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Fiscal Note

Drafting Number: LLS 23-0423 **Date:** February 28, 2023
Prime Sponsors: Sen. Pelton B.; Fields **Bill Status:** Senate Judiciary
Rep. Winter T. **Fiscal Analyst:** Aaron Carpenter | 303-866-4918
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Bill Topic: **SENTENCE SERVED BEFORE PAROLE AND NOTIFY VICTIM**

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

The bill requires the Department of Corrections to notify victims when an offender's projected release date changes. It also requires the Commission on Criminal and Juvenile Justice to submit a report to the General Assembly on sentencing reform. Starting in FY 2023-24, the bill increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$589,836 to the Department of Corrections.

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

Table 1
State Fiscal Impacts Under SB 23-088

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures	General Fund	\$589,836	\$642,445
	Centrally Appropriated	\$172,271	\$227,348
	Total Expenditures	\$762,107	\$869,793
	Total FTE	7.6 FTE	10.0 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$88,475	\$96,367

Summary of Legislation

The bill requires the Department of Corrections (DOC) to notify victims of any changes to the projected date of the person’s release from confinement—including the parole eligibility date, as a result of earned time granted to an offender—at the time the projected release or parole eligibility date changes.

The bill also requires the Colorado Commission on Criminal and Juvenile Justice (CCJJ) within the Department of Public Safety to submit a progress report to the General Assembly on its study of sentencing reform by November 15, 2023.

Background and Assumptions

Currently, the DOC sends an average of six notifications per year to 30,000 victims who are required to receive notifications under the Victim’s Rights Act. On average, the DOC records around 150,000 parole eligibility date changes per year. Because there may be multiple victims to some crimes, the fiscal note assumes that the bill will increase required notifications by 198,000 notifications per year.

State Expenditures

The bill increases General Fund expenditures in the DOC by about \$760,000 in FY 2023-24 and \$870,000 in FY 2024-25. In addition, the bill will increase workload in the Department of Public Safety. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under SB 23-088

	FY 2023-24	FY 2024-25
Department of Corrections		
Personal Services	\$410,229	\$546,971
Operating Expenses	\$30,045	\$12,000
Capital Outlay Costs	\$70,000	-
Computer Programming	\$10,000	-
Postage	\$69,562	\$83,474
Centrally Appropriated Costs ¹	\$172,271	\$227,348
Total Cost	\$762,107	\$869,793
Total FTE	7.6 FTE	10.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Corrections. The bill increases expenditures in the DOC to hire additional staff to provide notifications, update computer programming, and cover postage costs to send some notifications by mail, as described below.

- **Staff.** Starting in FY 2023-24, the DOC will require 10.0 FTE to process the assumed number of notifications under the bill. This assumes that one FTE can provide around 19,000 notifications. Positions include technicians to provide notifications to victims, a liaison to support notifications relating to parolee proceedings, and an administrative assistant to assist the new staff in clerical work. Costs for staff include personal services, operating expenses, and capital outlay costs, as shown in Table 2. Costs in FY 2023-24 are prorated for a September 1 start date and the General Fund pay date shift.
- **Computer programming.** In FY 2023-24 only, computer programming is required to add electronic notifications for when a parole eligibility date changes. Computer programming costs are estimated at \$10,000.
- **Postage.** Starting in FY 2023-24, costs in the DOC will increase by about \$83,500 to send notifications by mail. Based on the current rate of notifications sent through mail, the fiscal note assumes that about two-thirds of the new notifications will be sent through the mail at a cost of \$0.63 per letter.

Department of Public Safety. In FY 2023-24 only, CCJJ workload will increase to report to the General Assembly regarding its sentencing reform study. Because the CCJJ is currently working on sentencing reform, the fiscal note assumes that reporting on the progress of its work can be accomplished within existing appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance, supplemental employee retirement payments, and leased space, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Effective Date

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

State Appropriations

For FY 2023-24, the bill requires an appropriation of \$589,836 from the General Fund to the Department of Corrections, and 7.6 FTE.

State and Local Government Contacts

Corrections
Judicial

District Attorneys
Public Safety

Information Technology