

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-1007.01 Owen Hatch x2698

HOUSE BILL 26-1423

HOUSE SPONSORSHIP

Brown and Taggart, Sirota

SENATE SPONSORSHIP

Amabile and Bridges, Kirkmeyer

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIRING THE DEPARTMENT OF PUBLIC SAFETY TO
102 SUBMIT A COMMUNITY CORRECTIONS BUDGET IN ITS ANNUAL
103 BUDGET REQUEST.

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 department of public safety (department) to submit a budget request for community corrections and to include in its budget request information regarding projected community corrections program needs, including certain data points and analysis related to residential and nonresidential bed capacity,

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.

the per diem reimbursement rate for each bed type, and other guideposts related to community corrections appropriations.

The department must include information on the budget request in its yearly "SMART Act" hearing.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-27-102, **amend**
3 the introductory portion; and **add** (3.7), (6.3), and (6.7) as follows:

4 **17-27-102. Definitions.**

5 As used in this article 27, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (3.7) "DISTRIBUTION OF OFFENDER POPULATIONS" MEANS THE
8 TOTAL NUMBER OFFENDERS IN, AND THE TOTAL NUMBER OF OFFENDERS
9 APPROVED FOR PLACEMENT IN, A COMMUNITY CORRECTIONS PROGRAM, BY
10 JUDICIAL DISTRICT.

11 (6.3) "PROGRAM AVAILABILITY" MEANS THE NUMBER OF
12 AVAILABLE COMMUNITY CORRECTIONS BEDS AND A COMMUNITY
13 CORRECTIONS PROGRAMS' FINANCIAL VIABILITY WHEN CONSIDERING THE
14 STATE'S REIMBURSEMENT RATE AND OTHER STATE AND NONSTATE
15 SOURCES OF REVENUE.

16 (6.7) "PROJECTED NEED" MEANS THE DIVISION OF CRIMINAL
17 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY'S BEST ESTIMATE OF THE
18 FUTURE DISTRIBUTION OF OFFENDER POPULATIONS IN COMMUNITY
19 CORRECTIONS, BY JUDICIAL DISTRICT AND PLACEMENT TYPE, BASED ON:

20 (a) CORRECTIONAL POPULATION PROJECTIONS PROVIDED
21 PURSUANT TO SECTION 24-33.5-503 (1)(m);

22 (b) THE NUMBER OF INMATES EXPECTED TO BE ELIGIBLE FOR A
23 REFERRAL TO COMMUNITY CORRECTIONS UNDER EXISTING LAW;

1 (c) THE NUMBER OF OFFENDERS UNDER THE DEPARTMENT OF
2 CORRECTIONS' SUPERVISION AND THE NUMBER OF OFFENDERS REFERRED
3 FROM THE COURTS WHO ARE EXPECTED TO BE ACCEPTED INTO COMMUNITY
4 CORRECTIONS PROGRAMS; AND

5 (d) THE DIVISION OF CRIMINAL JUSTICE'S KNOWLEDGE OF
6 EXPECTED CHANGES IN PROGRAM CAPACITY AND AVAILABILITY.

7 **SECTION 2.** In Colorado Revised Statutes, 17-27-108, **add** (8)
8 as follows:

9 **17-27-108. Division of criminal justice in the department of**
10 **public safety - duties - community corrections contracts - audit -**
11 **report.**

12 (8) (a) THE DEPARTMENT OF PUBLIC SAFETY SHALL INCLUDE A
13 BUDGET REQUEST FOR COMMUNITY CORRECTIONS PROGRAMS AND
14 SERVICES IN ITS BUDGET REQUEST SUBMITTED PURSUANT TO SECTION
15 2-3-208 TO THE JOINT BUDGET COMMITTEE. THE DEPARTMENT SHALL
16 INCLUDE THE FOLLOWING INFORMATION IN ITS BUDGET REQUEST:

17 (I) THE PROJECTED NEED IN THE NEXT FISCAL YEAR, INCLUDING
18 ANY CHANGES FROM CURRENT LEVELS OF NEED, FOR ALL PLACEMENT
19 TYPES;

20 (II) A SUMMARY OF THE FACTORS DRIVING THE PROJECTED NEED;

21 (III) AN EXPLANATION OF HOW THE REQUESTED APPROPRIATION
22 IN THE BUDGET REQUEST AND THE PROJECTED ALLOCATION RELATE TO THE
23 PROJECTED NEED. THE EXPLANATION MUST INCLUDE ANY IDENTIFIED
24 DIFFERENCES BETWEEN THE DISTRIBUTION OF OFFENDER POPULATIONS,
25 PROGRAM AVAILABILITY, AND PROJECTED NEED AMONG JUDICIAL
26 DISTRICTS.

27 (IV) AN EXPLANATION OF PLANNED OR REQUESTED CHANGES IN

1 PER DIEM REIMBURSEMENT RATES RELATIVE TO THE CURRENT FISCAL
2 YEAR; AND

3 (V) THE PROJECTED ALLOCATION OF THE REQUESTED
4 APPROPRIATION FOR COMMUNITY CORRECTIONS PLACEMENTS, BY JUDICIAL
5 DISTRICT. THE PROJECTED ALLOCATION MUST INCLUDE:

6 (A) THE EXPECTED NUMBER OF STANDARD RESIDENTIAL BEDS AND
7 THE EXPECTED PER DIEM REIMBURSEMENT RATE FOR THOSE BEDS, BY
8 COMMUNITY CORRECTIONS PROGRAM, PAID OUT OF THE GENERAL FUND;

9 (B) THE EXPECTED NUMBER OF NONRESIDENTIAL SLOTS AND THE
10 EXPECTED PER DIEM REIMBURSEMENT RATE FOR THOSE SLOTS, BY
11 COMMUNITY CORRECTIONS PROGRAM, PAID OUT OF THE GENERAL FUND;

12 (C) IF APPLICABLE, FIXED PAYMENTS FOR PROGRAMS THAT ARE
13 INDEPENDENT OF THE NUMBER OF OFFENDERS IN A COMMUNITY
14 CORRECTIONS PROGRAM, PAID OUT OF THE GENERAL FUND;

15 (D) THE EXPECTED NUMBER OF SPECIALIZED BEDS, BY TYPE, AND
16 THE EXPECTED PER DIEM RATE FOR THOSE BEDS, BY COMMUNITY
17 CORRECTIONS PROGRAM, PAID OUT OF THE GENERAL FUND;

18 (E) THE EXPECTED NUMBER OF SPECIALIZED BEDS, BY TYPE, AND
19 THE EXPECTED PER DIEM RATE FOR THOSE BEDS, BY COMMUNITY
20 CORRECTIONS PROGRAM, PAID OUT OF NON-GENERAL FUND SOURCES,
21 INCLUDING THE CORRECTIONAL TREATMENT CASH FUND CREATED IN
22 SECTION 18-19-103;

23 (F) THE PROJECTED ALLOCATION OF FUNDS FOR COMMUNITY
24 CORRECTIONS BOARDS;

25 (G) ANY OTHER PROJECTED ALLOCATION OF APPROPRIATIONS NOT
26 RELATED TO SUBSECTIONS (8)(a)(V)(A) TO (8)(a)(V)(F) OF THIS SECTION.

27 (b) BEGINNING IN JANUARY 2027, AND IN JANUARY EVERY YEAR

1 THEREAFTER, THE DEPARTMENT OF PUBLIC SAFETY SHALL INCLUDE, AS
2 PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING
3 REQUIRED BY SECTION 2-7-203, INFORMATION REGARDING ANY IDENTIFIED
4 DIFFERENCES BETWEEN THE CURRENT DISTRIBUTION OF OFFENDER
5 POPULATIONS, PROGRAM AVAILABILITY, AND PROJECTED NEED.

6 **SECTION 3. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.