


*Colorado Legislative Council Staff Fiscal Note***NO FISCAL IMPACT**

Drafting Number: LLS 09-0781**Date:** February 10, 2009**Prime Sponsor(s):** Rep. Casso
Sen. Carroll M.**Bill Status:** House Judiciary**Fiscal Analyst:** Sara McPhee (303-866-4782)

TITLE: CONCERNING TIME COMPUTATION WHILE AN INMATE IS INCARCERATED IN A COUNTY JAIL.**Summary of Legislation**

Under current law, individuals who are sentenced to a county jail are entitled to a two-day sentence reduction per month for good behavior. This bill amends that provision so that individuals who are in jail receive a two-day sentence reduction for every thirty days of incarceration. The bill also clarifies that individuals who are designated as trusty prisoners may be granted earned time, not to exceed ten days, in any thirty-day period, rather than in a month. Individuals incarcerated in a county jail may also be eligible for earned time of up to three days for every thirty days of incarceration, at the discretion of the sheriff, if they demonstrate particularly good behavior by participating in educational activities or other programs.

The bill also amends the earned time provisions for individuals who are confined pending a parole revocation hearing. These individuals will be entitled to credit for their time in jail pending the parole revocation hearing against any reincarceration period imposed by the parole board. This bill is effective August 4, 2009, assuming the General Assembly adjourns Sine Die on May 6, 2009, and a referendum petition is not filed.

Assessment

The provisions of the bill relating to earned time in county jails are not expected to have a fiscal impact. The difference between calculating earned time on a monthly or a thirty-day cycle is minimal. Further, sheriffs may be able to release some offenders earlier under the provision allowing them to provide additional earned time for offenders with very good behavior. This may alleviate some of the overcrowding in county jails.

For offenders confined awaiting their parole revocation hearing, the bill changes current practice. At this time, these offenders receive credit against their sentence, but they may or may not receive credit against their reincarceration period. The parole board has the discretion to decide whether or not to apply the confinement period awaiting the revocation hearing toward the period of reincarceration.

Some offenders may spend an amount of time in jail awaiting the hearing that is similar to the reincarceration period imposed by the parole board. In these instances, the offenders will need to be released shortly after their parole hearing. Releases that must be processed by the Department of Corrections in a short time frame require manual processing which is additional work for the

department. At this time, it is not possible to estimate how many offenders would be required to be released quickly and with manual processing; therefore, this bill is assessed as having no fiscal impact. If the volume of these offenders is large, the department will request additional resources through the annual budget process.

Departments Contacted

Corrections