

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 11-0064.01 Richard Sweetman

HOUSE BILL 11-1009

HOUSE SPONSORSHIP

Waller,

SENATE SPONSORSHIP

Newell,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INTERSTATE COMPACTS FOR ADULT CRIMINAL**
102 **SUPERVISION.**

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 bill clarifies provisions concerning the crime of unauthorized residency by an adult criminal offender so as to recognize the 2000 enactment of the "Interstate Compact for Adult Offender Supervision", part 28 of article 60 of title 24, Colorado Revised Statutes. The "Uniform Act for Out-of-State Parolee Supervision", part 3 of article 60 of title 24,

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 Unam ended
January 26, 2011

HOUSE
2nd Reading Unam ended
January 25, 2011

Colorado Revised Statutes, is repealed.
The bill makes conforming amendments.

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

2 **SECTION 1.** 17-27.1-101 (1) (b), (2) (a), (2) (c), (3) (a), (3) (b),
3 the introductory portions to 17-27.1-101 (5) (a) and (5) (b), and
4 17-27.1-101 (5) (c), (6) (a), (6) (b), and (10) (a), Colorado Revised
5 Statutes, are amended, and the said 17-27.1-101 (2) is further amended
6 BY THE ADDITION OF A NEW PARAGRAPH, to read:

7 **17-27.1-101. Nongovernmental facilities for offenders -**
8 **registration - notifications - penalties.** (1) (b) The general assembly
9 further finds that although Colorado is a signatory to the ~~interstate~~
10 ~~compact for parolee supervision~~ "INTERSTATE COMPACT FOR ADULT
11 OFFENDER SUPERVISION" ESTABLISHED PURSUANT TO PART 28 OF ARTICLE
12 60 OF TITLE 24, C.R.S., more information concerning out-of-state
13 offenders is necessary for the protection of the citizens of Colorado, and
14 it may be necessary to further regulate programs that provide treatment
15 and services to such persons.

16 (2) As used in this section, unless the context otherwise requires:

17 (a) ~~"Administrator of the interstate compact" means the person~~
18 ~~designated by the governor pursuant to section 24-60-303 (5), C.R.S.,~~
19 ~~who manages the interstate compact process.~~

20 (b.5) "COMPACT ADMINISTRATOR" MEANS THE PERSON APPOINTED
21 PURSUANT TO THE PROVISIONS OF PART 28 OF ARTICLE 60 OF TITLE 24,
22 C.R.S., TO BE RESPONSIBLE FOR THE ADMINISTRATION OF THE INTERSTATE
23 COMPACT.

24 (c) "Interstate compact" means the ~~"Uniform Act for Out-of-State~~
25 ~~Parolee Supervision", part 3~~ "INTERSTATE COMPACT FOR ADULT

1 OFFENDER SUPERVISION", PART 28 of article 60 of title 24, C.R.S.

2 (3) (a) In order to ensure uniformity and consistency, the sending
3 state shall be in compliance with ~~24-60-303 (1), C.R.S.~~ THE PROVISIONS
4 OF THE INTERSTATE COMPACT or the COMPACT administrator ~~of the~~
5 ~~interstate compact~~ shall reject the placement of the supervised person
6 pursuant to subsection (6) of this section.

7 (b) A sending state shall not permit travel of a supervised person
8 who is a nonresident of this state to the state of Colorado without written
9 notification from the COMPACT administrator ~~of the interstate compact~~ of
10 acceptance of the supervised person into a private treatment program.

11 (5) No private treatment program in Colorado shall admit or
12 accept a supervised or unsupervised person into the program unless that
13 program:

14 (a) Is registered with the COMPACT administrator ~~of the interstate~~
15 ~~compact~~, and, if the person is a supervised person, the private treatment
16 program is:

17 (b) If the person is unsupervised, has notified the COMPACT
18 administrator ~~of the interstate compact~~ of the following information for
19 each such unsupervised person:

20 (c) (I) If the person is supervised and is a resident of the state of
21 Colorado, has confirmed that the sending state has provided all
22 information concerning the supervised person required by the interstate
23 compact to the COMPACT administrator; ~~of the interstate compact~~; and

24 (II) If the person is supervised and is a nonresident of the state of
25 Colorado, has confirmed that the COMPACT administrator ~~of the interstate~~
26 ~~compact~~ has accepted the person for placement in the private treatment
27 program.

1 (6) (a) Pursuant to criteria established by the interstate compact,
2 the COMPACT administrator ~~of the interstate compact~~ shall either accept
3 or reject the placement of the supervised person in the private treatment
4 program.

5 (b) For all unsupervised persons and for supervised persons that
6 the COMPACT administrator ~~of the interstate compact~~ accepts for
7 placement in a private treatment program, the COMPACT administrator
8 shall immediately notify the appropriate chief law enforcement official
9 and the director of the Colorado bureau of investigation.

10 (10) (a) In addition to any other duties, the COMPACT administrator
11 ~~of the interstate compact~~ may promulgate rules governing unsupervised
12 persons including but not limited to their identification.

13 **SECTION 2.** 18-8-213 (1), Colorado Revised Statutes, is
14 amended to read:

15 **18-8-213. Unauthorized residency by an adult offender from**
16 **another state.** (1) A person commits the crime of unauthorized
17 residency by a ~~parolee or probationer~~ AN ADULT OFFENDER if the person,
18 in order to stay in the state, is required to have the permission of the
19 COMPACT administrator OR A DESIGNATED DEPUTY OF THE COMPACT
20 ADMINISTRATOR of the interstate compact for ~~parolee~~ ADULT OFFENDER
21 supervision ESTABLISHED pursuant to ~~part 3~~ PART 28 of article 60 of title
22 24, C.R.S., and the person:

23 (a) Is not a resident of this state, ~~as defined in section 24-60-302~~
24 ~~(1) (b), C.R.S.,~~ has not ~~received approval from~~ BEEN ACCEPTED BY the
25 compact administrator of the interstate compact for ~~parolee~~ ADULT
26 OFFENDER supervision established pursuant to ~~part 3~~ PART 28 of article 60
27 of title 24, C.R.S., and is found residing in this state; or

1 (b) Is a resident of this state, ~~as defined in section 24-60-302 (1)~~
2 ~~(b), C.R.S.~~, has not ~~received approval from~~ BEEN ACCEPTED BY the
3 compact administrator of the interstate compact for ~~parolee~~ ADULT
4 OFFENDER supervision established pursuant to ~~part 3~~ PART 28 of article 60
5 of title 24, C.R.S., and is found residing in this state more than ninety
6 days after his or her transfer from the receiving state. ~~as defined in section~~
7 ~~24-60-302 (1), C.R.S.~~

8 **SECTION 3. Repeal.** Part 3 of article 60 of title 24, Colorado
9 Revised Statutes, is repealed.

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