



**Colorado
Legislative
Council
Staff**

Amendment A

**FISCAL IMPACT
STATEMENT**

Date: August 20, 2018

Fiscal Analyst: Aaron Carpenter (303-866-4918)

BALLOT TITLE: PROHIBIT SLAVERY AND INVOLUNTARY SERVITUDE IN ALL CIRCUMSTANCES

Fiscal Impact Summary	FY 2018-19	FY 2019-20
State Revenue	Potential minimal increase.	
State Expenditures	Potential and minimal workload increase.	
TABOR Impact	Potential minimal increase.	

Summary of Measure

Under the Colorado Constitution, slavery and involuntary servitude is prohibited except as a punishment for a crime. Amendment A removes this exception prohibiting slavery and involuntary servitude in all circumstances.

Background

Offender work requirements used in the Colorado criminal justice system may take the following forms:

- Prison work programs, where all eligible offenders are expected to work unless assigned to an approved education or training program;
- Community service, where a judge may sentence certain offenders to work a specific number of hours providing community service; and
- Probation, in which the court may require an offender to maintain suitable employment and/or pursue employment-related education or vocational training.

State Revenue

If approved by voters, Amendment A may overall minimally increase state revenue from court filing fees, criminal fees, and court administrative fees starting in the current FY 2018-19. If current inmates bring lawsuits to challenge their work requirements, revenue from court filing fees will increase. Courts may also require offenders to pay additional criminal fines and court administrative fees instead of being sentenced to community service, which will increase state revenue credited to the General Fund and various cash funds in the Judicial Department. Additionally, if less offenders are sentenced to probation, revenue to the Judicial Department will decrease. These impacts will vary depending on the number of legal challenges and future sentencing decisions but the fiscal note assumes these impacts will be minimal. The increase in revenue from court filing fees, criminal fees, and court administrative fees are subject to TABOR.

State Expenditures

If approved by voters, starting in FY 2018-19, Amendment A will result in a minimal potential increase state agency workload. To the extent that there are challenges to community service sentences or offender work programs, workload for the Department of Law will increase to litigate cases. Workload in the Judicial Department will also increase to hear those cases. Depending on the outcome of these cases, workload for the Department of Corrections may also increase to implement any changes to policies and procedures of work programs. Finally, if fewer people are sentenced to community service as a result of the measure, probation workload will decrease. These impacts will vary depending the number of legal challenges filed and on future sentencing decisions but are expected to be minimal.

TABOR refunds. The measure is expected to increase state General Fund obligations for TABOR refunds by a minimal amount in FY 2018-19 and FY 2019-20. Under current law and the current revenue forecast, TABOR refunds are expected to be paid in the following year via reimbursements to local governments for senior and disabled veteran property tax exemptions. The measure will not affect the amount of these reimbursements. A forecast of state revenue subject to TABOR is not available beyond FY 2019-20.

Local Government Impact

Amendment A may increase county revenue, costs, and workload, starting in the current FY 2018-19, as described below.

Denver County Court. Denver County Court revenue and workload may increase to the extent that the court hears challenges to community service sentences and offender work programs, and orders offenders to pay additional fees in lieu of a community service sentence. To the extent that fewer people are sentenced to community service, probation revenue and workload will decrease. Similar to the state, these impacts are expected to be minimal.

County Jails. To the extent that offenders are sentenced to jail instead of community service, county jail costs will increase. Because the courts have the discretion of incarceration or imposing a fine or other sentencing outcomes, the precise impact at the local level cannot be determined. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a rate of \$54.39 to house state inmates.

Effective Date

If approved by voters, Amendment A takes effect upon proclamation of the Governor within 30 days of the official canvass of votes at the 2018 general election.

State and Local Government Contacts

Corrections
Law

Counties
Sheriffs

Judicial