

**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. 11-0090.02 Jane Ritter

**SENATE BILL 11-176**

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**SENATE SPONSORSHIP**

**Carroll,**

**HOUSE SPONSORSHIP**

**Levy,**

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**Senate Committees**

Judiciary  
Appropriations

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

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

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

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

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

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

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

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

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

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

13           **17-22.5-405. Earned time - earned release time.**  
14 (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
15 CONTRARY, AFTER HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE  
16 SEGREGATION, A STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL  
17 BE ELIGIBLE TO RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA  
18 REQUIRED BY THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY  
19 THE DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM  
20 AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND  
21 PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN  
22 ADMINISTRATIVE SEGREGATION.

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

27           **SECTION 6. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.