

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING APPROPRIATE USE OF RESTRICTIVE CONFINEMENT.

Prime Sponsors: Senator Carroll
Representative Levy

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Summary of Amendments Made to the Bill After the 04/27/11 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

☒ **XXX** **Concurs** ☐ **Does Not Concur** ☐ **Updated Analysis**

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision appropriating the following amounts for FY 2011-12:

1. \$26,250 General Fund to the Department of Corrections for contract services related to the completion of an annual report concerning the status of administrative segregation;
2. \$122,613 General Fund to the Department of Corrections for computer system programming modifications and ongoing maintenance related to changes to earned time accrual eligibility for inmates in administrative segregation; and
3. \$122,613 reappropriated funds and 2.0 FTE to the Office of Information Technology in the Governor - Lieutenant Governor - State Planning and Budgeting for the provision of programming services to the Department of Corrections.

In addition, the provision reduces the FY 2011-12 General Fund appropriations to the Department of Corrections for payments to house state prisoners by \$198,796. Amendment J.001 thus reduces General Fund appropriations for FY 2011-12 by \$49,933.

Bill Sponsor Amendments

The bill, as amended, states that any cost savings achieved as a result of the implementation of Section 17-1-109 (2) [the provision that changes the authority of a warden to restrict the confinement of certain persons] shall be appropriated and redirected to support behavior-modification programs, incentive programs, mental health services or programs, or similar efforts designed as viable alternatives to administrative segregation. However, the savings identified in the Legislative Council

Staff Revised Fiscal Note all relate to the provisions of the bill that modify the criteria for the accrual of earned time by administrative segregation inmates.

Sponsor amendment **L.008** (attached) corrects the statutory reference in the bill shown above to state that any cost savings achieved as a result of modifying the criteria for the accrual of earned time by administrative segregation inmates shall be appropriated and redirected to support behavior-modification programs, incentive programs, mental health services or programs, or similar efforts designed as viable alternatives to administrative segregation. In addition, amendment L.008 appropriates the following amounts for FY 2011-12:

1. \$26,250 General Fund to the Department of Corrections for contract services related to the completion of an annual report concerning the status of administrative segregation;
2. \$49,933 General Fund to the Department of Corrections for behavior-modification programs, incentive programs, mental health services or programs, or similar efforts designed as viable alternatives to administrative segregation;
3. \$122,613 General Fund to the Department of Corrections for computer system programming modifications and ongoing maintenance related to changes to earned time accrual eligibility for inmates in administrative segregation; and
4. \$122,613 reappropriated funds and 2.0 FTE to the Office of Information Technology in the Governor - Lieutenant Governor - State Planning and Budgeting for the provision of programming services to the Department of Corrections.

In addition, the provision reduces the FY 2011-12 General Fund appropriations to the Department of Corrections for payments to house state prisoners by \$198,796. Amendment L.008 thus has a net \$0 General Fund impact.

If amendment L.008 is adopted, amendment J.001 should not be adopted.

Points to Consider

None.