



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1013: DOC VISITATION RIGHTS

**Prime Sponsors:**

Rep. English; Bacon

Sen. Coleman

**Fiscal Analyst:**

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**Version:** Initial Fiscal Note

**Date:** February 3, 2025

**Fiscal note status:** The fiscal note reflects the introduced bill.

### Summary Information

**Overview.** The bill creates a right to visitation for inmates in the Department of Corrections.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures

**Appropriations.** For FY 2025-26, the bill requires an appropriation of \$78,907 to the Department of Corrections.

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures (General Fund)	\$78,907	\$182,907
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.3 FTE	0.3 FTE

## Summary of Legislation

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The bill creates a right to visitation for persons confined in the Department of Corrections (DOC), including those in restrictive housing or sanctioned by the DOC penal code. Specifically, the bill prohibits the DOC to restrict visitation beyond what is necessary for routine facility operations or the safety of the facility, and restrict a visitor's ability to visit a person confined as long as the person agrees to follow visitation rules. In addition, if a confined person gives reasonable notice, the DOC must make all efforts to allow the person to participate in the visitation. The bill allows a confined person to file a grievance if visitation is denied. Finally, the bill requires the DOC to report to the General Assembly on the number of grievances.

## Background

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Currently, all inmates are permitted non-contact, contact, and video visitation, except those placed in temporary restricted housing or temporarily sanctioned for violations under DOC's Code of Penal Discipline.

## State Expenditures

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The bill will increase state expenditures in the Department of Corrections by about \$79,000 in FY 2025-26 and \$183,000 in FY 2026-27 and ongoing. These costs, paid from the General Fund, are summarized in Table 2 and discussed below.

**Table 2**  
**State Expenditures**  
**Department of Corrections**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Legal Services (reappropriated to Dept. of Law)	\$78,907	\$78,907
Liability Costs (reappropriated to Dept. of Personnel)	\$0	\$104,000
<b>Total Costs</b>	<b>\$78,907</b>	<b>\$182,907</b>
<b>Total FTE—Legal Services</b>	<b>0.3 FTE</b>	<b>0.3 FTE</b>

## Visitation

The DOC will be required to adjust its visitation policy and procedures to reflect the new right to visitation, including for offenders in restrictive placements. The DOC may be required to adjust staffing or workflow to accommodate visitation for offenders who are not currently eligible for visitation.

## Grievance Process

The bill may increase the number of grievances filed with the DOC. Currently, confined individuals may file a grievance about visitation unless it is related to a Code of Penal Discipline violation-related visitation restriction, which is no longer an exception under the bill. Because the population with visitation restrictions is a fraction of the overall prison population, an increase in grievances is assumed to be manageable within existing appropriations.

## Legal Services

Starting in FY 2025-26, the bill increases legal services costs in the DOC by \$78,907 per year. Legal services are provided by the Department of Law at a rate of \$133.74 per hour. The Department of Law will provide legal guidance during rulemaking, as well as advise and provide representation to the DOC on visitation grievance cases. This is estimated to require 590 hours annually, which is the equivalent of 0.3 FTE for the Department of Law.

## Liability Costs

By creating a right to visitation, the bill will increase the state's liability risk. Assuming it takes time to exhaust the administrative grievance process, it is assumed that any liability claims against the state will begin in FY 2026-27. It is assumed that three cases will advance from the grievance process to the courts. Each case will require \$18,000 in legal costs, on average. Further, one case per year is estimated to involve a settlement or damage award with the state, and that the average settlement amount will be approximately \$50,000. Total legal and settlement costs through the states risk management program are estimated at \$104,000 per year. Cost may be higher or lower depending on the exact number of cases, the exact amount of settlement or jury awards, and the use of non-monetary settlement terms. Settlement costs will be paid from the Risk Management Fund using assessments reappropriated to DPA from the DOC based on actual claims and updated actuarial assumptions, to be adjusted each year through the annual budget process.

## Effective Date

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

## State Appropriations

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For FY 2025-26, the bill requires a General Fund appropriation of \$78,907 to the Department of Corrections, reappropriated to the Department of Law with 0.3 FTE.

## Departmental Difference

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The Department of Personnel and Administration estimates that the bill will increase risk management costs for settlement and legal services by \$1.0 million per year, with FY 2025-26 costs paid from the General Fund and future year costs paid using reappropriated funds from the Department of Corrections. This is based on the assumption that there will be 24 cases per year with legal costs of \$18,000 per case, and 17 settlements per year with an average settlement cost of about \$50,000.

The fiscal note assumes that the DOC, with guidance from the Department of Law, will take all necessary measures to minimize liability risk. Before cases move to courts, the DOC has a grievance process that is expected to remedy most visitation-related complaints. Cases that advance to courts may include non-monetary awards, such as agreements to allow visitation or change the terms of visitation.

In addition, the fiscal note assumes that the prison population that will be most impacted by this policy change is the approximate 850 inmates in restricted housing. Applying the DPA's assumptions to this smaller population results in an estimated 1 settlement per year, at a cost of up to \$50,000. The fiscal note assumes that these risk management-related costs will not occur until FY 2026-27, once administrative remedies are exhausted.

## State and Local Government Contacts

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Corrections  
Law

Personnel