

# CORRECTIONS

<b>Public Benefits for Inmates</b>		
<b>HB 08-1046</b> (Enacted) <i>Offenders Apply for Public Benefits</i>	<b>SB 08-006</b> (Enacted) <i>Suspend Medicaid for Confined Persons</i>	<b>SB 08-007</b> (Enacted) <i>Jail Inmate Application Assistance</i>
<b>Medical Services</b>		
<b>HB 08-1192</b> (Enacted) <i>DOC Inmate Copayment Medical Services</i>		
<b>Parole</b>		
<b>HB 08-1067</b> (Enacted) <i>Immunity Parole Administrative Hearing Officers</i>	<b>SB 08-171</b> (Enacted) <i>Test Methods for Substances for Parolees</i>	<b>HB 08-1352</b> (Enacted) <i>Parole Revocation Placement</i>
<b>Youth Offender System Treatment</b>		
<b>HB 08-1132</b> (Enacted) <i>Youthful Offender System Treatment</i>		
<b>Private Prison Contract Rates</b>		
<b>HB 08-1363</b> (Enacted) <i>Private Prison Contract Rates</i>		

## Public Benefits for Inmates

The General Assembly considered several bills looking at the public and medical assistance available to inmates or those being released from incarceration.

***Offenders apply for public benefits.*** House Bill 08-1046 provides juveniles in a juvenile commitment facility, and certain offenders committed to the Department of Human Services, with assistance in applying for public benefits prior to their release. Specifically, these offenders would receive help applying for Medicaid, Children's Basic Health Plan benefits, Supplemental Security Income (SSI), or Social Security Disability Insurance (SSDI) at least 120 days prior to release.

For juveniles who are committed for less than 120 days, state personnel shall make a reasonable effort to assist the juvenile's guardian in applying for benefits. In addition, this bill mandates appropriate training for personnel to develop the expertise to provide this assistance. Departments also must simplify the processing of applications for these benefits.

***Suspend medicaid for confined persons.*** Senate Bill 08-006 specifies that individuals who are receiving Medicaid prior to their confinement in a jail, juvenile commitment facility, Department of Corrections facility, or Department of Human Services facility shall have their Medicaid benefits suspended, rather than terminated, during the period of their confinement.

***Jail inmate application assistance.*** **Senate Bill 08-007** finds that many individuals, upon being released from jail, have difficulties accessing services. The bill encourages counties to develop relationships, partnerships, and prerelease agreements with appropriate agencies and to assist jail inmates prior to release in accessing public benefits for which they may qualify. The Department of Human Services (DHS) and the Department of Health Care Policy and Financing (DHCPF) are required to provide training to appropriate county personnel to assist inmates in applying for these benefits. In addition, the bill creates the Inmate Assistance Demonstration Grant which provides grants to counties to assist inmates in county jails in accessing health care, housing, and employment benefits.

## **Medical Services**

**House Bill 08-1192** clarifies how the Department of Corrections (DOC) must assess a copayment for all inmate-initiated medical services. This bill is the result of a 2005 performance audit conducted by the State Auditor's Office that found that copayments were being assessed inconsistently. Under HB 08-1192, the DOC must establish written procedures and amounts for copayments for medical services; the copayments are not to exceed \$5 per visit. The bill also requires the DOC to develop written procedures concerning the assessment of copayments to inmates for medical and mental health services.

## **Parole**

***Immunity parole administrative hearing officers.*** **House Bill 08-1067** adds parole administrative hearing officers to the statutory definition of public employee for purposes of the Colorado Governmental Immunity Act. Under current law, administrative hearing officers are not granted the same legal protection that both parole board members and release hearing officers receive.

***Test methods for substances for parolees.*** **Senate Bill 08-171** revises the chemical testing requirement to which parolees must submit as a condition of parole from a urine test to a test of a biological substance sample. Under current law, all parolees must submit to a urine test; however, other forms of testing may be more accurate and less invasive for the parolee. The bill also eliminates existing requirements for the Department of Public Health and Environment (DPHE) regarding such testing of parolees. The bill requires the Department of Corrections, the Department of Public Safety, and local governmental agencies for inmates paroled to community corrections, to contract with a private laboratory for testing of parolees' biological substances.

***Parole revocation placement.*** **House Bill 08-1352** modifies the revocation placement options available to the Parole Board for offenders whose parole was revoked based on a technical violation and who have an additional warrant for a felony charge. With this bill, these individuals would not be eligible to be placed in community return-to-custody facilities.

## **Youthful Offender System Treatment**

**House Bill 08-1132** modifies the treatment options for sex offenders sentenced to the Youthful Offender System (YOS) who are over the age of 18. Previously, the only treatment model

available at YOS was for juveniles. This bill changes that to include the option of adult treatment services for sex offenders over the age of 18. The bill also adds mental health treatment as a service that offenders are authorized to receive without parental consent.

### **Private Prison Contract Rates**

**House Bill 08-1363** allows the Department of Corrections (DOC) to negotiate the contract rate for per diem for inmates held in private prisons or local government prison facilities, up to the maximum rate established in the Long Bill. Current law requires the DOC to pay prisoner per diem to private prisons and local government facilities at the established maximum rate. This bill allows the DOC to negotiate incentives and additional services in exchange for the maximum per diem rate.