

Colorado Legislative Council Staff Fiscal Note

**STATE
FISCAL IMPACT**

Drafting Number: LLS 15-0448
Prime Sponsor(s): Rep. Kagan

Date: March 20, 2015
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: RESENTENCE JUVENILES LIFE SENTENCE NO PAROLE

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Workload increase.	Decrease - see State Expenditures section.
FTE Position Change		
Appropriation Required: None.		

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

Summary of Legislation

This bill requires that a person convicted of a class 1 felony between July 1, 1990, and July 1, 2006, and after July 1, 2015, for an offense committed while a juvenile be sentenced to either:

- 24 to 48 years in prison with a mandatory 10 years of parole after serving 75 percent of his or her sentence; or
- life imprisonment with the possibility of parole after 20 years.

For a person convicted of a class 1 felony between July 1, 1990, and July 1, 2006, for an offense committed as a juvenile and received a mandatory sentence of life imprisonment without the possibility of parole, the court is required to resentence the person using the new sentencing guidelines and the factors specified in the bill.

Background

Under current law, a life sentence for a class 1 felony committed by a juvenile requires the possibility of parole after 40 years.

As of December 31, 2014, there are 48 offenders that meet this criteria within the custody of the Department of Corrections (DOC) that would meet the bill's criteria for resentencing. The length of stay for these offenders ranges from 6.9 years to 22 years, with a mean length of stay of 16.3 years. Of this number, 39 offenders have additional sentences, many of which are consecutive to the current life sentence.

State Expenditures

Overall this bill is anticipated to decrease state expenditures by an indeterminate amount. Initially, workload will increase for courts to resentence the 48 offenders that currently meet the conditions of the bill. This workload is minimal and will not require an increase in appropriations for any agency in the Judicial Department.

In the future, the bill is expected to decrease costs for the DOC by potentially reducing sentences for existing offenders and lessening the amount of time future offenders must be incarcerated and the amount of time required prior to consideration of parole. As the results of the resentencing hearings and future sentencing decisions of the courts are not known, it is not possible to determine how many sentences will be reduced and when cost savings will begin. For informational purposes, offenders placed in a private contract prison cost the state about \$60.46 per offender per day, including the current daily rate of \$55.08 and an estimated \$5.38 per offender per day for medical care provided by the DOC.

Effective Date

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

State and Local Government Contacts

Corrections

District Attorneys

Judicial