPTIONS  
14 HAVE BEEN EXHAUSTED.

15 (3) (a) PRIOR TO PLACEMENT OF AN OFFENDER WITH SERIOUS  
16 MENTAL ILLNESS OR OTHER SIGNIFICANT MENTAL IMPAIRMENT IN  
17 ADMINISTRATIVE SEGREGATION, A LICENSED MENTAL HEALTH CLINICIAN  
18 SHALL INDEPENDENTLY EVALUATE SAID OFFENDER AND REVIEW HIS OR  
19 HER MENTAL HEALTH RECORDS TO DETERMINE WHETHER:

20 (I) PLACEMENT IN ADMINISTRATIVE SEGREGATION WOULD  
21 EXACERBATE HIS OR HER MENTAL ILLNESS OR IMPAIRMENT;

22 (II) PLACEMENT IN ADMINISTRATIVE SEGREGATION WOULD  
23 NEGATIVELY AFFECT HIS OR HER EMOTIONAL OR MENTAL STABILITY OR  
24 FUNCTIONALITY; AND

25 (III) THERAPEUTIC OPTIONS ARE BEING FULLY UTILIZED TO TREAT  
26 THE OFFENDER WITH SERIOUS MENTAL ILLNESS OR OTHER SIGNIFICANT  
27 MENTAL IMPAIRMENT OR THAT TREATMENTS HAVE BEEN DECLINED BY THE

1 OFFENDER.

2 (b) (I) FOR EACH OFFENDER WITH SERIOUS MENTAL ILLNESS OR  
3 OTHER SIGNIFICANT MENTAL IMPAIRMENT EVALUATED PURSUANT TO  
4 PARAGRAPH (a) OF THIS SUBSECTION (3), THE LICENSED MENTAL HEALTH  
5 CLINICIAN SHALL PRODUCE A WRITTEN REPORT DETAILING THE FACTUAL  
6 FINDINGS RELATING TO PARAGRAPH (a) OF THIS SUBSECTION (3).

7 (II) IF THE LICENSED MENTAL HEALTH CLINICIAN DETERMINES  
8 THAT PLACEMENT IN ADMINISTRATIVE SEGREGATION WOULD EXACERBATE  
9 THE OFFENDER'S MENTAL ILLNESS OR IMPAIRMENT, OR WOULD  
10 NEGATIVELY AFFECT HIS OR HER EMOTIONAL OR MENTAL STABILITY OR  
11 FUNCTIONALITY, OR THAT THERAPEUTIC OPTIONS HAVE NOT BEEN FULLY  
12 UTILIZED TO TREAT THE OFFENDER WITH SERIOUS MENTAL ILLNESS OR  
13 OTHER SIGNIFICANT MENTAL IMPAIRMENT, HE OR SHE SHALL NOT BE  
14 PLACED IN ADMINISTRATIVE SEGREGATION.

15 (III) IF THE LICENSED MENTAL HEALTH CLINICIAN DETERMINES  
16 THAT PLACEMENT IN ADMINISTRATIVE SEGREGATION WOULD NOT  
17 EXACERBATE THE OFFENDER'S MENTAL ILLNESS OR IMPAIRMENT, AND  
18 WOULD NOT NEGATIVELY AFFECT HIS OR HER EMOTIONAL OR MENTAL  
19 STABILITY OR FUNCTIONALITY AND RECOMMENDS PLACEMENT IN  
20 ADMINISTRATIVE SEGREGATION, THE LICENSED MENTAL HEALTH  
21 CLINICIAN'S SUPERVISOR SHALL REVIEW THE REPORT AND SHALL HAVE THE  
22 AUTHORITY TO OVERRULE THE RECOMMENDATION FOR PLACEMENT IN  
23 ADMINISTRATIVE SEGREGATION.

24 (c) (I) THE DEPARTMENT SHALL NOT PLACE A STATE INMATE IN  
25 ADMINISTRATIVE SEGREGATION FOR A PERIOD LONGER THAN THIRTY  
26 CONTINUOUS DAYS, AND ALL STATE INMATES PLACED IN ADMINISTRATIVE  
27 SEGREGATION SHALL RECEIVE A MENTAL HEALTH EVALUATION WITHIN

1 THIRTY DAYS AFTER INITIAL PLACEMENT IN ADMINISTRATIVE  
2 SEGREGATION.

3 (II) THE DEPARTMENT MAY RETAIN A STATE INMATE IN  
4 ADMINISTRATIVE SEGREGATION FOR ONE OR MORE SUCCESSIVE  
5 THIRTY-DAY PERIODS, BUT THE DEPARTMENT MAY ONLY RETAIN A STATE  
6 INMATE IN ADMINISTRATIVE SEGREGATION FOR SUCCESSIVE THIRTY-DAY  
7 PERIODS IF:

8 (A) FOR A STATE INMATE WHO IS AN OFFENDER WITH A SERIOUS  
9 MENTAL ILLNESS OR OTHER SIGNIFICANT MENTAL IMPAIRMENT, A  
10 LICENSED MENTAL HEALTH CLINICIAN AND THE DEPARTMENT'S CHIEF OF  
11 MENTAL HEALTH CONDUCT ANOTHER EVALUATION AND MAKE THE  
12 DETERMINATIONS REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (3) AT  
13 THE END OF EACH THIRTY-DAY PERIOD, UNLESS SIGNS OF  
14 DECOMPENSATION ARISE SOONER; OR

15 (B) FOR ALL OTHER STATE INMATES, A LICENSED MENTAL HEALTH  
16 CLINICIAN CONDUCTS ANOTHER EVALUATION REQUIRED PURSUANT TO  
17 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) AT THE END OF EACH  
18 THIRTY-DAY PERIOD.

19 (d) THE MENTAL HEALTH EVALUATION DESCRIBED IN  
20 SUBPARAGRAPH (I) OF PARAGRAPH (c) OF THIS SUBSECTION (3) SHALL BE  
21 CONFIDENTIAL AND CONDUCTED IN PERSON BY A LICENSED MENTAL  
22 HEALTH CLINICIAN AND SHALL INCLUDE:

23 (I) AN ASSESSMENT OF THE STATE INMATE'S CURRENT MENTAL  
24 STATUS AND CONDITION;

25 (II) AN ASSESSMENT OF THE STATE INMATE'S CURRENT RISK OF  
26 SUICIDE OR OTHER SELF-HARMING BEHAVIOR; AND

27 (III) A REVIEW OF ALL AVAILABLE MENTAL HEALTH RECORDS

1 PERTAINING TO THE STATE INMATE.

2 (e) A STATE INMATE WHO IS DETERMINED, THROUGH A LICENSED  
3 MENTAL HEALTH CLINICIAN'S EVALUATION CONDUCTED PURSUANT TO  
4 PARAGRAPH (c) OF THIS SUBSECTION (3), TO HAVE EXPERIENCED MENTAL  
5 HEALTH DECOMPENSATION DURING PLACEMENT IN ADMINISTRATIVE  
6 SEGREGATION SHALL BE REMOVED FROM ADMINISTRATIVE SEGREGATION  
7 NO LATER THAN FORTY-EIGHT HOURS AFTER SUCH DETERMINATION.

8 (f) THE DEPARTMENT SHALL ENSURE THAT CUSTODY AND CASE  
9 MANAGEMENT STAFF EMPLOYED IN ADMINISTRATIVE SEGREGATION  
10 RECEIVE TRAINING ON RECOGNIZING SIGNS OF MENTAL ILLNESS OR  
11 DECOMPENSATION AND ON THE PROPER MANAGEMENT OF OFFENDERS  
12 WITH SERIOUS MENTAL ILLNESS OR OTHER SIGNIFICANT MENTAL  
13 IMPAIRMENT.

14 (g) A STATE INMATE PLACED OR HOUSED IN ADMINISTRATIVE  
15 SEGREGATION SHALL NOT BE DEPRIVED OF LIGHT, VENTILATION, REGULAR  
16 MEALS, MEDICAL AND MENTAL HEALTH CARE, PERSONAL HYGIENE,  
17 SHOWERS, MAIL, RELIGIOUS OBSERVANCE, READING MATERIALS, REGULAR  
18 EXERCISE, OR VISITATION.

19 (4) (a) THE DEPARTMENT SHALL NOT PLACE OR HOUSE IN  
20 ADMINISTRATIVE SEGREGATION A STATE INMATE WHO IS WITHIN SIX  
21 MONTHS OF HIS OR HER MANDATORY RELEASE DATE, PAROLE RELEASE  
22 DATE, OR STATUTORY RELEASE DATE UNLESS THE EXECUTIVE DIRECTOR,  
23 OR HIS OR HER DESIGNEE, CERTIFIES IN WRITING, BASED ON A  
24 PREPONDERANCE OF THE EVIDENCE, THAT THE PRESENCE OF THE STATE  
25 INMATE IN THE GENERAL CORRECTIONAL POPULATION WOULD POSE A  
26 GRAVE RISK OF HARM TO OTHERS OR THE SECURITY OF THE INSTITUTION  
27 AND ALL OTHER LESS-RESTRICTIVE OPTIONS HAVE BEEN EXHAUSTED. THE



1 DEPARTMENT SHALL REPORT ANNUALLY TO THE JUDICIARY COMMITTEES  
2 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR  
3 COMMITTEES, ON THE CERTIFICATIONS MADE PURSUANT TO THIS  
4 SUBSECTION (4).

5 (b) IF THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE,  
6 DETERMINES, PURSUANT TO THE PROCEDURE SET FORTH IN PARAGRAPH (a)  
7 OF THIS SUBSECTION (4), THAT A STATE INMATE, WITHIN SIX MONTHS OF  
8 HIS OR HER MANDATORY RELEASE DATE, PAROLE RELEASE DATE, OR  
9 STATUTORY RELEASE DATE SHALL BE PLACED OR HOUSED IN  
10 ADMINISTRATIVE SEGREGATION, THE EXECUTIVE DIRECTOR, OR HIS OR HER  
11 DESIGNEE, SHALL PROVIDE, WITHIN SEVENTY-TWO HOURS AFTER MAKING  
12 THE DETERMINATION, THE REASONS FOR HIS OR HER DETERMINATION IN  
13 WRITING TO THE STATE INMATE.

14 (5) (a) EXCEPT AS PROVIDED FOR IN PARAGRAPH (b) OF THIS  
15 SUBSECTION (5), THE DEPARTMENT SHALL NOT PLACE OR HOUSE A STATE  
16 INMATE IN ADMINISTRATIVE SEGREGATION SOLELY BECAUSE HE OR SHE  
17 NEEDS PROTECTIVE CUSTODY. A STATE INMATE NEEDING PROTECTION  
18 SHALL BE HOUSED AND ACCORDED PRIVILEGES CONSISTENT WITH HIS OR  
19 HER CUSTODY LEVEL.

20 (b) A STATE INMATE MAY REQUEST PLACEMENT IN  
21 ADMINISTRATIVE SEGREGATION. THE REQUEST MAY BE GRANTED ONLY BY  
22 THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, UNDER EXCEPTIONAL  
23 CIRCUMSTANCES, AND THE EXECUTIVE DIRECTOR, OR HIS OR HER  
24 DESIGNEE, SHALL EXPLAIN IN WRITING THE REASONS FOR GRANTING OR  
25 DENYING THE REQUEST. A STATE INMATE WHO IS HOUSED IN  
26 ADMINISTRATIVE SEGREGATION BASED SOLELY ON HIS OR HER REQUEST  
27 MAY REQUEST, AND SHALL BE GRANTED, RELEASE FROM ADMINISTRATIVE

1 SEGREGATION AT ANY TIME. THE DEPARTMENT SHALL REPORT ANNUALLY  
2 TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND  
3 THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON THE REQUESTS MADE  
4 PURSUANT TO THIS PARAGRAPH (b).

5 (6) THE PROVISIONS OF THIS SECTION APPLY TO A STATE INMATE  
6 PLACED OR HOUSED IN ADMINISTRATIVE SEGREGATION ON OR AFTER THE  
7 EFFECTIVE DATE OF THIS SECTION OR A STATE INMATE WHO IS HOUSED IN  
8 ADMINISTRATIVE SEGREGATION AT THE TIME THIS SECTION TAKES EFFECT.

9 (7) ANY COST SAVINGS ACHIEVED AS A RESULT OF THE  
10 IMPLEMENTATION OF THIS SECTION AND SECTION 17-1-109 (2) SHALL BE  
11 REDIRECTED TO THE DEPARTMENT TO SUPPORT BEHAVIOR-MODIFICATION  
12 PROGRAMS, INCENTIVE PROGRAMS, MENTAL HEALTH SERVICES OR  
13 PROGRAMS, OR SIMILAR EFFORTS DESIGNED AS VIABLE ALTERNATIVES TO  
14 ADMINISTRATIVE SEGREGATION.

15 (8) EACH STATE CORRECTIONAL FACILITY SHALL ESTABLISH A  
16 CLASSIFICATION COMMITTEE TO BE RESPONSIBLE FOR ALL CLASSIFICATION  
17 PROCEEDINGS WITHIN THE FACILITY. THE COMMITTEE SHALL INCLUDE THE  
18 ADMINISTRATIVE HEAD OF THE FACILITY, OR HIS OR HER DESIGNEE, A CASE  
19 MANAGER SUPERVISOR, THE CUSTODY MANAGER OR HIS OR HER DESIGNEE,  
20 THE INTELLIGENCE OFFICER, A LICENSED MENTAL HEALTH CLINICIAN, AND  
21 THE CASE MANAGER FOR ASSIGNMENTS THAT ARE SECURITY-SENSITIVE TO  
22 THE FACILITY AND THE PUBLIC. IN A FACILITY WHERE A COMMITTEE IS NOT  
23 FEASIBLE, A CLASSIFICATION OFFICER SHALL, WITH THE APPROVAL OF THE  
24 ADMINISTRATIVE HEAD OF THE FACILITY, ACT AS THE COMMITTEE. THE  
25 CHAIR OF THE COMMITTEE SHALL BE A FULL-TIME EMPLOYEE OF THE  
26 DEPARTMENT AT OR ABOVE THE LEVEL OF CORRECTIONAL OFFICER III.

27 (9) (a) ON OR BEFORE NOVEMBER 1, 2011, THE EXECUTIVE

1 DIRECTOR, OR HIS OR HER DESIGNEE, SHALL REVIEW THE STATUS OF EACH  
2 STATE INMATE HOUSED IN ADMINISTRATIVE SEGREGATION TO DETERMINE  
3 WHETHER A STATE INMATE CURRENTLY HOUSED IN ADMINISTRATIVE  
4 SEGREGATION SHOULD REMAIN IN THAT UNIT UNDER THE TERMS OF THIS  
5 SECTION AND TO ENSURE THAT A STATE INMATE HOUSED IN  
6 ADMINISTRATIVE SEGREGATION FOR MORE THAN THIRTY DAYS RECEIVES  
7 A MENTAL HEALTH EVALUATION AS PROVIDED FOR IN SUBSECTION (3) OF  
8 THIS SECTION.

9 (b) ON OR BEFORE JANUARY 1, 2012, THE EXECUTIVE DIRECTOR  
10 SHALL PROVIDE A WRITTEN REPORT OF THE RESULTS OF THE REVIEW  
11 CONDUCTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9) TO THE  
12 JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES,  
13 OR ANY SUCCESSOR COMMITTEES.

14 **SECTION 3.** 17-1-109 (2), Colorado Revised Statutes, is  
15 amended to read:

16 **17-1-109. Duties and functions of the warden.** (2) (a) The  
17 warden of each correctional facility should, wherever possible, take such  
18 measures as are reasonably necessary to restrict the confinement of any  
19 person ~~with known past or current affiliations or associations with any~~  
20 ~~security threat group~~ WHO FUNCTIONS AS AN ACTIVE MEMBER INVOLVED  
21 IN DISRUPTIVE SECURITY THREAT GROUP BEHAVIOR, as defined in  
22 paragraph (b) of this subsection (2), so as to prevent contact with other  
23 inmates at such facility. The warden should, wherever possible, also take  
24 such measures as are reasonably necessary to prevent recruitment of new  
25 security threat group members from among the general inmate population.  
26 ASSOCIATION WITH AN INMATE GANG OR SECURITY THREAT GROUP ALONE  
27 SHALL NOT BE SUFFICIENT TO MEET THE REQUIREMENTS OF THIS

1 PARAGRAPH (a).

2 (b) For the purposes of this subsection (2), unless the context  
3 otherwise requires, "security threat group" means a group of three or more  
4 individuals ~~with a common interest, bond, or activity characterized by~~  
5 ~~criminal or delinquent conduct engaged in either collectively or~~  
6 ~~individually~~ ACTING IN CONCERT IN AN ACTIVITY THAT IS CHARACTERIZED  
7 BY CRIMINAL CONDUCT OR CONDUCT THAT VIOLATES THE DEPARTMENT'S  
8 CODE OF PENAL DISCIPLINE FOR THE PURPOSE OF DISRUPTING PRISON  
9 OPERATIONS, RECRUITING NEW MEMBERS, DAMAGING PROPERTY, OR  
10 INFLECTING OR THREATENING TO INFLECT HARM TO EMPLOYEES, CONTRACT  
11 WORKERS, VOLUNTEERS, OR OTHER STATE INMATES.

12 **SECTION 4.** 17-22.5-302, Colorado Revised Statutes, is  
13 amended BY THE ADDITION OF A NEW SUBSECTION to read:

14 **17-22.5-302. Earned time.** (1.3) NOTWITHSTANDING THE  
15 PROVISIONS OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, AFTER  
16 THE FIRST THIRTY DAYS IN ADMINISTRATIVE SEGREGATION, A STATE  
17 INMATE IN ADMINISTRATIVE SEGREGATION SHALL RECEIVE EARNED TIME  
18 IF HE OR SHE MEETS THE CRITERIA REQUIRED BY THIS SECTION AND  
19 SECTION 17-22.5-405.

20 **SECTION 5.** 17-22.5-405, Colorado Revised Statutes, is  
21 amended BY THE ADDITION OF A NEW SUBSECTION to read:

22 **17-22.5-405. Earned time - earned release time.**  
23 (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
24 CONTRARY, AFTER THE FIRST THIRTY DAYS IN ADMINISTRATIVE  
25 SEGREGATION, A STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL  
26 RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA REQUIRED BY  
27 THIS SECTION AND SECTION 17-22.5-302.

1           **SECTION 6. Effective date - applicability.** This act shall take  
2 effect July 1, 2011, and shall apply to an offender placed or housed in  
3 administrative segregation on or after July 1, 2011, or an offender who is  
4 housed in administrative segregation at the time this act takes effect.

5           **SECTION 7. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.