

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 26, 2011
Date

Committee on Judiciary.

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

SB11-176 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. Part 1 of article 1 of title 17, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6 **17-1-113.9. Use of administrative segregation for state inmates**
7 **- reporting.** (1) ON OR BEFORE JANUARY 1, 2012, AND EACH JANUARY
8 1 THEREAFTER, THE EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN
9 REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF
10 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE
11 STATUS OF ADMINISTRATIVE SEGREGATION; RECLASSIFICATION EFFORTS
12 FOR OFFENDERS WITH MENTAL ILLNESSES OR DEVELOPMENTAL
13 DISABILITIES, INCLUDING DURATION OF STAY, REASON FOR PLACEMENT,
14 AND NUMBER AND PERCENTAGE DISCHARGED; AND ANY INTERNAL REFORM
15 EFFORTS SINCE JULY 1, 2011.

16 (2) ANY COST SAVINGS ACHIEVED AS A RESULT OF THE
17 IMPLEMENTATION OF SECTION 17-1-109(2) SHALL BE APPROPRIATED AND
18 REDIRECTED TO THE DEPARTMENT TO SUPPORT BEHAVIOR-MODIFICATION
19 PROGRAMS, INCENTIVE PROGRAMS, MENTAL HEALTH SERVICES OR
20 PROGRAMS, OR SIMILAR EFFORTS DESIGNED AS VIABLE ALTERNATIVES TO
21 ADMINISTRATIVE SEGREGATION.

22 **SECTION 2.** 17-1-109 (2), Colorado Revised Statutes, is
23 amended to read:

1 **17-1-109. Duties and functions of the warden.** (2) (a) The
2 warden of each correctional facility should, wherever possible, take such
3 measures as are reasonably necessary to restrict the confinement of any
4 person ~~with known past or current affiliations or associations with any~~
5 ~~security threat group~~ WHO ACTIVELY PARTICIPATES IN DISRUPTIVE
6 SECURITY-THREAT GROUP BEHAVIOR, as defined in paragraph (b) of this
7 subsection (2), so as to prevent contact with other inmates at such facility.
8 The warden should, wherever possible, also take such measures as are
9 reasonably necessary to prevent recruitment of new security-threat group
10 members from among the general inmate population. ASSOCIATION WITH
11 AN INMATE GANG OR SECURITY-THREAT GROUP ALONE SHALL NOT BE
12 SUFFICIENT TO MEET THE REQUIREMENTS OF THIS PARAGRAPH (a).

13 (b) For the purposes of this subsection (2), unless the context
14 otherwise requires, "security-threat group" means a group of three or
15 more individuals ~~with a common interest, bond, or activity characterized~~
16 ~~by criminal or delinquent conduct engaged in either collectively or~~
17 ~~individually~~ ACTING IN CONCERT OR INDIVIDUALLY IN AN ACTIVITY THAT
18 IS CHARACTERIZED BY CRIMINAL CONDUCT OR CONDUCT THAT VIOLATES
19 THE DEPARTMENT'S CODE OF PENAL DISCIPLINE FOR THE PURPOSE OF
20 DISRUPTING PRISON OPERATIONS, RECRUITING NEW MEMBERS, DAMAGING
21 PROPERTY, OR INFLICTING OR THREATENING TO INFLICT HARM TO
22 EMPLOYEES, CONTRACT WORKERS, VOLUNTEERS, OR OTHER STATE
23 INMATES.

24 **SECTION 3.** 17-22.5-302, Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW SUBSECTION to read:

26 **17-22.5-302. Earned time.** (1.3) NOTWITHSTANDING THE
27 PROVISIONS OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, AFTER
28 HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE SEGREGATION, A
29 STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL BE ELIGIBLE TO
30 RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA REQUIRED BY
31 THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY THE
32 DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM
33 AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND
34 PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN
35 ADMINISTRATIVE SEGREGATION.

36 **SECTION 4.** 17-22.5-405, Colorado Revised Statutes, is
37 amended BY THE ADDITION OF A NEW SUBSECTION to read:

38 **17-22.5-405. Earned time - earned release time.**
39 (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
40 CONTRARY, AFTER HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE
41 SEGREGATION, A STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL

1 BE ELIGIBLE TO RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA
2 REQUIRED BY THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY
3 THE DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM
4 AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND
5 PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN
6 ADMINISTRATIVE SEGREGATION.

7 **SECTION 5. Effective date - applicability.** This act shall take
8 effect July 1, 2011, and shall apply to an offender placed in administrative
9 segregation on or after July 1, 2011, or an offender who is housed in
10 administrative segregation at the time this act takes effect.

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

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