

JOINT BUDGET COMMITTEE



SUPPLEMENTAL BUDGET REQUESTS FY 2023-24

DEPARTMENT OF PUBLIC SAFETY (Division of Criminal Justice)

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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JANUARY 12, 2023

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DEPARTMENT OF PUBLIC SAFETY (DIVISION OF CRIMINAL JUSTICE)

DIVISION OVERVIEW

The Division of Criminal Justice provides assistance to state and local agencies in the criminal justice system by analyzing policy, conducting criminal justice research, managing programs, and administering grants.

SUMMARY: FY 2023-24 APPROPRIATION AND RECOMMENDATION

DEPARTMENT OF PUBLIC SAFETY: RECOMMENDED CHANGES FOR FY 2023-24						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB23-214 (Long Bill)	\$664,221,638	\$261,537,243	\$265,818,100	\$68,113,327	\$68,752,968	2,273.3
Other legislation	39,813,265	25,293,451	10,746,491	3,773,323	0	38.5
CURRENT FY 2023-24 APPROPRIATION:	\$704,034,903	\$286,830,694	\$276,564,591	\$71,886,650	\$68,752,968	2,311.8
RECOMMENDED CHANGES						
Current FY 2023-24 Appropriation	\$704,034,903	286,830,694	\$276,564,591	\$71,886,650	\$68,752,968	2,311.8
Non-prioritized requests	9,864,778	7,190,118	797,415	1,877,245	0	0.0
ES2 Migrant support	9,852,200	0	4,926,100	0	4,926,100	0.0
S1/BA1 Retesting of DNA samples	7,458,374	7,458,374	0	0	0	0.6
ES1 Nonprofit security funding	1,000,000	1,000,000	0	0	0	0.0
S6 School security disbursement spending authority	218,481	0	0	218,481	0	0.0
S4/BA5 Letternote adjustments	0	0	0	0	0	0.0
S3/BA4 Public Safety communications technical correction	0	0	0	0	0	0.0
S5/BA6 Technical correction for S.B. 23-241	0	0	0	0	0	0.0
Digital trunk radio adjustment	(1,024,950)	(184,410)	(773,568)	(41,671)	(25,301)	0.0
S7 SB 21-156 annualization	(820,000)	(820,000)	0	0	0	0.0
S2 CCJJ repeal	(212,869)	(212,869)	0	0	0	(2.5)
RECOMMENDED FY 2023-24 APPROPRIATION:	\$730,370,917	\$301,261,907	\$281,514,538	\$73,940,705	\$73,653,767	2,309.9
RECOMMENDED INCREASE/(DECREASE)	\$26,336,014	\$14,431,213	\$4,949,947	\$2,054,055	\$4,900,799	(1.9)
Percentage Change	3.7%	5.0%	1.8%	2.9%	7.1%	(0.1%)
FY 2023-24 EXECUTIVE REQUEST	\$730,420,917	\$301,311,907	\$281,514,538	\$73,940,705	\$73,653,767	2,309.9
Request Above/(Below) Recommendation	\$50,000	\$50,000	\$0	\$0	\$0	0.0

This document includes *only* the requests highlighted in the table above: S2, S4/BA5, and S5/BA6. The remaining requests will be covered in a separate JBC staff presentation and those numbers are subject to change.

REQUEST/RECOMMENDATION DESCRIPTIONS

S4/BA5 LETTERNOTE ADJUSTMENTS: The request includes corrections to various cash and reappropriated fund letternotes in the Long Bill. Staff recommends approval of the request.

S5/BA6 TECHNICAL CORRECTION FOR S.B. 23-241: The request includes a net-neutral transfer of 0.2 FTE and \$125,032 General Fund from the Division of Criminal Justice (DCJ) Administrative Services Long Bill appropriation to the Office of School Safety (OSS) School Safety Resource Center line item established by S.B. 23-241 (Creation of Office of School Safety). This adjustment relates to the FY 2023-24 impact of H.B. 22-1274 (Sunset Colorado Interagency Working Group on School Safety).

Staff recommends approval of the request and notes that a supplemental add-on will be necessary to adjust the appropriations clause in S.B. 23-241.

S2 CCJJ REPEAL: The request includes a reduction of \$162,869 General Fund and 2.5 FTE for the repeal of the Colorado Commission on Criminal and Juvenile Justice (CCJJ). The continuation of the CCJJ was not enacted due to the failure of S.B. 23-158. The CCJJ consequently expired on September 1, 2023. The total reduction for the repeal is \$212,869 General Fund, but the Department would like to retain \$50,000 to procure a third-party facilitator for the Working Group on Transforming Criminal and Juvenile Justice (TCJJ). Staff recommends the total reduction of \$212,869 General Fund and 2.5 FTE.

PRIORITIZED SUPPLEMENTAL REQUESTS

S4/BA5 LETTERNOTE ADJUSTMENTS

	REQUEST	RECOMMENDATION
TOTAL	\$0	\$0
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

Explanation: JBC staff and the Department agree that this request is the result of errors that occurred during the drafting of the FY 2023-24 Long Bill.

DEPARTMENT REQUEST: The Department requests corrections to various cash and reappropriated fund letternotes in the Long Bill.

STAFF RECOMMENDATION: Staff recommends approval of the request.

STAFF ANALYSIS: The following table shows the affected letternotes, division, and fund sources.

PUBLIC SAFETY S4/BA5 PROPOSED LETTERNOTE ADJUSTMENTS						
LONG BILL DIVISION	SUBDIVISION	LETTERNOTE	FUND SOURCE	CURRENT	PROPOSED	DIFFERENCE
Executive Director's Office	Administration	b	Reappropriated-Departmental Indirects	\$7,226,932	\$7,028,203	(\$198,729)
		b	Reappropriated-Comm. Revolving Fund	0	198,729	\$198,729
Fire Prevention & Control	n/a	b	Reappropriated from CDPHE	649,488	645,251	(\$4,237)
		b	Reappropriated from Revenue	159,044	163,281	\$4,237
		f	Reappropriated from CDPHE	40,351	55,114	\$14,763
		f	Reappropriated from Revenue	31,428	16,665	(\$14,763)
Criminal Justice	Administration	a	Marijuana Tax Cash Fund	1,170,603	1,173,832	\$3,229
		a	State VALE Fund	541,311	584,914	\$43,603
		a	Substance-affected Data-analysis Cash Fund	0	16,421	\$16,421
		a	Behavioral and Mental Health Cash Fund	0	291,563	\$291,563
		a	Various Cash Funds	354,816	0	(\$354,816)
		b	Reappropriated-Departmental Indirects	425,411	422,505	(\$2,906)
		b	Reappropriated-Correctional Treatment Fund	101,155	104,061	\$2,906
		c	State VALE Fund	55,925	55,925	\$0
		c	Marijuana Tax Cash Fund	31,322	31,826	\$504
		c	Various Cash Funds	8,888	8,384	(\$504)
Homeland Security and Emer. Manage.	Public Safety Comms.	a	Reappropriated- Comm. Revolving Fund	7,200,000	6,533,829	(\$666,171)
		a	Reappropriated-User fees from other agencies	6,533,829	7,200,000	\$666,171

S5/BA6 TECHNICAL CORRECTION FOR S.B. 23-241

	REQUEST	RECOMMENDATION
TOTAL	\$0	\$0
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? **YES**

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

Explanation: JBC staff and the Department agree that this request is the result of a technical error in calculating the original appropriation.

DEPARTMENT REQUEST: The request includes a net-neutral transfer of 0.2 FTE and \$125,032 General Fund from the Division of Criminal Justice (DCJ) Administrative Services Long Bill appropriation to the Office of School Safety (OSS) School Safety Resource Center line item established by S.B. 23-241 (Creation of Office of School Safety). This adjustment relates to the FY 2023-24 impact of H.B. 22-1274 (Sunset Colorado Interagency Working Group on School Safety).

STAFF RECOMMENDATION: Staff recommends approval of the request. A supplemental add-on will be necessary to adjust the appropriations clause in S.B. 23-241.

S2 CCJJ REPEAL

	REQUEST	RECOMMENDATION
TOTAL	(\$162,869)	(\$212,869)
FTE	(2.5)	(2.5)
General Fund	(162,869)	(212,869)
Cash Funds	0	0
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? **YES**

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

Explanation: JBC staff and the Department agree that this request is the result of information that was not available when the original appropriation was made. Senate Bill 23-158 (Sunset CCJJ) failed in the last days of the 2023 legislative session, well after the passage of the FY 2023-24 Long Bill.

DEPARTMENT REQUEST: The request includes a reduction of \$162,869 General Fund and 2.5 FTE for the repeal of the Colorado Commission on Criminal and Juvenile Justice (CCJJ). The continuation of the CCJJ was not enacted due to the failure of S.B. 23-158. The CCJJ consequently expired on September 1, 2023. The total reduction for the repeal is \$212,869 General Fund, but the Department would like to retain \$50,000 to procure a third-party facilitator for the Working Group on Transforming Criminal and Juvenile Justice (TCJJ).

STAFF RECOMMENDATION: Staff recommends the total reduction of \$212,869 General Fund and 2.5 FTE.

STAFF ANALYSIS: The total FY 2023-24 appropriation for the CCJJ is \$255,443 General Fund, which supports 2.5 FTE. The monthly prorated cost is \$21,287. The CCJJ ended on September 1, 2023, two months into the fiscal year. That means the Department is over-appropriated for ten months of the fiscal year, which equals \$212,870.

Executive Order B 2023 002 created the Working Group on Transforming Criminal and Juvenile Justice (TCJJ). The Working Group’s mission is to “study and make recommendations outlining the structure, location, purpose, and composition of a future permanent, multi-disciplinary, evidenced-based entity or entities with dedicated year-round staff to address matters related to criminal and juvenile justice no later than Friday, March 1, 2024, with the preferred outcome of establishing such an entity(ies) in statute.” The Executive Order asks the Department of Public Safety to procure a third-party facilitator for TCJJ meetings “within existing State resources.”

The request says that retaining \$50,000 of the \$212,870 “...will allow [the Department] to properly support and resource the TCJJ without the need to cut other essential operating expenses within DCJ.” The request makes no attempt to support this assertion. In FY 2022-23, the line item that includes funding for the CCJJ reverted \$141,361 General Fund and \$1.8 million cash funds. The total FY 2023-24 Long Bill appropriation for this line item is \$8,088,052, including \$5.4 million General Fund and \$2.1 million cash funds.

Furthermore, this JBC staffer tends to not recommend funding that is tied exclusively to an executive order and not to a related statute. In this case, the executive order occurred in October 2023 and the facilitator has already been hired and is currently facilitating TCJJ meetings. This means that the requested \$50,000 will backfill an expenditure that has already occurred (or is occurring).

If the Committee supports the executive order that created the TCJJ and/or is supportive of the TCJJ’s efforts, it should approve the Department’s request to retain the \$50,000 General Fund. The General Assembly may also consider backfilling the \$50,000 through the bill that creates the CCJJ successor entity, if such a bill is brought forward.

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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DEPARTMENT OF PUBLIC SAFETY
Stan Hilkey, Executive Director

S02 Repeal CCJJ

(1) EXECUTIVE DIRECTOR'S OFFICE

(A) Administration

Health, Life, and Dental	<u>24,401,997</u>	<u>28,728,601</u>	<u>(30,648)</u>	<u>(30,648)</u>	<u>28,697,953</u>
General Fund	8,060,159	9,041,331	(30,648)	(30,648)	9,010,683
Cash Funds	14,811,227	16,301,457	0	0	16,301,457
Reappropriated Funds	1,530,611	3,041,547	0	0	3,041,547
Federal Funds	0	344,266	0	0	344,266
 S.B. 04-257 Amortization Equalization Disbursement	 <u>7,932,299</u>	 <u>9,214,993</u>	 <u>(6,180)</u>	 <u>(6,180)</u>	 <u>9,208,813</u>
General Fund	2,584,181	2,917,574	(6,180)	(6,180)	2,911,394
Cash Funds	4,869,020	5,338,376	0	0	5,338,376
Reappropriated Funds	479,098	848,319	0	0	848,319
Federal Funds	0	110,724	0	0	110,724
 S.B. 06-235 Supplemental Amortization Equalization Disbursement	 <u>7,932,299</u>	 <u>9,214,993</u>	 <u>(6,180)</u>	 <u>(6,180)</u>	 <u>9,208,813</u>
General Fund	2,584,181	2,917,574	(6,180)	(6,180)	2,911,394
Cash Funds	4,869,020	5,338,376	0	0	5,338,376
Reappropriated Funds	479,098	848,319	0	0	848,319
Federal Funds	0	110,724	0	0	110,724

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
Salary Survey	<u>4,992,407</u>	<u>11,020,251</u>	<u>(194)</u>	<u>(194)</u>	<u>11,020,057</u>
General Fund	1,462,790	3,387,295	(194)	(194)	3,387,101
Cash Funds	3,212,374	6,557,138	0	0	6,557,138
Reappropriated Funds	317,243	956,666	0	0	956,666
Federal Funds	0	119,152	0	0	119,152

(4) DIVISION OF CRIMINAL JUSTICE

(A) Administration

DCJ Administrative Services	<u>8,998,869</u>	<u>8,366,925</u>	<u>(119,667)</u>	<u>(169,667)</u>	<u>8,197,258</u>
FTE	<u>64.6</u>	<u>63.1</u>	<u>(2.5)</u>	<u>(2.5)</u>	<u>60.6</u>
General Fund	8,571,244	5,638,967	(119,667)	(169,667)	5,469,300
Cash Funds	(79,288)	2,066,730	0	0	2,066,730
Reappropriated Funds	506,913	526,566	0	0	526,566
Federal Funds	0	134,662	0	0	134,662
Total for S02 Repeal CCJJ	54,257,871	66,545,763	(162,869)	(212,869)	66,332,894
FTE	<u>64.6</u>	<u>63.1</u>	<u>(2.5)</u>	<u>(2.5)</u>	<u>60.6</u>
General Fund	23,262,555	23,902,741	(162,869)	(212,869)	23,689,872
Cash Funds	27,682,353	35,602,077	0	0	35,602,077
Reappropriated Funds	3,312,963	6,221,417	0	0	6,221,417
Federal Funds	0	819,528	0	0	819,528

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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S04 Letternote adjustments

(1) EXECUTIVE DIRECTOR'S OFFICE

(A) Administration

Personal Services	<u>11,338,674</u>	<u>12,389,021</u>	<u>0</u>	<u>12,389,021</u>
FTE	135.5	133.4	0.0	133.4
General Fund	2,559,727	2,617,091	0	2,617,091
Cash Funds	905,202	930,206	0	930,206
Reappropriated Funds	7,873,745	8,841,724	0	8,841,724
Federal Funds	0	0	0	0

Total for S04 Letternote adjustments	11,338,674	12,389,021	0	12,389,021
<i>FTE</i>	<u>135.5</u>	<u>133.4</u>	<u>0.0</u>	<u>133.4</u>
General Fund	2,559,727	2,617,091	0	2,617,091
Cash Funds	905,202	930,206	0	930,206
Reappropriated Funds	7,873,745	8,841,724	0	8,841,724
Federal Funds	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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S05 Technical correction for S.B. 23-241

(1) EXECUTIVE DIRECTOR'S OFFICE

(C) Office of School Safety

School Safety Resource Center	<u>0</u>	<u>1,825,744</u>	<u>125,032</u>	<u>125,032</u>	<u>1,950,776</u>
FTE	0.0	11.2	0.2	0.2	11.4
General Fund	0	1,679,253	125,032	125,032	1,804,285
Cash Funds	0	146,491	0	0	146,491
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(4) DIVISION OF CRIMINAL JUSTICE

(A) Administration

DCJ Administrative Services	<u>8,998,869</u>	<u>8,366,925</u>	<u>(125,032)</u>	<u>(125,032)</u>	<u>8,241,893</u>
FTE	64.6	63.1	(0.2)	(0.2)	62.9
General Fund	8,571,244	5,638,967	(125,032)	(125,032)	5,513,935
Cash Funds	(79,288)	2,066,730	0	0	2,066,730
Reappropriated Funds	506,913	526,566	0	0	526,566
Federal Funds	0	134,662	0	0	134,662

Total for S05 Technical correction for S.B. 23-241	8,998,869	10,192,669	0	0	10,192,669
FTE	<u>64.6</u>	<u>74.3</u>	<u>0.0</u>	<u>0.0</u>	<u>74.3</u>
General Fund	8,571,244	7,318,220	0	0	7,318,220
Cash Funds	(79,288)	2,213,221	0	0	2,213,221
Reappropriated Funds	506,913	526,566	0	0	526,566
Federal Funds	0	134,662	0	0	134,662

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
Totals Excluding Pending Items					
PUBLIC SAFETY					
TOTALS for ALL Departmental line items	883,285,464	704,034,903	(162,869)	(212,869)	703,822,034
<i>FTE</i>	<u>1,867.9</u>	<u>2,311.8</u>	<u>(2.5)</u>	<u>(2.5)</u>	<u>2,309.3</u>
General Fund	211,695,729	286,830,694	(162,869)	(212,869)	286,617,825
Cash Funds	228,284,107	276,564,591	0	0	276,564,591
Reappropriated Funds	48,507,314	71,886,650	0	0	71,886,650
Federal Funds	394,798,314	68,752,968	0	0	68,752,968