

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0385.01 Jerry Barry

SENATE BILL 01-070

SENATE SPONSORSHIP

Cairns

HOUSE SPONSORSHIP

(None)

Senate Committees

House Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING RELEASE OF PERSONS FROM CUSTODY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prior to the release of any person from custody, requires the person to submit 3 sets of fingerprints for release to the Colorado bureau of investigation ("CBI") and the federal bureau of investigation ("FBI"). Prohibits the release of any person from custody if the files of the CBI or FBI reveal that the person is wanted in any jurisdiction. Requires the law enforcement agency having custody of such a person to transfer the person to a law enforcement agency in the jurisdiction in which the person is wanted.

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.*

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

2 **SECTION 1.** Article 21 of title 16, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **16-21-103.5. Release from custody - submission of fingerprints.**

5 (1) PRIOR TO THE RELEASE OF ANY PERSON FROM CUSTODY, THE LAW
6 ENFORCEMENT AGENCY HAVING CUSTODY OF THE PERSON OR THE
7 CORRECTIONAL FACILITY, COMMUNITY CORRECTIONS FACILITY, OR OTHER
8 TREATMENT FACILITY HAVING CUSTODY OF THE PERSON SHALL OBTAIN
9 FROM THE PERSON NOT FEWER THAN THREE COMPLETE SETS OF
10 FINGERPRINTS. TWO SETS OF SUCH FINGERPRINTS SHALL BE RELEASED TO
11 THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
12 FINGERPRINT PROCESSING UTILIZING THE FILES OF THE COLORADO BUREAU
13 OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.

14 (2) THE LAW ENFORCEMENT AGENCY, CORRECTIONAL FACILITY,
15 COMMUNITY CORRECTIONS FACILITY, OR OTHER TREATMENT FACILITY
16 HAVING CUSTODY OF A PERSON WHO MAY BE RELEASED FROM CUSTODY
17 SHALL NOT RELEASE SUCH PERSON IF THE FILES OF THE COLORADO BUREAU
18 OF INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION REVEAL
19 THAT AN ARREST WARRANT IS OUTSTANDING FOR THE PERSON IN ANY
20 JURISDICTION. THE LAW ENFORCEMENT AGENCY HAVING CUSTODY OF
21 SUCH A PERSON OR FOR THE JURISDICTION IN WHICH THE PERSON IS HELD
22 IN CUSTODY SHALL TRANSFER SUCH PERSON TO THE CUSTODY OF A LAW
23 ENFORCEMENT AGENCY IN THE JURISDICTION IN WHICH THE WARRANT IS
24 OUTSTANDING.

25 **SECTION 2. Effective date - applicability.** (1) This act shall
26 take effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly that is
2 allowed for submitting a referendum petition pursuant to article V, section
3 1 (3) of the state constitution; except that, if a referendum petition is filed
4 against this act or an item, section, or part of this act within such period,
5 then the act, item, section, or part, if approved by the people, shall take
6 effect on the date of the official declaration of the vote thereon by
7 proclamation of the governor.

8 (2) The provisions of this act shall apply to persons released from
9 custody on or after the applicable effective date of this act.