

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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that is awarded to an inmate or a parolee by the state department of corrections vests and may not be later revoked or withdrawn. On and after the effective date of the bill, any such earned time that is awarded does not vest and may be withdrawn.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) 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 VEST UPON
17 COMPLETION OF ANY ANNUAL OR SEMIANNUAL REVIEW, EXCEPT THAT:

18 (a) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT
19 DETERMINES THAT THE INMATE COMMITTED A CLASS III CODE OF PENAL
20 DISCIPLINE VIOLATION OTHER THAN A VIOLATION THAT INCLUDED A CRIME
21 OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., THE
22 DEPARTMENT MAY WITHDRAW SOME OR ALL OF THE EARNED TIME
23 DEDUCTIONS AWARDED TO THE INMATE DURING THE TWELVE MONTHS

1 PRECEDING THE VIOLATION;

2 (b) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT
3 DETERMINES THAT THE INMATE COMMITTED A CLASS I OR CLASS II CODE
4 OF PENAL DISCIPLINE VIOLATION OTHER THAN A VIOLATION THAT
5 INCLUDED A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
6 C.R.S., THE DEPARTMENT MAY WITHDRAW SOME OR ALL OF THE EARNED
7 TIME DEDUCTIONS AWARDED TO THE INMATE DURING THE TWENTY-FOUR
8 MONTHS PRECEDING THE VIOLATION; AND

9 (c) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT
10 DETERMINES THAT THE INMATE COMMITTED A CRIME OF VIOLENCE, AS
11 DEFINED IN SECTION 18-1.3-406, C.R.S., THE DEPARTMENT SHALL
12 WITHDRAW ALL OF THE EARNED TIME DEDUCTIONS AWARDED TO THE
13 INMATE DURING HIS OR HER INCARCERATION.

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

16 **17-22.5-405. Earned time - earned release time - achievement**
17 **earned time.** (3) (a) For each inmate sentenced to the custody of the
18 department, or for each parolee, the department shall review the
19 performance record of the inmate or parolee and may grant, withhold,
20 withdraw, or restore, consistent with the provisions of this section, an
21 earned time deduction from the sentence imposed. Such review shall be
22 conducted annually while such person is incarcerated and semiannually
23 while such person is on parole. ~~and shall vest upon being granted.~~
24 ~~However,~~ Any earned time granted to a AN INMATE OR parolee PURSUANT
25 TO THIS SECTION shall vest upon completion of any ANNUAL OR
26 semiannual review, ~~unless~~ EXCEPT THAT:

27 (I) IF an administrative hearing within the department determines

1 that such THE INMATE OR parolee engaged in criminal activity during the
2 time period for which such earned time was granted, in which case
3 COMMITTED A CLASS III CODE OF PENAL DISCIPLINE VIOLATION OTHER
4 THAN A VIOLATION THAT INCLUDED A CRIME OF VIOLENCE, AS DEFINED IN
5 SECTION 18-1.3-406, C.R.S., the DEPARTMENT MAY WITHDRAW SOME OR
6 ALL OF the earned time granted during such period may be withdrawn.
7 DEDUCTIONS AWARDED TO THE INMATE OR PAROLEE DURING THE TWELVE
8 MONTHS PRECEDING THE VIOLATION;

9 (II) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT
10 DETERMINES THAT THE INMATE OR PAROLEE COMMITTED A CLASS I OR II
11 CODE OF PENAL DISCIPLINE VIOLATION OTHER THAN A VIOLATION THAT
12 INCLUDED A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
13 C.R.S., THE DEPARTMENT MAY WITHDRAW SOME OR ALL OF THE EARNED
14 TIME DEDUCTIONS AWARDED TO THE INMATE OR PAROLEE DURING THE
15 TWENTY-FOUR MONTHS PRECEDING THE VIOLATION; AND

16 (III) IF AN ADMINISTRATIVE HEARING WITHIN THE DEPARTMENT
17 DETERMINES THAT THE INMATE OR PAROLEE COMMITTED A CRIME OF
18 VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., THE DEPARTMENT
19 SHALL WITHDRAW ALL OF THE EARNED TIME DEDUCTIONS AWARDED TO
20 THE INMATE OR PAROLEE DURING HIS OR HER INCARCERATION OR PAROLE.

21 (b) In addition to any other sanctions, the executive director may
22 refer to the district attorney all cases where the offender tests positive for
23 the presence of drugs.

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2014 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.