

CHAPTER 492

APPROPRIATIONS

SENATE BILL 21-041

BY SENATOR(S) Moreno, Hansen, Rankin, Buckner, Cooke, Gonzales, Jaquez Lewis, Lee, Pettersen, Story, Woodward;
also REPRESENTATIVE(S) McCluskie, Herod, Ransom, Bacon, Duran, Esgar, Gonzales-Gutierrez, Michaelson Jenet, Mullica,
Snyder.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Appropriation to the department of corrections for the fiscal year beginning July 1, 2020. In Session Laws of Colorado 2020, section 2 of chapter 326, (HB 20-1360), **amend** Part II as follows:

Section 2. **Appropriation.**

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART II
DEPARTMENT OF CORRECTIONS**

(I) MANAGEMENT**(A) Executive Director's Office Subprogram**

Personal Services	4,210,242	3,966,437 (32.8 FTE)			243,805 ^a (4.0 FTE)	
Health, Life, and Dental ³	45,767,749	43,861,388		1,906,361 ^b		
Short-term Disability	638,143	620,561		17,582 ^b		
S.B. 04-257 Amortization						
Equalization Disbursement	19,012,344	18,492,983		519,361 ^b		
S.B. 06-235						
Supplemental Amortization						
Equalization Disbursement	19,012,344	18,492,983		519,361 ^b		
PERA Direct Distribution	9,388,586	9,128,730		259,856 ^b		
Shift Differential	8,938,772	8,887,446		51,326 ^b		
Workers' Compensation	5,546,279	5,371,018		175,261 ^b		
Operating Expenses	376,801	286,801			5,000 ^a	85,000(I) ^c
Legal Services	2,545,865 ^d	2,460,085		85,780 ^b		

Payment to Risk Management and Property Funds	2,926,825	2,811,207	115,618 ^b
Leased Space	5,741,667	5,439,368	302,299 ^b
Capitol Complex Leased Space	55,513	39,656	15,857 ^b
Annual depreciation-lease equivalent payments	145,620 307,843	145,620 307,843	
Planning and Analysis Contracts	82,410	82,410	
Payments to District Attorneys	681,102	681,102	
Payments to Coroners	32,175	32,175	
Necessary expenditures due to COVID-19	<u>6,200,000</u>		6,200,000 ^{(1)c}
	131,302,437		
	131,464,660		

^a These amounts shall be transferred from the Department of Public Safety from the State Victims Assistance and Law Enforcement Program line item appropriation in the Victims Assistance section of the Division of Criminal Justice. These amounts originate as cash funds from the Victims Assistance and Law Enforcement Fund created in Section 24-33.5-506 (1), C.R.S.

^b Of these amounts, an estimated \$3,523,301 shall be from sales revenues earned by Correctional Industries and an estimated \$445,361 shall be from sales revenues earned by the Canteen Operation.

^c This amount shall be from the Social Security Administration Incentive Payment Memorandum of Understanding. This amount is included for informational purposes only.

^d Of this amount, \$2,525,119 shall be used to purchase legal services from the Department of Law and \$20,746 shall be used to contract for legal services from private firms for litigation related to the Rifle Correctional Center.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^c This amount is from the federal funds received under Title VI of the federal Social Security Act and allocated by the Governor in Executive Order D 2020 070 for necessary expenditures incurred due to the COVID-19 public health emergency.

(B) External Capacity Subprogram

(1) Private Prison Monitoring Unit

Personal Services	1,187,790	1,187,790			
		(15.7 FTE)			
Operating Expenses	<u>213,443</u>	183,976		29,467 ^a	
	1,401,233				

^a This amount shall be from revenues earned from monitoring private Colorado prisons that house out-of-state offenders.

(2) Payments to House State Prisoners⁴

Payments to local jails at a rate of \$57.97 per inmate per day	12,706,175	12,706,175			
Payments to in-state private prisons at a rate of \$57.36 per inmate per day	63,730,014	61,330,014		2,400,000 ^a	

Inmate Education and Benefit Programs at In-state Private Prisons	541,566	541,566
	<u>76,977,755</u>	

^a This amount shall be from the State Criminal Alien Assistance Program Cash Fund created in Section 17-1-107.5 (1), C.R.S.

(C) Inspector General Subprogram

Personal Services	4,589,754	4,483,521 (49.2 FTE)	106,233 ^a	
Operating Expenses	445,222	362,035	83,187 ^a	
Inspector General Grants	<u>207,912</u>			207,912(I)
	5,242,888			

^a These amounts shall be from revenues earned from private prison out of state offender investigations.

~~214,924,313~~
215,086,536

(2) INSTITUTIONS

(A) Utilities Subprogram

Personal Services	337,116	337,116 (2.6 FTE)
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Utilities	<u>22,978,709</u> 23,315,825		21,574,639		1,404,070 ^a		
(B) Maintenance Subprogram							
Personal Services	22,893,105 (287.8 FTE)						
Operating Expenses	7,310,720						
Maintenance Pueblo Campus	<u>2,129,804</u> 32,333,629		32,333,629				
(C) Housing and Security Subprogram							
Personal Services ⁵	202,234,851		202,234,851 (3,091.3 FTE)				
Operating Expenses	<u>2,094,473</u> 204,329,324		2,094,473				

^a This amount shall be from sales revenues earned by Correctional Industries.

(D) Food Service Subprogram

Personal Services	21,339,301	21,339,301
		(321.3) FTE)
Operating Expenses	18,900,802	18,900,802
Food Service		
Pueblo Campus	<u>1,857,861</u>	1,857,861
	42,097,964	

(E) Medical Services Subprogram

Personal Services	43,389,063	43,122,984	266,079 ^a
		(409.2 FTE)	(3.0 FTE)
Operating Expenses	2,695,076	2,695,076	
Purchase of			
Pharmaceuticals	16,914,388	16,914,388	
Hepatitis C			
Treatment Costs	10,368,384	10,368,384	
External Medical Services	41,711,091	41,711,091	
Service Contracts	2,549,975	2,549,975	
Indirect Cost Assessment	<u>1,090</u>		1,090 ^a
	117,629,067		

^a These amounts shall be from inmate medical fees collected pursuant to Section 17-1-113 (2), C.R.S.

(F) Laundry Subprogram

Personal Services	2,757,894
	(38.4 FTE)
Operating Expenses	<u>2,296,137</u>

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
5,054,031		5,054,031				
(G) Superintendents Subprogram						
Personal Services	11,352,692					
	12,352,692					
	(161.5 FTE)					
Operating Expenses	6,462,669					
	5,462,669					
Dress Out	<u>1,006,280</u>					
	18,821,641	18,821,641				
(H) Youthful Offender System Subprogram						
Personal Services	11,747,719					
	(160.7 FTE)					
Operating Expenses	604,705					
Contract Services	28,820					
Maintenance and Food Service	<u>1,062,016</u>					
	13,443,260	13,443,260				

(I) Case Management Subprogram

Personal Services	18,995,201	
	(255.3 FTE)	
Operating Expenses	187,656	
Offender ID Program	<u>341,135</u>	
	19,523,992	19,523,992

(J) Mental Health Subprogram

Personal Services	11,840,317	11,840,317
		(159.2 FTE)
Operating Expenses	312,366	312,366
Medical Contract Services	<u>4,495,346</u>	4,495,346
	16,648,029	

**(K) Inmate Pay
Subprogram**

2,476,081	2,476,081
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(L) Legal Access Subprogram

Personal Services	1,504,757	
	(21.5 FTE)	
Operating Expenses	299,602	
Contract Services	<u>70,905</u>	
	1,875,264	1,875,264

497,548,107

 APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(3) SUPPORT SERVICES						
(A) Business Operations Subprogram						
Personal Services	6,732,240	5,617,015		46,764 ^a	1,068,461^b	
		6,117,381			568,095 ^b	
		(90.2 FTE)			(10.6 FTE)	
Operating Expenses	<u>234,201</u>	234,201				
	6,966,441					

^a This amount shall be from restitution collected pursuant to Section 16-18.5-109 (3), C.R.S.

^b Of this amount, ~~\$1,068,208~~ \$507,842 shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$60,253 shall be from statewide indirect cost recoveries.

(B) Personnel Subprogram

Personal Services	1,483,021	
	(18.7 FTE)	
Operating Expenses	<u>86,931</u>	
	1,569,952	1,569,952

(C) Offender Services Subprogram

Personal Services	3,296,507
	(44.1 FTE)

Operating Expenses	<u>62,044</u>	
	3,358,551	3,358,551

(D) Communications Subprogram

Operating Expenses	1,638,297	1,638,297
Dispatch Services	<u>259,002</u>	259,002
	1,897,299	

(E) Transportation Subprogram

Personal Services	2,489,638	2,489,638	
		(35.9 FTE)	
Operating Expenses	483,538	483,538	
Vehicle Lease Payments	<u>3,339,905</u>	2,722,710	617,195 ^a
	6,313,081		

^a Of this amount, an estimated ~~\$588,943~~ \$573,887 shall be from sales revenues earned by Correctional Industries and an estimated ~~\$28,252~~ \$43,308 shall be from sales revenues earned by the Canteen Operation.

(F) Training Subprogram

Personal Services	2,481,611	
	(33.0 FTE)	
Operating Expenses	<u>287,329</u>	
	2,768,940	2,768,940

(G) Information Systems Subprogram

Operating Expenses	1,395,409	1,395,409
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Payments to OIT	27,601,203		27,463,196		138,007 ^a		
CORE Operations	<u>400,272</u> 29,396,884		350,132		24,220 ^a	25,920 ^b	

^a Of these amounts, an estimated \$142,435 shall be from Correctional Industries sales to non-state entities and an estimated \$19,792 shall be from sales revenues earned by the Canteen Operation.

^b This amount shall be from Correctional Industries sales to other state agencies.

(H) Facility Services Subprogram

Personal Services	1,046,307 (9.7 FTE)						
Operating Expenses	<u>83,096</u> 1,129,403		1,129,403				
		53,400,551					

(4) INMATE PROGRAMS

(A) Labor Subprogram

Personal Services	6,175,437 (88.3 FTE)						
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Operating Expenses	<u>88,017</u>				
	6,263,454	6,263,454			
 (B) Education Subprogram					
Personal Services	14,931,133	14,931,133			
		(199.8 FTE)			
Operating Expenses	4,679,163	2,816,746	1,451,402 ^a	411,015 ^b	
Contract Services	237,128	237,128			
Education Grants	80,060		10,000 ^c	42,410 ^d	27,650(I)
	<u>(2.0 FTE)</u>				
	19,927,484				

^a Of this amount, an estimated \$735,467 shall be from sales revenues earned by vocational programs and an estimated \$715,935 shall be from sales revenues earned by the Canteen Operation.

^b This amount shall be from sales revenues earned by vocational programs for products and services sold to other government agencies.

^c This amount shall be from gifts, grants, and donations.

^d This amount shall be from the Colorado Department of Education from special education funds.

(C) Recreation Subprogram

Personal Services	8,298,691	8,298,691			
		(122.0 FTE)			
Operating Expenses	<u>77,552</u>		77,552 ^a		
	8,376,243				

^a This amount shall be from sales revenues earned by the Canteen Operation.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(D) Drug and Alcohol Treatment Subprogram							
Personal Services	5,886,026		5,886,026				
			(87.4 FTE)				
Operating Expenses	117,884		117,884				
Contract Services	2,147,206		2,147,206				
Treatment Grants	<u>126,682</u>					126,682 ^a	
	8,277,798						
^a This amount shall be from grant funds appropriated to the Division of Criminal Justice in the Department of Public Safety.							
(E) Sex Offender Treatment Subprogram							
Personal Services	3,307,824		3,276,590		31,234 ^a		
			(54.8 FTE)		(1.0 FTE)		
Operating Expenses	92,276		91,776		500 ^a		
Polygraph Testing	242,500		242,500				
Sex Offender							
Treatment Grants	<u>65,597</u>						65,597(I)
	3,708,197						

^a These amounts shall be from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S.

(F) Volunteers Subprogram

Personal Services	462,090		
	(8.0 FTE)		
Operating Expenses	<u>17,912</u>		
	480,002		480,002 ^a

47,033,178

^a This amount shall be from sales revenues earned by the Canteen Operation.

(5) COMMUNITY SERVICES

(A) Parole Subprogram

Personal Services	19,686,787	19,686,787	
		(303.2 FTE)	
Operating Expenses	2,616,320	2,616,320	
Parolee Supervision and Support Services	8,573,747	5,217,716	3,356,031^a
		5,264,347	3,309,400 ^a
Wrap-Around Services Program	2,313,414	2,313,414	
Grants to Community-based Organizations for Parolee Support	6,697,140	6,697,140	

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Community-based Organizations						
Housing Support	500,000	500,000				
Parolee Housing Support	500,000	500,000				
	<u>40,887,408</u>					

^a Of this amount, \$3,309,400 shall be transferred from the Judicial Department from the Correctional Treatment Cash Fund Expenditures line item appropriation in the Probation and Related Services SECTION. ~~section and \$46,631 shall be transferred from the General Fund appropriation to the Offender Treatment and Services line item in the Probation and Related Services section. The transfer from the Offender Treatment and Services line item is for the provision of day reporting services.~~

(B) Community Supervision Subprogram

(1) Community Supervision

Personal Services	6,484,410	6,484,410				
		(83.8 FTE)				
Operating Expenses	632,650	632,650				
Psychotropic Medication	111,400	111,400				
Community Supervision Support Services	<u>4,102,883</u>	3,850,732		252,151 ^a		
	11,331,343					

^a Of this amount, \$220,000 shall be transferred from the Department of Corrections, Probation and Related Services Section, Correctional Treatment Cash Fund Expenditures and \$32,151 shall be transferred from the Department of Public Safety, Division of Criminal Justice, Offender Treatment and Services. These amounts originate as federal funds.

(2) Youthful Offender System Aftercare

Personal Services	566,235	
	(8.0 FTE)	
Operating Expenses	141,067	
Contract Services	817,172	
	<u>1,524,474</u>	1,524,474

(C) Community Re-entry Subprogram

Personal Services	2,651,759	2,651,759	
		(42.6 FTE)	
Operating Expenses	146,702	146,702	
Offender Emergency Assistance	96,768	96,768	
Contract Services	190,000	190,000	
Offender Re-employment Center	100,000	100,000	
Community Reintegration Grants	39,098		39,098(I)
			(1.0 FTE)
Transitional Work Program ⁶	1,500,000	1,500,000	
	<u>4,724,327</u>	(1.0 FTE)	

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ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	58,467,552					
(6) PAROLE BOARD						
Personal Services	1,724,398					
	(19.5 FTE)					
Operating Expenses	107,390					
Contract Services	242,437					
Administrative and IT Support	177,677					
	(2.0 FTE)					
	<u>2,251,902</u>	2,251,902				
(7) CORRECTIONAL INDUSTRIES						
Personal Services	11,890,501			4,068,219 ^a	7,822,282 ^b	
				(52.1 FTE)	(102.9 FTE)	
Operating Expenses	6,689,926			1,817,327 ^a	4,872,599 ^b	
Raw Materials	37,878,810			7,741,080 ^a	30,137,730 ^b	
Inmate Pay	2,752,239			1,114,590 ^a	1,637,649 ^b	
Capital Outlay	1,406,200			337,094 ^a	1,069,106 ^b	

Correctional Industries					
Grants	2,500,000				2,500,000(I)
Indirect Cost Assessment	988,128		132,107^a	293,816^b	562,205(I)
	<u>487,762</u>		4,869 ^a	34,450 ^b	448,443(I)
		64,105,804			
		63,605,438			

^a Of these amounts, an estimated ~~\$15,060,417~~ \$14,933,179 is from sales to non-state entities and an estimated \$150,000 is from rents and royalties earned on Penitentiary Trust land managed by the State Board of Land Commissioners pursuant to Section 36-1-116 (2), C.R.S.

^b Of these amounts, an estimated ~~\$35,983,093~~ \$35,723,727 is from sales to other state agencies and an estimated \$9,850,089 is from the Department of Revenue for the purchase of license plates.

(8) CANTEEN OPERATION

Personal Services	2,364,278				
	(28.0 FTE)				
Operating Expenses	18,930,041				
Inmate Pay	73,626				
Indirect Cost Assessment	<u>79,243</u>				
		21,447,188		21,447,188(I) ^a	

^a This amount shall be from sales revenues earned by the Canteen Operation and is continuously appropriated to the division pursuant to Section 17-24-126 (1), C.R.S.

TOTALS PART II	\$959,178,595	\$850,333,207		\$47,793,269	\$51,364,657	\$9,687,462
(CORRECTIONS)	<u>\$958,840,452</u>	<u>\$851,042,427</u>		<u>\$47,666,031^a</u>	<u>\$50,558,294</u>	<u>\$9,573,700^b</u>

^a Of this amount, \$21,447,188 contains an (I) notation.

^b This amount contains an (I) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

- 3 Department of Corrections, Management, Executive Director's Office Subprogram, Health, Life, and Dental -- The General Fund appropriation includes a decrease of \$19,465,170 that is equal to 5.0 percent of the General Fund portion of estimated base salary for the Department. The reduction in this General Fund appropriation is in lieu of a 5.0 percent personal services base reduction and provides the Department with increased flexibility to absorb the reduction and engage in more considered targeted reductions across all department divisions and programs. This reduction is not intended to reduce the Health, Life, and Dental benefit provided to state employees. It is the General Assembly's intent that Health, Life, and Dental costs for employees, as approved in budget actions, be fully paid within personal services appropriations augmented by Department allocations from central benefits appropriations.
- 4 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners -- The Department of Corrections is authorized to transfer up to 5.0 percent of the total appropriation for the external capacity subprogram between line items in the external capacity subprogram for purposes of reimbursing local jails and private prison providers.
- 5 Department of Corrections, Institutions, Housing and Security Subprogram, Personal Services -- The amount appropriated in this line item does not include the \$380,688 of FY 2020-21 General Fund appropriations for the Department of Corrections set forth in sections 123 through 128 of Title 17, Article 18, C.R.S. In calculating the amount appropriated in this line item, it is assumed that these statutory appropriations will be used for the same line item.
- 6 Department of Corrections, Community Services, Parole Subprogram, Community Re-entry Subprogram, Transitional Work Program -- The \$3,500,000 FY 2019-20 appropriation from the General Fund to the Parole Subprogram's Work Release Program remains available to the Community Re-entry Subprogram's Transitional Work Program until the close of the 2020-21 state fiscal year.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 21, 2021