



# Initiative 112

## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Fiscal Impact Statement

**Date:** March 6, 2024

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### LCS TITLE: CONCERNING ELIGIBILITY FOR PAROLE

Fiscal Impact Summary		FY 2024-25	FY 2025-26	FY 2042-43
<b>Revenue</b>	General Fund	-	-	-
<b>Expenditures</b>	General Fund	\$12,000	-	at least \$2,598,358

**Disclaimer.** This initial fiscal impact statement has been prepared for an initiative approved for petition circulation by the Secretary of State. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the ballot information booklet (Blue Book) if new information becomes available.

## Summary of Measure

Under current law, offenders in the Department of Corrections (DOC) who were convicted of certain violent offenses are not eligible for parole until the offender has served 75 percent of their sentence, less any earned time granted. Under the measure, offenders sentenced on or after July 1, 2024, for second degree murder, first degree assault, first degree kidnapping (unless the kidnapping is a class 1 felony), sexual assault, first degree arson, first degree burglary, or aggravated robbery are required to serve at least 85 percent of their sentence before they are eligible for parole.

Under current law, in cases where the offender has been convicted for a crime of violence twice before, the person is eligible for parole after serving 100 percent of their sentence, less any earned time granted. The measure removes the subtraction of earned time. As a result, a person who has been convicted for a crime of violence twice before must serve their entire sentence.

## Background and Assumptions

From FY 2018-19 through FY 2021-22, DOC data show that there was an average of 218 individuals per year sentenced for the crimes included in the measure. These offenders had an average governing sentence of about 23 years, or about 278 months.

Assuming these offenders are currently released after 75 percent of their sentence is served, the impact to keep these offenders incarcerated for an additional 28 months begins 18 years in the future, in FY 2042-43, creating a prison cost increase and a parole savings.

## State Expenditures

The measure will result in a one-time increase in state expenditures in FY 2024-25 for the DOC to make computer system updates. Then, beginning in 18 years in FY 2042-43, costs will increase on an ongoing basis from longer prison sentences. When the full impact of extended prison sentences is incurred in the mid-2040's, costs may increase by between \$11.6 million and \$28 million per year. The measure may also minimally impact Judicial Department workload. These impacts are described below.

**Computer programming.** In FY 2024-25, General Fund expenditures in the DOC will increase by \$12,000 to update the department's Offender Management Information System to reflect the change in parole eligibility dates for the offenses in the measure. This work is estimated to require 60 hours of development and testing at the hourly rate of \$200.

**Future prison bed impact.** The measure increases prison costs to hold certain offenders for a longer duration instead of placing them on parole. Table 2 below illustrates the potential future costs by comparing the current DOC prison bed costs—in both private and state run facilities—versus parole costs for an assumed 218 offenders per year. The extent to which earned time shortens sentences is unknown, nor is the number of offenders who will be serving 100 percent of their sentence. As discussed above, assuming that offenders sentenced for the crimes in the measure currently serve 75 percent of their sentence, the measure's impacts are expected to begin in FY 2042-43; however, impacts may occur sooner due to the variability of sentences and earned time, or will not occur in situations where offenders are currently serving at least 85 percent of their sentence. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

**Table 2**  
**Change in Prison and Parole Operating Costs Under HB 24-1127**

Fiscal Year	Prison ADP	Private Prison	State Run Prison	Parole ADP	Parole Savings	Net Cost (Private)	Net Cost (State Run)
FY 2024-25	-	-	-	-	-	-	-
FY 2042-43	163.50	\$3,969,747	\$9,315,061	(163.5)	(\$1,371,384)	<b>\$2,598,358</b>	<b>\$7,943,672</b>
FY 2043-44	381.50	\$9,262,744	\$21,735,142	(163.5)	(\$1,371,389)	<b>\$7,891,355</b>	<b>\$20,363,753</b>
FY 2044-45	501.40	\$12,173,892	\$28,566,187	(65.4)	(\$548,556)	<b>\$11,625,336</b>	<b>\$28,017,631</b>
FY 2045-46	501.40	\$12,173,892	\$28,566,187	(65.4)	(\$548,556)	<b>\$11,625,336</b>	<b>\$28,017,631</b>

\* ADP stands for average daily population.

**Judicial Department.** The measure may increase the hearing time required in the trial courts during the sentencing phase for covered crimes. Any increase can be managed within existing resources given that these types of cases are already time-intense for the courts.

## **Effective Date**

If approved by voters at the 2024 general election, this measure takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed.

## **State and Local Government Contacts**

Corrections

## **Revisions from Fiscal Summary**

Based on updated crime statistics, this fiscal impact statement assumes a higher population of affected offenders. In addition, new information on costs provided by the Department of Corrections on computer system updates has been included.