

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 17-0265.01 Kip Kolkmeier x4510 & Kristen Forrestal x4217 **SENATE BILL 17-031**

SENATE SPONSORSHIP

Tate, Kerr, Moreno

HOUSE SPONSORSHIP

Arndt, Thurlow

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE**
102 **DEPARTMENT OF CORRECTIONS TO THE GENERAL ASSEMBLY.**

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://leg.colorado.gov/>.)

Statutory Revision Committee. Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly, acting by bill, continues the requirement.

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
Amended 2nd Reading
January 30, 2017

Sections 1, 4, 5, 7, and 9 continue indefinitely the reporting requirements contained in those statutory sections.

Sections 2 and 3 repeal reports related to corrections that were scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there is no repeal date listed in the organic statute.

Sections 6 and 8 of the bill add a repeal date in the organic statute that coincides with the scheduled repeal date specified in section 24-1-136 (11)(a)(I).

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-1-104.3, **amend**
3 (5) as follows:

4 **17-1-104.3. Correctional facilities - locations - security level.**

5 (5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), monthly the
6 department shall submit a project status report on construction and A
7 monthly population and capacity report to the office of state planning and
8 budgeting, the joint budget committee, the capital development
9 committee, and THE legislative council. The monthly population and
10 capacity report ~~shall~~ MUST include information on state and private
11 contract facilities, including ~~but not limited to~~ operational capacity for the
12 previous month, the month just ending and capacity changes, on grounds
13 population, and operational capacity for this period in the previous year.
14 The department shall include total beds occupied in each facility, state or
15 private contract, by custody level and by gender. The report shall itemize
16 operational capacities for jail backlog, community corrections, parole,
17 youthful offenders, escapees, and revocations.

18 **SECTION 2.** In Colorado Revised Statutes, 17-1-113.9, **repeal**
19 (1) as follows:

20 **17-1-113.9. Use of administrative segregation for state**
21 **inmates.** (1) ~~On or before January 1, 2012, and each January 1 thereafter,~~

1 ~~the executive director shall provide a written report to the judiciary~~
2 ~~committees of the senate and house of representatives, or any successor~~
3 ~~committees, concerning the status of administrative segregation;~~
4 ~~reclassification efforts for offenders with mental illnesses or~~
5 ~~developmental disabilities, including duration of stay, reason for~~
6 ~~placement, and number and percentage discharged; and any internal~~
7 ~~reform efforts since July 1, 2011.~~

8 **SECTION 3.** In Colorado Revised Statutes, 17-1-115.7, **repeal**
9 (2) as follows:

10 **17-1-115.7. Prevention of sexual assaults on youthful inmates**
11 **- compliance with federal law - definitions.** (2) ~~On or before October~~
12 ~~1, 2013, and on or before each October 1 thereafter, the department shall~~
13 ~~report to the judiciary committees of the house of representatives and~~
14 ~~senate, or any successor committees, concerning the implementation of~~
15 ~~the policies described in subsection (1) of this section within the youth~~
16 ~~offender system described in section 18-1.3-407.5, C.R.S.~~

17 **SECTION 4.** In Colorado Revised Statutes, 17-1-115.8, **amend**
18 (1) introductory portion as follows:

19 **17-1-115.8. Corrections officer staffing - double shift criteria**
20 **- definitions.** (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the
21 department shall prepare a report for the members of the general assembly
22 by January 15, 2014, and by January 15 each year thereafter, regarding
23 corrections officer staffing levels. The report must include:

24 **SECTION 5.** In Colorado Revised Statutes, 17-1-201, **amend** (2)
25 as follows:

26 **17-1-201. Duties of department.** (2) NOTWITHSTANDING SECTION
27 24-1-136 (11)(a)(I), no later than December 1 of each fiscal year,

1 beginning with the 1996-97 fiscal year, the executive director shall submit
2 a report to the speaker of the house of representatives and the president
3 of the senate concerning the status of contracts in effect, and, with respect
4 to completed prisons, the effectiveness of each private contract prison
5 governed by a contract with the department.

6 **SECTION 6.** In Colorado Revised Statutes, 17-2-102, **amend**
7 (13) as follows:

8 **17-2-102. Division of adult parole - general powers, duties, and**
9 **functions - definitions - repeal.** (13) (a) On or before January 1, 2016,
10 and on or before January 1 each year thereafter, the division of adult
11 parole shall provide to the judiciary committees of the senate and the
12 house of representatives, or any successor committees, a status report on
13 the effect on parole outcomes and the use of any money allocated
14 pursuant to Senate Bill 15-124, enacted in 2015.

15 (b) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION
16 (13) IS REPEALED, EFFECTIVE JANUARY 2, 2019.

17 **SECTION 7.** In Colorado Revised Statutes, 17-2-201, **amend**
18 (3.5) as follows:

19 **17-2-201. State board of parole - definitions.**
20 (3.5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the chairperson
21 shall annually make a presentation to the judiciary committees of the
22 house of representatives and the senate, or any successor committees,
23 regarding the operations of the board. ~~and the information required by~~
24 ~~section 17-22.5-404.5 (4).~~

25 **SECTION 8.** In Colorado Revised Statutes, 17-33-101, **amend**
26 (8) as follows:

27 **17-33-101. Reentry planning and programs for adult parole**

1 **- grant program - rules - reports - repeal.** (8) (a) On and after January
2 1, 2016, during its annual presentation before the joint judiciary
3 committee of the general assembly, or any successor joint committee,
4 pursuant to section 2-7-203, ~~C.R.S.~~, the department shall include a status
5 report regarding the progress and outcomes of the initiatives developed
6 and implemented by the department pursuant to this section during the
7 preceding year.

8 (b) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION
9 (8) IS REPEALED, EFFECTIVE JANUARY 2, 2019.

10 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-1011, **amend**
11 (1) introductory portion as follows:

12 **18-1.3-1011. Annual report.** (1) NOTWITHSTANDING SECTION
13 24-1-136 (11)(a)(I), on or before November 1, 2000, and on or before
14 each November 1 thereafter, the department of corrections, the
15 department of public safety, and the judicial department shall submit a
16 report to the judiciary committees of the house of representatives and the
17 senate, or any successor committees, and to the joint budget committee
18 of the general assembly specifying, at a minimum:

19 **SECTION 10.** In Colorado Revised Statutes, 18-3-414.5, **amend**
20 (4) introductory portion as follows:

21 **18-3-414.5. Sexually violent predators - assessment annual**
22 **report.** (4) On or before January 15, 2008, and on or before January 15
23 each year thereafter, the judicial department and the department of
24 corrections shall jointly submit to the ~~judiciary committees of the senate~~
25 ~~and the house of representatives, or any successor committees, to the~~
26 division of criminal justice in the department of public safety and to the
27 governor a report specifying the following information:

1 **SECTION 11.** In Colorado Revised Statutes, 42-3-301, **amend**
2 (2)(a) as follows:

3 **42-3-301. License plate cash fund - license plate fees.**

4 (2) (a) The fees imposed pursuant to subsection (1) of this section shall
5 be limited to the amount necessary to recover the costs of the production
6 and distribution of any license plates, decals, or validating tabs issued
7 pursuant to this ~~article~~ ARTICLE 3 and the related support functions
8 provided to the department of revenue by the division. The correctional
9 industries advisory committee, established pursuant to section 17-24-104
10 (2), ~~C.R.S.~~, shall annually review and recommend to the director of the
11 division the amounts of the fees to be imposed pursuant to subsection (1)
12 of this section. The director of the division, in cooperation and
13 consultation with the department of revenue and the office of state
14 planning and budgeting, shall annually establish the amounts of the fees
15 imposed pursuant to subsection (1) of this section to recover the division's
16 costs pursuant to this subsection (2). ~~On or before March 1, 2010, and on~~
17 ~~or before March 1 every five years thereafter, the director of the division~~
18 ~~shall file a written report with the transportation and energy committee of~~
19 ~~the house of representatives, or any successor committee, and the~~
20 ~~transportation committee of the senate, or any successor committee,~~
21 ~~concerning any change within the preceding five years in the amount of~~
22 ~~the fee imposed pursuant to subsection (1) of this section and the reason~~
23 ~~for the change in the fee.~~

24 ==
25 **SECTION 12. Act subject to petition - effective date. Section**
26 2 of this act takes effect January 1, 2022, and the remainder of 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 (August
2 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 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 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor; except that
9 section 2 of this act takes effect January 1, 2022.