



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-1155	Date:	April 14, 2024
Prime Sponsors:	Rep. Bacon; Armagost Sen. Gardner; Gonzales	Bill Status:	House Judiciary
		Fiscal Analyst:	Aaron Carpenter 303-866-4918 aaron.carpenter@coleg.gov

Bill Topic: PROBATION & PAROLE REPORTING & FEE CONDITIONS

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill prohibits payment of supervision fees as a condition of probation and parole and allows offenders on probation or parole to meet with their officer remotely. The bill increases state workload beginning in FY 2024-25.

Appropriation Summary: No appropriation is required. See Technical Note.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill requires the Judicial Department to report on probation and parole supervision fees that were assessed in the previous year during their SMART Act hearing.

The bill requires probation and parole officers to schedule meetings in good faith at a mutually agreeable time and allows for telephone or audio-visual meetings if consistent with court or Parole Board orders. This provision applies to both adult and juvenile probationers and parolees.

The bill allows the Parole Board to grant, deny, defer, suspend, revoke, or specify or modify condition of parole that is in the best interest of the defendant and the public. Payment of supervision fees is not an allowable condition of parole, and parole may not be revoked for nonpayment of these fees.

State Expenditures

The bill will increase workload to the Judicial Department to collect and report required fee information. In addition, workload to the Judicial Department, the Department of Human Services (CDHS), and the Department of Corrections will increase to ensure current practices align with the bill's meeting requirements. This workload is assumed to be minimal; no additional appropriation is required.

Technical Note

In Section 4, the bill strikes language that gives the court the authority to charge a \$50 probation supervision fee. The fiscal note assumes that the bill seeks only to remove nonpayment of the fee as a reason for revocation of probation, and not remove the ability of the court to charge the fee. An amendment is required to clarify that the court may still set a fee on probationers.

If the bill removes the ability for the court to set a supervision fee, the bill will increase state General Fund expenditures by about \$31.3 million in FY 2024-25 and \$27.9 million in FY 2025-26 and ongoing. These costs include backfilling foregone revenue to various cash funds that receive the supervision fee and hiring approximately 100 new probation officers:

- **Revenue backfill.** Because the bill does not decrease the need for services that the supervision fee covers, General Fund is required to backfill the lost revenue. Revenue loss is estimated at \$21.5 million in FY 2024-25 and \$18.5 million in FY 2025-26.
- **Probation officers.** Currently, the court can allow screening into private probation, with the \$50 fee paid to the third-party. Assuming the removal of the fee will curtail this program, the state will require additional probation officers at an estimated cost of \$9.8 million and 100 FTE in FY 2024-25 and \$9.4 million and 100 FTE in FY 2025-26.

If the bill is not amended to clarify that the court may continue to charge a supervision fee, the fiscal note will be revised to reflect these costs.

Effective Date

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

State and Local Government Contacts

Corrections

Human Services

Judicial

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).