

CHAPTER 113

CORRECTIONS

SENATE BILL 25-211

BY SENATOR(S) Amabile and Bridges, Kirkmeyer, Gonzales J., Marchman, Weissman;
also REPRESENTATIVE(S) Sirota and Taggart, Bird, Bacon, Clifford, Garcia, Hamrick, Keltie.

AN ACT**CONCERNING BUDGETING REPORTS FROM THE DEPARTMENT OF CORRECTIONS.**

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

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

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

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

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

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

(2) (a) EXCEPT FOR CHANGES THAT WERE DEVELOPED THROUGH THE BUDGET PROCESS OR BY CHANGES TO STATUTE, WHENEVER THE DEPARTMENT OPENS OR CLOSES LIVING UNITS OR FACILITIES, THE EXECUTIVE DIRECTOR SHALL REPORT THE CHANGE AND THE EXPLANATION FOR THE CHANGE TO THE JOINT BUDGET COMMITTEE

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AND THE OFFICE OF STATE PLANNING AND BUDGETING WITHIN TEN DAYS AFTER THE OPENING OR CLOSING.

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

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

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

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

(b) AFTER THE EFFECTIVE DATE OF THIS SECTION, ALL BUDGET REQUESTS MUST INCLUDE WORKSHEETS SHOWING THE UNDERLYING CALCULATIONS FOR ALL FTEs AND OPERATING EXPENSES THAT ARE RELEVANT TO THE REQUEST.

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

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

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

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

Approved: April 25, 2025