

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0898.01 Michael Dohr x4347

HOUSE BILL 12-1336

HOUSE SPONSORSHIP

Becker and Levy, Gerou

SENATE SPONSORSHIP

Steadman and Lambert, Hodge

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION OF A PRISON UTILIZATION ANALYSIS,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee Budget Package Bill. The office of state planning and budgeting (OSPB) will contract for a department of corrections system-wide analysis by July 1, 2012. The OSPB is encouraged to convene an advisory group of interested stakeholders and persons with correctional expertise to assist the OSPB and the joint

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unam ended
April 12, 2012

HOUSE
2nd Reading Unam ended
April 11, 2012

budget committee (JBC) in developing options based on the study.

Using the results of the analysis, the OSPB and the JBC and any advisory group convened will identify, evaluate, and prioritize state and private contract prison-bed utilization options for five fiscal years beginning with fiscal year 2013-14. The OSPB will provide the JBC with quarterly updates of the analysis and engage in discussions regarding developing the options. In developing the options, the OSPB and the JBC shall consider the following factors:

- ! Public safety;
- ! The operational needs of the department of corrections;
- ! Facility characteristics including, but not limited to, the location, physical plant, mission, custody level, and potential for repurposing;
- ! Inmate classifications, rights, and needs;
- ! Efficiency and cost of operations;
- ! Impact on the local community with emphasis on economic impact and impact to public school funding;
- ! Impact on the public and private workforce;
- ! Impact on relevant stakeholders;
- ! Efficiency of programming and outcomes; and
- ! Any other relevant factors.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-37-202 as
3 follows:

4 **24-37-202. Prison utilization study - repeal.** (1) (a) THE OFFICE
5 SHALL CONTRACT FOR A DEPARTMENT OF CORRECTIONS SYSTEM-WIDE
6 ANALYSIS BY JULY 1, 2012, OR AS SOON AS POSSIBLE THEREAFTER, THAT
7 IDENTIFIES THE MOST APPROPRIATE AND COST-EFFECTIVE USES OF THE
8 AVAILABLE PUBLIC AND PRIVATE INMATE BEDS THAT HOUSE THE
9 DEPARTMENT OF CORRECTIONS' JURISDICTIONAL POPULATION. THE OFFICE
10 SHALL NOT SELECT A VENDOR TO PERFORM THE CONTRACT IF THE VENDOR
11 HAS A KNOWN CONFLICT OF INTEREST THAT MAY INTERFERE WITH ITS
12 ABILITY TO PRODUCE AN OBJECTIVE REPORT. THE ANALYSIS SHALL
13 CONSIDER DIFFERENT POSSIBLE SCENARIOS OF POPULATION GROWTH OR

1 DECLINE AND CHANGES IN THE COMPOSITION OF THE INMATE POPULATION
2 INCLUDING LEVEL OF RISK, LENGTH OF SENTENCE, AND ASSOCIATED
3 PROGRAMMATIC NEEDS. THE OFFICE IS ENCOURAGED TO CONVENE AN
4 ADVISORY GROUP OF INTERESTED STAKEHOLDERS AND PERSONS WITH
5 CORRECTIONAL EXPERTISE TO ASSIST THE OFFICE IN DEVELOPING THE
6 OPTIONS REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1). IF AN
7 ADVISORY GROUP IS FORMED, THE INDIVIDUALS SELECTED WILL SERVE
8 VOLUNTARILY AND WITHOUT COMPENSATION. IN ADDITION, THE OFFICE
9 SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT REGARDING
10 DEVELOPING THE OPTIONS REQUIRED BY PARAGRAPH (b) OF THIS
11 SUBSECTION (1).

12 (b) USING THE RESULTS OF THE ANALYSIS IN PARAGRAPH (a) OF
13 THIS SUBSECTION (1), THE OFFICE, IN CONSULTATION WITH THE JOINT
14 BUDGET COMMITTEE AND ANY ADVISORY GROUP CONVENED PURSUANT TO
15 PARAGRAPH (a) OF THIS SUBSECTION (1), SHALL IDENTIFY, EVALUATE, AND
16 PRIORITIZE OPTIONS FOR FIVE FISCAL YEARS, BEGINNING WITH FISCAL
17 YEAR 2013-14, FOR THE BEST USE OF AVAILABLE PUBLIC AND PRIVATE
18 INMATE BEDS THAT HOUSE THE DEPARTMENT OF CORRECTIONS'
19 JURISDICTIONAL POPULATION. THE OPTIONS MAY INCLUDE, BUT NEED NOT
20 BE LIMITED TO, REDUCTION IN PRISON BEDS, DECOMMISSIONING PRISON
21 FACILITIES, OPTIMIZING STAFFING LEVELS, OR REPURPOSING EXISTING
22 FACILITIES.

23 (c) THE OFFICE SHALL PROVIDE THE JOINT BUDGET COMMITTEE
24 WITH QUARTERLY UPDATES ON THE PROGRESS OF THE ANALYSIS AND
25 ENGAGE THE JOINT BUDGET COMMITTEE IN DISCUSSIONS REGARDING
26 DEVELOPING THE OPTIONS REQUIRED BY PARAGRAPH (b) OF THIS
27 SUBSECTION (1).

1 (d) THE OFFICE SHALL PROVIDE A STATUS REPORT TO THE
2 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE
3 BY JANUARY 31, 2013.

4 (2) IN DEVELOPING THE OPTIONS PURSUANT TO SUBSECTION (1) OF
5 THIS SECTION, THE OFFICE AND THE JOINT BUDGET COMMITTEE SHALL
6 CONSIDER THE FOLLOWING FACTORS:

7 (a) PUBLIC SAFETY;

8 (b) THE OPERATIONAL NEEDS OF THE DEPARTMENT OF
9 CORRECTIONS;

10 (c) FACILITY CHARACTERISTICS INCLUDING, BUT NOT LIMITED TO,
11 THE LOCATION, PHYSICAL PLANT, MISSION, CUSTODY LEVEL, AND
12 POTENTIAL FOR REPURPOSING;

13 (d) INMATE CLASSIFICATIONS, RIGHTS, AND NEEDS;

14 (e) EFFICIENCY AND COST OF OPERATIONS;

15 (f) IMPACT ON THE LOCAL COMMUNITY WITH EMPHASIS ON
16 ECONOMIC IMPACT AND IMPACT TO PUBLIC SCHOOL FUNDING;

17 (g) IMPACT ON THE PUBLIC AND PRIVATE WORKFORCE;

18 (h) IMPACT OF STAFFING LEVELS ON SAFETY, OUTCOMES,
19 TURNOVER RATES, AND PAYROLL PRACTICES, INCLUDING OVERTIME AND
20 COMPENSATION POLICIES;

21 (i) IMPACT ON RELEVANT STAKEHOLDERS;

22 (j) EFFECTIVENESS OF PROGRAMMING AND OUTCOMES; ==

23 (k) STATE CONSTITUTIONAL ISSUES RELATED TO THE STATE
24 PERSONNEL SYSTEM; AND

25 (l) ANY OTHER RELEVANT FACTORS.

26 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

27 **SECTION 2. Appropriation.** In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the
2 general fund not otherwise appropriated, to office of the governor, for the
3 fiscal year beginning July 1, 2012, the sum of \$350,000, or so much
4 thereof as may be necessary, for allocation to the office of state planning
5 and budgeting for a prison utilization study related to the implementation
6 of this act.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.