



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HCR 18-1002**

**FINAL  
FISCAL NOTE**

<b>Drafting Number:</b>	LLS 18-1125	<b>Date:</b>	June 21, 2018
<b>Prime Sponsors:</b>	Rep. Melton; Salazar Sen. Williams A.; Crowder	<b>Bill Status:</b>	Adopted
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**Bill Topic:** REPEAL EXCEPTION TO CONSTITUTIONAL BAN ON SLAVERY

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

This concurrent resolution, refers a question to the voters that, if approved, would repeal a constitutional exception and prohibit slavery or involuntary servitude in all circumstances. This concurrent resolution may minimally increase state and local government revenue, expenditures, and workload.

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

**Fiscal Note Status:** This fiscal note reflects the adopted concurrent resolution.

**Summary of Legislation**

Under current law, slavery or involuntary servitude is prohibited except as punishment for a crime in which the offender has been convicted. This concurrent resolution refers a question to the voters that would, if approved, amend the Colorado Constitution by repealing this exception and prohibiting slavery or involuntary servitude in all circumstances.

**Background**

**Criminal justice system offender work practices.** The following offender work practices are currently used in the Colorado criminal justice system:

- prison work where all eligible offenders are expected to work, unless assigned to an approved education or training program;
- community service as part of a sentence in which the offender must work a certain number of hours in addition to or in lieu of paying fines or being incarcerated, or as a condition of probation; and
- probation, in which the court may require an offender to maintain suitable employment and/or pursue employment-related education or vocational training.

## State Revenue

If approved by the voters and beginning in FY 2018-19, this concurrent resolution potentially increases state revenue by a minimal amount. To the extent that sentencing practices change and offenders are ordered to pay additional criminal fines and court administrative fees instead of being sentenced to community service, state revenue credited to the General Fund and various cash funds in the Judicial Department will increase. Additionally, to the extent that offenders file lawsuits challenging community service or offender work programs, civil filing fee revenue will increase. These impacts will vary depending future court and sentencing decisions and on the number of legal challenges filed, but are expected to be minimal.

## TABOR Refund

This concurrent resolution potentially increases state revenue from criminal fines and fees and civil filing fees by a minimal amount, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount. State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

## State Expenditures

If approved by the voters and beginning in FY 2018-19, this concurrent resolution potentially impacts state agency workload in several ways. These impacts will vary depending future court and sentencing decisions and on the number of legal challenges filed, but are expected to be minimal.

- first, Department of Law workload potentially increases to litigate any cases regarding community service or offender work programs;
- second, to the extent that such litigation occurs, trial court workload in the Judicial Department will also increase;
- third, to the extent that fewer people are sentenced to community service as part of a probation sentence, probation supervision workload will decrease;
- lastly, the Department of Corrections may need to implement changes to work program policies and procedures.

**Election expenditure impact — existing appropriations.** This concurrent resolution includes a referred measure that will appear before voters at the November 2018 general election. While no additional appropriation is required, certain election costs are incurred by the state when ballot measures are referred to voters. These costs, paid using existing appropriations, are in two areas. First, current law requires the state to reimburse counties for costs incurred conducting a ballot measure election, paid from the Department of State Cash Fund in the Secretary of State's Office, estimated at \$3.2 million in FY 2018-19. Second, the text and title of the measure must be published in one legal newspaper per county and an analysis of the measure must be included in the Ballot Information Booklet mailed to all registered voter households, paid from the Ballot Analysis Revolving Fund in the Legislative Department, which is estimated to cost \$2.1 million in FY 2018-19. Publication costs will increase by approximately \$115,000 per measure beyond this base amount for any additional referred or initiated measures placed on the ballot.

## Local Government

If approved by the voters and beginning in FY 2018-19, this concurrent resolution potentially increases county revenue, costs, and workload by a minimal amount as described below.

**Denver County Court.** Similar to the state, Denver County Court revenue and workload potentially increases to the extent that offenders are ordered to pay additional fees instead of being sentenced to community service and if community service or offender work programs are challenged in court. To the extent that fewer people are sentenced to community service as part of a probation sentence, probation revenue and workload will decrease. These impacts are expected to be minimal.

**County jails.** To the extent that offenders are sentenced to jail instead of community service, county jail costs will increase. Because the courts have the discretion of incarceration or imposing a fine, or other sentencing outcomes, the precise impact at the local level cannot be determined. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.39 to house state inmates.

## Effective Date

This concurrent resolution will be submitted to the registered electors of the state at the November 6, 2018. If approved by the voters, this concurrent resolution takes effect after the date of the official declaration of the vote by proclamation of the Governor, no later than 30 days after the votes have been canvassed.

## State and Local Government Contacts

Corrections  
Law

Counties  
Sheriffs

Judicial