

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill 2001 or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 01-1113

BY REPRESENTATIVE(S) Coleman, Borodkin, Boyd, Garcia, Jahn, Lee, Mace, Ragsdale, Sanchez, Tochtrop, and Young;
also SENATOR(S) Linkhart, Hanna, and Pascoe.

CONCERNING THE DUTY OF THE DEPARTMENT OF CORRECTIONS, DIVISION OF ADULT PAROLE, TO INFORM THE PUBLIC BEFORE ACQUIRING A SITE TO OPERATE AS A BRANCH PAROLE OFFICE.

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

SECTION 1. 17-2-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-2-102. Division of adult parole - general powers, duties, and functions. (10) (a) THE DIVISION OF ADULT PAROLE SHALL, IN ACCORDANCE WITH SECTION 17-2-106:

(I) NOTIFY A MUNICIPALITY OF ANY SITE WITHIN SUCH MUNICIPALITY THAT THE DIVISION HAS SELECTED TO BECOME A BRANCH PAROLE OFFICE; OR

(II) NOTIFY A COUNTY OF ANY SITE WITHIN SUCH COUNTY THAT THE DIVISION HAS SELECTED TO BECOME A BRANCH PAROLE OFFICE IF THE SITE IS NOT WITHIN A MUNICIPALITY LOCATED IN THE COUNTY.

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.

(b) FOR PURPOSES OF THIS SUBSECTION (10) AND SECTION 17-2-106, "BRANCH PAROLE OFFICE" MEANS ANY REAL ESTATE IN THIS STATE THAT THE DIVISION OF ADULT PAROLE, ON BEHALF OF THE DEPARTMENT OF CORRECTIONS, MAY ACQUIRE BY PURCHASE, LEASEHOLD, OR OTHER METHOD FOR THE PURPOSE OF OPERATING AN OFFICE TO PERFORM ANY FUNCTION REQUIRED OR PERMITTED BY THIS TITLE CONCERNING PAROLEE INTERVIEW, REPORTING, TESTING, SCREENING, AND SUPERVISION.

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

17-2-106. Branch parole offices - acquisition - duty to inform public. (1) (a) THE DIRECTOR OF THE DIVISION OF ADULT PAROLE SHALL CONTEMPORANEOUSLY SEND WRITTEN NOTICE TO THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY AND THE CITY COUNCIL OR BOARD OF TRUSTEES OF THE MUNICIPALITY IN WHICH THE DIVISION INTENDS TO OPERATE THE BRANCH PAROLE OFFICE.

(b) IF THE SITE OF THE BRANCH PAROLE OFFICE THAT THE DIVISION INTENDS TO OPERATE IS NOT LOCATED WITHIN A MUNICIPALITY, THE DIRECTOR OF THE DIVISION SHALL SEND WRITTEN NOTICE TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE DIVISION INTENDS TO OPERATE THE BRANCH PAROLE OFFICE.

(c) FOR PURPOSES OF THIS SECTION:

(I) "ACTUAL ACQUISITION" MEANS THE LEGAL PROCESS NECESSARY TO VEST THE DEPARTMENT OF CORRECTIONS WITH FEE TITLE OR A NEW LEASEHOLD INTEREST IN REAL ESTATE THAT THE DIVISION OF ADULT PAROLE INTENDS TO OPERATE AS A BRANCH PAROLE OFFICE IN A NEW LOCATION.

(II) "BRANCH PAROLE OFFICE" MEANS ANY REAL ESTATE IN THIS STATE THAT THE DIVISION OF ADULT PAROLE, ON BEHALF OF THE DEPARTMENT OF CORRECTIONS, MAY ACQUIRE BY PURCHASE, LEASEHOLD, OR OTHER METHOD FOR THE PURPOSE OF OPERATING AN OFFICE TO PERFORM ANY FUNCTION REQUIRED OR PERMITTED BY THIS TITLE CONCERNING PAROLEE INTERVIEW, REPORTING, TESTING, SCREENING, AND SUPERVISION.

(2) A MUNICIPALITY OR COUNTY NOTIFIED PURSUANT TO SUBSECTION

(1) OF THIS SECTION MAY NOTIFY ITS RESIDENTS AND INVITE PUBLIC REVIEW AND COMMENT ON THE DIVISION'S SELECTION OF THE BRANCH PAROLE OFFICE SITE THROUGH PUBLIC MEETING, PUBLIC HEARING, OR ANY OTHER PUBLIC FORUM DEEMED APPROPRIATE BY THE MUNICIPALITY OR COUNTY.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO HINDER OR PROHIBIT THE DEPARTMENT OF CORRECTIONS, DIVISION OF ADULT PAROLE, FROM ENGAGING IN THE SELECTION OR THE FINAL ACQUISITION OF ANY SITE TO OPERATE AS A BRANCH PAROLE OFFICE THAT THE DEPARTMENT OR DIVISION DETERMINES WILL BEST ENABLE THE DIVISION TO PERFORM AND EXERCISE ITS DUTIES AND POWERS UNDER THIS TITLE.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or

an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

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