



Legislative Council Staff
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Fiscal Note

Drafting Number: LLS 24-0822 Date: February 13, 2024
Prime Sponsors: Rep. Bockenfeld Bill Status: House Judiciary
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Bill Topic: DETENTION OF PAROLEE ARRESTED FOR VIOLENT CRIME

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

The bill requires parolees who have been arrested for a violent crime to be returned to the Department of Corrections in lieu of jail. Starting in FY 2024-25, the bill increases state expenditures and decreases local expenditures.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$5.2 million to the Department of Corrections.

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

Table 1
State Fiscal Impacts Under HB 24-1109

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

Summary of Legislation

The bill requires a court to order a parolee arrested for allegedly committing a crime of violence to be placed in the custody of the Department of Corrections (DOC) after the parolee's bond hearing and detained at the DOC facility until the parolee's revocation hearing. The jail that has detained such a parolee must notify the DOC within 24 hours. The jail and the DOC must arrange transfer of the parolee to a DOC facility as soon as practicable after the bond hearing. Subject to available appropriations, the DOC must reimburse sheriffs for one-half of the cost to transport a parolee to a DOC facility.

Under current law, a community parole officer who is informed by a law enforcement agency that a parolee has been arrested for a criminal offense is required to request that a parole revocation proceeding be deferred pending a disposition of the criminal charge. The bill repeals this requirement and allows the community parole officer to make a request at their discretion.

Assumptions

Data from the DOC indicate that, from FY 2020-21 through FY 2022-23, there were on average 284 parolee returns per year resulting from the parolee being convicted for a violent crime. These parolees averaged 218 days between the arrest and revocation of parole. Based on this data, this analysis assumes that the bill will increase the DOC's average daily population by about 173 offenders. Assuming a vacancy bed rate of 2.5 percent, in concurrence with Joint Budget Committee Staff recommendations, this results in the need for 177 new beds.

Additionally, parolees will require placement in a new pre-conviction bed type. Additional costs to keep pre-conviction beds separate from the general population have not been estimated.

State Expenditures

The bill is estimated to increase state General Fund expenditures in the DOC by \$5.2 million and 38.9 FTE in FY 2024-25 and \$5.8 million and 47.0 FTE in FY 2025-26. Expenditures are shown in Table 2 and discussed below.

Table 2
Expenditures Under HB 24-1109

	FY 2024-25	FY 2025-26
Department of Corrections		
Personal Services	\$2,885,899	\$3,486,344
Operating Expenses	\$155,367	\$60,160
Capital Outlay Costs	\$313,490	-
Transportation and Fleet Costs	\$94,940	\$94,940
Jail Reimbursement Costs	\$13,162	\$15,794
Bed Operating Costs	\$998,939	\$1,198,726
Employee Insurance and Supplemental PERA	\$748,028	\$903,742
Total Cost	\$5,209,824	\$5,759,707
Total FTE	38.9 FTE	47.0 FTE

Department of Corrections. The DOC requires staff and fleet vehicles to implement the bill, as well as resources for jail reimbursement and bed operating costs, as outlined below.

- **Staff.** Starting in FY 2024-25, the DOC requires 47.0 FTE to operate an additional 177 beds. This includes 30.4 FTE correctional officers and supervisory staff, and 15.6 FTE medical staff, including nurses, psychologists, pharmacists, and other administrative positions. These FTE amounts are based on staffing levels similar to the Denver Reception and Diagnostic Center. Costs in FY 2024-25 are prorated for a September 1, 2024, start date.
- **Transportation and fleet costs.** The DOC requires vehicles to transport offenders from the DOC facility to court and back, as well as to other DOC facilities if the individual is convicted and sentenced for the crime. The fleet includes three vans, and two trace vehicles.
- **Jail reimbursement costs.** The bill requires the DOC to reimburse half of a sheriff's transportation cost for transporting parolees who were arrested to the DOC for holding. The fiscal note estimates that sheriffs will drive about 47,150 miles and be reimbursed at a rate of \$0.67 per mile. Costs in FY 2024-25 are prorated for a September 1, 2024, start date.
- **Bed operating costs.** In addition to staffing, costs to operate beds, such as costs for utilities, maintenance, food service, laundry, medical costs, recreation, etc. will increase under the bill. Operating costs are based on the current operating costs of the Denver Reception and Diagnostic Center. Costs in FY 2024-25 are prorated for a September 1, 2024, start date.
- **Department of Corrections capital construction costs.** Due to the need for additional beds, capital construction may be required to build new facilities for these additional beds. Based on the average per bed construction costs of previous prison facilities, capital construction costs of \$32.1 million would be required to increase prison bed space in line with the estimated increase in new beds. If the General Assembly determines that additional bed space is needed, this bill should include a transfer of General Fund to the Capital Construction Fund, to be reappropriated to the Corrections Expansion Reserve Fund. Money

in the Corrections Expansion Reserve Fund is available for future DOC construction projects, which would be identified and funded through the annual budget process based on the state's overall prison needs.

- **Employee insurance and supplemental retirement.** Pursuant to fiscal note and Joint Budget Committee policy, centrally appropriated costs for bills involving more than 20 FTE are appropriated in the bill, rather than through the annual budget process. These costs, which include employee insurance and supplemental employee retirement payments for the DOC are shown in Table 2.

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.

Local Government

Starting in FY 2024-25, the bill will decrease local jail costs in two ways. First, local jails will no longer be required to hold parolees who are awaiting a revocation hearing. As discussed in the Assumptions section, this will result in a reduction of about 173 offenders per year from county jails throughout the state. Jails will also have reduced transportation costs to bring parolees to court, and will receive state reimbursement for half of the cost to transport parolees to a DOC facility after the bond hearing.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses committed on or after this date.

State Appropriations

For FY 2024-25, the bill requires a General Fund appropriation of \$5,209,824 to the Department of Corrections, and 38.9 FTE.

State and Local Government Contacts

Corrections

Counties

Sheriffs

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](#).