



**Colorado
Legislative
Council
Staff**

SCR16-006

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0564

Date: June 30, 2016

Prime Sponsor(s): Sen. Ulibarri
Rep. Melton; Salazar

Bill Status: Adopted

Fiscal Analyst: Chris Creighton (303-866-5834)

BILL TOPIC: NO EXCEPTION TO INVOLUNTARY SERVITUDE PROHIBITION

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue Cash Funds	Potential increase.	
State Expenditures	Potential increase. See State Expenditures section.	
TABOR Impact		Potential increase.
Appropriation Required: None.		
Future Year Impacts: Ongoing potential increase in state revenue and expenditures.		

Summary of Legislation

The Colorado constitution prohibits slavery or involuntary servitude, except as punishment for a crime for which a person has been convicted. This concurrent resolution refers a ballot question to the voters to remove this exception.

Background

Involuntary servitude is defined as the coerced service of one person for the benefit of another and has been prohibited in the Colorado constitution since 1877.

State Revenue

If this concurrent resolution is approved by the voters, it could be interpreted as prohibiting sentences of community service as punishment for the conviction of a crime. Currently, an offender may be sentenced to perform community service in addition to or in lieu of paying fines or incarceration. To the extent that more fines are imposed on offenders in place of community service, revenue to the Fines Collection Cash Fund in the Judicial Department may increase.

TABOR Impact

This bill potentially increases state revenue from fines, which may increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. TABOR refund obligations are not expected for FY 2016-17.

State Expenditures

This bill may increase workload and costs related to persons currently sentenced to perform community service and legal challenges by inmates concerning inmate labor. Additionally, this bill increases election costs associated with a statewide ballot measure. These impacts are discussed below.

Assumptions. The legal impacts discussed below are conditional upon voter approval and legal interpretation. Should any state agency require additional expenditures to implement this bill, funding will be requested through the annual budget process.

Judicial Department. This bill potentially increases caseload in the Judicial Department due to legal challenges related to community service sentences and Department of Corrections inmate labor, which will increase workload and costs. Additionally, workload and costs may be incurred to conduct a judicial review to determine if community service falls under the legal definition of involuntary servitude.

Department of Law. Workload and costs may increase for the Department of Law if there is increased litigation regarding community service sentences and challenges from Department of Corrections inmates.

Election expenditure impact (existing appropriations). The bill includes a referred measure that will appear before voters at the November 2016 general election. Although no additional appropriation is required in this bill to cover election costs associated with this ballot measure, certain election costs to the state are appropriated as part of the annual budget process. First, state law requires that the state reimburse counties for costs incurred conducting a ballot measure election, paid from the Department of State Cash Fund. Second, the text and title of the measure must be published in one legal newspaper per county and an analysis of the measure must be included in the Ballot Information Booklet (Blue Book) mailed to all registered voter households prior to the election paid from the Ballot Analysis Revolving Fund. As of this writing, there will be at least one citizen-initiated measure on the ballot at the 2016 election, which will trigger the ballot costs shown in Table 1 below for a single ballot measure. Costs in 2016 will increase by approximately \$100,000 per measure beyond this base amount for each additional referred or initiated measure placed on the ballot.

Table 1. Projected Costs of a Single Statewide Ballot Measure Election in 2016	
Cost Component	Amount
County Reimbursement for Statewide Ballot Measures	\$2,400,000
Ballot Information Booklet (Blue Book) & Newspaper Publication	\$670,000
TOTAL	\$3,070,000

Local Government Impact

This bill may impact local governments as discussed below.

Misdemeanor offenses in county courts. To the extent that offenders are sentenced to jail instead of community service, costs will increase. County court costs and workload may also increase due to legal challenges regarding offender labor. Because the courts have the discretion of incarceration or imposing a fine, and the number of potential challenges is not known, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates.

Denver County Court. The bill may result in an increase in workload for the Denver County Court, managed and funded by the City and County of Denver, for any legal challenges related to community service sentences or offender labor within its jurisdiction.

Effective Date

This concurrent resolution will be submitted to the registered electors of the state at the November 8, 2016, election. If approved, it takes effect after the date of the official declaration of the vote by proclamation of the Governor, not later than 30 days after the votes have been canvassed.

State and Local Government Contacts

Corrections

Judicial

Law