

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

PREAMENDED

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

LLS NO. 12-0735.01 Richard Sweetman x4333

HOUSE BILL 12-1223

HOUSE SPONSORSHIP

Levy, Becker, Gerou

SENATE SPONSORSHIP

Steadman, Hodge, Lambert

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EARNED TIME FOR INMATES.**

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>.)

Joint Budget Committee. The bill renders an offender who is sentenced and paroled for a felony offense committed after July 1, 1993, eligible to receive earned time while he or she is reincarcerated after a parole revocation.

An offender who successfully completes an educational, vocational, therapeutic, or reentry program, or who demonstrates exceptional conduct that promotes the safety of correctional staff,

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.*

volunteers, contractors, or other persons under the supervision of the department of corrections, may be awarded as many as 60 days of achievement earned time, at the discretion of the executive director of the department of corrections, in addition to any earned time that is already authorized by law.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Education and parole wrap-around services improve the
5 probability that an offender will succeed after being released from
6 corrections, which reduces recidivism rates and saves the state money;
7 and

8 (b) It intends for the savings generated by the passage of this act
9 to be appropriated to:

10 (I) The education subprogram, for academic and vocational
11 programs to offenders; and

12 (II) The parole subprogram, for parole wrap-around services.

13 **SECTION 2.** In Colorado Revised Statutes, 17-22.5-405, **amend**
14 (4), (5) (a), and (5) (a.5); and **add** (9) as follows:

15 **17-22.5-405. Earned time - earned release time - achievement**
16 **earned time.** (4) Notwithstanding any other provision of this section,
17 earned time may not reduce the sentence of an inmate as defined in
18 section 17-22.5-402 (1) by a period of time that is more than thirty
19 percent of the sentence. This subsection (4) shall not apply to subsection
20 (6) OR SUBSECTION (9) of this section.

21 (5) (a) Notwithstanding subsections (1), (2), and (3) of this
22 section, ~~no~~ AN offender who is sentenced and paroled for a felony offense
23 other than a nonviolent felony committed on or after July 1, 1993, shall

1 NOT be eligible to receive any earned time while ~~such~~ THE offender is on
2 parole. ~~or while such offender is reincarcerated after a revocation of the~~
3 ~~mandatory period of parole pursuant to section 18-1.3-401 (1) (a) (V);~~
4 ~~C.R.S.~~ An offender who is sentenced and paroled for a nonviolent felony
5 offense committed on or after July 1, 1993, shall be eligible to receive any
6 earned time while ~~such~~ THE offender is on parole. ~~but shall not be eligible~~
7 ~~for earned time while such offender is reincarcerated after a revocation~~
8 ~~of the mandatory period of parole pursuant to section 18-1.3-401 (1) (a)~~
9 ~~(V); C.R.S.~~

10 (a.5) Notwithstanding the provisions of paragraph (a) of this
11 subsection (5), an offender who is sentenced for a felony committed on
12 or after July 1, 1993, and paroled on or after January 1, 2009, shall be
13 eligible to receive any earned time while on parole or after reparole
14 following a parole revocation. ~~The offender shall not be eligible for~~
15 ~~earned time while the offender is reincarcerated after revocation of the~~
16 ~~mandatory period of parole pursuant to section 18-1.3-401 (1) (a) (V);~~
17 ~~C.R.S.~~

18 (9) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
19 THE CONTRARY, IN ADDITION TO THE EARNED TIME AUTHORIZED IN THIS
20 SECTION, AN OFFENDER WHO SUCCESSFULLY COMPLETES A MILESTONE OR
21 PHASE OF AN EDUCATIONAL, VOCATIONAL, THERAPEUTIC, OR REENTRY
22 PROGRAM, OR WHO DEMONSTRATES EXCEPTIONAL CONDUCT THAT
23 PROMOTES THE SAFETY OF CORRECTIONAL STAFF, VOLUNTEERS,
24 CONTRACTORS, OR OTHER PERSONS UNDER THE SUPERVISION OF THE
25 DEPARTMENT OF CORRECTIONS, MAY BE AWARDED AS MANY AS SIXTY
26 DAYS OF ACHIEVEMENT EARNED TIME PER PROGRAM MILESTONE OR PHASE
27 OR PER INSTANCE OF EXCEPTIONAL CONDUCT, AT THE DISCRETION OF THE

1 EXECUTIVE DIRECTOR; EXCEPT THAT AN OFFENDER SHALL NOT BE
2 AWARDED MORE THAN ONE HUNDRED TWENTY DAYS OF ACHIEVEMENT
3 EARNED TIME PURSUANT TO THIS SUBSECTION (9).

4 (b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES, "EXCEPTIONAL CONDUCT" INCLUDES, BUT IS NOT LIMITED TO:

6 (I) SAVING OR ATTEMPTING TO SAVE THE LIFE OF ANOTHER
7 PERSON;

8 (II) AIDING IN THE PREVENTION OF SERIOUS BODILY INJURY OR
9 LOSS OF LIFE;

10 (III) PROVIDING SIGNIFICANT ASSISTANCE IN THE PREVENTION OF
11 A MAJOR FACILITY DISRUPTION;

12 (IV) PROVIDING SIGNIFICANT ASSISTANCE IN THE SOLVING OF A
13 COLD CASE, AS DEFINED IN SECTION 24-4.1-302 (1.2), C.R.S.;

14 (V) ACTING TO PREVENT AN ESCAPE; OR

15 (VI) PROVIDING DIRECT ASSISTANCE IN A DOCUMENTED FACILITY
16 OR COMMUNITY EMERGENCY.

17 **SECTION 3. Applicability.** The provisions of this act apply to
18 milestones and phases of educational, vocational, therapeutic, or reentry
19 programs completed, and exceptional conduct demonstrated, at least
20 ninety days after the effective date of this act.

21 **SECTION 4. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.