

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0022.01 Richard Sweetman x4333

HOUSE BILL 14-1114

HOUSE SPONSORSHIP

Waller and McNulty,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF EARNED TIME BY THE STATE
102 DEPARTMENT OF CORRECTIONS.

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.>)

Under current law, certain earned time that is awarded to an inmate or a parolee by the state department of corrections vests and may not be later revoked or withdrawn. On and after the effective date of the bill, any such earned time that is awarded does not vest and may be withdrawn.

On and after the effective date of the bill, if an administrative

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.

hearing within the department determines that an inmate or parolee engaged in a crime of violence during the time period for which any earned time was granted to the inmate or parolee, the department shall withdraw such earned time from the inmate or parolee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-22.5-302, **amend**
3 (3) as follows:

4 **17-22.5-302. Earned time.** (3) (a) For each inmate sentenced for
5 a crime committed on or after July 1, 1979, but before July 1, 1985, the
6 department shall review the performance record of the inmate and shall
7 grant, consistent with the provisions of this section, an earned time
8 deduction from the sentence imposed. Such review shall be conducted at
9 least annually; except that, in the case of an inmate who has one year or
10 less of his OR HER sentence remaining to be served, the review shall be
11 conducted at least semiannually. ~~The AN earned time deduction~~
12 ~~authorized by this section~~ SUBSECTION (3) BEFORE THE EFFECTIVE DATE
13 OF THIS SUBSECTION (3), AS AMENDED, shall vest upon being granted and
14 may not be withdrawn ~~once~~ AFTER it is granted. AN EARNED TIME
15 DEDUCTION AUTHORIZED BY THIS SUBSECTION (3) ON OR AFTER THE
16 EFFECTIVE DATE OF THIS SUBSECTION (3), AS AMENDED, SHALL NOT VEST
17 AND MAY BE WITHDRAWN ONCE IT IS GRANTED.

18 (b) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3),
19 AS AMENDED, IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT
20 DETERMINES THAT AN INMATE ENGAGED IN A CRIME OF VIOLENCE, AS
21 DEFINED IN SECTION 18-1.3-406, C.R.S., DURING THE TIME PERIOD FOR
22 WHICH ANY EARNED TIME WAS GRANTED TO THE INMATE, THE
23 DEPARTMENT SHALL WITHDRAW SUCH EARNED TIME FROM THE INMATE.

1 **SECTION 2.** In Colorado Revised Statutes, 17-22.5-405, **amend**
2 (3) as follows:

3 **17-22.5-405. Earned time - earned release time - achievement**
4 **earned time.** (3) (a) For each inmate sentenced to the custody of the
5 department, or for each parolee, the department shall review the
6 performance record of the inmate or parolee and may grant, withhold,
7 withdraw, or restore, consistent with the provisions of this section, an
8 earned time deduction from the sentence imposed. Such review shall be
9 conducted annually while such person is incarcerated and semiannually
10 while such person is on parole. ~~and shall vest upon being granted.~~
11 ~~However, Any earned time granted to a AN INMATE OR parolee PURSUANT~~
12 ~~TO THIS SECTION shall NOT vest upon completion of any semiannual~~
13 ~~review unless an administrative hearing within the department determines~~
14 ~~that such parolee engaged in criminal activity during the time period for~~
15 ~~which such earned time was granted, in which case the earned time~~
16 ~~granted during such period AND may be withdrawn. In addition to any~~
17 ~~other sanctions, the executive director may refer to the district attorney~~
18 ~~all cases where the offender tests positive for the presence of drugs.~~

19 (b) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3),
20 AS AMENDED, IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT
21 DETERMINES THAT AN INMATE OR PAROLEE ENGAGED IN A CRIME OF
22 VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., DURING THE TIME
23 PERIOD FOR WHICH ANY EARNED TIME WAS GRANTED TO THE INMATE OR
24 PAROLEE, THE DEPARTMENT SHALL WITHDRAW SUCH EARNED TIME FROM
25 THE INMATE OR PAROLEE.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes 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
2 (August 6, 2014, if adjournment sine die is on May 7, 2014); except that,
3 if a referendum petition is filed pursuant to section 1 (3) of article V of
4 the state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2014 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.