SB11-257

Colorado Legislative Council Staff Fiscal Note

STATE FISCAL IMPACT

Drafting Number:	LLS 11-0817	**Date:**	May 5, 2011
Prime Sponsor(s):	Sen. Carroll; Jahn	**Bill Status:**	Senate Judiciary
		Fiscal Analyst:	Jessika Shipley (303-866-3528)

TITLE: CONCERNING THE IMPOSITION OF EFFECTIVE PAROLE SUPERVISION.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures General Fund	 $231,186	
FTE Position Change	4.0 FTE	0.0 FTE
Effective Date: The bill is effective July 1, 2011, and applies to offenses committed on or after that date.		
Appropriation Summary for FY 2011-2012: For FY 2011-12, the DOC requires a General Fund appropriation of $231,186, which will be reappropriated to the OIT and the OIT requires 4.0 FTE.		
Local Government Impact: None.		

Summary of Legislation

This bill eliminates the statutory mandatory parole period for offenses committed on or after July 1, 2011. Under current law, individuals sentenced to the Department of Corrections (DOC) may be granted parole prior to their mandatory release date at the discretion of the State Board of Parole. Additionally, when a sentence is discharged, either through discretionary parole or completion of a prison term, offenders are required to serve a mandatory period of parole ranging from one to five years, depending on the level of offense.

Current law allows offenders to apply for parole when they reach their parole eligibility date, which is different for each offender and is based on the class and type of crime for which the offender was incarcerated. The parole board then determines whether or not to grant parole and sets the length of the period of parole. The statutory mandatory period of parole begins when an offender is granted discretionary parole or when he or she completes his or her sentence in prison.

Under the bill, the board would review the case of an offender who applies for parole and set the length of the period of parole for any amount of time up to the offender's mandatory release date. If the offender's parole release hearing is within 15 months of the offender's mandatory release date, a majority vote of the parole board would be required to deny the parole of that offender.

An offender may not waive his or her parole hearing without showing good cause and may not waive the hearing for the purpose of discharging his or her DOC sentence to avoid supervision upon release. If an offender refuses to attend a parole hearing without showing good cause, the parole board will not consider the offender for parole until he or she is eligible to reapply. The parole board is required to impose a supervised release period of up to 24 months on any offender who discharges his or her DOC sentence as a result of refusing to participate in a parole hearing.

The parole board is required to reconsider the case of an offender who has been denied parole each year until he or she reaches his or her mandatory release date, except that:

- an offender convicted of a sex offense will be reconsidered once every three years; and
- an offender convicted of a class 2 felony crime of violence will be reconsidered once every five years.

State Expenditures

Costs. The DOC will incur a one-time cost of $231,186 in FY 2010-11, which will be reappropriated to the Governor's Office of Information Technology (OIT), and the OIT will require 4.0 FTE. The bill will require significant computer programming changes to the time computation and time and release systems within the DOC. The computer systems will need to be reprogrammed in order to capture new data regarding the parole process. Additionally, parole schemes have changed a number of times over the years and the computer systems will need to track the scheme that was in effect at the time any given offense was committed.

Estimated future savings. Beginning in the third year of implementation, the bill will result in savings for the DOC related to the elimination of mandatory parole. The three-year lag accounts for the time it takes for an individual to commit a crime; be tried, convicted, and sentenced; and serve a sentence. Too many variables exist to accurately predict the exact amount of savings. For example, releases to parole rely on the discretion of the parole board. They may be more likely to refer offenders to community corrections programs as a way to smooth the transition from prison. Additionally, judges could change their sentencing practices.

The following paragraphs attempt to conservatively estimate some of the operational cost savings that could result from the bill. The estimates do not take into account the costs associated with community corrections, revocations for parole violations, or longer sentences or periods of discretionary parole. It also does not take into account the costs of offenders who refuse to participate in the parole process and on whom a supervised release period of up to 24 months is imposed by the board.

According to the DOC's FY 2008-09 statistical report, the most recent annual data published by the department, 3,270 offenders were released during that fiscal year on their mandatory release date. This is the population that is most likely to be affected by the elimination of mandatory parole. The bill requires a majority vote of the parole board to deny parole for an offender who is within 15 months of his or her mandatory release date. It is reasonable to assume that some percentage of the 3,270 offenders who were released on their mandatory release date under current law would be released within the preceding 15 months under the bill. Assuming that 25 percent (818 offenders) were released to parole for an average of 434 days each at a daily private prison rate of $52.69, the total operational cost savings would be $18,705,582 over a two-year period.

If the parole board, in its discretion, decided by a majority vote to deny parole to each of the 3,270 offenders until their mandatory release date, the DOC would save the daily parole cost ($11.82 for regular parole and $21.43 for intensive supervision parole) for the mandatory parole period of one to five years. Assuming that 85 percent (2,780 offenders) are on regular parole and 15 percent (491 offenders) are on intensive supervision parole, the parole cost savings over an average three-year period of mandatory parole would be $47,502,994.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 1.

Table 1. Expenditures Not Included Under SB 11-257*

Cost Components	**FY 2011-12**	**FY 2012-13**
Employee Insurance (Health, Life, Dental, and Short-term Disability)	$28,400	
Supplemental Employee Retirement Payments	9,438	
TOTAL	**$37,838**	**$0**

**More information is available at: http://colorado.gov/fiscalnotes*

State Appropriations

For FY 2011-12, the DOC requires a General Fund appropriation of $231,186, which will be reappropriated to the OIT and the OIT requires 4.0 FTE.

Departments Contacted

Corrections