



**Colorado
Legislative
Council
Staff**

SB16-180

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-1179 **Date:** April 15, 2016
Prime Sponsor(s): Sen. Woods; Jahn **Bill Status:** Senate Judiciary
 Rep. Kagan; Ransom **Fiscal Analyst:** Kerry White (303-866-3469)

BILL TOPIC: DOC PROGRAM FOR JUVENILE OFFENDERS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	<u>\$170,611</u>	<u>\$139,840</u>
General Fund	152,107	118,170
Centrally Appropriated Costs	18,504	21,670
FTE Position Change	1.7 FTE	2.0 FTE
Appropriation Required: \$152,107 - Department of Corrections (FY 2016-17).		
Future Year Impacts: Ongoing state expenditure increase.		

Summary of Legislation

This bill requires the Department of Corrections (DOC) to create a specialized program for offenders who committed a felony as a juvenile and were sentenced as an adult.

Eligibility. An offender is eligible to petition the DOC executive director, or his designee, for placement in the program once he or she has served at least 20 calendar years of his or her sentence and has not been released to parole. The DOC is required to develop policies and procedures for the receipt and review of petitions. Criteria for placement decisions includes:

- the nature of and circumstances surrounding the offense;
- the age and maturity of the offender at the time of the offense;
- the behavior and conduct of the offender while incarcerated;
- the assessed risk and needs of the offender;
- the impact of the offense on the victim or a member of the victim's immediate family; and
- any other factor determined relevant by the DOC executive director.

The DOC is required to make restorative justice practices available to any victim or any immediate family member of a victim of any offender who petitions for placement in the program and to provide notice to any victim of such placement decisions. If the DOC denies a petition for placement in the program, the offender may petition again after at least two years.

Program operations. The program's goals are to foster independent living skills development, reentry services, and intensive supervision and monitoring. The program is to be housed in a minimum security facility. Program design must be completed by December 31, 2016, and unless notice is provided to the General Assembly by January 31, 2017, placement is to begin no later than March 31, 2017. Rules for the program are to include procedures for terminating participation for offenders who do not comply with requirements and eligibility to apply for early parole upon successful completion of the program.

Program completion. If an offender has served at least 25 calendar years of his or her sentence and successfully completed the program it is presumed that the offender has met the factual burden of presenting extraordinary mitigating circumstances and that the offender's release to early parole is compatible with the safety and welfare of society.

Reporting. The DOC is required to report on program progress and outcomes, on and after January 1, 2018, during its annual presentation before the Joint Judiciary Committee.

Parole eligibility. Participants that complete the program may submit applications for early parole for review and approval by the Governor. At the time of application, notice must be provided to the State Board of Parole, which is to make a parole recommendation to the Governor within 90 days. The DOC must, in cooperation with the State Board of Parole, develop any necessary policies and procedures for implementation, including notice to victims and the district attorney's office.

State Expenditures

This bill increases state General Fund expenditures by an estimated \$170,611 and 1.7 FTE in FY 2016-17 and by an estimated \$139,840 and 2.0 FTE in FY 2017-18 and future fiscal years. Table 1 and the discussion that follows explain the costs.

Cost Components	FY 2016-17	FY 2017-18
Personal Services	\$88,141	\$105,770
FTE	1.7 FTE	2.0 FTE
Operating Expenses and Capital Outlay Costs	63,966	12,400
Centrally Appropriated Costs*	18,504	21,670
TOTAL	\$170,611	\$139,840

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

Department of Corrections. Costs assume that 15-25 offenders will participate in the program each year. Two General Professional III positions are required to develop and provide programming to these offenders; salary has been prorated in the first year to account for the bill's effective date and the General Fund pay date shift. One-time capital outlay costs include standard furniture and computer costs (\$4,703 per employee) and \$38,900 to furnish a specialized program lab. Operating costs assume standard telephone and supplies (\$950 per employee); annual drug testing, training, and information technology fees (\$250 per employee), and \$10,000 for program materials and supplies. In the first year only, new FTE training is assumed to cost \$1,725, which is standard for new employees in the DOC.

It should be noted that because the program model is not yet developed, these costs are subject to change. The fiscal note assumes that actual costs may vary and that to the extent this occurs, the DOC will request an increase or decrease in appropriations through the annual budget process.

The DOC will also have increased workload to comply with the requirements regarding restorative justice practices, providing notice to victims, and reporting. These impacts are not anticipated to require an increase in appropriations.

Early parole determinations. The bill may shift the timing for early parole requests, which impacts workload for the State Parole Board and the Governor's Office. These impacts are assumed to be minimal. To the extent that applications are granted, the bill is anticipated to result in future savings from avoided costs to house incarcerated offenders that are granted early parole. As the timing and number of reduced prison beds is not known, these savings have not been estimated. For information purposes, offenders placed in a private contract prison cost the state about \$59.90 per offender per day, including the current daily rate of \$56.02 and an estimated \$3.88 per offender per day for medical care provided by the DOC.

Centrally appropriated costs. 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 estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under SB16-180		
Cost Components	FY 2016-17	FY 2017-18
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$10,961	\$12,192
Supplemental Employee Retirement Payments	7,543	9,478
TOTAL	\$18,504	\$21,670

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2016-17, the bill requires an appropriation of \$152,107 General Fund and an allocation of 1.7 FTE to the Department of Corrections.

State and Local Government Contacts

Corrections
Information Technology

District Attorneys
Judicial

Governor's Office