



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 976

PRINTERS NO. 2952

PRIME SPONSOR: Fleck

### COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	See "Fiscal Impact" below.	

**SUMMARY:** House Bill 976 establishes a freestanding act to be known as the Correctional Officers Investigation Procedure Act. It would take effect in 60 days.

**ANALYSIS:** This legislation establishes guidelines and procedures which must be followed when a correctional officer is under investigation and subject to interrogation by Department of Corrections (DOC) officials. These guidelines would not apply to contact between a corrections officer and DOC officials that occurs during the normal, routine course of duty. They would also not apply to counseling and instruction sessions.

The bill provides for civil suits for correctional officers against any person who makes a complaint that is found to be without merit, frivolous, and/or made in bad faith.

Nothing in this act may diminish DOC obligations concerning a collective bargaining agreement that provides additional rights and coverage, and the rights and coverage under this act may not be diminished by a collective bargaining agreement.

The proposed suspension procedures in the bill align with those prescribed in the Civil Service Act, with the following exceptions: no suspension based on a pending internal investigation shall last more than 60 days from the effective date of suspension; written notice of suspension shall be provided to the corrections officer no later than five working days after the effective date of suspension; and medical benefits and insurance shall continue during the period of suspension.

A correctional officer against whom a criminal proceeding involving a misdemeanor or felony offense has been instituted may be suspended without pay pending disposition of the criminal charges. Medical benefits and insurance for the correctional officer, spouse, and dependents may not be suspended until conviction or separation of the

correctional officer from the department. If the officer is acquitted of the charges, the officer must be reinstated and reimbursed for all salary and benefits not paid during the suspension period.

**FISCAL IMPACT:** The bill requires interrogations be recorded, including any recess periods. A copy of the record must be made available to the correctional officer or the correctional officer's counsel or representative, upon request and without cost. The Department conducts approximately 18,000 of these interviews per year that will need to be recorded. The Department estimates it will cost several hundred thousand dollars to purchase the video and storage equipment and services necessary to record and archive these interviews. While only a small fraction may be requested by a corrections officer, these will have to be transcribed at an additional cost.

This legislation will have a fiscal impact on the Department of Corrections for the payment of benefits to officers during 60-day suspensions, which is not required under current law. The cost of providing a corrections officer medical benefits and insurance for 60 days is approximately \$1,800.

In addition, for suspensions that go beyond 60 days, the Department would have to pay salary as well. The average corrections officer earns \$2,000 per bi-weekly pay period, or approximately \$52,000 per year.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** February 5, 2014

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*