

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-0911.01 Michael Dohr x4347

SENATE BILL 16-095

SENATE SPONSORSHIP

Steadman, Grantham, Lambert

HOUSE SPONSORSHIP

Young, Hamner, Rankin

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE FIVE-YEAR APPROPRIATIONS REQUIREMENT FOR**
102 **BILLS THAT CHANGE THE PERIODS OF INCARCERATION IN STATE**
103 **CORRECTIONAL FACILITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Joint Budget Committee. Under current law, the fiscal note for a bill that results in a net increase or decrease in incarceration periods in state correctional facilities must include the long-term costs of the bill including capital construction and operating costs for the 5 years following the passage of the bill. Current law also requires any bill that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 18, 2016

SENATE
Amended 2nd Reading
February 17, 2016

results in a net increase or decrease in incarceration periods in state correctional facilities include appropriations for the first 5 years there is a fiscal impact to the bill. The bill changes the timing in both instances to 5 years following the effective date of the bill. The bill clarifies that the capital construction and operating costs that are subject to the 5-year appropriation clause are limited to department of corrections costs. The bill also requires that the fiscal note and appropriations clause account for the parole costs associated with the bill. The bill clarifies that state correctional facilities include private prisons.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-2-701, **amend** (3);
3 and **add** (4) as follows:

4 **2-2-701. General assembly - bills regarding the sentencing of**
5 **criminal offenders - legislative intent - definitions.** (3) On and after
6 July 1, 1994, any bill which is introduced at any session of the general
7 assembly which affects criminal sentencing and which may result in a net
8 increase or a net decrease in periods of imprisonment in state correctional
9 facilities shall be reviewed by the director of research of the legislative
10 council for the purpose of providing information to the general assembly
11 on the long-term fiscal impact which may result from the passage of the
12 bill, including the increased capital construction costs, ~~and~~ increased
13 operating costs, AND INCREASED PAROLE COSTS FOR THE DEPARTMENT OF
14 CORRECTIONS for the first five fiscal years following ~~passage~~ THE
15 EFFECTIVE DATE OF THE BILL. THE DIVISION OF CRIMINAL JUSTICE IN THE
16 DEPARTMENT OF PUBLIC SAFETY IN COOPERATION WITH THE DEPARTMENT
17 OF CORRECTIONS SHALL ANNUALLY PROVIDE INCARCERATION AND PAROLE
18 LENGTH OF STAY ESTIMATES TO THE DIRECTOR OF RESEARCH OF THE
19 LEGISLATIVE COUNCIL.

20 (4) FOR PURPOSES OF THIS PART 7, "STATE CORRECTIONAL

1 FACILITIES" MEANS ANY FACILITY UNDER THE SUPERVISION OF THE
2 DEPARTMENT OF CORRECTIONS IN WHICH PERSONS ARE OR MAY BE
3 LAWFULLY HELD IN CUSTODY AS A RESULT OF CONVICTION OF A CRIME
4 AND ANY PRISON FACILITY OPERATED BY A COUNTY, CITY AND COUNTY,
5 OR PRIVATE CORPORATION LOCATED IN THIS STATE OR ANOTHER STATE;
6 EXCEPT THAT IT DOES NOT INCLUDE ANY LOCAL JAIL,
7 MULTIJURISDICTIONAL JAIL, OR COMMUNITY CORRECTIONS CENTER.

8 **SECTION 2.** In Colorado Revised Statutes, **amend 2-2-703** as
9 follows:

10 **2-2-703. General assembly - bills which result in a net increase**
11 **in periods of imprisonment in state correctional facilities - funding**
12 **must be provided in the bill.** On and after July 1, 1991, ~~no~~ A bill may
13 NOT be passed by the general assembly which would result in a net
14 increase in periods of imprisonment in state correctional facilities unless,
15 in such bill, there is an appropriation of ~~moneys~~ MONEY which is
16 sufficient to cover any increased capital construction costs, ~~and~~ any
17 increased operating costs, AND INCREASED PAROLE COSTS which are the
18 result of such bill FOR THE DEPARTMENT OF CORRECTIONS in each of the
19 first five years ~~in which there is a fiscal impact as a result of the bill~~
20 FOLLOWING THE EFFECTIVE DATE OF THE BILL. ~~Moneys~~ MONEY sufficient
21 to cover such increased capital construction costs and increased operating
22 costs for the first five fiscal years ~~in which there is a fiscal impact as a~~
23 ~~result of the bill shall~~ FOLLOWING THE EFFECTIVE DATE OF THE BILL MUST
24 be estimated by the appropriations committee, and after consideration of
25 such estimate the general assembly shall make a determination as to the
26 amount of ~~moneys~~ MONEY sufficient to cover the costs, and such ~~moneys~~
27 ~~shall~~ MONEY MUST be appropriated in the bill in the form of a statutory

1 appropriation from the general fund in the years affected. Any such bill
2 which is passed on or after July 1, 1991, which is silent as to whether it
3 is intended to be an exception to this section, shall not be deemed to be
4 such an exception. Any bill which is enacted which is intended to be an
5 exception to this section ~~shall~~ MUST expressly state such exception in such
6 bill.

7 **SECTION 3. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2016 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.