

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 11-0090.02 Jane Ritter

SENATE BILL 11-176

SENATE SPONSORSHIP

Carroll,

HOUSE SPONSORSHIP

Levy,

Senate Committees

Judiciary
Appropriations

House Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 CONCERNING APPROPRIATE USE OF RESTRICTIVE CONFINEMENT, AND
102 MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

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.*

HOUSE
2nd Reading Unamended
May 10, 2011

SENATE
3rd Reading Unamended
May 2, 2011

SENATE
Amended 2nd Reading
April 29, 2011

and tasked with overseeing classification hearings within the facility. An inmate housed in administrative segregation is ensured time to reintegrate 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.

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

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

5 17-1-113.9. Use of administrative segregation for state inmates
6 - reporting. (1) ON OR BEFORE JANUARY 1, 2012, AND EACH JANUARY
7 1 THEREAFTER, THE EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN
8 REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF
9 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE
10 STATUS OF ADMINISTRATIVE SEGREGATION; RECLASSIFICATION EFFORTS
11 FOR OFFENDERS WITH MENTAL ILLNESSES OR DEVELOPMENTAL
12 DISABILITIES, INCLUDING DURATION OF STAY, REASON FOR PLACEMENT,
13 AND NUMBER AND PERCENTAGE DISCHARGED; AND ANY INTERNAL REFORM
14 EFFORTS SINCE JULY 1, 2011.

15 (2) ANY COST SAVINGS ACHIEVED AS A RESULT OF THE
16 IMPLEMENTATION OF SECTIONS 17-22.5-302 (1.3) AND 17-22.5-405 (8)
17 SHALL BE APPROPRIATED AND REDIRECTED TO THE DEPARTMENT TO
18 SUPPORT BEHAVIOR-MODIFICATION PROGRAMS, INCENTIVE PROGRAMS,
19 MENTAL HEALTH SERVICES OR PROGRAMS, OR SIMILAR EFFORTS DESIGNED

1 AS VIABLE ALTERNATIVES TO ADMINISTRATIVE SEGREGATION.

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

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

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

27 SECTION 3. 17-22.5-302, Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW SUBSECTION to read:

2 **17-22.5-302. Earned time.** (1.3) NOTWITHSTANDING THE
3 PROVISIONS OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, AFTER
4 HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE SEGREGATION, A
5 STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL BE ELIGIBLE TO
6 RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA REQUIRED BY
7 THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY THE
8 DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM
9 AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND
10 PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN
11 ADMINISTRATIVE SEGREGATION.

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

14 **17-22.5-405. Earned time - earned release time.**
15 (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
16 CONTRARY, AFTER HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE
17 SEGREGATION, A STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL
18 BE ELIGIBLE TO RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA
19 REQUIRED BY THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY
20 THE DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM
21 AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND
22 PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN
23 ADMINISTRATIVE SEGREGATION.

24 **SECTION 5. Appropriation.** (1) In addition to any other
25 appropriation, there is hereby appropriated, out of any moneys in the
26 general fund not otherwise appropriated, to the department of corrections,
27 for allocation to the management, executive director's office subprogram,

1 planning and analysis contracts, for contract services related to the
2 completion of an annual report concerning the status of administrative
3 segregation, for the fiscal year beginning July 1, 2011, the sum of
4 twenty-six thousand two hundred fifty dollars (\$26,250), or so much
5 thereof as may be necessary, for the implementation of this act.

6 (2) In addition to any other appropriation, there is hereby
7 appropriated, out of any moneys in the general fund not otherwise
8 appropriated, to the department of corrections, for allocation to the
9 institutions, mental health subprogram, mental health services, for
10 behavior-modification programs, incentive programs, mental health
11 services or programs, or similar efforts designed as viable alternatives to
12 administrative segregation, for the fiscal year beginning July 1, 2011, the
13 sum of forty-nine thousand nine hundred thirty-three dollars (\$49,933),
14 or so much thereof as may be necessary, for the implementation of this
15 act.

16 (3) In addition to any other appropriation, there is hereby
17 appropriated, out of any moneys in the general fund not otherwise
18 appropriated, to the department of corrections, for allocation to the
19 support services, information systems subprogram, purchase of services
20 from computer center, for computer system programming modifications
21 and ongoing maintenance related to changes to earned time accrual
22 eligibility for inmates in administrative segregation, for the fiscal year
23 beginning July 1, 2011, the sum of one hundred twenty-two thousand six
24 hundred thirteen dollars (\$122,613), or so much thereof as may be
25 necessary, for the implementation of this act.

26 (4) In addition to any other appropriation, there is hereby
27 appropriated to the governor - lieutenant governor - state planning and

1 budgeting, for allocation to the office of information technology, for the
2 fiscal year beginning July 1, 2011, the sum of one hundred twenty-two
3 thousand six hundred thirteen dollars (\$122,613) and 2.0 FTE, or so much
4 thereof as may be necessary, for the provision of programming services
5 to the department of corrections related to the implementation of this act.
6 Said sum shall be from reappropriated funds received from the
7 department of corrections out of the appropriation made in subsection (3)
8 of this section.

9 **SECTION 6. Appropriation - adjustments in 2011 long bill.**
10 For the implementation of this act, the general fund appropriation made
11 in the annual general appropriation act for the fiscal year beginning July
12 1, 2011, to the department of corrections, management, external capacity
13 subprogram, for payments to house state prisoners, is decreased by one
14 hundred ninety-eight thousand seven hundred ninety-six dollars
15 (\$198,796).

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

20 **SECTION 8. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.