

**STATE  
FISCAL IMPACT**

**Drafting Number:** LLS 14-0091  
**Prime Sponsor(s):** Sen. Ulibarri  
 Rep. Salazar

**Date:** February 3, 2014  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Kerry White (303-866-3469)

**SHORT TITLE:** USE OF ISOLATED CONFINEMENT MENTAL ILLNESS

| Fiscal Impact Summary*   | FY 2014-2015              | FY 2015-2016              |
|--|---------------------------|---------------------------|
| <b>State Revenue</b>   |                           |                           |
| <b>State Expenditures</b>  | <b><u>\$1,475,491</u></b> | <b><u>\$1,413,418</u></b> |
| General Fund   | 1,475,491                 | 1,413,418                 |
| <b>FTE Position Change</b>   | 24.0 FTE                  | 24.0 FTE                  |
| <b>Appropriation Required:</b> \$1,475,491 - Department of Corrections (FY 2014-15). |                           |                           |

\* This summary shows changes from current law under the bill for each fiscal year.

**Summary of Legislation**

This bill requires the Department of Corrections (DOC) to review the mental health status of offenders in long-term isolated confinement (administrative segregation) every 90 days. Prior to placing an offender in administrative segregation, a review must also be done to determine if such placement is allowed. If either review finds that an offender has a serious mental illness, the DOC is directed to move the offender to a mental health or special needs step-down unit, prison mental hospital, or other appropriate housing that does not include long-term isolation. The bill provides that each offender with a serious mental illness:

- be housed in a location that is physically separate from any long-term confinement housing unit;
- receive a minimum of 20 hours of out-of-cell time per week, including 10 hours of therapeutic activity; and
- receive visits by mental health clinicians and rehabilitative medical personnel in a private setting, as part of his or her treatment program.

**State Expenditures**

This bill increases state expenditures by \$1.5 million and 24.0 FTE in FY 2014-15 and by \$1.4 million and 24.0 FTE each year thereafter. Identified costs are in the Department of Corrections, although costs could increase in the Department of Human Services. Table 1 and the discussion that follows describe the bill's costs.

| <b>Table 1. Expenditures Under SB14-064</b> |                    |                    |
|---|--------------------|--------------------|
| <b>Cost Components</b>                      | <b>FY 2014-15</b>  | <b>FY 2015-16</b>  |
| Personal Services                           | \$1,153,587        | \$1,153,587        |
| FTE   | 24.0               | 24.0               |
| Operating Expenses and Capital Outlay Costs | 56,921             | 24,000             |
| One-time Costs for Social Workers           | 10,150             | 0                  |
| One-time Costs for Corrections Officers     | 28,305             | 0                  |
| Employee Insurance                          | 146,618            | 146,618            |
| Supplemental Employee Retirement            | 80,110             | 89,413             |
| <b>TOTAL</b>                                | <b>\$1,475,491</b> | <b>\$1,413,418</b> |

\* Centrally appropriated costs are not included in the bill's appropriation.

**Assumptions.** The bill's costs are based on the following assumptions:

- there are about 42 offenders in any given fiscal year that are currently or would otherwise be housed in administrative segregation and will require housing in a mental health or special needs step-down unit;
- it is appropriate to expand the existing Residential Treatment Program (RTP) in the DOC, which provides similar specialized mental health treatment to offenders;
- existing staffing ratios for the RTP will continue, resulting in:
  - one social worker per 6.5 offenders (6.0 FTE social worker III)
  - one supervisor for the additional social workers (1.0 FTE social worker IV); and
  - a total of 17.0 FTE additional correctional officers (13.0 FTE correctional officer I and 4.0 at the correctional officer II); and
- the bill will take effect by June 1, 2014, although, due to the General Fund pay date shift, costs will not be incurred until July 1, 2014.

**Department of Corrections.** Personal services costs are based on the following monthly salaries: \$3,273 per correctional officer I; \$3,607 per correctional officer II; \$4,122 per social worker III; and \$4,431 per social worker IV. Standard operating costs of \$1,200 are provided for each of the 24.0 FTE (\$500 for supplies, \$450 for telephone, \$25 for testing, and \$25 for training costs). Standard capital outlay costs of \$4,703 are provided for each of the 7.0 FTE that are social workers only. One-time costs for social workers include a basic training cost of \$1,450 per FTE. One-time costs for correctional officers include a basic training cost of \$1,450 and uniform cost of \$215 per FTE. Employee insurance costs include health, life, and dental (\$6,006 per FTE) and short-term disability insurance (0.22 percent of salary). Supplemental employee retirement payments are based on a blended rate of 7.75 percent of salary for FY 2014-15 and 8.65 percent of salary for FY 2015-16.

**Department of Human Services.** This bill could increase costs for the Department of Human Services if the increased rate of mental health evaluations causes any offenders incarcerated in the DOC to be transferred to a prison mental hospital. This impact is anticipated to be minimal, although the fiscal note assumes any increase in costs resulting from this bill will be addressed through the annual budget process.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State Appropriations**

For FY 2014-15, the Department of Corrections requires an appropriation of \$1,475,491 General Fund and an allocation of 24.0 FTE.

**State and Local Government Contacts**

Corrections

Human Services