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HOUSE BILL 09-1263

BY REPRESENTATIVE(S) Casso, Apuan, Kerr A., King S., Levy, McFadyen, Merrifield, Nikkel, Pace, Priola, Roberts, Ryden, Todd, Vigil, Waller;
also SENATOR(S) Carroll M., Groff, Morse, Newell.

CONCERNING TIME COMPUTATION WHILE AN INMATE IS INCARCERATED IN A COUNTY JAIL.

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

SECTION 1. 17-26-109, Colorado Revised Statutes, is amended to read:

17-26-109. Deductions of time - good time - earned time.

(1) Every person who is sentenced to and imprisoned in any county jail of this state or SENTENCED to pay a fine and costs or either or all thereof and who performs faithfully the duties assigned to him OR HER during his OR HER imprisonment therein is entitled to a deduction from the time of his OR HER sentence of two days in ~~each month~~ ANY THIRTY-DAY PERIOD. If any such person escapes or attempts to escape from the county jail, he OR SHE shall forfeit all deduction from the time of his OR HER sentence which he OR SHE may have been entitled to up to the time of the escape or attempt at escape, as provided for in this section.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) A PERSON WHO IS SENTENCED TO AND IMPRISONED IN ANY COUNTY JAIL OF THIS STATE OR SENTENCED TO PAY A FINE AND COSTS OR EITHER OR ALL THEREOF MAY BE AWARDED EARNED TIME OF UP TO THREE DAYS IN ANY THIRTY-DAY PERIOD AT THE DISCRETION OF THE COUNTY SHERIFF FOR THE SUCCESSFUL COMPLETION OF CERTAIN DESIGNATED PROGRAMS OR EDUCATIONAL ACTIVITIES, FOR OUTSTANDING PROGRESS IN ANY ASSIGNED PROGRAM OR ACTIVITY, OR FOR UNUSUAL OR EXTRAORDINARY ACTIONS AS DETERMINED BY THE COUNTY SHERIFF. EACH COUNTY SHERIFF SHALL DEVELOP AND IMPLEMENT AN EARNED TIME PROGRAM AND SCHEDULE FOR USE IN HIS OR HER COUNTY JAIL IN ACCORDANCE WITH THE EXPECTATIONS AND STANDARDS OF THE COMMUNITY IN WHICH HE OR SHE SERVES. EARNED TIME SHALL BE IN ADDITION TO GOOD TIME AS ALLOWED IN SUBSECTION (1) OF THIS SECTION AND SECTION 17-26-115.

SECTION 2. 17-26-115, Colorado Revised Statutes, is amended to read:

17-26-115. Trusty prisoners - good time. Persons confined in the county jail, undergoing any sentence in accordance with law, who are engaged in work within or outside the walls of the jail, and who are designated by the sheriff as trusty prisoners, and who conduct themselves in accordance with the rules of the sheriff of the county and perform their work in a creditable manner, upon approval of the sheriff, may be granted such good time, in addition to that allowed in section 17-26-109, as the sheriff may order, not to exceed ten days in any ~~one calendar month~~ THIRTY-DAY PERIOD.

SECTION 3. 18-1.3-405, Colorado Revised Statutes, is amended to read:

18-1.3-405. Credit for presentence confinement. A person who is confined for an offense prior to the imposition of sentence for said offense is entitled to credit against the term of his or her sentence for the entire period of such confinement. At the time of sentencing, the court shall make a finding of the amount of presentence confinement to which the offender is entitled and shall include such finding in the mittimus. ~~Such~~ THE period of confinement shall be deducted from the sentence by the department of corrections. A PERSON WHO IS CONFINED PENDING A PAROLE

REVOCATION HEARING IS ENTITLED TO CREDIT FOR THE ENTIRE PERIOD OF SUCH CONFINEMENT AGAINST ANY PERIOD OF REINCARCERATION IMPOSED IN THE PAROLE REVOCATION PROCEEDING. THE PERIOD OF CONFINEMENT SHALL BE DEDUCTED FROM THE PERIOD OF REINCARCERATION BY THE DEPARTMENT OF CORRECTIONS. If a defendant is serving a sentence or is on parole for a previous offense when he or she commits a new offense and he or she continues to serve the sentence for the previous offense while charges on the new offense are pending, the credit given for presentence confinement under this section shall be granted against the sentence the defendant is currently serving for the previous offense and shall not be granted against the sentence for the new offense.

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item,

section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO