

CHAPTER 411

APPROPRIATIONS

HOUSE BILL 18-1158

BY REPRESENTATIVE(S) Hamner, Young, Rankin, Lee;
also SENATOR(S) Lambert, Lundberg, Moreno, Tate, Grantham.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS.

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

SECTION 1. Appropriation to the department of corrections for the fiscal year beginning July 1, 2017. In Session Laws of Colorado 2017, section 2 of chapter 421, (SB 17-254), **amend** Part II as follows:

Section 2. **Appropriation.**

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

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART II
DEPARTMENT OF CORRECTIONS**

(1) MANAGEMENT**(A) Executive Director's Office Subprogram**

Personal Services	3,443,975	3,200,170 (22.8 FTE)		243,805 ^a (4.0 FTE)	
Restorative Justice Program with Victim-Offender Dialogues in Department Facilities	75,000	75,000 (1.2 FTE)			
Health, Life, and Dental	54,108,968	52,536,256	1,572,712 ^b		
Short-term Disability	628,089	610,911	17,178 ^b		
S.B. 04-257 Amortization Equalization Disbursement	16,892,514	16,439,123	453,391 ^b		
S.B. 06-235 Supplemental Amortization Equalization Disbursement	16,892,514	16,439,123	453,391 ^b		
Salary Survey	6,294,313	6,122,116	172,197 ^b		
Merit Pay	2,777,553	2,711,425	66,128 ^b		

Shift Differential	8,125,195	8,085,286	39,909 ^b		
Workers' Compensation	6,857,483	6,640,787	216,696 ^b		
Operating Expenses	357,759	267,759		5,000 ^a	85,000(I) ^c
Legal Services	1,890,448 ^d	1,826,938	63,510 ^b		
Payment to Risk Management and Property Funds	5,020,275	4,822,476	197,799 ^b		
Leased Space	4,841,708	4,572,941	268,767 ^b		
Capitol Complex Leased Space	63,551	45,398	18,153 ^b		
Planning and Analysis Contracts	82,410	82,410			
Payments to District Attorneys	681,102	681,102			
Payments to Coroners	<u>32,175</u>	32,175			
	129,065,032				

^a These amounts shall be transferred from the Department of Public Safety from the State Victims Assistance and Law Enforcement Program line item appropriation in the Victims Assistance section of the Division of Criminal Justice. These amounts originate as cash funds from the Victims Assistance and Law Enforcement (VALE) Fund created in Section 24-33.5-506 (1), C.R.S.

^b Of these amounts, \$3,142,972 shall be from sales revenues earned by Correctional Industries and \$396,859 shall be from sales revenues earned by the Canteen Operation.

^c This amount shall be from the Social Security Administration Incentive Payment Memorandum of Understanding. This amount is included for informational purposes only.

^d Of this amount, \$1,869,702 shall be used to purchase legal services from the Department of Law and \$20,746 shall be used to contract for legal services from private firms for litigation related to the Rifle Correctional Center.

 APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(B) External Capacity Subprogram							
(1) Private Prison Monitoring Unit							
Personal Services	1,090,250		1,090,250				
			(15.7 FTE)				
Operating Expenses	<u>213,443</u>		183,976		29,467 ^a		
	1,303,693						

^a This amount shall be from revenues earned from monitoring private Colorado prisons that house out-of-state offenders.

(2) Payments to House State Prisoners^{2,3}

Payments to local jails at
a rate of \$54.39

per inmate per day	15,033,694		15,033,694				
	12,631,560		12,631,560				

Payments to in-state
private prisons at a rate of
\$56.80 per inmate per day

	61,220,653		59,142,933		2,077,720 ^a		
	66,403,653		64,903,653		1,500,000 ^a		

Payments to pre-release
parole revocation facilities
at a rate of \$56.80

per inmate per day	11,742,058		11,742,058				
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	14,686,002	14,686,002
Payments to Community Return to Custody Facilities	3,241,110	3,241,110
	2,981,636	2,981,636
Inmate Education and Benefit Programs at In-state Private Prisons	541,566	541,566
Inmate Education and Benefit Programs at Pre-release Parole Revocation Facilities	<u>121,151</u>	121,151
	91,900,232	
	97,365,568	

^a This amount shall be from the State Criminal Alien Assistance Program Cash Fund created in Section 17-1-107.5 (1), C.R.S.

(C) Inspector General Subprogram

Personal Services	4,145,719	4,039,486 (48.2 FTE)	106,233 ^a	
Operating Expenses	428,866	345,679	83,187 ^a	
Inspector General Grants	<u>207,912</u>			207,912(I)
	4,782,497			

^a These amounts shall be from revenues earned from private prison out of state offender investigations.

~~227,051,454~~

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	232,516,790					
(2) INSTITUTIONS						
(A) Utilities Subprogram						
Personal Services	309,434	309,434				
		(2.6 FTE)				
Utilities	<u>22,062,941</u>	20,658,871		1,404,070 ^a		
	22,372,375					
^a This amount shall be from sales revenues earned by Correctional Industries.						
(B) Maintenance Subprogram						
Personal Services	19,673,603					
	(276.8 FTE)					
Operating Expenses	7,114,522					
Maintenance						
Pueblo Campus	<u>2,059,181</u>					
	28,847,306	28,847,306				
(C) Housing and Security Subprogram						
Personal Services ⁴	159,827,011 ^a	159,824,064		2,947 ^a		

		(2,974.4 FTE)
Operating Expenses ^{4a}	<u>1,848,941</u>	1,848,941
	161,675,952	

^a This amount shall be from the Corrections Expansion Reserve Fund created in Section 17-1-116, C.R.S. Pursuant to Section 16-3-503 (2), C.R.S., these amounts are from forfeiture bonds and fees.

(D) Food Service Subprogram

Personal Services	17,812,705	17,812,705
		(317.8 FTE)
Operating Expenses	17,804,557	17,804,557
Food Service		
Pueblo Campus	1,827,855	1,827,855
	<u>2,000,369</u>	2,000,369
	37,445,117	
	37,617,631	

(E) Medical Services Subprogram

Personal Services	32,101,298	31,862,915	238,383 ^a
		(384.5 FTE)	(3.0 FTE)
Operating Expenses	2,579,052	2,579,052	
Purchase of			
Pharmaceuticals	18,227,911	18,227,911	
	18,612,321	18,612,321	
Purchase of Medical			
Services from Other			
Medical Facilities	23,926,924	23,926,924	

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
	25,698,644		25,698,644				
Service Contracts	2,524,981		2,524,981				
Indirect Cost Assessment	<u>730</u>				730 ^a		
	79,360,896						
	81,517,026						

^a These amounts shall be from inmate medical fees collected pursuant to Section 17-1-113 (2), C.R.S.

(F) Laundry Subprogram

Personal Services	2,343,112		
	(37.4 FTE)		
Operating Expenses	<u>2,197,545</u>		
	4,540,657		4,540,657

(G) Superintendents Subprogram

Personal Services	11,059,874	
	(156.9 FTE)	
Operating Expenses	5,202,001	
Dress Out	735,433	
Start-up Costs	7,800	

	<u>164,117</u>	
	17,005,108	17,005,108
	17,161,425	17,161,425

(H) Youthful Offender System Subprogram

Personal Services	10,109,863	
	(160.7 FTE)	
Operating Expenses	604,705	
Contract Services	28,820	
Maintenance and Food Service	<u>1,029,249</u>	
	11,772,637	11,772,637

(I) Case Management Subprogram

Personal Services	16,959,241	
	(247.3 FTE)	
Operating Expenses	172,581	
Offender ID Program	<u>341,135</u>	
	17,472,957	17,472,957

(J) Mental Health Subprogram

Personal Services	10,466,533	10,466,533
		(152.9 FTE)
Operating Expenses	280,716	280,716
Medical Contract Services	4,091,521	4,091,521
Start-up Costs	<u>4,703</u>	4,703

(3) SUPPORT SERVICES

(A) Business Operations Subprogram

Personal Services	6,192,084	4,430,488	40,297 ^a	1,721,299 ^b
		(89.8 FTE)		(10.0 FTE)
Operating Expenses	<u>234,201</u>	234,201		
	6,426,285			

^a This amount shall be from restitution collected pursuant to Section 16-18.5-109 (3), C.R.S.

^b Of this amount, \$1,650,521 shall be from departmental indirect cost recoveries and \$70,778 shall be from statewide indirect cost recoveries, or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

(B) Personnel Subprogram

Personal Services	1,368,076			
	(18.7 FTE)			
Operating Expenses	<u>86,931</u>			
	1,455,007	1,455,007		

(C) Offender Services Subprogram

Personal Services	3,025,806			
	(44.1 FTE)			
Operating Expenses	<u>62,044</u>			
	3,087,850	3,087,850		

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(D) Communications Subprogram						
Operating Expenses	1,626,840	1,626,840				
Dispatch Services	<u>224,477</u>	224,477				
	1,851,317					
(E) Transportation Subprogram						
Personal Services	2,124,172	2,124,172				
		(35.9 FTE)				
Operating Expenses	433,538	433,538				
Vehicle Lease Payments	<u>3,206,280</u>	2,608,657		597,623 ^a		
	5,763,990					

^a Of this amount, \$570,267 shall be from sales revenues earned by Correctional Industries and \$27,356 shall be from sales revenues earned by the Canteen Operation.

(F) Training Subprogram

Personal Services	2,277,827					
	(33.0 FTE)					
Operating Expenses	<u>287,124</u>					
	2,564,951	2,564,951				

(G) Information Systems Subprogram

Operating Expenses	1,645,262	1,645,262		
Payments to OIT	19,620,169	19,502,427	117,742 ^a	
CORE Operations	<u>418,183</u>	368,814	23,671 ^a	25,698 ^b
	21,683,614			

^a Of these amounts, \$124,161 shall be from Correctional Industries sales to non-state entities and \$17,252 shall be from sales revenues earned by the Canteen Operation.

^b This amount shall be from Correctional Industries sales to other state agencies.

(H) Facility Services Subprogram

Personal Services	960,387			
	(9.7 FTE)			
Operating Expenses	<u>83,096</u>			
	1,043,483	1,043,483		

43,876,497

(4) INMATE PROGRAMS

(A) Labor Subprogram

Personal Services	5,243,173			
	(88.7 FTE)			
Operating Expenses	<u>88,017</u>			
	5,331,190	5,331,190		

(B) Education Subprogram

Personal Services	13,289,402	13,289,402		
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	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
			(192.6 FTE)				
Operating Expenses	4,520,963		2,816,546		1,293,402 ^a	411,015 ^b	
Contract Services	237,128		237,128				
Education Grants	80,060				10,000 ^c	42,410 ^d	27,650(I)
						(2.0 FTE)	
Indirect Cost Assessment	311						311(I)
Start-up Costs	<u>18,812</u>		18,812				
	18,146,676						

^a Of this amount, ~~\$735,467~~ \$557,935 shall be from sales revenues earned by the Canteen Operation and ~~\$557,935~~ \$735,467 shall be from sales revenues earned by vocational programs.

^b This amount shall be from sales revenues earned by vocational programs for products and services sold to other government agencies.

^c This amount shall be from gifts, grants, and donations.

^d This amount shall be from the Colorado Department of Education from special education funds.

(C) Recreation Subprogram

Personal Services	6,722,303		6,722,303				
			(116.7 FTE)				
Operating Expenses	<u>71,232</u>				71,232 ^a		

6,793,535

^a This amount shall be from sales revenues earned by the Canteen Operation.

(D) Drug and Alcohol Treatment Subprogram

Personal Services	5,297,790	5,297,790	
		(85.4 FTE)	
Operating Expenses	110,932	110,932	
Services for Substance Abuse and Co-occurring Disorders	1,009,077		1,009,077 ^a
Contract Services	2,459,804	2,104,898	354,906 ^a
Treatment Grants	<u>126,682</u>		126,682 ^b
	9,004,285		

^a These amounts shall be transferred from the Judicial Department from the Offender Treatment and Services line item appropriation in the Probation and Related Services section.

^b This amount shall be from grant funds appropriated to the Division of Criminal Justice in the Department of Public Safety.

(E) Sex Offender Treatment Subprogram

Personal Services	3,037,564	3,007,523	30,041 ^a
		(54.8 FTE)	(1.0 FTE)
Operating Expenses	92,276	91,776	500 ^a
Polygraph Testing	242,500	242,500	

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Sex Offender Treatment Grants	65,597						65,597(I)
	<u>3,437,937</u>						

^a These amounts shall be from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S.

(F) Volunteers Subprogram

Personal Services	424,144						
	(8.0 FTE)						
Operating Expenses	<u>17,912</u>						
	442,056		442,056				
		43,155,679					

(5) COMMUNITY SERVICES

(A) Parole Subprogram

Personal Services	17,519,447		17,519,447				
			(293.2 FTE)				
Operating Expenses	2,612,240		2,612,240				
Contract Services	7,732,631		5,565,923		2,166,708 ^a		

Wrap-Around Services Program	1,860,004	1,860,004
Grants to Community-based Organizations for Parolee Support	1,733,971	1,733,971
Non-residential Services	1,215,818	1,215,818
Home Detention	<u>69,383</u>	69,383
	32,743,494	

^a This amount shall be transferred from the Judicial Department from the Offender Treatment and Services line item appropriation in the Probation and Related Services section. This amount includes \$2,141,708 from the Correctional Treatment Cash Fund and \$25,000 from the General Fund for the provision of day reporting services.

(B) Community Supervision Subprogram

(1) Community Supervision

Personal Services	5,951,926	5,951,926	
		(83.8 FTE)	
Operating Expenses	632,650	632,650	
Community Mental Health Services	649,034	649,034	
Psychotropic Medication	131,400	131,400	
Contract Services	2,952,822	2,952,822	
Contract Services for High Risk Offenders	221,200	221,200	
Contract Services for Fugitive Returns	<u>74,524</u>	42,049	32,475 ^a
	10,613,556		

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^a This amount shall be transferred from the Department of Public Safety from the Division of Criminal Justice. These amounts originate as federal funds.

(2) Youthful Offender System Aftercare

Personal Services	519,737					
	(8.0 FTE)					
Operating Expenses	141,067					
Contract Services	1,022,396					
	<u>1,683,200</u>		1,683,200			

(C) Community Re-entry Subprogram

Personal Services	2,380,990		2,380,990			
			(41.6 FTE)			
Operating Expenses	146,202		146,202			
Offender						
Emergency Assistance	96,768		96,768			
Contract Services	190,000		190,000			
Offender						
Re-employment Center	374,000		364,000	10,000 ^a		
Community						
Reintegration Grants	39,098					39,098(I)

3,227,058

(1.0 FTE)

^a This amount shall be from gifts, grants, and donations.

48,267,308

(6) PAROLE BOARD

Personal Services 1,305,657
(17.5 FTE)
Operating Expenses 106,390
Contract Services 272,437

1,684,484 1,684,484

(7) CORRECTIONAL INDUSTRIES

Personal Services 10,649,298
Operating Expenses 6,689,926
Raw Materials 38,878,810
Inmate Pay 2,498,992
Capital Outlay 1,406,200
Correctional Industries Grants 2,500,000
Indirect Cost Assessment 1,650,611

64,273,837

3,478,295^a 7,171,003^b
(42.8 FTE) (112.2 FTE)
1,817,327^a 4,872,599^b
8,441,080^a 30,437,730^b
861,343^a 1,637,649^b
337,094^a 1,069,106^b
115,923^a 292,966^b

2,500,000(I)
1,241,722(I)

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^a Of these amounts, \$14,901,062 is estimated to be from sales to non-state entities and \$150,000 is estimated to be from rents and royalties earned on Penitentiary Trust land managed by the State Board of Land Commissioners pursuant to Section 36-1-116 (2), C.R.S.

^b Of these amounts, \$35,630,964 is estimated to be from sales to other state agencies and \$9,850,089 is estimated to be from the Department of Revenue for the purchase of license plates.

(8) CANTEEN OPERATION

Personal Services	2,037,260				
	(28.0 FTE)				
Operating Expenses	12,851,987				
Inmate Pay	73,626				
Indirect Cost Assessment	<u>69,649</u>				
	15,032,522			15,032,522(I) ^a	

^a This amount shall be from sales revenues earned by the Canteen Operation and is continuously appropriated to the division pursuant to Section 17-24-126 (1), C.R.S.

TOTALS PART II

(CORRECTIONS)	\$862,934,388	\$767,386,310^a		\$39,760,660^b	\$51,620,128	\$4,167,290 ^c
	<u>\$870,884,685</u>	<u>\$775,914,327^a</u>		<u>\$39,182,940^b</u>		

^a Of this amount \$20,256,546 is excluded from the calculation of the required General Fund reserve, pursuant to Section 24-75-201.1 (2)(b), C.R.S.

^b Of this amount, \$15,032,522 contains an (I) notation.

^c This amount contains an (I) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

- 2 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners -- The Department of Corrections is authorized to transfer up to 5.0 percent of the total appropriation for the external capacity subprogram between line items in the external capacity subprogram for purposes of reimbursing local jails, private prison providers, and community return to custody providers.
- 3 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners -- It is the intent of the General Assembly that the department not withhold funds from the per diem payments to cover major medical expenses incurred by state inmates assigned to private facilities because appropriations made in the medical services subprogram are sufficient to cover major medical expenses incurred by state inmates held in both state and private facilities.
- 4 Department of Corrections, Institutions, Housing and Security Subprogram, Personal Services -- The amount appropriated in this line item does not include the \$7,671,044 of FY 2017-18 General Fund appropriations for the Department of Corrections set forth in sections 108, 111, 116, 114, 115, 121, 120, 117, 118, 119, 122, and 123 of Title 17, Article 18, C.R.S. In calculating the amount appropriated in this line item, it is assumed that these statutory appropriations will be used for the same line item.
- 4a Department of Corrections, Institutions, Housing and Security Subprogram, Operating Expenses -- This appropriation includes \$40,000 General Fund for the purpose of providing tampons for offenders.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

SECTION 2. Appropriation to the department of corrections for the fiscal year beginning July 1, 2016. In Session Laws of Colorado 2016, section 2 of chapter 385, (HB 16-1405), **amend** Part II (1)(B)(2) and the affected totals as Part II (1)(B)(2) and the affected totals are amended by section 1 of chapter 408, (SB 17-159), Session Laws of Colorado 2017, as follows:

Section 2. **Appropriation.**

**PART II
DEPARTMENT OF CORRECTIONS**

(1) MANAGEMENT

(B) External Capacity Subprogram

(2) Payments to House State Prisoners^{2,3}

Payments to local jails

at a rate of \$53.64 per

inmate per day

12,784,826

12,784,826

Payments to in-state private

prisons at a rate of \$56.02

per inmate per day

~~60,421,772~~

56,529,878

~~3,891,894*~~

61,828,344

5,298,466^a

Payments to pre-release parole revocation facilities at a rate of \$56.02 per inmate per day	11,430,041	11,430,041
Community Corrections Programs	3,945,153	3,945,153
Inmate Education and Benefit Programs at In-state Private Prisons	534,079	534,079
Inmate Education and Benefit Programs at Pre-release Parole Revocation Facilities	<u>119,476</u>	119,476
	<u>89,235,347</u>	
	90,641,919	

^a This amount shall be from the State Criminal Alien Assistance Program Cash Fund created in Section 17-1-107.5 (1), C.R.S.

**TOTALS PART II
(CORRECTIONS)**

\$837,480,413	\$748,307,635 ^a	\$41,066,811^b	\$46,748,326	\$1,357,641 ^c
<u>\$838,886,985</u>		<u>\$42,473,383^b</u>		

^a Of this amount \$20,258,268 is excluded from the calculation of the required General Fund reserve, pursuant to Section 24-75-201.1 (2) (b), C.R.S.

^b Of this amount, \$15,041,361 contains an (I) notation.

^c This amount contains an (I) notation.

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

Approved: March 29, 2018