

*Colorado Legislative Council Staff Fiscal Note*

**STATE  
FISCAL IMPACT**

This fiscal note is prepared pursuant to Joint Rule 22(b)(2).

**Drafting Number:** LLS 10-0414

**Date:** April 12, 2010

**Prime Sponsor(s):** Rep. Carroll T.

**Bill Status:** House Judiciary

Sen. Hudak

**Fiscal Analyst:** Jessika Shipley (303-866-3528)

**TITLE:** CONCERNING CHANGES TO SENTENCING PROVISIONS FOR ESCAPE CRIMES.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
<b>State Revenue</b>		
<b>State Expenditures</b>	See State Expenditures section	
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2010-2011:</b> None required		
<b>Local Government Impact:</b> None		

### Summary of Legislation

Under current law, if an offender knowingly commits an escape crime while in custody or confinement following a felony conviction, the court is required to impose a sentence for the escape crime that runs consecutively with any other sentences being served by the offender. This bill, *with prepared amendment L.001*, addresses individuals who escape, attempt to escape, or aid the escape of another while serving a direct sentence to community corrections or after being placed in an intensive supervision parole program. The mandatory sentence for the escape crime may run either consecutively or concurrently with any other sentence being served by the offender, at the discretion of the court.

### State Expenditures

The bill has no fiscal impact in FY 2010-11 and FY 2011-12, but there is a savings beginning in FY 2013-14. Table 1 provides information about the five-year impact to the Department of Corrections.

Judges are provided with discretion to sentence certain offenders either consecutively or concurrently. Departmental data shows that such discretion is already exercised in a large number of escape cases. Not all absconders are returned to prison with new escape charges. Among those who are returned to prison, about half currently receive a consecutive sentence.

The fiscal note assumes that 20 parole absconders each year will be returned to prison with a concurrent sentence that will be approximately 4 months shorter than a consecutive sentence for the same offender. The average length of stay for a consecutive sentence is 40.3 months. For a concurrent sentence, it is 36.3 months. Additionally, 10 new court commitments, representing escapes from community corrections programs, are expected to be sentenced to a concurrent prison term that is 12 months shorter than a consecutive sentence for the same offender (28.3 months versus 40.3 months). These shorter sentences will reduce prison operating costs beginning in FY 2013-14.

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

Sections 17-1-102, 104.9. and 105.5, C.R.S., authorize the department to permanently place inmates classified as medium custody and below in private contract prisons. Inmates classified higher than medium custody cannot be placed in private contract prisons, except under "correctional emergency" conditions. *The fiscal note assumes that the new inmates identified in this bill will be allocated between state correctional facilities and private contract prisons according to historical patterns.*

Operating costs for state correctional facilities are \$88.60 per bed per day or \$32,339 per bed per year. The state pays a rate of \$52.69 per bed per day for inmates placed in private prisons. The total cost to the department is therefore \$19,232 per private prison bed per year. For the purposes of this fiscal note, a blended annual rate of \$28,538 is used to reflect the fact that approximately 30 percent of the applicable offenders will be housed in private prisons, with the rest in state correctional facilities.

<b>Table 1. Five-Year Fiscal Impact On Correctional Facilities</b>		
<b>Fiscal Year</b>	<b>Inmate Bed Impact</b>	<b>Total Operating Cost</b>
FY 2010-11	0.0	\$0
FY 2011-12	0.0	\$0
FY 2012-13	0.0	\$0
FY 2013-14	(6.4)	(\$183,214)
FY 2014-15	(16.7)	(\$475,728)
<b>Total</b>		(\$658,942)

### **Departments Contacted**

Corrections

Human Services

Judicial

Public Safety