



## 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:

Aaron Carpenter, 303-866-4918  
aaron.carpenter@coleg.gov

**Published for:** House Appropriations

**Drafting number:** LLS 25-0298

**Version:** First Revised Note

**Date:** March 10, 2025

**Fiscal note status:** The revised fiscal note reflects the introduced bill. It has been updated to reflect new information.

### 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 \$15,781 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)	\$15,781	\$15,781
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.1 FTE	0.1 FTE

## Summary of Legislation

---

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 Code of Penal Discipline.

The DOC may adopt rules to govern the administration of visitation. The department is prohibited from restricting visitation beyond what is necessary for routine facility operations or the safety of the facility, and from restricting 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 related to visitation as part of its annual SMART Act hearing.

## Background

---

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

---

The bill will increase state expenditures in the Department of Corrections by about \$16,000 in FY 2025-26 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)	\$15,781	\$15,781
<b>Total Costs</b>	<b>\$15,781</b>	<b>\$15,781</b>
<b>Total FTE—Legal Services</b>	<b>0.1 FTE</b>	<b>0.1 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 \$15,781 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 to advise and provide representation to the DOC on visitation grievance cases. This is estimated to require 118 hours annually, which is the equivalent of 0.1 FTE for the Department of Law.

## Liability Costs

By creating a right to visitation, the bill may increase the state's liability risk. The bill does not create a specific right of action related to claims regarding DOC visitation. However, if a court determines that an individual may bring a claim against the state due to the creation of this new right, state expenditures will increase if the state is found liable. Because it is unknown how courts may rule in the future, the fiscal note does not include additional liability costs and assumes any adjustments will be made through the annual budget process.

## Effective Date

---

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

## State Appropriations

---

For FY 2025-26, the bill requires a General Fund appropriation of \$15,781 the Department of Corrections, reappropriated to the Department of Law with 0.1 FTE.

## Departmental Difference

---

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 \$50,000. Because the bill does not create a new right of action and the ability for inmates to bring a claim depends on a change in legal precedent and future action by the court, the fiscal note does not include these costs. Also, it is assumed most cases will be resolved through the DOC grievance process.

## State and Local Government Contacts

---

Corrections

Personnel

Law

---

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](#).