

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 12-0601.02 Jerry Barry x4341

SENATE BILL 12-122

SENATE SPONSORSHIP

Williams S., Aguilar, Foster, Giron, Jahn, Newell, Nicholson, Steadman

HOUSE SPONSORSHIP

DelGrosso,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING AVOIDING POTENTIAL CONFLICTS OF INTEREST IN THE**
102 **PROVISION OF SERVICES TO A PERSON ON PROBATION.**

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 that an entity that provides probation or case management oversight services to a defendant cannot also provide offender treatment, chemical dependency education and treatment, or domestic violence or mental health services to the same defendant or hold a financial interest in an entity that provides such education or treatment

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
3rd Reading Unamended
February 24, 2012

SENATE
Amended 2nd Reading
February 23, 2012

services to the same defendant.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-202, **amend**
3 (2) as follows:

4 **18-1.3-202. Probationary power of court.** (2) (a) The probation
5 department in each judicial district may enter into agreements with any
6 state agency or other public agency, any corporation, and any private
7 agency or person to provide supervision or other services for defendants
8 placed on probation by the court; EXCEPT THAT A PRIVATE PROBATION
9 SUPERVISION PROVIDER _____ THAT PROVIDES PROBATION OR CASE
10 MANAGEMENT OVERSIGHT SERVICES FOR A DEFENDANT SHALL NOT HAVE
11 A FINANCIAL INTEREST IN AN ENTITY THAT PROVIDES _____ OFFENDER
12 TREATMENT, CHEMICAL DEPENDENCY EDUCATION AND TREATMENT, OR
13 DOMESTIC VIOLENCE OR MENTAL HEALTH SERVICES FOR THAT DEFENDANT.

14 (b) FOR PURPOSES OF THIS SUBSECTION (2), "PRIVATE PROBATION
15 SUPERVISION PROVIDER" MEANS A NONGOVERNMENTAL AGENCY,
16 CORPORATION, OR PERSON THAT HAS AN AGREEMENT WITH A PROBATION
17 DEPARTMENT TO PROVIDE CONTRACT, PROBATION, OR CASE MANAGEMENT
18 SERVICES, AND DOES NOT INCLUDE COMMUNITY CORRECTIONS,
19 COMMUNITY MENTAL HEALTH CENTERS, OR DIVERSION SERVICES
20 PROVIDERS.

21 (c) NOTHING IN THIS SUBSECTION (2) SHALL BE INTERPRETED TO
22 PREVENT A PROBATION DEPARTMENT FROM CONTRACTING FOR SUBSTANCE
23 ABUSE TREATMENT.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 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 8, 2012, if adjournment sine die is on May 9, 2012); 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 2012 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.