

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 26-1423

BY REPRESENTATIVE(S) Brown and Taggart, Sirota, Bacon, Boesenecker, Clifford, Duran, Espenosa, Flanell, Froelich, Jackson, Mabrey, Nguyen, Ricks, Rutinel, Rydin, Weinberg, McCluskie; also SENATOR(S) Amabile and Bridges, Kirkmeyer, Benavidez, Cutter, Gonzales J., Jodeh, Kipp, Marchman, Wallace, Weissman, Coleman.

CONCERNING REQUIRING THE DEPARTMENT OF PUBLIC SAFETY TO SUBMIT A COMMUNITY CORRECTIONS BUDGET IN ITS ANNUAL BUDGET REQUEST.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 17-27-102, **amend** the introductory portion; and **add** (3.7), (6.3), and (6.7) as follows:

17-27-102. Definitions.

As used in this article 27, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(3.7) "DISTRIBUTION OF OFFENDER POPULATIONS" MEANS THE TOTAL NUMBER OFFENDERS IN, AND THE TOTAL NUMBER OF OFFENDERS APPROVED FOR PLACEMENT IN, A COMMUNITY CORRECTIONS PROGRAM, BY JUDICIAL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

DISTRICT.

(6.3) "PROGRAM AVAILABILITY" MEANS THE NUMBER OF AVAILABLE COMMUNITY CORRECTIONS BEDS AND A COMMUNITY CORRECTIONS PROGRAMS' FINANCIAL VIABILITY WHEN CONSIDERING THE STATE'S REIMBURSEMENT RATE AND OTHER STATE AND NONSTATE SOURCES OF REVENUE.

(6.7) "PROJECTED NEED" MEANS THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY'S BEST ESTIMATE OF THE FUTURE DISTRIBUTION OF OFFENDER POPULATIONS IN COMMUNITY CORRECTIONS, BY JUDICIAL DISTRICT AND PLACEMENT TYPE, BASED ON:

(a) CORRECTIONAL POPULATION PROJECTIONS PROVIDED PURSUANT TO SECTION 24-33.5-503 (1)(m);

(b) THE NUMBER OF INMATES EXPECTED TO BE ELIGIBLE FOR A REFERRAL TO COMMUNITY CORRECTIONS UNDER EXISTING LAW;

(c) THE NUMBER OF OFFENDERS UNDER THE DEPARTMENT OF CORRECTIONS' SUPERVISION AND THE NUMBER OF OFFENDERS REFERRED FROM THE COURTS WHO ARE EXPECTED TO BE ACCEPTED INTO COMMUNITY CORRECTIONS PROGRAMS; AND

(d) THE DIVISION OF CRIMINAL JUSTICE'S KNOWLEDGE OF EXPECTED CHANGES IN PROGRAM CAPACITY AND AVAILABILITY.

SECTION 2. In Colorado Revised Statutes, 17-27-108, **add** (8) as follows:

17-27-108. Division of criminal justice in the department of public safety - duties - community corrections contracts - audit - report.

(8) (a) THE DEPARTMENT OF PUBLIC SAFETY SHALL INCLUDE A BUDGET REQUEST FOR COMMUNITY CORRECTIONS PROGRAMS AND SERVICES IN ITS BUDGET REQUEST SUBMITTED PURSUANT TO SECTION 2-3-208 TO THE JOINT BUDGET COMMITTEE. THE DEPARTMENT SHALL INCLUDE THE FOLLOWING INFORMATION IN ITS BUDGET REQUEST:

(I) THE PROJECTED NEED IN THE NEXT FISCAL YEAR, INCLUDING ANY

CHANGES FROM CURRENT LEVELS OF NEED, FOR ALL PLACEMENT TYPES;

(II) A SUMMARY OF THE FACTORS DRIVING THE PROJECTED NEED;

(III) AN EXPLANATION OF HOW THE REQUESTED APPROPRIATION IN THE BUDGET REQUEST AND THE PROJECTED ALLOCATION RELATE TO THE PROJECTED NEED. THE EXPLANATION MUST INCLUDE ANY IDENTIFIED DIFFERENCES BETWEEN THE DISTRIBUTION OF OFFENDER POPULATIONS, PROGRAM AVAILABILITY, AND PROJECTED NEED AMONG JUDICIAL DISTRICTS.

(IV) AN EXPLANATION OF PLANNED OR REQUESTED CHANGES IN PER DIEM REIMBURSEMENT RATES RELATIVE TO THE CURRENT FISCAL YEAR; AND

(V) THE PROJECTED ALLOCATION OF THE REQUESTED APPROPRIATION FOR COMMUNITY CORRECTIONS PLACEMENTS, BY JUDICIAL DISTRICT. THE PROJECTED ALLOCATION MUST INCLUDE:

(A) THE EXPECTED NUMBER OF STANDARD RESIDENTIAL BEDS AND THE EXPECTED PER DIEM REIMBURSEMENT RATE FOR THOSE BEDS, BY COMMUNITY CORRECTIONS PROGRAM, PAID OUT OF THE GENERAL FUND;

(B) THE EXPECTED NUMBER OF NONRESIDENTIAL SLOTS AND THE EXPECTED PER DIEM REIMBURSEMENT RATE FOR THOSE SLOTS, BY COMMUNITY CORRECTIONS PROGRAM, PAID OUT OF THE GENERAL FUND;

(C) IF APPLICABLE, FIXED PAYMENTS FOR PROGRAMS THAT ARE INDEPENDENT OF THE NUMBER OF OFFENDERS IN A COMMUNITY CORRECTIONS PROGRAM, PAID OUT OF THE GENERAL FUND;

(D) THE EXPECTED NUMBER OF SPECIALIZED BEDS, BY TYPE, AND THE EXPECTED PER DIEM RATE FOR THOSE BEDS, BY COMMUNITY CORRECTIONS PROGRAM, PAID OUT OF THE GENERAL FUND;

(E) THE EXPECTED NUMBER OF SPECIALIZED BEDS, BY TYPE, AND THE EXPECTED PER DIEM RATE FOR THOSE BEDS, BY COMMUNITY CORRECTIONS PROGRAM, PAID OUT OF NON-GENERAL FUND SOURCES, INCLUDING THE CORRECTIONAL TREATMENT CASH FUND CREATED IN SECTION 18-19-103;

(F) THE PROJECTED ALLOCATION OF FUNDS FOR COMMUNITY CORRECTIONS BOARDS;

(G) ANY OTHER PROJECTED ALLOCATION OF APPROPRIATIONS NOT RELATED TO SUBSECTIONS (8)(a)(V)(A) TO (8)(a)(V)(F) OF THIS SECTION.

(b) BEGINNING IN JANUARY 2027, AND IN JANUARY EVERY YEAR THEREAFTER, THE DEPARTMENT OF PUBLIC SAFETY SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203, INFORMATION REGARDING ANY IDENTIFIED DIFFERENCES BETWEEN THE CURRENT DISTRIBUTION OF OFFENDER POPULATIONS, PROGRAM AVAILABILITY, AND PROJECTED NEED.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO