



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1409

FINAL FISCAL NOTE

Drafting Number:	LLS 20-0142	Date:	September 29, 2020
Prime Sponsors:	Rep. Benavidez; Garnett Sen. Fields; Gonzales	Bill Status:	Signed into Law
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Bill Topic: **CDPHE INSPECTIONS OF PENAL INSTITUTIONS**

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

The bill clarifies the definition of penal institution for purposes of health inspections, allows additional inspections of state penal institutions, and requires an inspection and report of facilities that house or detain noncitizens by the Colorado Department of Public Health and Environment by January 1, 2021. The bill increases state workload on an ongoing basis.

**Appropriation
Summary:** No appropriation is required.

**Fiscal Note
Status:** The fiscal note reflects the enacted bill.

Summary of Legislation

The bill defines "penal institution" for the purposes of health inspections of facilities conducted by the Colorado Department of Public Health and Environment (CDPHE) to include any public or private facility in Colorado that houses or detains noncitizens for purposes of civil immigration proceedings. The bill requires the CDPHE to inspect these facilities annually and allows for additional unannounced inspections. For FY 2020-21, the bill requires the CDPHE to conduct the annual inspections of facilities that house or detain noncitizens before January 1, 2021, and send a report regarding those inspections to the Governor and House and Senate Judiciary Committees.

In addition, under current law, the CDPHE annually inspects Department of Corrections (DOC) and Division of Youth Services (DYS) facilities. This bill would allow the CDPHE to conduct additional unannounced inspections after the annual inspection.

Background

The CDPHE currently conducts sanitary, sewerage, and health inspections of DOC and DYS facilities and food service areas. The CDPHE conducts approximately 80 inspections annually of 28 DOC and 13 DYS facilities. Inspections are funded through reappropriated funds from the DOC and DYS. For example, the CDPHE and the DOC currently have a five-year contract regarding the costs of the annual inspections. For FY 2019-20, the DOC paid \$77,532 for costs related to the staffing and lodging/per diem related to these inspections.

State Expenditures

The bill increases workload for the CDPHE, the DOC, and the DYS within the Department Human Services. These impacts are discussed below.

Department of Public Health and Environment. The bill increases workload for the CDPHE to conduct annual inspections at a few new facilities and produce a report. These workload increases can be conducted within existing resources and, if additional resources are needed, this fiscal note assumes it will be addressed through the annual budget process.

Department of Corrections. To the extent that the DOC is required to pay the costs for additional inspections, expenditures may increase. It is assumed that only a minimal number of additional inspections will be conducted and that any increase in costs will be addressed through the annual budget process.

Department of Human Services. To the extent that the DYS is required to pay the costs for additional inspections, expenditures may increase. It is assumed that only a minimal number of additional inspections will be conducted and that any increase in costs will be addressed through the annual budget process.

Effective Date

The bill was signed into law by the Governor and took effect on July 11, 2020.

State and Local Government Contacts

Corrections
Information Technology

Human Services
Public Health and Environment