



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 18-014

FINAL FISCAL NOTE

Drafting Number: LLS 18-0119 Date: May 30, 2018
Prime Sponsors: Sen. Cooke; Fields Bill Status: Signed into Law
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Bill Topic: DOC DISCLOSE LOCATION OF OUT-OF-STATE INMATE

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

This bill requires that the Department of Corrections (DOC) disclose the location of an inmate it transfers to an out of state facility. Beginning in the current FY 2017-18, the bill minimally increases workload for the DOC and district attorneys' offices. Transportation costs may also increase for the DOC if another state rejects placement of an inmate due to the notification requirements of this bill. These impacts are assumed to be minimal and ongoing.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill requires the Department of Corrections (DOC) to notify the prosecuting attorney and any registered victim within 48 hours of its decision to relocate an inmate to another state under the Interstate Corrections Compact. The disclosure is required to include the location of the facility to which the inmate has been relocated unless:

- the inmate is a witness or has been employed by the DOC or as a law enforcement officer and the executive director of the DOC determines that disclosing the information poses a safety risk;
the prosecuting attorney requests in writing that the information not be disclosed; or
the registered victim is currently incarcerated.

If the executive director of the DOC determines that an exemption from disclosure exists, he or she must notify the prosecuting attorney within 48 hours that the inmate has been relocated and which exemption applies. If the prosecuting attorney agrees, the DOC must notify the registered victim that the inmate has been relocated, but that the department is unable to disclose his or her location because one of the conditions for exemption has been met. If the prosecuting attorney disagrees with the DOC, the DOC has 30 days to review the notice of disagreement. If, after this review, the DOC determines that the exemption exists and that disclosure of the inmate's location is not forthcoming, it must notify the prosecutor of this fact and communicate with any registered victims that the prosecutor disagrees with the DOC's decision.

The prosecutor or any registered victim may bring an action in the district court from which the inmate's sentence was issued for the court to review whether there is a substantial basis for the DOC's decision not to disclose the inmate's location. If the court finds, through an in camera (private) hearing, that no such basis exists, the DOC must disclose the inmate's location to any registered victims. The bill clarifies the applicability of court rules of procedure concerning discovery in actions.

State Expenditures

Beginning in the current FY 2017-18, the bill minimally increases workload for the DOC to provide notifications as required by the bill. If another state rejects the placement due to the notification requirements, the department may also incur transportation costs to relocate that inmate. These impacts are assumed to be minimal. The bill may also increase workload for district courts in the Judicial Department by a minimal amount to review motions concerning the DOC's decision not to release location information about an inmate. This impact is assumed to be minimal.

Local Government

Similar to the state, workload is increased for district attorneys' offices to receive and, in some cases respond, to disclosures about inmate relocations by the DOC. This impact is minimal.

Effective Date

The bill was signed into law by the Governor and took effect on April 23, 2018, and applies to offenders serving a sentence on or after this date.

State and Local Government Contacts

Corrections District Attorneys