



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1049: COMMUNICATION RIGHTS FOR PERSONS IN CUSTODY

Prime Sponsors:

Rep. Garcia
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Fiscal note status: The fiscal note reflects the introduced bill, which was recommended by the Legislative Oversight Committee Concerning Colorado Jail Standards.

Summary Information

Overview. The bill requires facilities with custody of persons committed, imprisoned, or arrested to allow certain incoming communications with attorneys.

Types of impacts. The bill is projected to affect the following areas on a one-time basis:

- State Expenditures
- Local Government

Appropriations. For FY 2025-26, the bill requires an appropriation of \$46,285 to the Department of Corrections.

Table 1
State Fiscal Impacts

| Type of Impact | Budget Year FY 2025-26 | Out Year FY 2026-27 |
|-----------------------------------|-----------------------------------|--------------------------------|
| State Revenue | \$0 | \$0 |
| State Expenditures (General Fund) | \$46,285 | \$0 |
| Transferred Funds | \$0 | \$0 |
| Change in TABOR Refunds | \$0 | \$0 |
| Change in State FTE | 0.0 FTE | 0.0 FTE |

Summary of Legislation

Under current law, a person who is committed, arrested, or imprisoned has the right to communicate with their attorney. The bill specifies that a person also has the right to receive certain communications from their attorney. This includes in-person meetings in places of custody, telephone calls, or, if available, interactive audiovisual conferencing calls. Any communication must be private, and calls must be unrecorded and without cost to the person in custody.

Finally, the bill also requires peace officers and facilities to allow a person in custody to receive a telephone or audiovisual call from their attorney if the person in custody expressly consents to the call.

State Expenditures

The bill increases state expenditures in the Department of Corrections (DOC) by \$46,285 in FY 2025-26 only. These costs, paid from the General Fund, are summarized in Table 2 and discussed below.

Table 2
State Expenditures
Department of Corrections

| Cost Component | Budget Year FY 2024-25 | Out Year FY 2025-26 |
|-----------------------|-----------------------------------|--------------------------------|
| Incoming Phone Lines | \$46,285 | \$0 |
| Total Costs | \$46,285 | \$0 |

Incoming Phone Lines

The DOC must install two incoming phone lines at all facilities. The DOC has inmates at 21 facilities across the state, with a cost per facility of about \$2,200. These facilities currently have infrastructure for outgoing calls from persons in custody to attorneys, but do not have the ability to allow incoming phone calls. Workload will also increase to ensure the privacy and access requirements of the bill are met, but no additional appropriation is required for these efforts.

Local Government

The bill may increase costs to local governments that hold people in custody to ensure facilities comply with the provisions of the bill. Costs may include additional phone lines and increased staff workload to ensure security, privacy, and access requirements are met. The exact impact will vary by jurisdiction depending on the current equipment and staffing in covered facilities.

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 2025-26, the bill requires a General Fund appropriation of \$46,285 to the Department of Corrections.

State and Local Government Contacts

| | | |
|--------------------|------------------------|-----------------|
| Corrections | Information Technology | Police Chiefs |
| Counties | Judicial | Public Defender |
| District Attorneys | Municipalities | Sheriffs |

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the General Assembly website.