

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 11-0018.01 Brita Darling

HOUSE BILL 11-1085

HOUSE SPONSORSHIP

Schafer S.,

SENATE SPONSORSHIP

Jahn,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REFERRAL OF OFFENDERS TO COMMUNITY**
102 **CORRECTIONS.**

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 the timeline for the department of correction's initial referral of an offender for placement in community corrections prior to the offender's parole eligibility date.

For an offender who is serving a sentence for a crime of violence and who has been refused parole, the bill limits the discretion of the

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.*

executive director of the department of corrections to refer the offender for placement in a community corrections program to no more than 12 months before the offender's second or any subsequent parole hearing date.

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

2 **SECTION 1.** 18-1.3-301 (2) (b), Colorado Revised Statutes, is
3 amended, and the said 18-1.3-301 (2) is further amended BY THE
4 ADDITION OF A NEW PARAGRAPH, to read:

5 **18-1.3-301. Authority to place offenders in community**
6 **corrections programs.** (2) (b) Unless the offender has an active felony
7 warrant or detainer or has refused community placement, the executive
8 director of the department of corrections shall refer AN OFFENDER WHO
9 HAS DISPLAYED ACCEPTABLE INSTITUTIONAL BEHAVIOR for placement in
10 a community corrections program ACCORDING TO THE FOLLOWING
11 TIMELINE:

12 (I) NO MORE THAN TWENTY-EIGHT MONTHS PRIOR TO THE
13 OFFENDER'S PAROLE ELIGIBILITY DATE FOR any offender who successfully
14 completes a regimented inmate discipline program pursuant to article 27.7
15 of title 17, C.R.S.; ~~within twenty-eight months prior to the offender's~~
16 ~~parole eligibility date;~~

17 (II) NO MORE THAN SIXTEEN MONTHS PRIOR TO THE OFFENDER'S
18 PAROLE ELIGIBILITY DATE FOR any offender who is not serving a sentence
19 for an offense referred to in section 18-1.3-406; and ~~who has displayed~~
20 ~~acceptable institutional behavior sixteen months prior to such offender's~~
21 ~~parole eligibility date; and~~

22 (III) NO MORE THAN ONE HUNDRED EIGHTY DAYS PRIOR TO THE
23 PAROLE ELIGIBILITY DATE FOR any other offender ~~who has displayed~~

1 acceptable institutional behavior one hundred eighty days prior to such
2 offender's parole eligibility date NOT DESCRIBED IN SUBPARAGRAPH (I) OR
3 (II) OF THIS PARAGRAPH (b).

4 (e) **Subsequent referrals.** FOR AN OFFENDER WHO IS SERVING A
5 SENTENCE FOR A CLASS 1 OR 2 FELONY THAT CONSTITUTES A CRIME OF
6 VIOLENCE UNDER SECTION 18-1.3-406, EXCLUDING ESCAPE, AND WHOSE
7 PAROLE HEARING HAS BEEN DEFERRED FOR AT LEAST THIRTY-SIX MONTHS,
8 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL
9 NOT REFER THE OFFENDER FOR PLACEMENT IN COMMUNITY CORRECTIONS
10 EARLIER THAN SIX MONTHS PRIOR TO THE DATE OF THE OFFENDER'S
11 SECOND OR ANY SUBSEQUENT PAROLE HEARING.

12 **SECTION 2. Act subject to petition - effective date.** This act
13 shall take effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part shall not take effect
19 unless approved by the people at the general election to be held in
20 November 2012 and shall take effect on the date of the official
21 declaration of the vote thereon by the governor.