


Colorado Legislative Council Staff Fiscal Note
STATE
REVISED FISCAL IMPACT
(replaces fiscal note dated April 26, 2011)

Drafting Number: LLS 11-0893 **Date:** April 28, 2011
Prime Sponsor(s): Sen. King S.; Carroll **Bill Status:** Senate Appropriations
Fiscal Analyst: Jessika Shipley (303-866-3528)
 Rep. Gardner B.; Kagan

TITLE: CONCERNING CHANGES RELATED TO THE OPERATION OF THE PAROLE BOARD.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures		
General Fund	\$43,800	\$59,800
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2011-2012: For FY 2011-12, the DOC requires a General Fund appropriation of \$43,800.		
Local Government Impact: None		

Summary of Legislation

Under current law, some inmates with serious and debilitating medical conditions may be classified as "special needs offenders" for the purpose of special needs parole consideration. This bill, *which was amended by the Senate Judiciary Committee*, expands the definition of a special needs offender to include individuals who:

- are 60 years of age or older, have been diagnosed with a chronic infirmity, illness, condition, disease, or mental illness, and have been determined to be incapacitated to the extent that they are not likely to pose a public safety risk; or
- suffer from a chronic, permanent, terminal, or irreversible physical or mental illness, condition, or disease that requires costly care or treatment and have been determined to be incapacitated to the extent that they are not likely to pose a public safety risk.

Current law exempts inmates convicted of class 1 felonies, crimes of violence, and sex offenses from classification as special needs offenders. The bill permits the inclusion of class 2 felony crimes of violence when the offender has served fewer than 10 years in prison, sex offenses, and class 1 felonies when the class 1 felony was committed before July 1, 1990, and the offender has served at least 20 years in prison. The Department of Corrections (DOC) is responsible for identifying special needs offenders and submitting referrals to the parole board. The bill specifies information that must be included in all referrals, including a recommendation as to whether to release the inmate and a special needs parole plan.

The bill creates a presumption in favor of granting parole for an inmate with a detainer on file from the United States Immigration and Customs Enforcement Agency (ICE) who:

- has reached his or her parole eligibility date;
- is not serving a sentence for a violent crime; and
- has been assessed as medium risk or below.

The parole board may release inmates with ICE detainers only into the custody of ICE or a similar agency. If ICE issues an order of deportation, the DOC is required to submit a request to the parole board to discharge parole. Inmates with ICE detainers who meet all of the required criteria may only be denied parole by a majority vote of the board.

The bill specifies minimum professional qualifications and training requirements for the members of the State Board of Parole, administrative hearing officers, and release hearing officers. The chair of the parole board is required to develop and distribute a written operational manual for board members, administrative hearing officers, and release hearing officers by December 31, 2012.

The parole board is required to consider an inmate for special needs parole upon referral by the DOC and may deny special needs parole only by a majority vote of the board. The board may conduct a parole release review without the presence of the inmate if the application for release is for special needs parole and victim notification is not required. The presence of the inmate is also not required if the inmate has an ICE detainer on file and victim notification is not required. The inmate's case manager must be informed if the board chooses to review the inmate's application for release without the presence of the inmate and the case manager may request that the board reconsider.

State Expenditures

The bill will increase costs in the DOC by \$43,800 in FY 2011-12 and \$59,800 in FY 2012-13. New training requirements are imposed on the members of the parole board, administrative hearing officers, and release hearing officers. Twenty hours of training for each of the seven parole board members at an hourly rate of \$100 is \$14,000. Twelve hours of training for each of the three administrative hearing officers and the two release hearing officers currently utilized by the parole board, at an hourly rate of \$100, is \$6,000.

While the members of the parole board are in training, administrative hearing officers and release hearing officers will be contracted to conduct a total of 980 hearings for a cost of \$23,800. The chair of the parole board is responsible for developing and disseminating an operational manual by December 31, 2012. During this activity, which is expected to take place in FY 2012-13, a release hearing officer will be contracted to conduct hearings. It is expected that the manual will take approximately 200 hours to complete, during which the release hearing officer can complete a total of 800 hearings at a rate of \$20 per hearing, for a total cost of \$16,000. This is a one time cost for FY 2012-13 only.

The bill is likely to result in additional inmates being released early as special needs offenders or with ICE detainees. The potential pool of inmates who could be considered for early release as a result of the bill is approximately 959 offenders. The decision to release any offender is at the discretion of the parole board and, as such, the number of releases cannot be determined at this time.

If 10 percent of the total pool, 96 offenders, were released an average of 246 days early (an average determined by looking at FY 2009-10 parole releases) at a private prison daily rate of \$52.69, the total operational cost savings would be \$1.2 million. This estimate does not take into account the savings that could be realized through the avoidance of costs for catastrophic medical conditions because it is unknown how many offenders are receiving such care who might be eligible for early release under the bill. It also does not estimate the amount of medical care costs that would be transferred to the Department of Health Care Policy and Financing for those special needs offenders who qualify for Medicaid upon release. Finally, the bill does not take into account the potential need for new parole officers and parole programming to address the needs of new parolees. Any savings or additional costs that result from the enactment of the bill will be handled during the annual budget process.

State Appropriations

For FY 2011-12, the DOC requires a General Fund appropriation of \$43,800.

Departments Contacted

Corrections

Health Care Policy and Financing