



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 26-159: INMATE EARNED TIME FORMULA FOR SENTENCE TO DOC

Prime Sponsors:

Sen. Weissman; Gonzales J.
Rep. Mabrey; Martinez

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Fiscal note status: The fiscal note reflects the introduced bill. Due to time constraints, this analysis is preliminary and will be updated following further review and any additional information received.

Summary Information

Overview. The bill requires changes to the Department of Corrections earned time calculations and incentives, and creates a working group to address prison capacity.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis starting in FY 2026-27:

- Minimal State Revenue
- Minimal State Expenditures
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill requires changes to the Department of Corrections earned time calculations and incentives, and creates a working group to address prison capacity.

Earned Time

The bill adjusts certain earned time formulas for an inmate serving a sentence to the Department of Corrections (CDOC), and directs the CDOC to enact policy changes to incentivize inmates to pursue activities that award earned time.

Current law establishes an earned time cap of 10 days per month if progress is made towards certain programs and behaviors. This 10-day cap applies to offenders who were convicted of a class 1 felony as an adult while a juvenile. An earned time cap of 12 days applies to any offender sentenced for a class 4, 5, or 6 felony or a level 3 or 4 drug felony, as long as the offender has not incurred penal code violations within certain amounts of time, is program compliant, and does not have a conviction for certain felony crimes. Offenders may also receive earned time awards based on completion of certain objectives, such as receiving educational credentials and achieving milestones in certain programs, and by demonstrating exceptional conduct.

The bill retains the 10-day cap for offenders convicted of a class 1 felony while a juvenile, but allows offenders who are prohibited from the 12-day cap due to certain felony convictions to be eligible for the 10-day cap. Additionally, the 12-day cap now applies to all offenders, rather than those sentenced for certain classes of felonies and levels of drug felonies, if they make progress consistent with the 10-day cap requirements under current law, are otherwise program-compliant, and have not incurred penal code violations within certain amounts of time.

The bill keeps the special awards for completion of certain objectives and exceptional conduct, but increases the award for program milestones from 120 days to 150 days. For the purposes of calculating discharge from custody requirements, the bill increases the limit on how much earned time may reduce the period of incarceration from 30 to 35 percent.

Corrections Comprehensive Planning Working Group

The bill creates the 13-member CDOC Comprehensive Planning Working Group, charged with developing recommendations for a prison capacity management plan that is data-driven, aligns with best practices, and is informed by impacted groups, as further detailed in the bill. The group consists of representatives from state and local agencies including the CDOC, the Parole Board, the Department of Public Safety, district attorneys, public def-enders, community corrections, and sheriffs, as well health experts, crime victims and survivors, formerly incarcerated persons, and community re-entry experts, with some appointed by legislative leadership.

The working group may solicit information from CDOC, the Department of Personnel and Administration (DPA), Colorado WINS, the Legislative Department, and other stakeholders with subject matter expertise. It is permitted to seek gifts, grants, and donations to support its work. The working group must submit an interim report by December 2026 and a final report by June 2028, and repeals thereafter.

Background

For additional information about earned time, see this [CDOC resource on time computation](#).

State Revenue

From FY 2026-27 through FY 2028-29, the bill may increase state revenue to CDOC from gifts, grants, or donations received by the working group. Gifts, grants, and donations are exempt from TABOR. No source of gifts, grants, or donations have been identified at this time, and so the fiscal note assumes that any impact to state revenue will be minimal.

State Expenditures

Starting in FY 2026-27, the bill impacts workload and expenditures in CDOC, and workload in other state agencies participating in the working group as discussed below.

Department of Corrections

For FY 2026-27 only, the bill increases workload in CDOC to update time computation processes to reflect new earned time criteria. The fiscal note assumes that this is a minimal increase in workload relative to the overall workload related to time computation, and so no change in appropriations is required.

Additionally, the bill increases workload in CDOC from FY 2026-27 through FY 2028-29 to facilitate the working group. The fiscal note assumes CDOC already engages in prison capacity evaluation in the same manner and with the same group of stakeholders as required by the bill, and so any increase in workload from formalizing a working group will be minimal, with no change in appropriations required.

Starting in FY 2026-27, if the changes to earned time result in the earlier release of inmates, CDOC operating costs may decrease. However, the fiscal note does not estimate an impact on CDOC caseload given the variability of earned time awarded, which remains at the discretion of CDOC and depends on inmate behavior. It is assumed that any net impact to CDOC caseload from the bill will be addressed through the prison population forecast and annual budget processes.

Other Working Group Agencies

The bill increases workload in the Colorado Department of Public Safety (CDPS) and the Parole Board to have representatives serve on the working group. Additionally, if the working group solicits input from the DPA, the Legislative Department, or other state agencies with subject matter expertise, workload will increase for those entities. The fiscal note assumes that the overall workload increase for these agencies will be minimal given the limited scope of their involvement in the working group. No change in appropriations is required.

Local Government

Workload will increase for affected local government agencies to participate in the working group or to provide requested information. The exact impact will depend on which jurisdictions participate.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature. It applies to inmates accruing earned time on or after this date.

State and Local Government Contacts

Corrections

Public Safety

Personnel and Administration

Legislative Council Staff