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2001



HOUSE BILL 01-1370

BY REPRESENTATIVE(S) Saliman, Berry, Hefley, Young, Chavez, Grossman, Jahn, Mace, Madden, Marshall, Plant, Spradley, Tapia, Veiga, and Williams S.;
also SENATOR(S) Tate, Reeves, Gordon, Matsunaka, and Tupa.

CONCERNING PAROLE OF PERSONS SENTENCED TO THE DEPARTMENT OF CORRECTIONS.

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

SECTION 1. Part 2 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-206.5. Preparole release and revocation facility. (1) (a) ON OR BEFORE DECEMBER 1, 2001, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSAL FOR THE CONSTRUCTION AND OPERATION OF A PRIVATE CONTRACT PRISON TO SERVE AS A PREPAROLE AND REVOCATION CENTER, THAT SHALL BE A LEVEL III FACILITY, AS DESCRIBED IN SECTION 17-1-104.3 (1) (a) (III).

(b) THE PRISON DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL CONTAIN AT LEAST THREE HUNDRED BEDS AND INCARCERATE ANY OF THE FOLLOWING:

Capital letters indicate new material added to existing statute; dashes through the words indicate deletions from existing statutes and such material not part of act.

(I) INMATES WHO HAVE NOT BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 16-11-309, C.R.S., AND WHO HAVE NO MORE THAN NINETEEN MONTHS REMAINING UNTIL SUCH INMATE'S PAROLE ELIGIBILITY DATE;

(II) INMATES WHO HAVE BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 16-11-309, C.R.S., AND WHO HAVE NO MORE THAN NINE MONTHS REMAINING UNTIL SUCH INMATE'S PAROLE ELIGIBILITY DATE;
OR

(III) OFFENDERS WHOSE PAROLE HAS BEEN REVOKED; EXCEPT THAT SUCH INCARCERATION SHALL BE FOR NO MORE THAN ONE HUNDRED EIGHTY DAYS.

SECTION 2. 17-2-103 (11) (b) (II) (C), Colorado Revised Statutes, is amended, and the said 17-2-103 (11) (b) (II) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

17-2-103. Arrest of parolee - revocation proceedings.

(11) (b) (II) If the board determines that the parolee has violated any condition of parole other than commission of a crime, the board may:

(C) Revoke parole for a period not to exceed ninety days and request the sheriff of the county in which the hearing is held to transport the parolee to the county jail of such county or to any private facility that is under contract to the department of corrections; OR

(D) REVOKE PAROLE FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY DAYS AND REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE HEARING IS HEARD TO TRANSPORT THE PAROLEE TO THE FACILITY DESCRIBED IN SECTION 17-1-206.5.

SECTION 3. 17-2-201 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17-2-201. State board of parole. (3) The chairperson, in addition to other provisions of law, has the following powers and duties:

(c.5) TO CONTRACT WITH QUALIFIED INDIVIDUALS TO SERVE AS

RELEASE HEARING OFFICERS:

(I) TO CONDUCT PAROLE APPLICATION HEARINGS FOR INMATES CONVICTED OF NONVIOLENT FELONIES THAT ARE CLASS 4 FELONIES, CLASS 5 FELONIES, OR CLASS 6 FELONIES, PURSUANT TO RULES ADOPTED BY THE PAROLE BOARD; AND

(II) TO SET PAROLE CONDITIONS FOR INMATES ELIGIBLE FOR RELEASE TO MANDATORY PAROLE.

SECTION 4. Part 2 of article 2 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-2-217. Release hearing officers - pilot program - report -repeal. (1) THE DEPARTMENT AND THE BOARD ARE HEREBY AUTHORIZED TO CONDUCT A RELEASE HEARING OFFICERS PILOT PROGRAM THAT UTILIZES THE OFFICERS DESCRIBED IN SECTION 17-2-201 (3) (c.5).

(2) (a) ON OR BEFORE NOVEMBER 1, 2002, THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL REPORT ON THE RESULTS OF THE RELEASE HEARING OFFICERS PILOT PROGRAM TO THE JOINT BUDGET COMMITTEE AND THE JUDICIARY COMMITTEE OF THE SENATE AND THE CRIMINAL JUSTICE COMMITTEE OF THE HOUSE OF REPRESENTATIVES. SAID COMMITTEES SHALL REVIEW THE REPORT IN ORDER TO CONSIDER WHETHER TO FULLY FUND THE PROGRAM.

(b) THE REPORT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL INCLUDE, AT A MINIMUM:

(I) INFORMATION REGARDING THE NUMBER OF HEARINGS CONDUCTED PURSUANT TO SECTION 17-2-201 (3) (c.5);

(II) THE RELEASE DATES OF INMATES WHO HAVE BEEN GRANTED HEARINGS PURSUANT TO SECTION 17-2-201 (3) (c.5); AND

(III) ANY POTENTIAL GENERAL FUND SAVINGS FROM THE USE OF THE RELEASE HEARING OFFICERS DESCRIBED IN SECTION 17-2-201 (3) (c.5).

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.

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Stan Matsunaka
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO