

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

**REREVISED**

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

LLS NO. 09-1088.01 Michael Dohr

**HOUSE BILL 09-1351**

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**HOUSE SPONSORSHIP**

**Pommer and Ferrandino, Marostica**

**SENATE SPONSORSHIP**

**Carroll M.,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

Judiciary  
Appropriations

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**A BILL FOR AN ACT**

101     **CONCERNING AN INCREASE IN THE AMOUNT OF TIME AN INMATE MAY**  
102             **HAVE DEDUCTED FROM THE INMATE'S SENTENCE, AND MAKING**  
103             **AN APPROPRIATION IN CONNECTION THEREWITH.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Increases the amount of earned time that an inmate may earn on a monthly basis. Permits the executive director of the department of corrections to deduct up to a specified number of days from a nonviolent offender's sentence based on progress made on the criteria in the earned time statute.

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  
May 6, 2009

SENATE  
Amended 2nd Reading  
May 5, 2009

HOUSE  
3rd Reading Unamended  
April 29, 2009

HOUSE  
Amended 2nd Reading  
April 28, 2009

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

2 **SECTION 1.** 17-22.5-405 (4), Colorado Revised Statutes, is  
3 amended, and the said 17-22.5-405 is further amended BY THE  
4 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to  
5 read:

6 **17-22.5-405. Earned time - earned release time.**

7 (1.5) (a) EARNED TIME, NOT TO EXCEED TWELVE DAYS FOR EACH MONTH  
8 OF INCARCERATION OR PAROLE, MAY BE DEDUCTED FROM AN INMATE'S  
9 SENTENCE IF THE INMATE:

10 (I) IS SERVING A SENTENCE FOR A CLASS 4, CLASS 5, OR CLASS 6  
11 FELONY;

12 (II) HAS INCURRED NO CODE OF PENAL DISCIPLINE VIOLATIONS  
13 WHILE INCARCERATED;

14 (III) HAS BEEN PROGRAM-COMPLIANT; AND

15 (IV) WAS NOT CONVICTED OF, AND HAS NOT PREVIOUSLY BEEN  
16 CONVICTED OF, A CRIME IN SECTIONS 18-7-402 TO 18-7-407, C.R.S.,  
17 SECTION 18-12-102, C.R.S., OR SECTION 18-12-109, C.R.S., OR A CRIME  
18 LISTED IN SECTION 24-4.1-302 (1), C.R.S.

19 (b) THE EARNED TIME SPECIFIED IN PARAGRAPH (a) OF THIS  
20 SUBSECTION (1.5) MAY BE DEDUCTED BASED UPON A DEMONSTRATION TO  
21 THE DEPARTMENT BY THE INMATE, WHICH IS CERTIFIED BY THE INMATE'S  
22 CASE MANAGER OR COMMUNITY PAROLE OFFICER, THAT HE OR SHE HAS  
23 MADE CONSISTENT PROGRESS IN THE CATEGORIES DESCRIBED IN  
24 SUBSECTION (1) OF THIS SECTION.

25 (c) NOTHING IN THIS SUBSECTION (1.5) SHALL PRECLUDE AN  
26 INMATE FROM RECEIVING EARNED TIME PURSUANT TO SUBSECTION (1) OF

1     THIS SECTION IF THE INMATE DOES NOT QUALIFY FOR EARNED TIME  
2     PURSUANT TO THIS SUBSECTION (1.5).

3             (4) Notwithstanding any other provision of this section, earned  
4     time may not reduce the sentence of ~~any~~ AN inmate as defined in section  
5     17-22.5-402 (1) by a period of time ~~which~~ THAT is more than ~~twenty-five~~  
6     THIRTY percent of the sentence. THIS SUBSECTION (4) SHALL NOT APPLY  
7     TO SUBSECTION (6) OF THIS SECTION.

8             (6) EARNED RELEASE TIME SHALL BE SCHEDULED BY THE PAROLE  
9     BOARD AND THE TIME COMPUTATION UNIT IN THE DEPARTMENT OF  
10    CORRECTIONS FOR INMATES CONVICTED OF CLASS 4 AND CLASS 5 FELONIES  
11    UP TO SIXTY DAYS PRIOR TO THE MANDATORY RELEASE DATE AND FOR  
12    INMATES CONVICTED OF CLASS 6 FELONIES UP TO THIRTY DAYS PRIOR TO  
13    THE MANDATORY RELEASE DATE FOR INMATES WHO MEET THE FOLLOWING  
14    CRITERIA:

15            (a) THE INMATE HAS NO CODE OF PENAL DISCIPLINE VIOLATIONS;

16            (b) THE INMATE IS PROGRAM-COMPLIANT; AND

17            (c) THE INMATE WAS NOT CONVICTED OF, AND HAS NOT  
18    PREVIOUSLY BEEN CONVICTED OF, A CRIME IN SECTIONS 18-7-402 TO  
19    18-7-407, C.R.S., SECTION 18-12-102, C.R.S., OR SECTION 18-12-109,  
20    C.R.S., OR A CRIME LISTED IN SECTION 24-4.1-302 (1), C.R.S.

21            (7) BEGINNING IN THE FISCAL YEAR 2012-13, THE GENERAL  
22    ASSEMBLY MAY APPROPRIATE THE SAVINGS GENERATED BY SUBSECTIONS  
23    (1.5) AND (6) OF THIS SECTION TO RECIDIVISM-REDUCTION PROGRAMS.

24            **SECTION 2.** 17-22.5-402 (2), Colorado Revised Statutes, is  
25    amended to read:

26            **17-22.5-402. Discharge from custody.** (2) Notwithstanding  
27    subsection (1) of this section, the full term for which an inmate is

1 sentenced shall be reduced by any EARNED RELEASE TIME AND earned  
2 time granted pursuant to section 17-22.5-405, except as provided in  
3 section 17-22.5-403 (3) and (3.5).

4 **SECTION 3. Appropriation - adjustments to the 2009 long**  
5 **bill.** (1) In addition to any other appropriation, there is hereby  
6 appropriated, to the department of corrections, for the fiscal year  
7 beginning July 1, 2009, the sum of eight hundred sixty-seven thousand  
8 nine hundred fifty-nine dollars (\$867,959) and 10.8 FTE, \_\_\_ or so much  
9 thereof as may be necessary, for the implementation of this act. Said sum  
10 shall be from the general fund.

11 (2) For the implementation of this act, appropriations made in the  
12 annual general appropriation act for the fiscal year beginning July 1,  
13 2009, shall be adjusted as follows:

14 (a) The appropriation to the department of corrections is decreased  
15 by two million nine hundred ninety-seven thousand nine hundred  
16 seventy-five dollars (\$2,997,975). \_\_\_ Said sum shall be from the general  
17 fund.

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