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FISCAL NOTE

Drafting Number: LLS 20-0419 **Date:** February 14, 2020
Prime Sponsors: Sen. Lee **Bill Status:** Senate Judiciary
 Rep. Gonzales-Gutierrez **Fiscal Analyst:** Erin Reynolds | 303-866-4146
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Bill Topic: **PAROLE ELIGIBILITY FOR YOUTHFUL OFFENDERS**

Summary of Fiscal Impact:

<input 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

This bill modifies parole and programming eligibility for offenders who committed a felony offense when they were 18 to 24 years old if certain criteria are met. It will increase state expenditures in FY 2020-21 and decrease state expenditures on an ongoing basis beginning in FY 2021-22.

Appropriation Summary: In FY 2020-21, the bill requires net appropriations of \$798,184 to the Department of Corrections.

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

Table 1
State Fiscal Impacts Under SB 20-076

		FY 2020-21	FY 2021-22
Revenue		-	-
Expenditures	General Fund	\$798,184	(\$423,193)
	Centrally Appropriated	\$55,046	\$65,250
	Total	\$853,230	(\$357,943)
	Total FTE	3.6 FTE	4.0 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

This bill modifies parole and program eligibility for offenders who committed a felony offense when they were 18 to 24 years old, as discussed further below.

Parole eligibility. The bill allows an offender serving a sentence in the Department of Corrections (DOC) for a felony offense that was committed while the offender was 18 to 24 years old to be eligible for parole after the offender:

- serves 50 percent of the sentence; and
- serves at least 15 calendar years in prison.

Subject to the discretion of the Parole Board, the bill presumes that the offender will be released on parole if the offender has not had any code of penal discipline violations in the last five years and no class I code of penal discipline violations in the last ten years. This expanded parole eligibility does not apply to offenders serving a life sentence without parole.

Juveniles Convicted as Adults Program eligibility. The DOC operates a specialized program for offenders who are serving a prison sentence for a felony offense committed while the offender was a juvenile, called the Juveniles Convicted as Adults Program (JCAP). The bill expands program eligibility to adults serving a sentence for a felony that was committed when the person was 18 to 24 years old.

Background, Data, and Assumptions

Parole eligibility. There are currently 55 offenders that meet the bill's criteria for parole eligibility—who are serving a sentence in the DOC for a felony offense that was committed while the offender was 18 to 24 years old; have served 50 percent of their sentence; and have spent at least 15 calendar years in prison. The average percentage of discretionary release parole board decisions for offenders admitted between ages 18 to 24 years old in the last two fiscal years is 86 percent. Therefore, the fiscal note assumes that 47 offenders will move from incarceration to parole under the bill in FY 2020-21. First-year costs are prorated for 10 months. After the initial cohort, additional offenders may be released each year; however, these savings have not been estimated as it is assumed this impact will be addressed through the prison population forecast and the annual budget process.

JCAP eligibility. There are currently 59 offenders that meet the bill's criteria for JCAP eligibility. The program currently serves 18 offenders and has 3 staff, including an administrator, a teacher, and a social worker. Under current law, to be eligible for JCAP, the offender must be serving a minimum sentence of 20 or 25 years, depending on felony classification; not have previously been released on parole; not have been convicted of unlawful sexual behavior; and not be currently involved in a treatment program for a serious mental health illness. JCAP instructs inmates on modern life skills in preparation for possible release. Classroom instruction includes, but is not limited to, laundry, food preparation, banking, driving, and interactive interpersonal scenarios using virtual reality technology.

State Expenditures

On net, the bill increases General Fund expenditures in the DOC by \$853,230 in FY 2020-21 and decreases General Fund expenditures in the DOC by \$357,943 in FY 2021-22. The bill also adds 3.6 FTE and 4.0 FTE in these fiscal years, respectively. For FY 2022-23 and future years, the bill is expected to decrease expenditures on net as reduced prisons costs more than offset increased parole and program costs. DOC impacts are shown in Table 2 and discussed below.

**Table 2
Expenditures Under SB 20-076**

	FY 2020-21	FY 2021-22
Department of Corrections		
<i>Parole Eligibility</i>		
Parole Costs	\$229,591	\$275,509
Prison Savings	(\$924,512)	(\$1,109,414)
DOC—Parole Eligibility (Subtotal)	(\$694,921)	(\$833,905)
<i>JCAP Eligibility</i>		
Personal Services	\$229,575	\$275,492
Staff Operating Expenses and Capital Outlay	\$29,660	\$5,400
Classroom Space and Maintenance	\$771,619	\$21,619
Program Equipment	\$233,250	-
Program Operating	\$108,201	\$108,201
Classroom Equipment	\$70,880	-
Computer Programming	\$49,920	-
Centrally Appropriated Costs*	\$55,046	\$65,250
DOC—JCAP Eligibility (Subtotal)	\$1,548,151	\$475,962
Total Cost	\$853,230	(\$357,943)
Total FTE	3.6 FTE	4.0 FTE

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

Department of Corrections. Bed expenditures will decrease in the DOC, while parole and programming expenditures will increase.

Parole eligibility. As discussed in the Assumptions section above, it is assumed that 47 offenders will be paroled in FY 2020-21. This causes a cost shift from prison to parole. Bed savings are calculated at the private prison rate of \$23,605 per offender per year, and parole costs are calculated at the standard rate of \$5,892 per offender per year. Additional offenders may be released in future years; this impact will be addressed through the prison population forecast and the annual budget process.

JCAP eligibility. As discussed in the Assumptions section above, it is assumed that 59 offenders will receive JCAP programming under the bill. Costs include staff, computer programming, and classroom costs.

- Increased program staff includes 2.0 FTE Teacher I and 2.0 FTE Social Worker III and the associated standard operating and capital outlay costs. The Social Worker III salary is assumed at the midpoint, as is standard for DOC employee recruitment in this classification. First-year costs have been prorated for 10 months and the General Fund paydate shift.
- Classroom space assumes the addition of two modular classrooms at the Fremont Correctional Facility and associated maintenance costs in the first year. Utility costs will continue on an ongoing basis.
- Program equipment includes initial purchases of 30 laptops and software licenses, 2 virtual reality systems, and 2 driving simulators, as well as one-time technical support costs.
- Program operating costs include curriculum licensing and ongoing technology costs, as well as per offender operating costs of \$1,139 per offender.
- Classroom equipment costs include one-time costs for a kitchen and other classroom furnishings.
- Computer programming is required to update the DOC database to reflect parole and JCAP eligibility based on age, penal code violations, treatment history, as well as to update victim notifications. Costs assume 435 hours of programming primarily at the developer rate of \$112 per hour.

State Board of Parole. The bill requires additional Parole Board hearings, which may increase costs. The board is currently conducting a pilot project where its staff prepares pre-hearing report packets for board members in advance of application hearings for offenders. Additional staff may be required to help the board prepare for additional parole hearings under the bill. These costs will be addressed through the annual budget process.

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 \$55,046 in FY 2020-21 and \$65,250 in FY 2021-22.

Effective Date

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2020-21, the bill requires an increase of \$1,493,105 and 3.6 FTE from the General Fund to fund the JCAP expansion; and a reduction of \$694,921 General Fund to account for the assumed population reduction resulting from the bill's parole eligibility. On net, this results in a total General Fund appropriation of \$798,184.

State and Local Government Contacts

Corrections

Counties

Information Technology

Public Safety