

CHAPTER 43

GENERAL ASSEMBLY

SENATE BILL 16-095

BY SENATOR(S) Steadman, Grantham, Lambert, Guzman, Heath, Hodge, Jahn, Jones, Kefalas, Kerr, Lundberg, Merrifield, Todd; also REPRESENTATIVE(S) Young, Hamner, Rankin, Brown, Lontine.

AN ACT

CONCERNING THE FIVE-YEAR APPROPRIATIONS REQUIREMENT FOR BILLS THAT CHANGE THE PERIODS OF INCARCERATION IN STATE CORRECTIONAL FACILITIES.

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

SECTION 1. In Colorado Revised Statutes, 2-2-701, **amend** (3); and **add** (4) as follows:

2-2-701. General assembly - bills regarding the sentencing of criminal offenders - legislative intent - definitions. (3) On and after July 1, 1994, any bill which is introduced at any session of the general assembly which affects criminal sentencing and which may result in a net increase or a net decrease in periods of imprisonment in state correctional facilities shall be reviewed by the director of research of the legislative council for the purpose of providing information to the general assembly on the long-term fiscal impact which may result from the passage of the bill, including the increased capital construction costs, ~~and~~ increased operating costs, AND INCREASED PAROLE COSTS FOR THE DEPARTMENT OF CORRECTIONS for the first five fiscal years following ~~passage~~ THE EFFECTIVE DATE OF THE BILL. THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONS SHALL ANNUALLY PROVIDE INCARCERATION AND PAROLE LENGTH OF STAY ESTIMATES TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL.

(4) FOR PURPOSES OF THIS PART 7, "STATE CORRECTIONAL FACILITIES" MEANS ANY FACILITY UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS IN WHICH PERSONS ARE OR MAY BE LAWFULLY HELD IN CUSTODY AS A RESULT OF CONVICTION OF A CRIME AND ANY PRISON FACILITY OPERATED BY A COUNTY, CITY AND COUNTY, OR PRIVATE CORPORATION LOCATED IN THIS STATE OR ANOTHER STATE; EXCEPT THAT IT DOES NOT INCLUDE ANY LOCAL JAIL, MULTIJURISDICTIONAL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

JAIL, OR COMMUNITY CORRECTIONS CENTER.

SECTION 2. In Colorado Revised Statutes, **amend 2-2-703** as follows:

2-2-703. General assembly - bills which result in a net increase in periods of imprisonment in state correctional facilities - funding must be provided in the bill. On and after July 1, 1991, ~~no~~ A bill may NOT be passed by the general assembly which would result in a net increase in periods of imprisonment in state correctional facilities unless, in such bill, there is an appropriation of ~~moneys~~ MONEY which is sufficient to cover any increased capital construction costs, ~~and~~ any increased operating costs, AND INCREASED PAROLE COSTS which are the result of such bill FOR THE DEPARTMENT OF CORRECTIONS in each of the first five years ~~in which there is a fiscal impact as a result of the bill~~ FOLLOWING THE EFFECTIVE DATE OF THE BILL. ~~Moneys~~ MONEY sufficient to cover such increased capital construction costs and increased operating costs for the first five fiscal years ~~in which there is a fiscal impact as a result of the bill shall~~ FOLLOWING THE EFFECTIVE DATE OF THE BILL MUST be estimated by the appropriations committee, and after consideration of such estimate the general assembly shall make a determination as to the amount of ~~moneys~~ MONEY sufficient to cover the costs, and such ~~moneys shall~~ MONEY MUST be appropriated in the bill in the form of a statutory appropriation from the general fund in the years affected. Any such bill which is passed on or after July 1, 1991, which is silent as to whether it is intended to be an exception to this section, shall not be deemed to be such an exception. Any bill which is enacted which is intended to be an exception to this section ~~shall~~ MUST expressly state such exception in such bill.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 23, 2016