

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0890.01 Michael Dohr x4347

**SENATE BILL 13-239**

---

**SENATE SPONSORSHIP**

**Ulibarri, Guzman**

**HOUSE SPONSORSHIP**

**Salazar,**

---

**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.*

services to the same defendant. A private probation provider is prohibited from directing a probationer it supervises to a particular treatment provider.

If a person reasonably believes that a private probation provider violated either of these prohibitions, the person may file a complaint with the provider's licensing authority. If the licensing authority finds a violation, it shall:

- ! Issue a warning for a first violation;
- ! Suspend the license for a second violation; and
- ! Permanently revoke the license for a third violation.

The bill requires a court that sentences a defendant to probation to notify the defendant of these prohibitions and the remedy for a violation.

---

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); and **add** (3), (4), and (5) as follows:

4 **18-1.3-202. Probationary power of court - definitions.** (2) (a)

5 The probation department in each judicial district may enter into  
6 agreements with any state agency or other public agency, any corporation,  
7 and any private agency or person to provide supervision or other services  
8 for defendants placed on probation by the court. A PRIVATE PROBATION  
9 SUPERVISION PROVIDER THAT PROVIDES PROBATION OR CASE  
10 MANAGEMENT OVERSIGHT SERVICES FOR A DEFENDANT MAY NOT HAVE A  
11 FINANCIAL INTEREST IN AN ENTITY THAT PROVIDES OFFENDER TREATMENT,  
12 CHEMICAL DEPENDENCY EDUCATION AND TREATMENT, OR DOMESTIC  
13 VIOLENCE OR MENTAL HEALTH SERVICES FOR THAT DEFENDANT. IF A  
14 PRIVATE TREATMENT AGENCY IS NOT AVAILABLE WITHIN FIFTY MILES OF  
15 THE DEFENDANT'S HOME, A WAIVER MAY BE OBTAINED BY A PRIVATE  
16 PROBATION PROVIDER OR OTHER COMMUNITY AGENCY TO PROVIDE  
17 COURT-ORDERED TREATMENT TO THE SAME CLIENT THEY SUPERVISE FOR  
18 PROBATION SERVICES.

19 (b) FOR PURPOSES OF THIS SUBSECTION (2), "PRIVATE PROBATION

1 SUPERVISION PROVIDER" MEANS A NONGOVERNMENTAL AGENCY,  
2 CORPORATION, OR PERSON THAT HAS AN AGREEMENT WITH A PROBATION  
3 DEPARTMENT TO PROVIDE CONTRACT PROBATION OR CASE MANAGEMENT  
4 SERVICES AND DOES NOT INCLUDE COMMUNITY CORRECTIONS,  
5 COMMUNITY MENTAL HEALTH CENTERS, OR DIVERSION SERVICES  
6 PROVIDERS.

7 (c) NOTHING IN THIS SUBSECTION (2) SHALL BE INTERPRETED TO  
8 PREVENT A PROBATION DEPARTMENT FROM CONTRACTING FOR SUBSTANCE  
9 ABUSE TREATMENT.

10 (3) A PRIVATE PROBATION SUPERVISION PROVIDER MAY NOT  
11 DIRECT A DEFENDANT IT SUPERVISES TO A PARTICULAR TREATMENT  
12 PROVIDER.

13 (4) IF A PERSON BELIEVES THAT A PRIVATE PROBATION  
14 SUPERVISION PROVIDER HAS VIOLATED THE PROVISIONS OF THIS SECTION,  
15 THE PERSON MAY FILE A COMPLAINT WITH THE LICENSING AUTHORITY FOR  
16 THE PRIVATE PROBATION SUPERVISION PROVIDER. IF THE LICENSING  
17 AUTHORITY FINDS THE PROVIDER VIOLATED THIS SECTION, THEN IT SHALL:

18 (a) ISSUE A WARNING FOR THE FIRST VIOLATION BY THE PRIVATE  
19 PROBATION SUPERVISION PROVIDER;

20 (b) SUSPEND THE LICENSE FOR A PERIOD OF TIME DETERMINED BY  
21 THE LICENSING AUTHORITY FOR A SECOND OFFENSE BY THE PRIVATE  
22 PROBATION SUPERVISION PROVIDER; AND

23 (c) PERMANENTLY REVOKE THE LICENSE FOR A THIRD OFFENSE BY  
24 THE PRIVATE PROBATION SUPERVISION PROVIDER.

25 (5) WHEN A DEFENDANT IS SENTENCED TO PROBATION, THE  
26 SENTENCING COURT SHALL NOTIFY THE DEFENDANT OF THE PROVISIONS OF  
27 THIS SECTION.

1           **SECTION 2. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly (August  
4 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
5 referendum petition is filed pursuant to section 1 (3) of article V of the  
6 state constitution against this act or an item, section, or part of this act  
7 within such period, then the act, item, section, or part will not take effect  
8 unless approved by the people at the general election to be held in  
9 November 2014 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.