



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 21-0533	Date:	August 31, 2021
Prime Sponsors:	Rep. Gonzales-Gutierrez; Daugherty Sen. Lee	Bill Status:	Signed into Law
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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 program eligibility for offenders who committed a felony offense when they were under 21 years of age. It will increase state expenditures on an ongoing basis.

Appropriation Summary: For FY 2021-22, the bill requires and includes an appropriation of \$118,976 to the Department of Corrections.

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

**Table 1
State Fiscal Impacts Under HB 21-1209**

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$118,976	\$154,948
	Centrally Appropriated	\$23,180	\$33,771
	Total Expenditures	\$142,156	\$188,719
	Total FTE	1.4 FTE	2.0 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

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 under 21 years of age who meet specific criteria outlined in the bill.

Background

The JCAP program is currently situated at three facilities: Fremont Correctional Facility (medium custody males), Four Mile Correctional Facility (minimum restricted custody males), and La Vista Correctional Facility (medium custody females). Classroom instruction includes, but is not limited to: laundry, food preparation, banking, driving, and interactive interpersonal scenarios using virtual reality technology.

The JCAP is staffed by an administrator, a teacher, and a social worker. Current classroom space and staffing allows for a maximum of 20 participants. As of writing, there are eight active program participants and two newly accepted participants in JCAP.

State Expenditures

The bill increases state General Fund expenditures in the DOC by \$142,156 and 1.4 FTE in FY 2021-22 and \$188,719 and 2.0 FTE in FY 2022-23 and future fiscal years. Workload will also increase for the Department of Law. Costs are shown in Table 2 and impacts are detailed below.

Table 2
Expenditures Under HB 21-1209

Cost Components	FY 2021-22	FY 2022-23
Department of Corrections		
Personal Services	\$101,466	\$152,198
Operating Expenses	\$2,210	\$2,750
Capital Outlay Costs	\$15,300	-
Centrally Appropriated Costs ¹	\$23,180	\$33,771
Total	\$142,156	\$188,719
Total FTE	1.4 FTE	2.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Corrections. The bill requires the DOC to accept new offenders into the JCAP program, which will increase staffing costs.

- **Eligible offenders.** Currently, 21 offenders meet all of the bill's eligibility criteria, and 5 additional offenders could apply to have their penal discipline violations evaluated to determine if they are appropriate for JCAP placement. There are an additional 15 offenders that have not yet met the time served criteria, but who would be eligible according to all other criteria.
- **Staff.** An additional 1.0 FTE State Teacher I and 1.0 FTE Social Work/Counselor III will facilitate program expansion using existing JCAP space and equipment in the Fremont Correctional Facility on a rotating schedule. The staff increase will accommodate 10 additional JCAP participants. Together with the 10 open spaces currently available in the program, this new staff will allow approximately 20 offenders meeting the bill's eligibility requirements to be served. Salaries are at the mid-point to promote employee retention. Standard operating and capital outlay expenditures are also included for each staff, as are one-time basic training costs. First-year costs are prorated for an October 1 effective date and the General Fund pay date shift.

Department of Law. To the extent that the bill creates JCAP eligibility questions, legal services provided by the Department of Law to the DOC will increase. This workload can be accomplished within existing appropriations.

Effective Date

The bill was signed into law by the Governor on July 6, 2021, and takes effect September 7, 2021, assuming no referendum petition is filed.

State Appropriations

For FY 2021-22, the bill requires and includes a General Fund appropriation of \$118,976 to the Department of Corrections, with 1.4 FTE.

State and Local Government Contacts

Corrections
Information Technology

District Attorneys
Law

Governor
Public Defender