



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1040**

**FINAL  
FISCAL NOTE**

<b>Drafting Number:</b>	LLS 18-0282	<b>Date:</b>	August 21, 2018
<b>Prime Sponsors:</b>	Rep. Benavidez Sen. Fields	<b>Bill Status:</b>	Signed into Law
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**Bill Topic:** INMATE TREATMENT INCENTIVE PLANS

<b>Summary of Fiscal Impact:</b>	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure ( <i>minimal, potential</i> )	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill requires the Department of Corrections (DOC) to track inmates' unmet sex offender treatment service needs and to develop incentive plans for mental health providers to serve these inmates. This bill will increase DOC workload and costs by a minimal amount on an ongoing basis, and may result in cost savings in future years.

**Appropriation  
Summary:** No appropriation is required.

**Fiscal Note  
Status:** This fiscal note reflects the enacted bill. The bill was originally recommended by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems.

**Summary of Legislation**

This bill requires the Department of Corrections (DOC) to monitor the number of inmates who are not receiving the sex offender treatment specified in their rehabilitation report and to develop incentive plans to attract additional mental health providers to the geographic areas where inmates are not receiving treatment and services. Incentives may include additional fees, travel reimbursement, bonuses, and other financial incentives. The DOC must report annually to the Joint Budget Committee each December 1, starting in 2018, on the number of inmates statewide requiring sex offender treatment and services provided by a mental health professional and the number of inmates unable to receive these services. The report must outline both statewide data and data for any area for which an incentive plans is developed. The DOC must also report specific details about incentive plans developed under the bill, including measures of their effectiveness.

**State Expenditures**

This bill increases workload and General Fund costs in the DOC starting in FY 2018-19. In addition, the bill may result in future savings to the extent that offenders with sex offender treatment needs are able to be released from prison to parole sooner. These impacts are discussed below.

**Data collection, reporting, and plan development.** The DOC must track and report data on inmates receipt of sex offender treatment services, and develop incentive plans in geographic areas where the inmates are not receiving recommended services from mental health professionals. This work can be accomplished within existing appropriations to the DOC.

**Incentive payments.** Currently, it is unknown how many inmates are not receiving recommended services, which geographic areas would require incentive plans, and what incentives would be offered to mental health providers. Therefore, the cost of incentive payments cannot be estimated at this time. The fiscal note assumes that the DOC will request additional funding through the annual budget process for incentive payments once it has developed incentive plans based on documented need.

**Sex offender treatment costs.** In the current FY 2017-18, the DOC is appropriated \$3.4 million for sex offender treatment and \$14.8 for mental health services. To the extent the use of incentive payments increases overall utilization of sex offender treatment or mental health services provided to inmates, these costs will increase. It is assumed that the DOC will account for any increase in overall service costs when developing their incentive plans and request an increase in appropriations through the annual budget process.

**Prison cost savings.** To the extent that additional services allow inmates to be released on parole earlier, the DOC may have costs savings. Costs to house an inmate in DOC are approximately \$22,000 per year in a private prison or \$38,000 in a state-run prison versus \$4,800 for persons on parole. However, an estimate of the potential savings has not been estimated at this time as savings depend on future decisions by the State Parole Board. Any savings realized from improved mental health services will be addressed through the annual budget process.

## Effective Date

The bill was signed into law by the Governor on May 4, 2018, and took effect August 8, 2018.

## State and Local Government Contacts

Corrections  
Information Technology

Human Services  
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