

SB176 L.006

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB11-176 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

6 **17-1-113.9. Use of administrative segregation for state inmates**  
7 **- reporting.** (1) ON OR BEFORE JANUARY 1, 2012, AND EACH JANUARY  
8 1 THEREAFTER, THE EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN  
9 REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF  
10 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE  
11 STATUS OF ADMINISTRATIVE SEGREGATION; RECLASSIFICATION EFFORTS  
12 FOR OFFENDERS WITH MENTAL ILLNESSES OR DEVELOPMENTAL  
13 DISABILITIES, INCLUDING DURATION OF STAY, REASON FOR PLACEMENT,  
14 AND NUMBER AND PERCENTAGE DISCHARGED; AND ANY INTERNAL REFORM  
15 EFFORTS SINCE JULY 1, 2011.

16 (2) ANY COST SAVINGS ACHIEVED AS A RESULT OF THE  
17 IMPLEMENTATION OF SECTION 17-1-109 (2) SHALL BE APPROPRIATED AND  
18 REDIRECTED TO THE DEPARTMENT TO SUPPORT BEHAVIOR-MODIFICATION  
19 PROGRAMS, INCENTIVE PROGRAMS, MENTAL HEALTH SERVICES OR  
20 PROGRAMS, OR SIMILAR EFFORTS DESIGNED AS VIABLE ALTERNATIVES TO  
21 ADMINISTRATIVE SEGREGATION.

22 **SECTION 2.** 17-1-109 (2), Colorado Revised Statutes, is  
23 amended to read:

24 **17-1-109. Duties and functions of the warden.** (2) (a) The  
25 warden of each correctional facility should, wherever possible, take such  
26 measures as are reasonably necessary to restrict the confinement of any  
27 person ~~with known past or current affiliations or associations with any~~  
28 ~~security-threat group~~ WHO ACTIVELY PARTICIPATES IN DISRUPTIVE  
29 SECURITY-THREAT GROUP BEHAVIOR, as defined in paragraph (b) of this  
30 subsection (2), so as to prevent contact with other inmates at such facility.  
31 The warden should, wherever possible, also take such measures as are  
32 reasonably necessary to prevent recruitment of new security-threat group  
33 members from among the general inmate population. ASSOCIATION WITH  
34 AN INMATE GANG OR SECURITY-THREAT GROUP ALONE SHALL NOT BE  
35 SUFFICIENT TO MEET THE REQUIREMENTS OF THIS PARAGRAPH (a).

36 (b) For the purposes of this subsection (2), unless the context  
37 otherwise requires, "security-threat group" means a group of three or



1 more individuals with a common interest, bond, or activity characterized  
2 by criminal or delinquent conduct engaged in either collectively or  
3 individually ACTING IN CONCERT OR INDIVIDUALLY IN AN ACTIVITY THAT  
4 IS CHARACTERIZED BY CRIMINAL CONDUCT OR CONDUCT THAT VIOLATES  
5 THE DEPARTMENT'S CODE OF PENAL DISCIPLINE FOR THE PURPOSE OF  
6 DISRUPTING PRISON OPERATIONS, RECRUITING NEW MEMBERS, DAMAGING  
7 PROPERTY, OR INFLECTING OR THREATENING TO INFLECT HARM TO  
8 EMPLOYEES, CONTRACT WORKERS, VOLUNTEERS, OR OTHER STATE  
9 INMATES.

10 **SECTION 3.** 17-22.5-302, Colorado Revised Statutes, is  
11 amended BY THE ADDITION OF A NEW SUBSECTION to read:

12 **17-22.5-302. Earned time.** (1.3) NOTWITHSTANDING THE  
13 PROVISIONS OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, AFTER  
14 HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE SEGREGATION, A  
15 STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL BE ELIGIBLE TO  
16 RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA REQUIRED BY  
17 THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY THE  
18 DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM  
19 AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND  
20 PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN  
21 ADMINISTRATIVE SEGREGATION.

22 **SECTION 4.** 17-22.5-405, Colorado Revised Statutes, is  
23 amended BY THE ADDITION OF A NEW SUBSECTION to read:

24 **17-22.5-405. Earned time - earned release time.**  
25 (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
26 CONTRARY, AFTER HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE  
27 SEGREGATION, A STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL  
28 BE ELIGIBLE TO RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA  
29 REQUIRED BY THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY  
30 THE DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM  
31 AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND  
32 PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN  
33 ADMINISTRATIVE SEGREGATION.

34 **SECTION 5. Effective date - applicability.** This act shall take  
35 effect July 1, 2011, and shall apply to an offender placed in administrative  
36 segregation on or after July 1, 2011, or an offender who is housed in  
37 administrative segregation at the time this act takes effect.

38 **SECTION 6. Safety clause.** The general assembly hereby finds,  
39 determines, and declares that this act is necessary for the immediate  
40 preservation of the public peace, health, and safety."

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