



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**SB 18-238**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated April 16, 2018)

**Drafting Number:** LLS 18-1212  
**Prime Sponsors:** Sen. Crowder  
Rep. Valdez

**Date:** April 26, 2018  
**Bill Status:** House Local Government  
**Fiscal Analyst:** Kerry White | 303-866-3469  
Kerry.White@state.co.us

**Bill Topic:** COUNTY JAIL PRISONER LABOR

<b>Summary of Fiscal Impact:</b>	<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 revised fiscal note reflects the reengrossed 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 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 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 who work outside of the jail, 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. As of this writing, no estimate on the number of potential hours worked outside of the county jail was available, but is assumed to be minimal.

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