



Legislative Council Staff  
Nonpartisan Services for Colorado's Legislature

# Fiscal Note

|                         |   |                        |   |
|-------------------------|---|------------------------|---|
| <b>Drafting Number:</b> | LLS 21-0533                                       | <b>Date:</b>           | March 29, 2021  |
| <b>Prime Sponsors:</b>  | Rep. Gonzales-Gutierrez;<br>Daugherty<br>Sen. Lee | <b>Bill Status:</b>    | House Judiciary   |
|                         |   | <b>Fiscal Analyst:</b> | Erin Reynolds   303-866-4146<br>Erin.Reynolds@state.co.us |

**Bill Topic:** PAROLE ELIGIBILITY FOR YOUTHFUL OFFENDERS

**Summary of Fiscal Impact:**

|   |  |
|---|--|
| <input type="checkbox"/> State Revenue                | <input type="checkbox"/> TABOR Refund            |
| <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government        |
| <input type="checkbox"/> State Transfer               | <input type="checkbox"/> Statutory Public Entity |

This bill modifies parole and program eligibility for offenders who committed a felony offense when they were youths. It will reduce state expenditures on an ongoing basis.

**Appropriation Summary:** For FY 2021-22, the bill requires a reduction in appropriations of \$126,677 from the Department of Corrections.

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

**Table 1  
State Fiscal Impacts Under HB 21-1209**

|                     |              | <b>Budget Year<br/>FY 2021-22</b> | <b>Out Year<br/>FY 2022-23</b> |
|---------------------|--------------|-----------------------------------|--------------------------------|
| <b>Revenue</b>      |              | -                                 | -                              |
| <b>Expenditures</b> | General Fund | (\$126,677)                       | (\$54,290)                     |
| <b>Transfers</b>    |              | -                                 | -                              |
| <b>TABOR Refund</b> |              | -                                 | -                              |

## Summary of Legislation

This bill modifies parole and program eligibility for offenders who committed a felony offense when they were young adults.

**Parole eligibility.** The bill allows an offender serving a sentence in the Department of Corrections (DOC) for a felony offense that was committed while the offender was 18 to 24 years old to be eligible for parole after the offender:

- serves 50 percent of the sentence; and
- serves at least 15 calendar years in prison.

Subject to the discretion of the Parole Board, the offender is eligible to be released on parole if the offender has not had any code of penal discipline violations in the last five years or any class I code of penal discipline violations in the last ten years. This expanded parole eligibility does not apply to offenders serving a life sentence without parole.

**Juveniles Convicted as Adults Program eligibility.** The DOC operates a specialized program for offenders who are serving a prison sentence for a felony offense committed while the offender was a juvenile, called the Juveniles Convicted as Adults Program (JCAP). The bill expands program eligibility to adults serving a sentence for a felony that was committed when the person was under 21 years of age so long as there is space available in the program.

## State Expenditures

The bill results in a reduction of \$488,611 in state General Fund expenditures in the DOC over a five-year period beginning in FY 2021-22, as shown in Table 2 and detailed below.

**Table 2**  
**Prison and Parole Operating Costs Under HB 21-1209**

| <b>Fiscal Year</b> | <b>ADP</b> | <b>ADP Cost</b> | <b>Parole</b> | <b>Parole Cost</b> | <b>Net Impact</b>  |
|--------------------|------------|-----------------|---------------|--------------------|--------------------|
| FY 2021-22         | (7.0)      | (\$162,932)     | 7.0           | \$36,255           | <b>(\$126,677)</b> |
| FY 2022-23         | (3.0)      | (\$69,828)      | 3.0           | \$15,538           | <b>(\$54,290)</b>  |

**Department of Corrections.** There are an estimated 20 offenders that will meet the bill's expanded criteria for parole eligibility. This population is reduced from last year's identified population in SB 20-076, primarily due to temporary changes in parole resulting from COVID-19. For FY 2021-22, 13 of the identified offenders are already parole eligible, leaving 7 remaining offenders newly eligible for parole under the bill.

- **Prison and parole costs.** Based on new parole eligibility, the fiscal note indicates a reduction of 7 beds in FY 2021-22 and 3 beds continuing into FY 2022-23. Bed savings are calculated at the private prison rate of \$23,276 per offender per year, and parole costs are calculated at the standard rate of \$5,179 per offender per year. Additional offenders may be released in future years; this impact will be addressed through the prison population forecast and the annual budget process.

- **JCAP.** In addition, the bill permits the DOC to accept new offenders into the JCAP program. There are currently 213 offenders that meet the bill's age criteria for JCAP eligibility; this population has not yet been reduced for other limiting factors, including length and type of sentence, prior parole releases, and current offender programming.

The JCAP program is currently situated at three facilities: Fremont Correctional Facility (medium custody males), Four-Mile Correctional Facility (minimum restricted custody males) and LaVista Correctional Facility (medium custody females). Current classroom space allows for a maximum of 20 participants. The JCAP program currently serves a maximum of 20 offenders and has 3 staff, including an administrator, a teacher, and a social worker. Classroom instruction includes, but is not limited to, laundry, food preparation, banking, driving, and interactive interpersonal scenarios using virtual reality technology.

The fiscal note assumes that offenders will be entered into this program as space becomes available; however, the General Assembly may choose to provide additional resources through this legislation. An additional teacher and social worker would facilitate program expansion in existing facilities at an approximate cost of \$160,000 per year. The staff addition would allow existing spaces to be used on a rotating schedule, accommodating 10 additional participants.

- **State Board of Parole.** The bill requires additional parole hearings, which will increase workload for the Parole Board and its staff. This increase can be accomplished within existing appropriations.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## State Appropriations

In FY 2021-22, the bill requires a reduction in General Fund appropriations of \$126,677 from the Department of Corrections.

## State and Local Government Contacts

Corrections

Information Technology