

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 14-0058.01 Richard Sweetman x4333

HOUSE BILL 14-1044

HOUSE SPONSORSHIP

Dore,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONSEQUENCES FOR A PAROLEE WHO TAMPERS WITH AN**
102 **ELECTRONIC MONITORING DEVICE THAT THE PAROLEE IS**
103 **REQUIRED TO WEAR AS A CONDITION OF PAROLE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

A parolee who violates the conditions of his or her parole by removing or tampering with an electronic monitoring device that the parolee is required to wear as a condition of his or her parole is subject to an immediate warrantless arrest. If a community parole officer has

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.

HOUSE
3rd Reading Unamended
April 21, 2014

HOUSE
Amended 2nd Reading
April 17, 2014

probable cause to believe that a parolee who is under the supervision of the parole officer has removed or tampered with an electronic monitoring device that the parolee is required to wear as a condition of his or her parole, the parole officer shall either:

- ! Immediately make a warrantless arrest of the parolee; or
- ! Not later than 12 hours after acquiring such probable cause, notify a law enforcement agency with jurisdiction over the parolee's last-known address that the parolee is subject to an immediate warrantless arrest.

A parole officer shall file a complaint seeking revocation of the parole of any parolee who has removed or tampered with an electronic monitoring device.

If the state board of parole determines that a parolee has violated the conditions of his or her parole by removing or tampering with an electronic monitoring device, the board shall revoke the parolee's parole and reinstate the remainder of the parolee's sentence to the custody of the department of corrections.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-1-102, **add** (8.5)
3 as follows:

4 **17-1-102. Definitions.** As used in this title, unless the context
5 otherwise requires:

6 (8.5) "TAMPERING" MEANS INTENTIONALLY ATTEMPTING TO
7 DISABLE, DAMAGE, OR DESTROY AN ELECTRONIC MONITORING DEVICE SO
8 AS TO RENDER THE DEVICE NONFUNCTIONAL IN ORDER TO AVOID
9 SUPERVISION.

10 **SECTION 2.** In Colorado Revised Statutes, 17-2-103, **add** (11)
11 (f) as follows:

12 **17-2-103. Arrest of parolee - revocation proceedings.**
13 (11) (f) (I) A PAROLEE WHO VIOLATES THE CONDITIONS OF HIS OR HER
14 PAROLE BY REMOVING OR TAMPERING WITH AN ELECTRONIC MONITORING
15 DEVICE THAT THE PAROLEE IS REQUIRED TO WEAR AS A CONDITION OF HIS
16 OR HER PAROLE IS SUBJECT TO AN IMMEDIATE WARRANTLESS ARREST.

1 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
2 IF THE BOARD DETERMINES THAT A PAROLEE HAS VIOLATED THE
3 CONDITIONS OF HIS OR HER PAROLE BY REMOVING OR TAMPERING WITH AN
4 ELECTRONIC MONITORING DEVICE THAT THE PAROLEE IS REQUIRED TO
5 WEAR AS A CONDITION OF HIS OR HER PAROLE, THE BOARD MAY REVOKE
6 THE PAROLEE'S PAROLE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION
7 (11).

8 **SECTION 3.** In Colorado Revised Statutes, 17-2-103.5, **amend**
9 (1) (a) (II) (E); and **add** (1) (a) (III) as follows:

10 **17-2-103.5. Revocation proceedings - parolee arrested for**
11 **certain offenses.** (1) (a) Notwithstanding any provision of section
12 17-2-103, a community parole officer shall file a complaint seeking
13 revocation of the parole of any parolee who:

14 (II) Is arrested and charged with:
15 (E) Unlawful sexual contact as defined in section 18-3-404 (2),
16 C.R.S.; OR

17 (III) HAS REMOVED OR TAMPERED WITH AN ELECTRONIC
18 MONITORING DEVICE THAT THE PAROLEE IS REQUIRED TO WEAR AS A
19 CONDITION OF HIS OR HER PAROLE; EXCEPT THAT, BEFORE MAKING SUCH
20 AN ARREST, THE COMMUNITY PAROLE OFFICER SHALL FIRST DETERMINE
21 THAT THE NOTIFICATION OF REMOVAL OR TAMPERING WAS NOT MERELY
22 THE RESULT OF AN EQUIPMENT MALFUNCTION.

23 **SECTION 4.** In Colorado Revised Statutes, 17-27-105.5, **add** (8)
24 as follows:

25 **17-27-105.5. Community parole officers - duties - arrest**
26 **powers.** (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, IF
27 A COMMUNITY PAROLE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT

1 A PAROLEE WHO IS UNDER THE SUPERVISION OF THE COMMUNITY PAROLE
2 OFFICER HAS REMOVED OR TAMPERED WITH AN ELECTRONIC MONITORING
3 DEVICE THAT THE PAROLEE IS REQUIRED TO WEAR AS A CONDITION OF HIS
4 OR HER PAROLE, THE PAROLE OFFICER SHALL EITHER:

5 (a) IMMEDIATELY MAKE A WARRANTLESS ARREST OF THE
6 PAROLEE; EXCEPT THAT, BEFORE MAKING SUCH AN ARREST, THE
7 COMMUNITY PAROLE OFFICER SHALL FIRST DETERMINE THAT THE
8 NOTIFICATION OF REMOVAL OR TAMPERING WAS NOT MERELY THE RESULT
9 OF AN EQUIPMENT MALFUNCTION.

10 (b) NOT LATER THAN TWELVE HOURS AFTER ACQUIRING SUCH
11 PROBABLE CAUSE, NOTIFY A LAW ENFORCEMENT AGENCY WITH
12 JURISDICTION OVER THE PAROLEE'S LAST-KNOWN ADDRESS THAT THE
13 PAROLEE IS SUBJECT TO AN IMMEDIATE WARRANTLESS ARREST.

14 **SECTION 5. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.