

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

Judiciary
Appropriations

A BILL FOR AN ACT

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

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,

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.*

HOUSE
3rd Reading Unamended
April 25, 2012

HOUSE
Amended 2nd Reading
April 24, 2012

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 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

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

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

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

1 OR PER INSTANCE OF EXCEPTIONAL CONDUCT, AT THE DISCRETION OF THE
2 EXECUTIVE DIRECTOR; EXCEPT THAT AN OFFENDER SHALL NOT BE
3 AWARDED MORE THAN ONE HUNDRED TWENTY DAYS OF ACHIEVEMENT
4 EARNED TIME PURSUANT TO THIS SUBSECTION (9).

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

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

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

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

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

15 (V) ACTING TO PREVENT AN ESCAPE; OR

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

18 **SECTION 3. Appropriation.** (1) For the implementation of this
19 act, general fund appropriations made in the annual general appropriation
20 act to the department of corrections for the fiscal year beginning July 1,
21 2012, are adjusted as follows:

22 (a) The appropriation for the external capacity subprogram is
23 decreased by \$392,724.

24 (b) The appropriation for the medical services subprogram is
25 decreased by \$29,560.

26 (c) The appropriation for the community services division is
27 decreased by \$36,593.

1 (2) In addition to any other appropriation, there is hereby
2 appropriated, out of any moneys in the general fund not otherwise
3 appropriated, to the department of corrections, for the fiscal year
4 beginning July 1, 2012, the sum of \$458,887, or so much thereof as may
5 be necessary, to be allocated for the implementation of this act as follows:

6 (a) \$100,640 for the information systems subprogram; and

7 (b) \$358,237 for the education subprogram.

8 (3) In addition to any other appropriation, there is hereby
9 appropriated to the governor - lieutenant governor - state planning and
10 budgeting, for the fiscal year beginning July 1, 2012, the sum of
11 \$100,640, or so much thereof as may be necessary, for allocation to the
12 office of information technology, for the provision of computer center
13 services for the department of corrections related to the implementation
14 of this act. Said sum is from reappropriated funds received from the
15 department of corrections out of the appropriation made in paragraph (a)
16 of subsection (2) of this section.

17 **SECTION 4. Applicability.** The provisions of Section 2 of this
18 act shall not apply until at least ninety days after the effective date of this
19 act.

20 **SECTION 5. 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.