



**Colorado
Legislative
Council
Staff**

SB17-048

**REVISED
FISCAL NOTE**

(replaces fiscal note dated January 18, 2017)

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

Drafting Number: LLS 17-0233
Prime Sponsor(s): Sen. Cooke
Rep. Willett

Date: February 22, 2017
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: REQUIRE ARRESTS OF ISP ESCAPEES FROM DOC

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures General Fund	Increase - see State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: Ongoing expenditure increase.		

Note: This revised fiscal note is provided to account for amendments in the Senate as well as new information.

Summary of Legislation

This *reengrossed* bill requires a certified peace officer or community parole officer (officer) to immediately seek a warrant for the arrest or conduct an arrest of an offender participating in an intensive supervision program (ISP) if there is probable cause to believe that the offender has committed an escape by knowingly removing or tampering with an electronic monitoring device that he or she is required to wear as a condition of parole. Prior to an arrest of an offender, the officer, if practicable, is required to determine that the notification of removal or tampering was not the result of an equipment malfunction. Subsequent to an arrest for suspicion of escape, the officer is required to submit charges to the district attorney for consideration of filing.

Background and Assumptions

Under current practice, parole officers within the Department of Corrections already arrest offenders believed to have committed an escape and generally submit charges to the district attorney. In some cases, the warrants are filed with the State Parole Board rather than a court, which would result in the parolee's revocation rather than new charges. As of this writing, the number of escapees from ISP that would be affected by this bill is not available, and as such it is not known how many are generally arrested by state parole staff versus local law enforcement.

State Expenditures

Overall, beginning in FY 2017-18, this bill is expected to increase workload for the Judicial Department by a minimal amount. Trial courts will hear requests for warrants where those requests are considered by the State Parole Board under current law. To the extent that SB17-048 results in additional case filings for escape, workload for the trial courts and agencies that provide representation to indigent defendants, including the Office of the State Public Defender and the Office of the Alternate Defense Counsel, will also increase. As of this writing, no estimate on the number of individuals that this bill applies to is available. The fiscal note assumes that the Judicial Department will request additional appropriations through the annual budget process as needed.

Department of Corrections. Overall this bill may increase state General Fund expenditures in the department. This analysis assumes that some offenders may be sentenced for escape rather than returned to custody for a technical parole violation, thereby increasing their length of stay upon return to prison. Depending on the original crime, escape for a felon in ISP is generally a class 3 felony. The average length of stay for a technical parole violation is 4 months as compared to the average length of stay for a class 3 felony, other offense, which is 56.1 months. Because there are no data about the number of offenders that this bill may apply to, the fiscal note assumes the department will request any needed increase in appropriations through the annual budget process.

State Parole Board. This bill may affect the board in two ways. First, if it leads to additional arrests of persons on ISP, workload will increase for the State Parole Board to hold revocation hearings. However, this increase is expected to be offset by a reduction in workload as a result of not having to process warrant requests. The net change to the board's workload has not been estimated but is assumed to be minimal.

Local Government Impact

The bill is expected to increase workload for district attorneys to prosecute any new felony escape case filings. This increase is anticipated to be minimal.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Corrections
Information Technology
Public Safety

Counties
Judicial
Sheriffs

District Attorneys
Municipalities

Research Note Available

An LCS Research Note for SB 17-048 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.