HB12-1084

JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE

CONCERNING INCREASING THE PUNISHMENT FOR LEAVING THE SCENE OF A TRAFFIC ACCIDENT THAT RESULTED IN SERIOUS BODILY INJURY TO ANY PERSON.

Prime Sponsors:	Reps. Fields and Conti Sens. Jahn and King S.	JBC Analyst: Phone: Date Prepared:	Steve Allen 303-866-2061 April 9, 2012

Summary of Amendments Made to the Bill After the 01/18/12 Legislative Council Staff Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

	Concurs		Does Not Concur	XXX	Updated Analysis

Reason for the Update

The final row of Table 1 on page 3 of the January 18, 2012, Legislative Council Staff Fiscal Note mistakenly states that total Operating Costs and Total Costs for the bill's first five years equals $1,239,971. The five year impact actually equals $1,743,070. Each of the individual costs for Fiscal Years 2012-13 through 2016-17 are correct, but these costs add to $1,743,070, not $1,238,971 as stated in the fiscal note. Legislative Council Staff concurs with this update.

Amendments/Appropriation Status

The January 18, 2012, Legislative Council Staff Fiscal Note for this bill indicates that it will increase the Department of Corrections' operating costs for FY 2012-13 through FY 2016-17 by a total of $1,743,070. SECTION 2 of this bill states that the bill has a minor fiscal impact and is therefore an exception to the rule in Section 2-2-703, C.R.S., that bills increasing periods of imprisonment in state correctional facilities must include appropriations sufficient to cover increased capital construction costs and increased operating costs in each of the first five years in which the bill has a fiscal impact.

If the Committee agrees that this bill is an exception to the requirements of Section 2-2-703, C.R.S., then the bill does not require an appropriation.

If the Committee concludes that an exception to Section 2-2-703, C.R.S., is not warranted, then the Committee should adopt amendment J.001 (attached), which strikes SECTION 2 of the bill

and replaces it with a five-year appropriation clause that accords with the Legislative Council Staff Fiscal Note as updated above. Amendment J.001 makes the following appropriations:

Summary of Amendment J.001				
Fiscal Year	Transfer From the General Fund to Capital Construction Fund	Appropriation From the Capital Construction Fund to the Corrections Expansion Reserve Fund	Appropriation From the General Fund to the Department of Corrections	Total General Fund Appropriation and Transfer
FY 2012-13	$0	$0	$41,413	$41,413
FY 2013-14	0	0	192,363	192,363
FY 2014-15	0	0	503,098	503,098
FY 2015-16	0	0	503,098	503,098
FY 2016-17	0	0	503,098	503,098
Total	**$0**	**$0**	**$1,743,070**	**$1,743,070**

Bill Sponsor Amendments

Staff is not aware of any sponsor amendments to be offered.

Points to Consider

1. This bill requires $1,743,070 in annual statutory appropriations from the General Fund to the Department of Corrections from FY 2012-13 through FY 2016-17, thereby reducing the amount of funds available for other purposes in each of those years.

2. The appropriation in J.001 corresponds to the Legislative Council Staff Fiscal Note, which reflects the new Legislative Council Staff policy regarding sentencing bills. Prior to 2009, fiscal notes included appropriations that covered both capital and operating costs for new beds based on the average costs of state-run prisons. Beginning in 2009, fiscal notes began incorporating costs associated with private prisons. The 2009 methodology used a prorated formula based on actual historical placement of prisoners between state-run facilities and private facilities. Thus, if a bill was expected to lead to three new people sentenced to the Department of Corrections, and two-thirds of offenders in that felony class had historically been housed in private prisons, the fiscal note would have shown costs reflecting the same placement (i.e., two offenders in private prison and one in a state facility, with capital and operating costs to match these placements.) Beginning in 2012, fiscal notes identify operating costs based on the private prison rate, instead of the blended rate used in previous years, and do not identify any need for capital construction costs. This assessment more accurately reflects the fact that fluctuations in the prison population in recent years have been accommodated through the use of private prisons. It also matches current budgeting policies of the General Assembly.