



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 23-0513
Prime Sponsors: Rep. Martinez
Sen. Gonzales

Date: January 20, 2023
Bill Status: House Judiciary
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Bill Topic: **DOC EARNED TIME FOR COLLEGE PROGRAM COMPLETION**

Summary of Fiscal Impact:

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill provides earned time to inmates sentenced for a nonviolent felony offence who complete a higher education degree or certificate. The bill may decrease state expenditures beginning in FY 2024-25.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill allows inmates sentenced for a nonviolent felony offense to receive additional earned time for completing an accredited degree or other credential awarded by an accredited institution of higher education while the inmate is incarcerated in the Department of Corrections (DOC). Specifically, an offender receives one year of earned time for each associate, baccalaureate, or graduate degree, and six months of earned time for a certificate or other credential.

The bill also requires the General Assembly to appropriate any savings incurred during the prior fiscal year due to individuals receiving additional earned time. Half the savings must be appropriated to the Department of Higher Education (DHE) to allocate to institutions of higher education that offer programs in a correctional facility and the other half to the DOC to enroll more inmates in higher education programs. Starting with its FY 2024-25 budget request, the DOC must report on the estimated amount of savings from the bill.

Background

During incarceration, an inmate may receive earned time—which reduces their sentence—for making consistent progress in a number of categories laid out in statute such as work and training, group living, and participating in counseling sessions. Generally, an inmate can earn up to 10 to 12 days per

month (depending on the crime they are convicted of) but may also receive additional earned time for working at a disaster site (1 day earned time for each day worked), completing a milestone or phase of an educational, vocational, therapeutic or reentry program, or demonstrating exceptional conduct (up to 120 days). Generally, an offender cannot reduce their sentence by more than 30 percent.

State Expenditures

Starting in FY 2024-25, expenditures in the DOC will decrease to the extent additional offenders complete a post-secondary degree, certificate, or credential and are granted parole due to the additional earned time. The exact decrease in expenditures cannot be determined at this time as it is unknown how many individuals will complete a degree and how many inmates will be granted parole by the Parole Board. The department will report savings to the General Assembly, and any change in appropriations required by the bill will be handled through the budget process. For informational purposes, currently the average daily cost to the DOC to operate a prison bed is \$74.25 or \$155.52 per day depending on if the offender is in a privately run or state-run facility. The average daily cost for parolee supervision is \$21.23 per day. Therefore, if the bill increases the number of releases to parole, the savings are estimated at \$53.02 to \$134.29 per offender per day.

The bill may also increase expenditures in the Department of Higher Education and the DOC to reinvest savings, as required by the bill. Exact increases will be determined through the annual budget process based on reported savings by the DOC.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to a degree, certificate, or other credential awarded on or after the effective date.

State and Local Government Contacts

Corrections
Information Technology

District Attorneys
Judicial

Higher Education