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Fiscal Note

Drafting Number: LLS 24-0814 Date: February 7, 2024
Prime Sponsors: Rep. Lynch Bill Status: House Judiciary
Sen. Baisley; Will Fiscal Analyst: Aaron Carpenter | 303-866-4918
aaron.carpenter@coleg.gov

Bill Topic: TRUTH IN SENTENCING PAROLE VIOLENT OFFENSES

Summary of Fiscal Impact:
[] State Revenue [] State Transfer [] Local Government
[x] State Expenditure [] TABOR Refund [] Statutory Public Entity

The bill increases parole legibility for certain violent offenses to 85 percent of time served and removes the subtraction of earned time. The bill increases state expenditures in FY 2024-25, and again starting in the early-2040s.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$12,000 to the Department of Corrections.

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

Table 1
State Fiscal Impacts Under HB 24-1127

Table with 4 columns: Category, Budget Year FY 2024-25, Out Year FY 2025-26, Out Year FY 2043-44. Rows include Revenue, Expenditures (General Fund), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

Under current law, offenders in the Department of Corrections (DOC) who were convicted of certain violent offenses are not eligible for parole until the offender has served 75 percent of their sentence, less any earned time granted. Under the bill, offenders sentenced on or after July 1, 2024, for second degree murder, first degree assault, first degree kidnapping (unless the kidnapping is a class 1 felony), sexual assault, first degree arson, first degree burglary, or aggravated robbery are required to serve at least 85 percent of their sentence before they are eligible for parole.

Under current law, in cases where the offender has been convicted for a crime of violence twice before, the person is eligible for parole after serving 100 percent of their sentence, less any earned time granted. The bill removes the subtraction of earned time. As a result, a person who has been convicted for a crime of violence twice before must serve their entire sentence.

Background and Assumptions

From FY 2018-19 through FY 2021-22, DOC data show that there was an average of 218 individuals per year sentenced for the crimes included in the bill. These offenders had an average governing sentence of 8,456 days or about 23 years.

Assuming these offenders are currently released after 75 percent of their sentence is served, the impact to keep these offenders incarcerated for an additional 28 months begins 18 years in the future, in FY 2042-43, creating a prison cost increase and a parole savings.

State Expenditures

The bill increases state expenditures in the DOC in FY 2024-25, and then again in 20 years. The bill may also minimally impact Judicial Department workload.

Computer programming. In FY 2024-25, General Fund expenditures in the DOC will increase by \$12,000 to update the department's Offender Management Information System to reflect the change in parole eligibility dates for the offenses in the bill. This work is estimated to require 60 hours of development and testing at the hourly rate of \$200.

Future bed impact. The bill increases prison costs to hold certain offenders for a longer duration instead placing them on parole. Table 2 below illustrates the potential future costs by comparing the current DOC private prison bed cost versus parole cost for an assumed 218 offenders per year. The extent to which earned time shortens sentences is unknown, nor is the number of offenders who will be serving 100 percent of their sentence. As discussed above, assuming that offenders sentenced for the crimes in the bill currently serve 75 percent of their sentence, the bill's impacts are expected to begin in FY 2042-43; however, impacts may occur sooner due to the variability of sentences and earned time, or may not occur where offenders are currently serving at least 85 percent of their sentence. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Table 2
Change in Prison and Parole Operating Costs Under HB 24-1127

Fiscal Year	Prison ADP Impact	Prison Cost	Parole ADP Impact	Parole Savings	Net Cost
FY 2024-25	-	-	-	-	-
FY 2042-43	163.50	\$3,969,747	(163.5)	(\$1,371,384)	\$2,598,358
FY 2043-44	381.50	\$9,262,744	(163.5)	(\$1,371,389)	\$7,891,355
FY 2044-45	501.40	\$12,173,892	(65.4)	(\$548,556)	\$11,625,336
FY 2045-46	501.40	\$12,173,892	(65.4)	(\$548,556)	\$11,625,336
Total					\$45,365,722

** ADP stands for average daily population.*

Judicial Department. The bill extend the time period may increase the time for sentencing arguments. Any increase will apply to few enough cases to be absorbable within existing resources.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

State Appropriation

For FY 2024-25, the bill requires a General Fund appropriation of \$12,000 to the Department of Corrections.

Effective Date

The bill takes effect July 1, 2024, and applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections	District Attorneys	Judicial
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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).