



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**FISCAL NOTE**

**Drafting Number:** LLS 19-1044      **Date:** April 9, 2019  
**Prime Sponsors:** Rep. Weissman; McKean      **Bill Status:** House Judiciary  
**Fiscal Analyst:** Chris Creighton | 303-866-5834  
Chris.Creighton@state.co.us

**Bill Topic:** JAIL CAPACITY DATA COLLECTION

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill requires jails to collect and report data on persons confined in jail quarterly to the Department of Public Safety. This bill increases state and local government costs and workload beginning in FY 2019-20 on an ongoing basis.

**Appropriation Summary:** For FY 2019-20, this bill requires a General Fund appropriation of \$115,927 to the Department of Public Safety.

**Fiscal Note Status:** This fiscal note reflects the introduced bill.

**Table 1**  
**State Fiscal Impacts Under HB 19-1297**

		FY 2019-20	FY 2020-21
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	\$115,927	\$121,727
	Centrally Appropriated	\$7,476	\$10,385
	<b>Total</b>	<b>\$123,403</b>	<b>\$132,112</b>
	<b>Total FTE</b>	<b>0.3 FTE</b>	<b>0.5 FTE</b>
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

## Summary of Legislation

This bill requires jail facilities to keep and maintain daily records regarding inmate population, capacity, inmate holds, inmates awaiting competency evaluation, inmates with substance addiction, and average lengths of stay. By January 15, 2020, and each quarter thereafter, each jail facility must submit a report containing this data to the Division of Criminal Justice in the Department of Public Safety (DPS). A jail is deemed non-compliant and must pay a \$500 fine for failure to submit this report. DPS is required to collect and publish this data. The Colorado Commission on Criminal and Juvenile Justice (CCJJ) must study the development of a real-time system to monitor and report the data required by this bill.

## State Revenue

Beginning in FY 2019-20, this bill may increase General Fund fine revenue collected by the DPS from the creation of a civil fine of \$500 for any jail facility that fails to submit a quarterly report. Additional revenue may also be received from the payment of awarded attorney fees, if the DPS prevails in such a civil cases. A high level of compliance with the reporting requirements created by this bill is assumed; therefore, any increase in fine revenue is assumed to be minimal. Fine revenue is subject to TABOR; however, under the March 2019 Legislative Council Staff forecast, a TABOR surplus is not expected in FY 2019-20 or FY 2020-21.

## State Expenditures

This bill increases DPS costs by \$123,403 and 0.3 FTE in FY 2019-20, and \$132,112 and 0.5 FTE in FY 2020-21. Judicial Department workload is also increased. These impacts are shown in Table 2 and discussed below.

**Table 2**  
**Expenditures Under HB 19-1297**

	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Department of Public Safety</b>		
Personal Services	\$20,804	\$31,207
Operating Expenses and Capital Outlay Costs	\$5,303	\$700
Consultant	\$72,000	\$72,000
Consultant Travel Expenses	\$17,820	\$17,820
Centrally Appropriated Costs*	\$7,476	\$10,385
<b>Total Cost</b>	<b>\$123,403</b>	<b>\$132,112</b>
<b>Total FTE</b>	<b>0.3 FTE</b>	<b>0.5 FTE</b>

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

**Department of Public Safety.** The DPS will have the following costs under this bill.

*Statistical analyst.* The DPS requires 0.5 FTE for a statistical analyst. This position will develop templates for the submission of jail data and a database for the collection of jail data, work with jail facilities in the compilation of such data, provide technical assistance and training, review data submissions, compile reports, and publish the data. This position will also track and send noncompliant letters to any facilities that fail to submit the quarterly report. Costs in FY 2019-20 are prorated for the General Fund payday shift and assume a October 1 start date. Future year costs are expected to be less than 0.5 FTE and it is assumed the DPS will request an appropriation adjustment through the annual budget process.

*Real-time data system.* Costs and workload are increased for the CCJJ to study the development of a system that would allow for real-time jail data reporting. It is assumed that a consultant will be hired to conduct this study which will take 18 months. Costs for the consultant include \$200 per hour for 360 hours in both FY 2019-20 and FY 2020-21 or \$72,000 per year. Travel costs are estimated at \$17,820.

**Judicial Department.** This bill may increase trial court workload in the Judicial Department to process civil filings challenging any fines assessed on jail facilities for failure to report. A high level of compliance is expected; therefore, this impact is assumed to be minimal.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$7,476 in FY 2019-20 and \$10,385 in FY 2020-21 and beyond.

## Local Government

Beginning in FY 2019-20, this bill increases county costs and workload to collect and submit the jail data required by this bill. Costs may increase to purchase software or to program existing jail systems to allow automated data collection and reporting. Future costs may also be incurred to implement real-time data reporting capabilities depending on the results of the CCJJ study. These impacts will vary by jail depending on current data collection and system capabilities and have not been estimated.

## Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

## State Appropriations

For FY 2019-20, this bill requires a General Fund appropriation of \$115,927 and an allocation of 0.3 FTE to the Department of Public Safety.

**State and Local Government Contacts**

Corrections  
Judicial

Counties  
Public Safety

Information Technology  
Sheriffs