



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 24-0525
Prime Sponsors:

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Bill Status: Bill Request
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Bill Topic: JAIL STANDARDS COMMISSION RECOMMENDATIONS

- Summary of Fiscal Impact:
- State Revenue (checkbox)
- TABOR Refund (checkbox)
- State Expenditure (checkbox)
- Local Government (checkbox)
- State Transfer (checkbox)
- Statutory Public Entity (checkbox)

The bill requires jails to follow the jail standards adopted by the Legislative Oversight Committee on Jail Standards and creates an enforcement mechanism. Starting in FY 2024-25, the bill increases state and local expenditures on an ongoing basis, and requires an annual state transfer from the General Fund.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$393,507 to multiple state agencies.

Fiscal Note Status: The fiscal note reflects the draft bill as requested by the Legislative Oversight Committee Concerning Colorado Jail Standards.

Table 1
State Fiscal Impacts Under Bill 1

Table with 4 columns: Category, Sub-category, Budget Year FY 2024-25, and Out Year FY 2025-26. Rows include Revenue, Expenditures (General Fund, Cash Funds, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

1 This transfer is made through an appropriation from the General Fund.

Summary of Legislation

The bill requires jails to follow jail standards established by the Legislative Oversight Committee for Colorado Jail Standards (oversight committee), with enforcement provided through a combination of the newly created Jail Standards Advisory Committee (advisory committee), the Attorney General, and the Colorado Department of Public Safety (CDPS), as described below.

Jail standards and advisory committee. The bill requires each county jail to comply with standards adopted by the oversight committee, and within one year when standards are revised. The CDPS must contract with the County Sheriffs of Colorado to create the advisory committee, which will include two sheriffs, two county commissions, the State Public Defender, a physical or behavioral health professional with experience working in jails, and a representative of a statewide organization for persons experiencing incarceration. The advisory committee must:

- assess jails using peer assessors to ensure compliance with standards in cooperation with the Attorney General;
- complete jail assessment reports;
- approve variance requests from standards, and;
- make recommendations to the Legislative Oversight Committee on any legislation that would support compliance.

Additionally, each jail must be assessed at least once every five years.

Attorney General. The bill allows the Attorney General to investigate patterns and practices related to jail standards. In addition, the Attorney General may, in conjunction with the advisory committee or at the request of the Governor, the oversight committee, or a sheriff, conduct assessments of jails to identify gaps and deficiencies in the standards. After the assessment, the Attorney General must provide a report to the sheriff, the oversight committee, the Board of County Commissioners, and the governor that outlines methodology, relevant data, recommendations, and technical assistance to meet the standards. The Attorney General may also provide technical assistance and recommendations to the sheriff to comply with standards.

Legislative Oversight Committee. The bill continues the Legislative Oversight Committee and allows the Commission on Jail Standards to repeal. The oversight committee may introduce three bills during the 2025 Legislative Session that are not subject to the interim bill approval process. The committee will also consider any reports or recommendations submitted by the advisory committee. The committee repeals on September 1, 2033, after a sunset review.

Department of Public Safety. In addition to contracting with sheriffs to establish the advisory committee, the CDPS must also maintain a dashboard of the basic findings of jail assessments and create, maintain, and update a list of funding assistance to help jails meet standards. The bill creates the Jail Standards Advisory Committee Cash Fund for use by the CDPS to cover expenses of the advisory committee.

Open records. Finally, the bill exempts jails assessments from the definition of public records under the Colorado Open Records Act.

Background

House Bill 22-1063 created the Jail Standards Commission within the Legislative Department to recommend standards for the operation of jails. On November 9, 2023, the Commission approved the final standards to be presented to the Legislative Oversight Committee. The final standards can be found here:

<https://leg.colorado.gov/content/jjailstandardscommission2023a>

State Transfers

The fiscal note estimates that \$215,000 will be transferred from the General Fund to the Jail Standards Advisory Committee Cash Fund in FY 2024-25, and \$225,000 in FY 2025-26 and future years. It is assumed that these transfers will occur via an appropriation to the fund from the General Fund.

State Expenditures

The bill increases state expenditures in the CDPS, the Department of Law, and the Legislative Department by a total of \$426,000 in FY 2024-25, and by \$411,000 in FY 2025-26 and future years, paid from the General Fund and the newly created Jail Standards Advisory Committee Cash Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2
Expenditures Under Bill 1**

	FY 2024-25	FY 2025-26
Department of Public Safety		
Contract for Advisory Committee	\$215,000	\$225,000
CDPS Subtotal	\$215,000	\$225,000
Department of Law		
Personal Services	\$106,248	\$106,248
Operating Expenses	\$1,280	\$1,280
Capital Outlay Costs	\$6,670	-
Travel Expenses	\$23,075	\$23,075
Centrally Appropriated Costs ¹	\$22,953	\$22,953
FTE – Personal Services	1.0 FTE	1.0 FTE
DOL Subtotal	\$160,226	\$153,556
Legislative Department		
Personal Services	\$36,348	\$22,039
Operating Expenses	\$640	\$384
Member Per Diem and Travel	\$4,246	\$4,246
Centrally Appropriated Costs ¹	\$9,162	\$5,519
FTE – Personal Services	0.5 FTE	0.3 FTE
Leg. Subtotal	\$50,397	\$32,188
Total	\$425,623	\$410,744
Total FTE	1.5 FTE	1.3 FTE

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

Department of Public Safety. Starting in FY 2024-25, expenditures from the Jail Advisory Committee Cash Fund will increase to contract with County Sheriffs of Colorado to develop and provide ongoing support to the advisory committee. It is estimated that \$215,000 is needed in FY 2024-25 and \$225,000 in FY 2025-26 to convene the advisory committee, administer assessments of jails, and provide training to sheriffs on standards. Additionally, CDPS workload will increase to create and update a dashboard on assessments, and to provide information on financial resources sheriffs may use to help implement standards. This work can be accomplished within existing appropriations.

Department of Law. Starting in FY 2024-25, General Fund expenditures in the Department of Law will increase by amounts shown in Table 2, as described below.

- **Staff.** The department will require 1.0 FTE to conduct jail assessments with the advisory committee and upon request of the General Assembly, Governor, or a sheriff. The fiscal note assumes that the department will conduct about 11 scheduled assessments and two requested assessments per year. Each assessment will take about 160 hours of staff work, including traveling to the jail, assessing the jail, compiling a report, making recommendations, and providing guidance.
- **Travel expenses.** Expenditures in the Department of Law will increase to cover travel expenses for staff to travel to jails. This includes mileage costs for use of a state fleet vehicle (3,250 miles a year at \$0.22 per mile), hotel reservations (8 nights per assessment at \$150 per night), and per diem (8 nights per assessment at \$65 per night).

Legislative Department. Starting in FY 2024-25, expenditures in the Legislative Department will increase to support the Oversight Committee as described below.

- **Staff.** 0.5 FTE are needed in FY 2024-25 and 0.3 FTE in FY 2025-26 to support the oversight committee. This includes 0.3 FTE for Legislative Council Staff to support the committee and conduct any research requested by the committee. The Office of Legislative Legal Services needs 0.2 FTE in FY 2024-25 only based on the authority of the oversight committee to request bills for only the 2025 regular session.
- **Member per diem and travel.** Starting in FY 2024-25, expenditures in the Legislative Department will increase to provide legislative members of the oversight committee per diem and travel reimbursement. The fiscal note assumes there will be 6 members on the committee who will attend 3 meetings per year.

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.

Local Government

Starting in FY 2024-25, costs to local jails will increase to ensure that each jail is compliant with the standards. It is unknown if each jail is currently compliant with standards recommended by the Jail Standards Commission, or how much it would cost to implement standards. Because each jail is administered by its own county, the exact cost to each county will depend on the features of each jail and current practices.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2024-25, the bill requires General Fund appropriations totaling \$393,507, as follows:

- \$215,000 to the Jail Advisory Cash Fund;
- \$137,273 to the Department of Law, and 1.0 FTE;
- \$22,423 to Legislative Council Staff in the Legislative Department and 0.3 FTE;
- \$14,565 to the Office of Legislative Legal Services in the Legislative Department and 0.2 FTE;
- \$4,246 to the General Assembly in the Legislative Department.

In addition, For FY 2024-25, the bill requires an appropriation of \$215,000 from the Jail Advisory Committee Cash Fund to the Department of Public Safety.

State and Local Government Contacts

Counties	District Attorneys	Information Technology
Judicial	Legislative Council Staff	Legislative Legal Services
Public Safety	Regulatory Agencies	Sheriffs