

**STATE
FISCAL IMPACT**

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Date: February 7, 2011

Prime Sponsor(s): Rep. Waller
Sen. Steadman

Bill Status: House Judiciary

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TITLE: CONCERNING A PAROLE PRESUMPTION PILOT PROGRAM FOR CERTAIN DRUG OFFENDERS.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures		
General Fund	(\$45,243)	(\$100,132)
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2011-2012: The FY 2011-12 General Fund appropriation for DOC should be reduced by \$45,243.		
Local Government Impact: None		

Summary of Legislation

This bill creates a presumption, subject to the discretion of the State Board of Parole, in favor of granting parole to an inmate who has reached his or her parole eligibility date and who:

- is serving a sentence for a felony drug possession or drug use offense (described in section 18-18-403.5 or sections 18-18-404 or 18-18-405, as those offenses existed prior to August 11, 2010);
- has displayed satisfactory institutional behavior;
- is program compliant;
- has never been convicted of a specified list of crimes that include offenses against children and illegal possession of firearms, among others; and
- does not have an active felony or immigration detainer.

Inmates who are eligible must have a parole release hearing within 90 days after becoming eligible.

The discretion of the parole board in making decisions regarding an inmate's application for parole is not limited. If the inmate is granted parole, the parole board is required to order the parolee to participate in substance abuse treatment consistent with the needs of the parolee. The parole board is required to report annually to the House and Senate Judiciary committees on the impact of the bill to the population of the Department of Corrections (DOC) and public safety. The new section of law is repealed effective February 1, 2016.

State Expenditures

Department of Corrections. Releasing certain offenders from prison to parole early will result in a net General Fund savings for the DOC of \$45,243 in FY 2011-12 and \$100,132 in FY 2012-13. The bill applies to offenders serving sentences for felony drug use or possession offenses described in sections 18-18-404 and 18-18-405, C.R.S., as they existed prior to August 11, 2010. Approximately 9 offenders will be released early each year for five years until there are no longer individuals incarcerated under those offenses. This is a finite population of offenders, as the law has changed. The bill also applies to offenders serving sentences for felony possession of a controlled substance under section 18-18-403.5, C.R.S., which went into effect on August 11, 2010. Approximately 1 offender each year beginning in FY 2012-13 will be released early under that offense going forward.

The net savings to the department comes from decreased days spent in prison and an equal increase in the time spent on parole. The average length of stay in prison is estimated to be reduced by 245 days a year as a result of the bill. Calculations are based on the daily private prison rate of \$52.69 and the daily parole rate of \$11.82. In the first year of implementation, a half-year impact is assumed because the full 245 days of savings may not be realized for all inmates released during the year. Table 1 shows the five-year impact to the DOC.

Table 1. Five-Year Fiscal Impact On Correctional Facilities				
Fiscal Year	Inmate Bed Impact	Incarceration Costs	Parole Costs	Net Costs
FY 2011-12	9.0	(\$58,328)	\$13,085	(\$45,243)
FY 2012-13	10.0	(\$129,091)	\$28,959	(\$100,132)
FY 2013-14	10.0	(\$129,091)	\$28,959	(\$100,132)
FY 2014-15	10.0	(\$129,091)	\$28,959	(\$100,132)
FY 2015-16	10.0	(\$129,091)	\$28,959	(\$100,132)
Total		(\$574,692)	\$128,921	(\$445,771)

Departmental Differences

The DOC has indicated the need for 1.0 FTE at the General Professional III level to implement the bill's substance abuse treatment program designation for presumption of parole and to sustain evidence-based practices for the Division of Adult Parole, Community Corrections, and the Youthful Offender System. The cost for the additional FTE is \$57,815 in FY 2011-12 and \$53,112 in FY 2012-13. The fiscal note does include these costs because the bill only requires the parole board to order substance abuse treatment for those parolees with an assessed need. Parolees' treatment needs are already assessed and treatment programs have already been established. The small number of new parolees can simply be assessed and treated within the existing framework.

State Appropriations

The FY 2011-12 General Fund appropriation for DOC should be reduced by \$45,243.

Departments Contacted

Corrections