

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 10-1058.01 Michael Dohr

HOUSE BILL 10-1421

HOUSE SPONSORSHIP

May and Weissmann, Ferrandino, Pommer, Lambert, Gardner B., Waller

SENATE SPONSORSHIP

King K. and Tochtrop,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DECOMMISSION OF A CORRECTIONAL FACILITY**
102 **OPERATED BY THE 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>.)

The executive director of the department of corrections is required to decommission one state-run correctional facility that has a bed capacity of at least 500 by November 1, 2010. At least 20% of the savings from the closure must be directed to the private prison per diem rate for recidivism-reduction programs.

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
May 3, 2010

HOUSE
Amended 2nd Reading
April 30, 2010

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds and declares that the state has experienced a significant drop in
4 revenue and reduction in the number of inmates who are being sentenced
5 to the department of corrections. Therefore, it is a prudent step to close
6 one of the state correctional facilities in order to create additional general
7 fund revenue and use some of that revenue to fund recidivism-reduction
8 programs at private prisons.

9 **SECTION 2.** 17-1-104.3, Colorado Revised Statutes, is amended
10 BY THE ADDITION OF A NEW SUBSECTION to read:

11 **17-1-104.3. Correctional facilities - locations - security level -**
12 **facility decommission.** (6) (a) THE EXECUTIVE DIRECTOR SHALL
13 DECOMMISSION ONE CORRECTIONAL FACILITY OPERATED BY THE
14 DEPARTMENT LISTED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS
15 SECTION BY NOVEMBER 1, 2010, WHICH FACILITY SHALL HAVE A BED
16 CAPACITY OF AT LEAST FIVE HUNDRED. WHEN THE DEPARTMENT
17 TRANSFERS INMATES FROM THE DECOMMISSIONED FACILITY, THOSE
18 INMATES SHALL BE FIRST TRANSFERRED TO ALL AVAILABLE
19 STATE-OPERATED CORRECTIONAL FACILITY BEDS THAT ARE APPROPRIATE
20 FOR THAT INMATE'S CUSTODY LEVEL BEFORE AN INMATE IS TRANSFERRED
21 TO A PRIVATE CONTRACT PRISON.

22 (b) THE DEPARTMENT SHALL DIRECT AT LEAST TWENTY PERCENT
23 OF THE SAVINGS REALIZED IN THE FISCAL YEAR 2010-11 FROM THE
24 DECOMMISSION OF THE CORRECTIONAL FACILITY REQUIRED IN PARAGRAPH
25 (a) OF THIS SUBSECTION (6) TO THE LINE ITEM OF THE ANNUAL GENERAL
26 APPROPRIATION BILL FOR THE COMMUNITY RE-ENTRY SUBPROGRAM IN THE

1 COMMUNITY SERVICES PROGRAM IN THE DEPARTMENT OF CORRECTIONS
2 FOR PROGRAMS THAT REDUCE RECIDIVISM AND AT LEAST THIRTY PERCENT
3 TO VOCATIONAL, ACADEMIC, AND TREATMENT PROGRAMS FOR INMATES
4 AND TO IMPROVE STATE CORRECTIONAL FACILITY STAFFING RATIOS AT
5 STATE-OPERATED CORRECTIONAL FACILITIES.

6 (c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS
7 SUBSECTION (6) TO THE CONTRARY, IF THE DEPARTMENT DETERMINES
8 THAT IT IS NOT BE ABLE TO COMPLY WITH THE NOVEMBER 1, 2010,
9 DEADLINE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6), THE
10 DEPARTMENT MAY REQUEST APPROVAL OF AN EXTENSION OF UP TO NINETY
11 DAYS OF THE NOVEMBER 1, 2010, DEADLINE FROM THE CAPITAL
12 DEVELOPMENT COMMITTEE.

13 (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS
14 SUBSECTION (6) TO THE CONTRARY, IF THE DEPARTMENT DETERMINES
15 PARAGRAPH (a) OF THIS SUBSECTION (6) WOULD CREATE AN
16 IMPLEMENTATION ISSUE, THE DEPARTMENT MAY REQUEST THAT THE
17 EXECUTIVE COMMITTEE OF LEGISLATIVE COUNCIL CREATED IN SECTION
18 2-3-301, C.R.S., APPROVE A SUSPENSION OF THE DEPARTMENT'S
19 REQUIREMENT TO DECOMMISSION A PRISON AS REQUIRED BY PARAGRAPH
20 (a) OF THIS SUBSECTION (6).

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.