



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number:	LLS 18-1212	Date:	April 16, 2018
Prime Sponsors:	Sen. Crowder Rep. Valdez	Bill Status:	Senate Local Government
		Fiscal Analyst:	Kerry White 303-866-3469 Kerry.White@state.co.us

Bill Topic: COUNTY JAIL PRISONER LABOR

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

Subject to county sheriff discretion, this bill allows persons in county jail that have not been convicted of a crime to work. This bill also allows county jail inmate work to be performed on any public property and requires compensation for all county jail inmate labor. This bill increases county costs and workload on an ongoing basis.

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

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

Summary of Legislation

This bill makes several changes to statutes concerning labor of persons in county jails.

Work outside of jail. Under current law and with some exceptions, offenders sentenced to county jail are required to work eight hours per working day while in jail. When no work is available inside the jail, the sheriff must compel prisoners to work on the public roads, highways, or streets of that county or city and county. This bill specifies that work outside of the jail may include work performed on any public property.

Work by persons confined in, but not sentenced to jail. At the sole discretion of the sheriff, any person confined in county jail, who has not been convicted and sentenced, may volunteer to work while confined in the county jail in the same manner as offenders sentenced to jail.

Security costs. Under current law, the county or city and county is required to pay for additional security costs related to work outside of the jail. This bill clarifies that this reimbursement may include costs associated with work on any public property and is subject to available funds.

Compensation. Inmates who work inside or outside of the jail must be compensated by the county or city and county for their work. This compensation must be deposited into the inmate's jail account. The rate for this compensation is to be similar to offender pay rates established for the same or similar work performed by an inmate in the Department of Corrections (DOC).

Local Government

This bill increases county costs to compensate inmates for the work that they perform inside or outside of the county jail. This exact impact will depend on the rates established by the county or city and county, the number of county jail inmates, and the number of work hours or days completed. Currently, DOC inmates receive between \$0.32 and \$2.45 per day in compensation depending on the nature of their work, along with incentive bonuses. For informational purposes, assuming 10,000 statewide county inmates and daily compensation between \$0.32 and \$2.45, this bill will increase statewide county costs by between \$832,000 and \$6.4 million. This number may be lower if a sheriff chooses not to allow persons confined in, but not convicted and sentenced to jail, to work.

This bill also increases county workload to update policies and procedures related to county jail inmate work and inmate compensation. Workload may increase for a sheriff's office to provide additional inmate supervision, if expanding the location of work performed outside of jail to include any public property increases the number of inmates working outside of the jail and the county. Subject to available funds, the bill may result in a county or city and county's general funds being used to reimburse the sheriff, rather than being used for other purposes.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties	Municipalities	Sheriffs
----------	----------------	----------