



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 23-0775	Date:	June 20, 2023
Prime Sponsors:	Rep. Epps Sen. Coleman; Gonzales	Bill Status:	Vetoed by Governor
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Bill Topic: **PROCEDURE TO APPLY FOR COMMUTATION OF SENTENCE**

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

The bill would have detailed the application process for individuals seeking a commutation of a sentence from the Governor. Starting in FY 2023-24, the bill would have increased state workload.

Appropriation Summary: For FY 2023-24, the bill would have required and included an appropriation of \$28,221 to the Governor's Office.

Fiscal Note Status: The fiscal note reflects the enrolled bill. This bill was vetoed by the Governor on May 16, 2023; therefore, the impacts identified in this analysis do not take effect.

**Table 1
State Fiscal Impacts Under HB 23-1214**

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures	General Fund	\$28,221	\$30,787
	Centrally Appropriated	\$7,049	\$7,291
	Total Expenditures	\$35,270	\$38,078
	Total FTE	0.4 FTE	0.4 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$4,233	\$4,618

Summary of Legislation

The bill details the application process for individuals seeking a commutation of a sentence from the Governor. First, the bill charges the executive clemency representative to oversee the application process. Next, the bill details what needs to be included in the application. Once the clemency representative receives an application, the representative must notify the applicant of receipt and if there are any missing materials; request a certificate of conduct from the Department of Corrections (DOC); notify and forward the application to the district attorney in the relevant jurisdiction; receive responses from the district attorney and the applicant; and send all materials to the Executive Clemency Board, or the Governor's Office if the board does not exist.

Once the board receives an application, the board may choose to interview the applicant in person. When evaluating the applications, the board and the Governor must give weight to the following factors: good character previous to conviction, good conduct during confinement, statements and supporting materials from the district attorney, and any other material concerning the merits of the application. The Governor has the sole discretion in evaluating and submitting comments.

Background

The Colorado Constitution gives the Governor the power to grant clemency, which includes commutation, or modifying a sentence, and a pardon, or a public forgiveness for a crime after completion of a sentence. Currently, to request commutation of a sentence, applicants work with their case manager to complete the application. Once the application is complete, the packet is reviewed by the applicant's DOC facility to determine if the criteria for clemency has been met. The application is then sent to the Director of Executive Clemency who may convene the Executive Clemency Advisory Board. The board then reviews the packet and either makes recommendations that are forwarded to the Governor or the application is tabled for consideration at a later date. Finally, the Governor takes the application and recommendations under advisement. More information about the clemency process, along with the criteria used by the board can be found here: <https://cdoc.colorado.gov/resources/clemency>.

State Expenditures

The bill increases state General Fund expenditures in the Governor's Office by \$35,000 in FY 2023-24 and \$38,000 in FY 2024-25 and ongoing. Expenditures are shown in Table 2 and detailed below. The bill will also increase workload in the DOC.

Table 2
Expenditures Under HB 23-1214

	FY 2023-24	FY 2024-25
Governor's Office		
Personal Services	\$28,221	\$30,787
Centrally Appropriated Costs ¹	\$7,049	\$7,291
Total Cost	\$35,270	\$38,078
Total FTE	0.4 FTE	0.4 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Governor's Office. Starting in FY 2023-24, the Governor's Office will require 0.4 FTE to track applications to ensure that deadlines established by the bill are being met, and that required documentation requests are fulfilled. Costs in FY 2023-24 are prorated for the General Fund pay date shift.

Department of Corrections. DOC workload will increase to update operations to align with the bill, which largely codifies existing practice. No change in appropriations is required.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2023-24, the bill requires and includes a \$28,221 appropriation from the General Fund to the Governor's Office with 0.4 FTE.

State and Local Government Contacts

Corrections
Information Technology

District Attorneys
Judicial

Governor