



**Colorado
Legislative
Council
Staff**

SB16-180

**REVISED
FISCAL NOTE**

(replaces fiscal note dated April 27, 2016)

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-1179 **Date:** May 4, 2016
Prime Sponsor(s): Sen. Woods; Jahn **Bill Status:** House Judiciary
 Rep. Kagan; Ransom **Fiscal Analyst:** Kerry White (303-866-3469)

BILL TOPIC: DOC PROGRAM FOR JUVENILE OFFENDERS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	\$110,161	\$226,725
General Fund	95,504	194,279
Centrally Appropriated Costs	14,657	32,446
FTE Position Change	0.8 FTE	2.7 FTE
Appropriation Required: \$95,504 - Department of Corrections (FY 2016-17).		
Future Year Impacts: Ongoing state expenditure increase.		

Summary of Legislation

This **reengrossed** bill requires the Department of Corrections (DOC) to create a specialized program for offenders who committed a felony as a juvenile and were sentenced as an adult.

Eligibility. An offender is eligible to petition the DOC executive director, or his designee, for placement in the program if he or she:

- has served at least 20 calendar years of his or her sentence;
- has not been released to parole;
- has not been convicted of a sex offense;
- is not in a treatment program within the DOC for a serious mental illness;
- has obtained, at a minimum, a high school diploma or has passed a high school equivalency exam;
- has participated in programs offered by the DOC and demonstrated responsibility and commitment in those programs;
- has demonstrated positive growth and change through increasing developmental maturity and quantifiable good behavior during the course of incarceration; and
- has accepted responsibility for the criminal behavior underlying the offense for which he or she was convicted.

The DOC is required to develop policies and procedures for the receipt and review of petitions. Criteria for placement decisions includes:

- the nature of and circumstances surrounding the offense;
- the age and maturity of the offender at the time of the offense;
- the behavior and conduct of the offender while incarcerated;
- the assessed risk and needs of the offender;
- the impact of the offense on the victim or a member of the victim's immediate family;
- and
- any other factor determined relevant by the DOC executive director.

The DOC is allowed to make restorative justice practices available to any victim or any immediate family member of a victim of any offender who petitions for placement in the program upon request by a victim registered with the DOC requesting notice of victims' rights. If the DOC denies a petition for placement in the program or an offender is terminated from the program, the offender may petition again after at least three years.

Program operations. The program's goals are to foster independent living skills development, reentry services, and intensive supervision and monitoring. The program is to be housed in a minimum security facility. Program design must be completed by August 10, 2017, and placement is to begin no later than November 10, 2017. If the program is not operational by this date, the DOC is required to notify the General Assembly on or before November 30, 2017. Rules for the program are to include procedures for terminating participation for offenders who do not comply with requirements and eligibility to apply for early parole upon successful completion of the program.

Program completion. Each offender must participate for a minimum of three years in order to complete the program. If an offender has served at least 25 calendar years of his or her sentence and successfully completed the program it is presumed that the offender has met the factual burden of presenting extraordinary mitigating circumstances and that the offender's release to early parole is compatible with the safety and welfare of society.

Reporting. The DOC is required to report on program progress and outcomes, on and after January 1, 2018, during its annual presentation before the Joint Judiciary Committee.

Parole eligibility. Participants that complete the program may submit applications for early parole for review and approval by the Governor. At the time of application, notice must be provided to the State Board of Parole, which is to make a parole recommendation to the Governor within 90 days. The DOC must, in cooperation with the State Board of Parole, develop any necessary policies and procedures for implementation, including notice to victims and the prosecuting district attorney's office. Any victim must have the opportunity to be heard at the hearing.

State Expenditures

This bill increases state General Fund expenditures by an estimated \$110,161 and 0.8 FTE in FY 2016-17 and by an estimated \$226,725 and 2.7 FTE in FY 2017-18 and future fiscal years. Table 1 and the discussion that follows explain the costs.

Table 1. Expenditures Under SB16-180		
Cost Components	FY 2016-17	FY 2017-18
Personal Services	\$44,071	\$158,013
FTE	0.8 FTE	2.7 FTE
Operating Expenses and Capital Outlay Costs	51,433	36,266
Centrally Appropriated Costs*	14,657	32,446
TOTAL	\$110,161	\$226,725

* Centrally appropriated costs are not included in the bill's appropriation.

Department of Corrections. Costs assume that 15-25 offenders will participate in the program each year. One General Professional III position is required to develop and provide programming, including case management, to these offenders. Beginning in the second year, one social worker and one teacher are required and are assumed to be hired in August 2017. Salaries for all FTE are prorated for the assumed hire date and General Fund pay date shift.

One-time capital outlay costs include standard furniture and computer costs (\$4,703 per employee in the year they are hired) and \$38,900 to furnish a specialized program lab in the first year. Operating costs assume standard telephone and supplies (\$950 per employee); and annual drug testing, training, and information technology fees (\$250 per employee). Program materials and supplies are calculated assuming \$5,000 in the first year and \$20,000 in the second and subsequent years. New FTE training is assumed to cost \$1,725 in the year in which each employee is hired, which is standard for new employees in the DOC.

Because the program model is not yet developed, the fiscal note assumes that actual costs may vary and that to the extent this occurs, the DOC will request adjustments in appropriations through the annual budget process.

The DOC will also have increased workload to comply with the requirements regarding restorative justice practices, providing notice to victims, and reporting. These impacts are not anticipated to require an increase in appropriations.

Early parole determinations. The bill may shift the timing for early parole requests, which impacts workload for the State Parole Board and the Governor's Office. These impacts are assumed to be minimal. To the extent that applications are granted, the bill is anticipated to result in future savings from avoided costs to house incarcerated offenders that are granted early parole. As the timing and number of reduced prison beds is not known, these savings have not been estimated. For information purposes, offenders placed in a private contract prison cost the state about \$59.90 per offender per day, including the current daily rate of \$56.02 and an estimated \$3.88 per offender per day for medical care provided by the DOC.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under SB16-180		
Cost Components	FY 2016-17	FY 2017-18
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$10,886	\$18,287
Supplemental Employee Retirement Payments	3,771	14,159
TOTAL	\$14,657	\$32,446

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2016-17, the bill requires and includes an appropriation of \$95,504 General Fund and an allocation of 0.8 FTE to the Department of Corrections.

State and Local Government Contacts

Corrections
Information Technology

District Attorneys
Judicial

Governor's Office