

An Act

HOUSE BILL 12-1223

BY REPRESENTATIVE(S) Levy, Becker, Gerou, Kerr A., Labuda, Wilson, Schafer S.;
also SENATOR(S) Steadman, Hodge, Lambert, Aguilar, Bacon, Boyd, Giron, Heath, Hudak, Jahn, King S., Newell, Nicholson, Roberts, White, Williams S.

CONCERNING EARNED TIME FOR INMATES, AND, IN CONNECTION THEREWITH,
MAKING AND REDUCING APPROPRIATIONS.

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

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

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

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

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

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

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

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

(5) (a) Notwithstanding subsections (1), (2), and (3) of this section, ~~no~~ AN offender who is sentenced and paroled for a felony offense other than a nonviolent felony committed on or after July 1, 1993, shall NOT be eligible to receive any earned time while ~~such~~ THE offender is on parole. ~~or while such offender is reincarcerated after a revocation of the mandatory period of parole pursuant to section 18-1.3-401 (1) (a) (V), C.R.S.~~ An offender who is sentenced and paroled for a nonviolent felony offense committed on or after July 1, 1993, shall be eligible to receive any earned time while ~~such~~ THE offender is on parole. ~~but shall not be eligible for earned time while such offender is reincarcerated after a revocation of the mandatory period of parole pursuant to section 18-1.3-401 (1) (a) (V), C.R.S.~~

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

(9) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IN ADDITION TO THE EARNED TIME AUTHORIZED IN THIS SECTION, AN OFFENDER WHO SUCCESSFULLY COMPLETES A MILESTONE OR PHASE OF AN EDUCATIONAL, VOCATIONAL, THERAPEUTIC, OR REENTRY PROGRAM, OR WHO DEMONSTRATES EXCEPTIONAL CONDUCT THAT PROMOTES THE SAFETY OF CORRECTIONAL STAFF, VOLUNTEERS, CONTRACTORS, OR OTHER PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS, MAY BE

AWARDED AS MANY AS SIXTY DAYS OF ACHIEVEMENT EARNED TIME PER PROGRAM MILESTONE OR PHASE OR PER INSTANCE OF EXCEPTIONAL CONDUCT, AT THE DISCRETION OF THE EXECUTIVE DIRECTOR; EXCEPT THAT AN OFFENDER SHALL NOT BE AWARDED MORE THAN ONE HUNDRED TWENTY DAYS OF ACHIEVEMENT EARNED TIME PURSUANT TO THIS SUBSECTION (9).

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

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

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

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

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

(V) ACTING TO PREVENT AN ESCAPE; OR

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

SECTION 3. Appropriation. (1) For the implementation of this act, general fund appropriations made in the annual general appropriation act to the department of corrections for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The appropriation for the external capacity subprogram is decreased by \$331,766.

(b) The appropriation for the medical services subprogram is decreased by \$24,972.

(c) The appropriation for the community services division is decreased by \$22,139.

(2) In addition to any other appropriation, there is hereby

appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 2012, the sum of \$378,877, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

- (a) \$84,337 and 2.0 FTE for the offender services subprogram;
- (b) \$100,640 for the information systems subprogram; and
- (c) \$193,900 for the education subprogram.

(3) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$100,640, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of corrections related to the implementation of this act. Said sum is from reappropriated funds received from the department of corrections out of the appropriation made in paragraph (b) of subsection (2) of this section.

SECTION 4. Applicability. The provisions of section 2 of this act shall not apply until at least ninety days after the effective date of this act.

SECTION 5. Safety clause. The general assembly hereby finds,

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

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO