

Current law prohibits the General Assembly from passing any bill to increase periods of imprisonment in state correctional facilities without appropriating an amount sufficient to cover the increased capital construction and operating costs of the bill in each of the first five fiscal years. However, current law also allows the DOC to place offenders classified as medium custody and below in private contract prisons, for which no state capital construction costs are incurred.

Offenders sentenced under this bill to DOC may be placed in either a state-run or a private contract prison, depending on several factors. Any offenders that *must* be housed in a state-run prison will likely require a shift of other inmates in that facility to private contract prisons. Therefore, this fiscal note assumes that the impact of this bill will be accommodated through the use of private contract prisons, and that no new capital construction funds are necessary.

Offenders placed in a private contract prison cost the state about \$60.46 per offender per day, including the current daily rate of \$55.08 and an estimated \$5.38 per offender per day for medical care provided by the DOC. Table 1 shows the estimated cost of the bill over the next five fiscal years.

Table 1. Five-Year Fiscal Impact On Correctional Facilities				
Fiscal Year	Inmate Bed Impact	Construction Cost	Operating Cost	Total Cost
FY 2015-16	0.5	\$0	\$11,034	\$11,034
FY 2016-17	12.5	\$0	\$275,849	\$275,849
FY 2017-18	22.1	\$0	\$487,701	\$487,701
FY 2018-19	22.1	\$0	\$487,701	\$487,701
FY 2019-20	22.1	\$0	\$487,701	\$487,701
Total				\$1,749,986

Judicial Department. To the extent that an increased penalty causes more cases to go to trial, the bill may increase workload or costs for the trial courts, the Office of the State Public Defender, and the Office of Alternate Defense Counsel, to provide representation for any persons deemed to be indigent. The fiscal note assumes any such increases are minimal and will not require an increase in appropriations for any agency within the Judicial Department.

Comparable Crime

Pursuant to Section 2-2-322 (2.5), C.R.S., Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. HB15-1341 increases the penalty for certain cases of sexual exploitation of a child by possession of sexually exploitative material from a class 6 felony to a class 5 felony. Between January 1, 2012 and March 5, 2015, there were 129 cases where at least one charge of this offense was filed. Of this number, 95 percent were male and 5 percent were female. The ethnic composition of these offenders is as follows:

- 89% Caucasian;
- 5% Hispanic;
- 4% Black; and
- 2% Other or No Response.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

The Department of Corrections requires the five-year appropriations of \$1,749,986 General Fund as shown in Table 1.

State and Local Government Contacts

Corrections

District Attorneys

Judicial