

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING MEASURES TO MANAGE THE STATE PRISON POPULATION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Prime Sponsors: Representative Herod
Senator Gonzales

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Appropriation Items of Note

Appropriation in Bill Must Be Amended, Amendment in Packet

General Fund Impact

Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 02/19/20.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.003	Bill Sponsor amendment - changes the department that receives the FY 2020-21 appropriation for the study but does not otherwise change the fiscal impact.

Current Appropriations Clause in Bill

For FY 2019-20, the bill includes an appropriation that correctly provides \$5,511,167 total funds (\$5,450,197 General Fund, \$60,970 cash funds) and 37.0 FTE for operation of Centennial Correctional Facility South ("Centennial South"). For FY 2020-21, the bill includes an appropriation that provides \$250,000 General Fund to the Department of Corrections for a study of how to end the use of private prisons in Colorado. The dollar amount of the FY 2020-21 appropriation is correct, but amendments adopted in the Senate Judiciary Committee require an appropriation to the Department of Local Affairs so it can contract with a nationally recognized prison accreditation entity to study future prison bed needs in Colorado.

Description of Amendments in This Packet

J.003 Staff has prepared amendment **J.003** (attached) to change the bill's \$250,000 FY 2020-21 General Fund appropriation to the Department of Corrections to a \$250,000 FY 2020-21 General Fund appropriation to the Department of Local Affairs, which will use the money to contract with a nationally recognized prison accreditation entity to study future prison bed needs in Colorado.

Points to Consider1. *Background information.*

The unexpected closure of a private prison in Colorado Springs on March 7 is creating overcrowding in the Department of Corrections (DOC). Centennial South has sufficient space to handle the overcrowding but current statute allows it to hold no more than 126 inmates starting two months after vacancies in state male prisons fall below two percent, which happened on January 21. Thus 126 inmates can be placed in Centennial South on March 21, an authorization that expires on Sept. 1. The DOC supplemental bill can't be used to place more than 126 inmates at Centennial South because supplementals can only contain appropriations that are consistent with current law. For this reason, the JBC recommended that FY 2019-20 appropriations for inmate use of Centennial South be divided between the DOC supplemental bill, H.B. 20-1243, and this bill, H.B. 20-1019.

2. *FY 2020-21 appropriation for Centennial South.*

Staff has not prepared an appropriation for operation of Centennial South in FY 2020-21 for this bill because the Joint Budget Committee plans to include the entire FY 2020-21 appropriation (\$20,768,701 total funds, \$20,604,381 General Fund, \$164,320 cash funds, and 210.4 FTE) for operation of Centennial South in the Long Bill, assuming H.B. 20-1019 becomes law before the Long Bill is introduced. If H.B. 20-1019 is not law when the Long Bill is introduced, the FY 2020-21 appropriation for Centennial South may be added to this bill.

3. *FY 2019-20 General Fund Impact.*

The JBC has proposed a supplemental budget package for FY 2019-20 based on the December 2019 Legislative Council Staff revenue forecast. The JBC has included as part of this budget package \$5,511,167 General Fund to be appropriated in FY 2019-20 for implementation of H.B. 20-1019.

4. *FY 2020-21 General Fund Impact.*

The \$250,000 FY 2020-21 General Fund appropriation in this bill for a study by the Department of Local Affairs will reduce by \$250,000 the amount of General Fund available for other special bills enacted this session that require FY 2020-21 General Fund appropriations.