

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0958.01 Jerry Barry x4341

SENATE BILL 25-211

SENATE SPONSORSHIP

Amabile and Bridges, Kirkmeyer

HOUSE SPONSORSHIP

Sirota and Taggart, Bird

Senate Committees

Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING BUDGETING REPORTS FROM THE DEPARTMENT OF**
102 **CORRECTIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. The bill requires the executive director (director) of the department of corrections (department) to report specified information on inmate population, bed capacity, and vacancy rates on a monthly basis. The bill also requires the director to report to the joint budget committee and the office of state planning and budgeting:

- When opening or closing a facility or relocating more than

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- 20 inmates; and
- By August 1, 2025, and by each August 1 thereafter, information on FTEs by facility, location, and subprogram.

The bill requires future budget requests to include worksheets identifying calculations for FTE and operating expenses and also requires the department to include a report describing supplemental budget requests and budget amendments as part of its "SMART Act" presentation.

If the director or department fails to provide the information required, the bill authorizes the joint budget committee to reduce appropriations for salaries of unclassified department employees.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-103.3 as
3 follows:

4 **17-1-103.3. Reports for budgeting - definition.** (1) (a) No
5 LATER THAN THE FIFTH DAY OF EACH MONTH, THE EXECUTIVE DIRECTOR
6 SHALL REPORT THE DEPARTMENT'S PREVIOUS MONTH'S:

7 (I) BED CAPACITY AND AVERAGE DAILY INMATE POPULATION BY
8 PRISON FACILITY, SECURITY LEVEL, AND CUSTODY CLASSIFICATION; AND

9 (II) VACANCY RATE FOR EACH SECURITY LEVEL ON A
10 FACILITY-BY-FACILITY BASIS AND ON A DEPARTMENT-WIDE BASIS. THE
11 REPORT MUST SHOW THE CALCULATIONS USED TO PRODUCE THE VACANCY
12 RATE. ANY CHANGES IN THE METHODOLOGY USED TO CALCULATE THE
13 VACANCY RATE MUST BE ACCOMPANIED BY AN EXPLANATION FOR THE
14 CHANGE AND HOW IT MATERIALLY CHANGED THE VACANCY RATE.

15 (b) WHENEVER A FACILITY'S POPULATION INCREASES OR
16 DECREASES BY MORE THAN TEN PERCENT IN LESS THAN TWO MONTHS, THE
17 EXECUTIVE DIRECTOR SHALL INCLUDE IN THE NEXT MONTHLY REPORT
18 REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION AN EXPLANATION FOR
19 THE INCREASE OR DECREASE.

1 (2) (a) EXCEPT FOR CHANGES THAT WERE DEVELOPED THROUGH
2 THE BUDGET PROCESS OR BY CHANGES TO STATUTE, WHENEVER THE
3 DEPARTMENT OPENS OR CLOSSES LIVING UNITS OR FACILITIES, THE
4 EXECUTIVE DIRECTOR SHALL REPORT THE CHANGE AND THE EXPLANATION
5 FOR THE CHANGE TO THE JOINT BUDGET COMMITTEE AND THE OFFICE OF
6 STATE PLANNING AND BUDGETING WITHIN TEN DAYS AFTER THE OPENING
7 OR CLOSING.

8 (b) WHENEVER THE DEPARTMENT RELOCATES MORE THAN TWENTY
9 INMATES FROM ONE FACILITY TO ANOTHER FACILITY OR FACILITIES AS A
10 PART OF A COORDINATED MOVE TO RELOCATE INMATES FOR OPERATIONAL
11 REASONS, INCLUDING CHANGES IN CAPACITY AT ONE OR MORE FACILITIES,
12 THE EXECUTIVE DIRECTOR SHALL REPORT THE CHANGE AND EXPLAIN ANY
13 REASON FOR THE CHANGE TO THE JOINT BUDGET COMMITTEE AND THE
14 OFFICE OF STATE PLANNING AND BUDGETING WITHIN TEN DAYS AFTER THE
15 RELOCATION. THIS SUBSECTION (2)(b) DOES NOT APPLY TO REGULAR
16 DAILY MOVEMENT OF INMATES BETWEEN FACILITIES.

17 (3) (a) ON AUGUST 1, 2025, AND ON EACH AUGUST 1 THEREAFTER,
18 THE EXECUTIVE DIRECTOR SHALL SUBMIT A REPORT TO THE JOINT BUDGET
19 COMMITTEE AND THE OFFICE OF STATE PLANNING AND BUDGETING THAT
20 INCLUDES THE FOLLOWING FOR THE CURRENT FISCAL YEAR:

21 (I) FTE ALLOCATIONS BY FACILITY, LOCATION, AND SUBPROGRAM,
22 INCLUDING THE NUMBER OF FTEs IN EACH JOB CLASSIFICATION AND THE
23 ACTUAL SALARIES ASSOCIATED WITH EACH FTE, SUBPROGRAM, AND
24 FACILITY; AND

25 (II) ESTIMATED OPERATING EXPENSE ALLOCATIONS BY FACILITY,
26 LOCATION, AND SUBPROGRAM.

27 (b) AFTER THE EFFECTIVE DATE OF THIS SECTION, ALL BUDGET

1 REQUESTS MUST INCLUDE WORKSHEETS SHOWING THE UNDERLYING
2 CALCULATIONS FOR ALL FTEs AND OPERATING EXPENSES THAT ARE
3 RELEVANT TO THE REQUEST.

4 (c) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT
5 OTHERWISE REQUIRES, "FTE" HAS THE SAME MEANING AS DEFINED IN
6 SECTION 24-75-112.

7 (4) BEGINNING IN 2025 AND EACH YEAR THEREAFTER, THE
8 DEPARTMENT SHALL SUBMIT A REPORT DESCRIBING SUPPLEMENTAL
9 BUDGET REQUESTS AND BUDGET AMENDMENTS SUBMITTED PURSUANT TO
10 SECTION 2-3-208 (3), INCLUDING DETAILS ABOUT REQUESTED CHANGES TO
11 PRISON CAPACITY AND CASELOAD, TO THE JOINT JUDICIARY COMMITTEE OF
12 THE GENERAL ASSEMBLY AS PART OF ITS "SMART ACT" PRESENTATION
13 REQUIRED BY PART 2 OF ARTICLE 7 OF TITLE 2.

14 (5) IF THE EXECUTIVE DIRECTOR FAILS TO MEET THE
15 REQUIREMENTS OF THIS SECTION, THE JOINT BUDGET COMMITTEE MAY
16 REDUCE THE DEPARTMENT'S BUDGET BY AN AMOUNT NOT TO EXCEED
17 THREE HUNDRED THOUSAND DOLLARS, BASED ON AN ASSUMPTION THAT
18 THE DEPARTMENT WILL REDUCE SALARIES FOR UNCLASSIFIED
19 DEPARTMENT EMPLOYEES.

20 **SECTION 2. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.