



*Colorado Legislative Council Staff*  
**STATE**  
**FISCAL IMPACT**

**Drafting Number:** LLS 06-0941  
**Prime Sponsor(s):** Sen. Groff  
 Rep. Borodkin

**Date:** March 15, 2006  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Gary J. Estenson (303-866-4976)

**TITLE:** CONCERNING A PROHIBITION AGAINST TRAFFICKING IN HUMANS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

<b>Fiscal Impact Summary</b>	<b>FY 2006/07</b>	<b>FY 2007/08</b>
<b>State Revenues</b>		
<b>State Expenditures</b>		
General Fund	\$174,388	\$262,892
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Effective Date:</b> Upon signature of the Governor.		
<b>Appropriation Summary for FY 2006/07:</b>		
Department of Corrections:	\$174,388 GF	

**Summary of Legislation**

This legislation creates the crime of trafficking in humans. A person commits trafficking in humans if he or she facilitates the transportation or attempted transportation to Colorado of a person who has illegally crossed the United States border. Trafficking in humans is a Class 3 felony.

**State Expenditures**

The Department of Corrections will require \$174,388 GF in FY 2006-07 and \$262,892 GF in FY 2007-08.

The creation of a new statutory criminal offense will result in more arrests and cases being filed in state courts. While the number cannot be quantified, it is estimated that two new cases of human trafficking will be filed annually. Some current cases may also include the additional charge of human trafficking. It is estimated that four cases charged for crimes under current law will also include a charge of human trafficking. It is likely that the first charge will be for an offense that results in a Class 4 or Class 5 felony charge. The new charge of human trafficking will be a Class 3 felony.

The fiscal note assumes that each charge of human trafficking will result in a conviction. As such the Department of Corrections will require additional space to house inmates. It is estimated that two new admissions will result in prison sentences of 61 months for each admission. Additionally, incarceration terms for persons currently being convicted under Class 4 or Class 5

felonies will increase under the additional conviction of a Class 3 felony. Assuming two persons currently convicted of a Class 4 felony and two persons currently convicted of a Class 5 felony will also be convicted for human trafficking, the additional prison term for each conviction will be 27.64 months and 39.62 months, respectively. The costs associated with housing inmates convicted of human trafficking is detailed in Table 1.

**Five-Year Fiscal Impact on Correctional Facilities**

The adoption of this bill will result in a net increase in periods of imprisonment in a state correctional facility. Section 2-2-703, C.R.S., requires that such bills cannot be passed without five years of appropriations for prison bed construction and operating costs. Construction costs are estimated to be \$87,194 per inmate bed. Operating costs are \$73.46 per bed per day or \$26,813 per bed per year. It should be noted that the construction costs reflect the funding needed to construct inmate beds in the fiscal year prior to when additional offenders are expected to enter the system. This lag accounts for the estimated time for criminal filing, trial, disposition, and sentencing.

However, in the event state correctional facilities are at capacity, Sections 17-1-102, 104.9, and 105.5, C.R.S., authorize the Department of Corrections to permanently place state inmates classified as medium custody and below in private contract prisons. The state pays private prisons at a rate of \$50.28 per bed per day or \$18,352 per bed per year.

<b>Table 1. Five-Year Fiscal Impact On Correctional Facilities</b>				
<b>Fiscal Year</b>	<b>Inmate Bed Impact</b>	<b>Construction Cost</b>	<b>Operating Cost</b>	<b>Total Cost</b>
<b>FY 2006/07</b>	0.0	\$174,388	\$0	\$174,388
<b>FY 2007/08</b>	2.0	\$209,266	\$53,626	\$262,892
<b>FY 2008/09</b>	4.4	\$392,373	\$117,977	\$510,350
<b>FY 2009/10</b>	8.9	\$523,164	\$238,636	\$761,800
<b>FY 2010/11</b>	14.9	\$523,164	\$399,514	\$922,678
<b>Total</b>		\$1,822,355	\$809,753	\$2,632,107

**State Appropriations**

For FY 2006-07, the Department of Corrections will require a General Fund appropriation of \$174,388, plus the other five-year costs identified in Table 1.

**Departments Contacted**

Corrections	Judiciary	Public Defender	Alternate Defense Counsel
District Attorneys	Public Safety	Law	Office of Child's Representative