



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated January 16, 2024)

Drafting Number: LLS 24-0525 Date: March 12, 2024
Prime Sponsors: Rep. Amabile; Garcia Bill Status: House Appropriations
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Bill Topic: JAIL STANDARDS COMMISSION RECOMMENDATIONS

Summary of Fiscal Impact:
State Revenue [] State Transfer [x] Local Government [x]
State Expenditure [x] TABOR Refund [] Statutory Public Entity []

The bill requires jails to follow the jail standards adopted by the Legislative Oversight Committee on Jail Standards and creates an enforcement mechanism. Starting in FY 2024-25, the bill increases state and local expenditures on an ongoing basis.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$358,634 to multiple state agencies..

Fiscal Note Status: The fiscal note reflects the introduced bill, as amended by the House Judiciary Committee. It has been revised to correct and update information. The bill was recommended by the Legislative Oversight Committee Concerning Colorado Jail Standards.

Table 1
State Fiscal Impacts Under HB 24-1054

Table with 5 columns: Category, Sub-category, Budget Year FY 2024-25, Out Year FY 2025-26, Out Year FY 2026-27. Rows include Revenue, Expenditures (General Fund, Cash Funds, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts.

1 This transfer is made through an appropriation from the General Fund.

Summary of Legislation

The bill requires jails to follow jail standards established by the Legislative Oversight Committee for Colorado Jail Standards (oversight committee), with enforcement provided through a combination of the newly created Jail Standards Advisory Committee (advisory committee), the Attorney General, and the Colorado Department of Public Safety (CDPS), as described below.

Jail standards and advisory committee. Beginning July 1, 2026, the bill requires each county jail to comply with standards adopted by the oversight committee, and within one year when standards are revised. The CDPS must contract with the County Sheriffs of Colorado to create the advisory committee, which will include two sheriffs, two county commissioners, the State Public Defender or their designee, a physical or behavioral health professional with experience working in jails, and a representative of a statewide organization for persons experiencing incarceration. The advisory committee must:

- assess jails using peer assessors to ensure compliance with standards in cooperation with the Attorney General;
- complete jail assessment reports;
- approve variance requests from standards; and,
- make recommendations to the oversight committee on any legislation that would support compliance.

The advisory committee must begin meeting in July 2024 and must plan informal assessments of jails to begin in January 2025. Each jail must be assessed at least once every five years.

Attorney General. The bill clarifies that the Attorney General may investigate patterns or practices for noncompliance of jails with jail standards. In addition, the Attorney General may—in collaboration with the advisory committee or at the request of the Governor, the oversight committee, or a sheriff—conduct assessments of jails to identify gaps and deficiencies in the standards. After the assessment, the Attorney General must provide a report to the relevant sheriff, the oversight committee, the Board of County Commissioners, the County Sheriffs of Colorado, and the Governor that outlines methodology, relevant data, recommendations, and technical assistance to meet the standards. The Attorney General may also provide technical assistance and recommendations to the sheriff to comply with standards.

Legislative committees. The bill continues the oversight committee and allows the Commission on Jail Standards to repeal. The oversight committee may introduce three bills during a regular legislative session that are exempt from member bill limits and not subject to the interim bill approval process. The committee will also consider any reports or recommendations submitted by the advisory committee. The committee repeals on September 1, 2033, after a sunset review.

Department of Public Safety. In addition to contracting with sheriffs to establish the advisory committee, the CDPS must also maintain a dashboard of the basic findings of jail assessments and create, maintain, and update a list of funding assistance to help jails meet standards. The bill creates the Jail Standards Advisory Committee Cash Fund for use by the CDPS to cover expenses of the advisory committee.

Open records. Finally, the bill exempts jails assessments from the definition of public records under the Colorado Open Records Act.

Background

House Bill 22-1063 created the Jail Standards Commission within the Legislative Department to recommend standards for the operation of jails. On November 9, 2023, the Commission approved the final standards to be presented to the oversight committee. The final standards can be found on the [General Assembly website](#).

Assumptions

The fiscal note assumes that the Attorney General's office will receive requests for assessments beginning January 1, 2025.

State Transfers

The fiscal note estimates that \$305,000 will be transferred from the General Fund to the Jail Standards Advisory Committee Cash Fund in FY 2024-25 and FY 2025-26. Costs are assumed to be adjusted upward by 5 percent annually thereafter. It is assumed that these transfers will occur via an appropriation to the fund from the General Fund. This amount will cover the cost for the advisory committee contract discussed in the State Expenditures section below.

State Expenditures

The bill increases state expenditures in the CDPS, the Department of Law, and the Legislative Department by a total of \$368,000 in FY 2024-25, \$382,000 in FY 2025-26, \$528,000 in FY 2026-27 and future years, paid from the General Fund and the newly created Jail Standards Advisory Committee Cash Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2
 Expenditures Under HB 24-1054**

	FY 2024-25	FY 2025-26	FY 2026-27
Department of Public Safety			
Advisory Committee Contract	\$305,000	\$305,000	\$320,250
CDPS Subtotal	\$305,000	\$305,000	\$320,250
Department of Law			
Personal Services	\$10,629	\$21,257	\$106,285
Operating Expenses	\$128	\$256	\$1,280
Capital Outlay Costs	-	-	\$6,670
Travel Expenses	\$1,775	\$3,550	\$23,075
Centrally Appropriated Costs ¹	\$2,294	\$4,589	\$22,944
FTE – Personal Services	0.1 FTE	0.2 FTE	1.0 FTE
Law Subtotal	\$14,826	\$29,652	\$160,254
Legislative Department			
Personal Services	\$36,361	\$36,361	\$36,361
Operating Expenses	\$640	\$640	\$640
Member Per Diem and Travel	\$4,246	\$4,246	\$4,246
Centrally Appropriated Costs ¹	\$7,910	\$7,910	\$7,910
FTE – Personal Services	0.5 FTE	0.5 FTE	0.5 FTE
Legislative Dept. Subtotal	\$49,157	\$49,157	\$49,157
Total	\$368,983	\$383,809	\$529,661
Total FTE	0.6 FTE	0.7 FTE	1.5 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Public Safety. Starting in FY 2024-25, expenditures from the Jail Advisory Committee Cash Fund will increase to contract with County Sheriffs of Colorado to develop and provide ongoing support to the advisory committee. The contract is estimated at \$305,000 per year starting in FY 2024-25 to convene the advisory committee, administer assessments of jails, and provide training to sheriffs on standards. Contract costs are estimated to increase starting in FY 2026-27 by 5 percent annually. Additionally, CDPS workload will increase to create and update a dashboard on assessments, and to provide information on financial resources sheriffs may use to help implement standards. This work can be accomplished within existing appropriations as the department will update its current [jail data dashboard](#).

Department of Law. Starting in FY 2024-25, General Fund expenditures in the Department of Law will increase by amounts shown in Table 2, as described below. Costs in FY 2024-25 are prorated for a start date of January 1, 2025.

- **Staff.** The department requires staff to conduct jail assessments in conjunction with the advisory committee or upon request. The fiscal note assumes that the department will conduct one requested assessment in FY 2024-25, and two requested assessments in FY 2025-26. Then, starting in FY 2026-27 when counties must comply with the standards, the department will conduct 11 scheduled assessments for compliance and two requested assessments per year, resulting in 13 total assessments. Each assessment will take about 160 hours of staff work, including traveling to the jail, assessing the jail, compiling a report, making recommendations, and providing guidance. This results in a need of 0.1 FTE in FY 2024-25, 0.2 FTE in FY 2025-26, and 1.0 FTE in FY 2026-27 and ongoing.
- **Travel expenses.** Expenditures in the Department of Law will increase to cover travel expenses for staff to travel to jails. This includes mileage costs for use of a state fleet vehicle (3,250 miles a year at \$0.22 per mile), hotel reservations (8 nights per assessment at \$150 per night), and per diem (8 nights per assessment at \$65 per night).

Legislative Department. Starting in FY 2024-25, expenditures in the Legislative Department will increase to support the oversight committee as described below.

- **Staff.** The department requires 0.5 FTE per year beginning in FY 2024-25 to support the ongoing work of the oversight committee. This includes staff support of 0.3 FTE for Legislative Council Staff and 0.2 FTE for the Office of Legislative Legal Services.
- **Member per diem and travel.** Starting in FY 2024-25, expenditures in the Legislative Department will increase to provide legislative members of the oversight committee per diem and travel reimbursement. The fiscal note assumes there will be 6 members on the committee who will attend 3 interim meetings per year.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Local Government

Starting in FY 2024-25, costs to local jails will increase to ensure that each jail is compliant with the standards. Feedback from various sheriff departments indicate initial costs ranging from \$250,000 to \$1.7 million and ongoing costs ranging from \$150,000 to \$1.2 million to comply with standards. Costs include hiring additional deputies, improving the jail facility, and facilitating video visitation, among others. Because each jail is administered by its own county,

the exact cost to each county will depend on the features of each jail and current practices. The fiscal note will be updated if more information becomes available.

Effective Date

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

State Appropriations

For FY 2024-25, the bill requires General Fund appropriations totaling \$358,779, as follows:

- \$305,000 to the Jail Standards Advisory Committee Cash Fund, which is further appropriated to the Department of Public Safety;
- \$12,532 to the Department of Law, and 0.1 FTE;
- \$22,431 to Legislative Council Staff in the Legislative Department, and 0.3 FTE;
- \$14,571 to the Office of Legislative Legal Services in the Legislative Department, and 0.2 FTE; and
- \$4,246 to the General Assembly in the Legislative Department.

State and Local Government Contacts

Counties	District Attorneys	Information Technology
Judicial	Law	Legislative Council Staff
Legislative Legal Services	Public Safety	Regulatory Agencies
Sheriffs		

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: leg.colorado.gov/fiscalnotes.