

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

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**  
State, Veterans & Military Affairs

**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.*

SENATE  
Am ended 2nd Reading  
May 11, 2010

HOUSE  
3rd Reading Unam ended  
May 3, 2010

HOUSE  
Am ended 2nd Reading  
April 30, 2010

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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 (6) (a) BY NOVEMBER 1, 2010, THE DEPARTMENT SHALL REDUCE THE  
13 DEPARTMENT'S PRISON BED CAPACITY BY AT LEAST THREE HUNDRED BEDS  
14 OR CREATE COMPARABLE SAVINGS. THE DEPARTMENT MAY ACHIEVE THE  
15 REDUCTION THROUGH THE DECOMMISSION OF A CORRECTIONAL FACILITY  
16 OPERATED BY THE DEPARTMENT, THROUGH A REDUCTION IN PRIVATE  
17 CONTRACT PRISON BEDS, OR ANY OTHER MEANS DETERMINED BY THE  
18 DEPARTMENT THAT CREATES COMPARABLE SAVINGS. IF THE DEPARTMENT  
19 DECIDES TO ACHIEVE THE REDUCTION REQUIRED BY THIS PARAGRAPH (a)  
20 BY REDUCING PRIVATE CONTRACT BEDS, THE DEPARTMENT SHALL ALSO  
21 REDUCE THE NUMBER OF BEDS AT STATE-OPERATED CORRECTIONAL  
22 FACILITIES TO ACHIEVE THE NECESSARY SAVINGS. THE REDUCTION OF  
23 BEDS AT PRIVATE CONTRACT PRISONS AND STATE-OPERATED  
24 CORRECTIONAL FACILITY BEDS SHALL BE IN THE SAME PROPORTION AS THE  
25 PROPORTION OF STATE-OPERATED CORRECTIONAL FACILITY BEDS TO  
26 PRIVATE CONTRACT PRISON BEDS IN THE STATE ON NOVEMBER 1, 2010.

1 WHEN THE DEPARTMENT TRANSFERS INMATES AS A RESULT OF THE  
2 REDUCTION IN BEDS, THOSE INMATES SHALL BE FIRST TRANSFERRED TO  
3 ALL AVAILABLE STATE-OPERATED CORRECTIONAL FACILITY BEDS THAT  
4 ARE APPROPRIATE FOR THAT INMATE'S CUSTODY LEVEL BEFORE AN INMATE  
5 IS TRANSFERRED TO A PRIVATE CONTRACT PRISON.

6 (b) THE DEPARTMENT SHALL DIRECT AT LEAST TWENTY PERCENT  
7 OF THE SAVINGS REALIZED IN THE FISCAL YEAR 2010-11 FROM THE  
8 REDUCTION IN PRISON BEDS REQUIRED IN PARAGRAPH (a) OF THIS  
9 SUBSECTION (6) TO THE LINE ITEM OF THE ANNUAL GENERAL  
10 APPROPRIATION BILL FOR THE COMMUNITY RE-ENTRY SUBPROGRAM IN THE  
11 COMMUNITY SERVICES PROGRAM IN THE DEPARTMENT OF CORRECTIONS  
12 FOR PROGRAMS THAT REDUCE RECIDIVISM AND AT LEAST THIRTY PERCENT  
13 TO VOCATIONAL, ACADEMIC, AND TREATMENT PROGRAMS FOR INMATES  
14 AND TO IMPROVE STATE CORRECTIONAL FACILITY STAFFING RATIOS AT  
15 STATE-OPERATED CORRECTIONAL FACILITIES.

16 (c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
17 SUBSECTION (6) TO THE CONTRARY, IF THE DEPARTMENT DETERMINES  
18 THAT IT IS NOT BE ABLE TO COMPLY WITH THE NOVEMBER 1, 2010,  
19 DEADLINE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6), THE  
20 DEPARTMENT MAY REQUEST APPROVAL OF AN EXTENSION OF UP TO NINETY  
21 DAYS OF THE NOVEMBER 1, 2010, DEADLINE FROM THE CAPITAL  
22 DEVELOPMENT COMMITTEE.

23 (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
24 SUBSECTION (6) TO THE CONTRARY, IF THE DEPARTMENT DETERMINES  
25 PARAGRAPH (a) OF THIS SUBSECTION (6) WOULD CREATE AN  
26 IMPLEMENTATION ISSUE, THE DEPARTMENT MAY REQUEST THAT THE  
27 EXECUTIVE COMMITTEE OF LEGISLATIVE COUNCIL CREATED IN SECTION

1 2-3-301, C.R.S., APPROVE A SUSPENSION OF THE DEPARTMENT'S  
2 REQUIREMENT TO DECOMMISSION A PRISON AS REQUIRED BY PARAGRAPH  
3 (a) OF THIS SUBSECTION (6).

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