

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

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

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

27 **SECTION 3. 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.