

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 13, 2014  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB14-1114 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 4, strike "(a)".
  
- 2 Page 2, strike lines 16 through 23 and substitute: "EFFECTIVE DATE OF  
3 THIS SUBSECTION (3), AS AMENDED, SHALL VEST UPON COMPLETION OF  
4 ANY ANNUAL OR SEMIANNUAL REVIEW, EXCEPT THAT:  
5 (a) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT  
6 DETERMINES THAT THE INMATE COMMITTED A CLASS III CODE OF PENAL  
7 DISCIPLINE VIOLATION OTHER THAN A VIOLATION THAT INCLUDED A CRIME  
8 OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., THE  
9 DEPARTMENT MAY WITHDRAW SOME OR ALL OF THE EARNED TIME  
10 DEDUCTIONS AWARDED TO THE INMATE DURING THE TWELVE MONTHS  
11 PRECEDING THE VIOLATION;  
12 (b) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT  
13 DETERMINES THAT THE INMATE COMMITTED A CLASS I OR CLASS II CODE  
14 OF PENAL DISCIPLINE VIOLATION OTHER THAN A VIOLATION THAT  
15 INCLUDED A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,  
16 C.R.S., THE DEPARTMENT MAY WITHDRAW SOME OR ALL OF THE EARNED  
17 TIME DEDUCTIONS AWARDED TO THE INMATE DURING THE TWENTY-FOUR  
18 MONTHS PRECEDING THE VIOLATION; AND  
19 (c) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT  
20 DETERMINES THAT THE INMATE COMMITTED A CRIME OF VIOLENCE, AS  
21 DEFINED IN SECTION 18-1.3-406, C.R.S., THE DEPARTMENT SHALL  
22 WITHDRAW ALL OF THE EARNED TIME DEDUCTIONS AWARDED TO THE  
23 INMATE DURING HIS OR HER INCARCERATION."

1 Page 3, strike lines 12 through 25 and substitute:

2 "TO THIS SECTION shall vest upon completion of any ANNUAL OR  
3 semiannual review, ~~unless~~ EXCEPT THAT:

4 (I) IF an administrative hearing within the department determines  
5 that ~~such~~ THE INMATE OR parolee ~~engaged in criminal activity during the~~  
6 ~~time period for which such earned time was granted, in which case~~  
7 COMMITTED A CLASS III CODE OF PENAL DISCIPLINE VIOLATION OTHER  
8 THAN A VIOLATION THAT INCLUDED A CRIME OF VIOLENCE, AS DEFINED IN  
9 SECTION 18-1.3-406, C.R.S., the DEPARTMENT MAY WITHDRAW SOME OR  
10 ALL OF the earned time ~~granted during such period may be withdrawn.~~  
11 DEDUCTIONS AWARDED TO THE INMATE OR PAROLEE DURING THE TWELVE  
12 MONTHS PRECEDING THE VIOLATION;

13 (II) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT  
14 DETERMINES THAT THE INMATE OR PAROLEE COMMITTED A CLASS I OR II  
15 CODE OF PENAL DISCIPLINE VIOLATION OTHER THAN A VIOLATION THAT  
16 INCLUDED A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,  
17 C.R.S., THE DEPARTMENT MAY WITHDRAW SOME OR ALL OF THE EARNED  
18 TIME DEDUCTIONS AWARDED TO THE INMATE OR PAROLEE DURING THE  
19 TWENTY-FOUR MONTHS PRECEDING THE VIOLATION; AND

20 (III) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT  
21 DETERMINES THAT THE INMATE OR PAROLEE COMMITTED A CRIME OF  
22 VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., THE DEPARTMENT  
23 SHALL WITHDRAW ALL OF THE EARNED TIME DEDUCTIONS AWARDED TO  
24 THE INMATE OR PAROLEE DURING HIS OR HER INCARCERATION OR PAROLE.

25 (b) In addition to any other sanctions, the executive director may  
26 refer to the district attorney all cases where the offender tests positive for  
27 the presence of drugs."

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