



Legislative Council Staff

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FISCAL NOTE

Drafting Number: LLS 18-0817
Prime Sponsors: Rep. Lee; Wist

Date: March 20, 2018
Bill Status: House Judiciary
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Bill Topic: COMMUNITY CORRECTIONS TRANSITION PLACEMENTS

**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 |

This bill modifies the procedures for community corrections transition placement referrals between the State Board of Parole, Department of Corrections, and community corrections boards and programs. It increases state expenditures in the short-term, but may decrease state expenditures over the long-term.

**Appropriation
Summary:** For FY 2018-19, the bill requires an appropriation of \$264,070 to the Department of Public Safety.

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

Table 1
State Fiscal Impacts Under HB 18-1251

| | FY 2018-19 | FY 2019-20 |
|------------------------|------------------|------------------|
| Revenue | - | - |
| Expenditures | \$413,390 | \$278,667 |
| General Fund | \$12,202 | \$15,689 |
| Centrally Appropriated | | |
| Total | \$424,592 | \$294,356 |
| Total FTE | 0.8 FTE | 1.0 FTE |
| Transfers | - | - |

Summary of Legislation

This bill requires the State Board of Parole (Board) to submit a list of inmates that the Board is recommending for community corrections transitions placement to the Department of Corrections (DOC). The DOC must inform the Board when the referral has been made or the reason why it was not completed. If an offender completes a community corrections program, the board is required to schedule a parole release hearing within 30 days after completion. If the decision is to deny parole, a majority of the full Board is required to make the denial.

Community corrections assessments. A community corrections board is required to develop and use a structured, research-based decision-making process that combines professional judgment and actuarial risk and needs assessment tools to determine whether to accept or reject any offender. If a community corrections board or program (local board) denies an offender a community corrections transition placement, the local board must communicate electronically with the DOC about the reason for the denial, any suggestions for program completion that would address the reason for the denial, and a suggested timeline for a subsequent referral. The DOC must develop a process to accept electronic communications from local boards and is required to share those communications with the affected inmate.

Community corrections referrals. When the DOC makes a referral or subsequent referral request, it is required to include the following information:

- a current risk and needs assessment administered within the previous 12 months;
- projected release dates;
- prior supervision outcomes;
- institutional programming recommendations, including participation and completion information;
- a verified parole plan or community plan;
- a victim statement, if applicable;
- an offender statement, if submitted;
- the Parole Board action sheet, if applicable;
- a recommendation or the reason why placement is or is not recommended from the case manager for the community placement based on an individualized review that considers risk, institutional conduct, and responsivity factors;
- the number of prior referrals;
- a mental health assessment, if available;
- a substance abuse disorder assessment, if available;
- a sex offender assessment, if available; and
- the specific referral being requested.

The bill removes the requirement that a referral cannot be made more than 28 months in advance of an offender's parole eligibility date for any offender who successfully completes a regimented inmate discipline program.

Under current law, the DOC must give the first right to refuse placement to the local board in the community where the offender intends to reside after release from custody. This bill creates an exception when the DOC seeks to place the offender in a specialized community corrections program or the offender requests a specific community corrections program placement.

Community corrections subsequent referrals. When an offender is denied placement in a community corrections program, the DOC must make a subsequent referral for an eligible offender between 6 and 12 months after the denial. An offender is eligible for a subsequent referral if he or she has no class 1 code of penal discipline violations in the last 12 months, does not have a consecutive misdemeanor sentence to serve, does not have an Immigration and Customs Enforcement detainer, does not have pending felony charges, and does not have an extraditable warrant.

Training. The Department of Public Safety (DPS) is required to provide an annual training to DOC staff involved in making community corrections transition placement referrals and to local boards on structured decision-making and related issues. The DPS must create and publish an annual report by February 1 of each year describing key data trends for community corrections providers and boards, including process measures, outcome measures, referral trends, acceptance data, and the status of the structure decision-making implementation.

Background

The FY 2017-18 Long Bill contains funding for 3,642 community corrections beds, which are overseen by 22 local boards. The allocation of these beds by type is shown in Table 2. In September 2017, there were about 500 beds that were unused; that number was expected to grow to close to 600 by the end of 2017.

Table 2
FY 2017-18 Community Corrections Bed Type Allocation

| Placement Type | Diversion | Transition | Parole | Total |
|--------------------------------------|------------------|-------------------|---------------|--------------|
| Standard Residential | 1,183 | 1,111 | 109 | 2,403 |
| Cognitive Behavioral Treatment Pilot | 48 | - | - | 48 |
| Intensive Residential Treatment | 39 | 43 | 74 | 156 |
| Inpatient Therapeutic Community | 78 | 49 | 15 | 142 |
| Residential Dual Diagnosis Treatment | 71 | 46 | 14 | 131 |
| Sex Offender | 57 | 20 | 13 | 90 |
| Standard Non-Residential | 574 | 5 | 5 | 584 |
| Outpatient Day Treatment | 2 | - | - | 2 |
| Outpatient Therapeutic Community | 55 | 25 | 6 | 86 |
| Total | 2,107 | 1,299 | 236 | 3,642 |

State Expenditures

This bill increases state expenditures by \$424,592 and 0.8 FTE in FY 2018-19 and by \$294,356 and 1.0 FTE in FY 2019-20, paid from the General Fund. Table 3 and the discussion that follows present the costs of the bill.

Table 3
Expenditures Under HB 18-1251

| | FY 2018-19 | FY 2019-20 |
|---|-------------------|-------------------|
| Department of Public Safety | | |
| Personal Services | \$57,331 | \$76,441 |
| Operating Expenses and Capital Outlay Costs | \$5,463 | \$950 |
| Travel costs | \$15,876 | \$15,876 |
| Training materials | \$7,400 | \$7,400 |
| Consultants | \$178,000 | \$178,000 |
| Centrally Appropriated Costs* | \$12,202 | \$15,689 |
| Department of Corrections | | |
| Computer Programming | \$148,320 | - |
| Total Cost | \$424,592 | \$294,356 |
| Total FTE | 0.8 FTE | 1.0 FTE |

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

Department of Public Safety training. The fiscal note assumes 1.0 FTE is required for a Training Specialist IV in the Division of Criminal Justice. This position will be responsible for developing and conducting the required annual training to DOC and local boards, as well as preparing the required annual report. Costs assume that support will be provided to each of the 22 local boards, up to 15 DOC training sites (for 300 to 500 employees), and up to 18 parole offices each year.

Standard annual operating costs, travel, and training material costs are shown for each year, as are first-year capital outlay expenditures. First-year personal services costs assume a September 1 start date and are prorated for the General Fund paydate shift. Consultant fees of \$178,000 are required in each of FY 2018-19 and FY 2019-20 only to develop and modify the decision-making tools and processes.

Computer programming and systems integration. One-time expenditures of \$148,320 are required in FY 2018-19 to modify existing computer systems to allow automation of community corrections referrals, connect the DOC system to the Parole Board scheduling system, create an automated decision-making process for the community corrections program, and enable electronic submission of local board denials. Costs assume two contract developers will work for a total of 36 weeks and be paid \$103 per hour. This amount will be paid from the DOC's existing computer programming budget and no additional appropriation is required.

Department of Corrections. Workload will increase for staff to participate in annual trainings conducted by the DPS and to assist in the integration of computer systems. These impacts do not require an increase in appropriations. To the extent that the changes in this bill allows more DOC offenders to be released from prison, costs will be reduced. In the current FY 2017-18, the average prison bed cost is \$89 per offender, per day, and the average community corrections placement is \$45 per offender, per day. The fiscal note assumes that these savings will be accounted for as part of the annual budget process in the fiscal year during which they occur.

State Parole Board. The bill expedites the hearing process by requiring the Board to conduct an application hearing within 30 days of an offender completing his or her community corrections program. The fiscal note assumes that this workload increase can be accomplished as a result of the computer system changes that will be completed. If, in the future, it is determined that additional resources are required, they can be requested through the annual budget process. Workload will also increase for staff to participate in annual trainings conducted by the DPS.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$12,202 in FY 2018-19 and \$15,689 in FY 2019-20.

Local Government

The bill increases workload for local boards to learn about and implement a structured decision-making tool.

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 Appropriations

For FY 2018-19, the bill requires a General Fund appropriation of \$264,070 and an allocation of 0.8 FTE to the Department of Public Safety.

State and Local Government Contacts

Corrections

Information Technology

Public Safety