

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

REREVISED

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

LLS NO. 11-1028.01 Michael Dohr

SENATE BILL 11-254

SENATE SPONSORSHIP

Steadman, Carroll

HOUSE SPONSORSHIP

Pace,

Senate Committees
Judiciary

House Committees
Judiciary

HOUSE
3rd Reading Unam ended
May 11, 2011

HOUSE
2nd Reading Unam ended
May 9, 2011

SENATE
3rd Reading Unam ended
May 2, 2011

SENATE
Am ended 2nd Reading
April 29, 2011

A BILL FOR AN ACT

101 **CONCERNING STATUTORY CHANGES TO IMPROVE PRACTICES FOR**
102 **PERSONS UNDER COMMUNITY SUPERVISION.**

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 permits time credit for nonresidential community corrections programs.

The bill creates criteria for when a person sentenced to a community corrections sentence may be considered for early termination of his or her sentence. When the person meets the criteria, his or her

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.*

probation officer must submit a petition for early termination to the court and notify the district attorney and defendant. The court then decides the petition based on the statutory criteria.

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

2 **SECTION 1.** The introductory portion to 18-1.3-301 (1) (i) (I)
3 and 18-1.3-301 (1) (i) (IV), (1) (i) (VI), (1) (j), and (1) (k), Colorado
4 Revised Statutes, are amended to read:

5 **18-1.3-301. Authority to place offenders in community**
6 **corrections programs.** (1) (i) (I) An offender sentenced directly to a
7 community corrections program by the sentencing court pursuant to this
8 subsection (1) ~~may~~ SHALL be eligible for time credit deductions from the
9 offender's sentence not to exceed ten days for each month of placement
10 upon a demonstration to the program administrator by the offender that
11 the offender has made consistent progress in the following categories:

12 (IV) An offender shall not be credited with more than one-half the
13 allowable time credits for any month or portion thereof unless the
14 offender was employed, WAS UNABLE TO BE EMPLOYED DUE TO A
15 DISABILITY WAIVER, or was participating in training, education, or
16 treatment programs which precluded the ability to remain employed. This
17 subparagraph (IV) shall not apply to those offenders excused from such
18 employment or training by the program administrator or for medical
19 reasons.

20 ~~(VI) Notwithstanding any other provision of this paragraph (i),~~
21 ~~time credits shall not reduce the sentence of any offender sentenced~~
22 ~~directly to a community corrections program by a period of time which is~~
23 ~~more than twenty-five percent of the sentence or twenty-five percent of~~
24 ~~the sentence after adjustments are calculated for any credits outlined by~~

1 ~~the mittimus.~~

2 (j) Except as otherwise provided in paragraph (k) of this
3 subsection (1), any offender sentenced to the department of corrections
4 subsequent to placement in a community corrections program is entitled
5 to credit against the term of confinement as described in section
6 17-27-104 (9), C.R.S. The court shall make a finding of the amount of
7 such time credits and include such finding in the mittimus that orders the
8 offender to be placed in the custody of the department of corrections. The
9 department of corrections shall apply credits for residential ~~placement~~
10 AND NONRESIDENTIAL TIME COMPLETED in a community corrections
11 program in the same manner as credits for time served in a department of
12 corrections facility.

13 (k) Any offender who escapes from a residential community
14 corrections program or who absconds from a nonresidential community
15 corrections program shall forfeit any time credit deductions earned
16 pursuant to paragraph (i) of this subsection (1) AND SHALL NOT BE
17 CREDITED WITH ANY TIME ON ESCAPE OR ABSCONDER STATUS. Within
18 thirty days after an offender's escape or abscondment, the program
19 administrator shall submit to the sentencing court a statement on the form
20 described in subparagraph (III) of paragraph (i) of this subsection (1) of
21 the time credit deductions that would have been earned by the offender.

22 **SECTION 2.** 17-27-104 (9), Colorado Revised Statutes, is
23 amended to read:

24 **17-27-104. Community corrections programs operated by**
25 **units of local government, state agencies, or nongovernmental**
26 **agencies.** (9) The administrator of any community corrections program
27 shall document the number of days of residential ~~placement~~ AND

1 NONRESIDENTIAL TIME completed by each offender sentenced directly to
2 the community corrections program by the court and the time credits
3 granted to such offender pursuant to section 18-1.3-301 (1) (i), C.R.S. If
4 any such offender is rejected after acceptance by the community
5 corrections board or the community corrections program, the program
6 administrator shall provide a written summary of the residential days
7 completed by such offender to the referring agency. If the offender is
8 thereafter committed to the department of corrections, such summary
9 shall be reported to the department of corrections to facilitate the
10 calculation of any time credits pursuant to part 3 or part 4 of article 22.5
11 of this title.

12 **SECTION 3.** 18-1.3-301 (1) (h), Colorado Revised Statutes, is
13 amended to read:

14 **18-1.3-301. Authority to place offenders in community**
15 **corrections programs.** (1) (h) (I) The sentencing court shall have the
16 authority to modify the sentence of an offender who has been directly
17 sentenced to a community corrections program in the same manner as if
18 the offender had been placed on probation.

19 (II) A DEFENDANT WHO SUCCESSFULLY COMPLETES THE
20 RESIDENTIAL PHASE OF A COMMUNITY CORRECTIONS SENTENCE, HAS PAID
21 THE COSTS OF THE RESIDENTIAL PROGRAM IN FULL, AND IS BEING
22 SUPERVISED ON NONRESIDENTIAL STATUS AT EITHER A MINIMUM OR
23 ADMINISTRATIVE LEVEL IS ELIGIBLE FOR CONSIDERATION FOR EARLY
24 TERMINATION OF HIS OR HER COMMUNITY CORRECTIONS SENTENCE BY THE
25 COURT.

26 (III) WHEN THE DEFENDANT HAS MET THE ELIGIBILITY CRITERIA
27 ENUMERATED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (h), THE

1 DEFENDANT'S PROBATION OFFICER SHALL SUBMIT A PETITION FOR EARLY
2 TERMINATION OF SENTENCE TO THE COURT AND NOTIFY THE DISTRICT
3 ATTORNEY AND THE DEFENDANT.

4 (IV) IF VICTIM NOTIFICATION IS REQUIRED, THE PROBATION
5 OFFICER SHALL PROVIDE VICTIM NOTIFICATION PURSUANT TO PART 3 OF
6 ARTICLE 4.1 OF TITLE 24, C.R.S.

7 (V) IN DETERMINING WHETHER TO GRANT OR DENY THE PETITION,
8 THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

9 (A) THE DEFENDANT'S ASSESSED RISK OF REOFFENSE;

10 (B) VICTIM INPUT, IF ANY;

11 (C) THE DEFENDANT'S COMPLIANCE WITH THE TERMS AND
12 CONDITIONS OF THE SENTENCE OR COMMUNITY CORRECTIONS PROGRAM;

13 (D) COMPLETION OF ANY TREATMENT REQUIRED BY THE COURT OR
14 COMMUNITY CORRECTIONS PROGRAM; AND

15 (E) OTHER FACTORS DEEMED RELEVANT BY THE COURT.

16 (VI) THE FACT THAT THE DEFENDANT OWES RESTITUTION, COSTS,
17 FEES, FINES, OR SURCHARGES SHALL NOT PROHIBIT THE COURT FROM
18 GRANTING THE MOTION FOR EARLY TERMINATION IF THE COURT FINDS THE
19 MOTION OTHERWISE APPROPRIATE.

20 **SECTION 4. 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.