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FISCAL NOTE

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Prime Sponsors: Sen. Gardner; Lambert Bill Status: Senate Judiciary
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Bill Topic: STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill creates a statewide behavioral health court liaison program. On net, it increases state expenditures and may reduce local government costs on an ongoing basis.

Appropriation Summary: For FY 2018-19, the bill requires an appropriation of \$1,997,112 to the Judicial Department.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1 State Fiscal Impacts Under SB 18-251

Table with 3 columns: Category, FY 2018-19, FY 2019-20. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total, Total FTE), Transfers, and TABOR Refund.

## **Summary of Legislation**

This bill creates the Statewide Behavioral Health Court Liaison Program in the Judicial Department's Office of the State Court Administrator to identify and dedicate local behavioral health professionals to serve as court liaisons in each judicial district and to facilitate communication and collaboration between the judicial and behavioral health systems. The program is intended to keep judges, district attorneys, and defense attorneys informed about community-based behavioral health services and to help affected agencies in pursuing opportunities for redirection, diversion, or other programming that promotes positive outcomes for an individual living with a behavioral health condition. The bill defines a behavioral health condition as mental health and co-occurring substance use conditions that are indicative of a possible behavioral health problem, concern, or disorder.

**Program funding.** On or before October 1, 2018, and as necessary thereafter, the State Court Administrator is required to establish program procedures, timelines, funding guidelines, and acceptable expenses for the distribution of program funds to judicial districts. Examples of possible expenses include program implementation and start up costs, contracting for dedicated court liaisons, prioritizing certain cases where competency to proceed is at issue, and operational funding for court liaison activities. Program funding must be allocated based on case volume, geographical complexity, and density of need.

**Data.** The State Court Administrator is required to implement changes within existing data systems to indicate the presence of behavioral health conditions in cases.

**Judicial district requirements.** Each judicial district must use its funding to partner with a community mental health provider that is able to provide a continuum of community-based behavioral health services.

**Court liaisons.** Court liaisons assigned to each judicial district are responsible for:

- as allowed by state and federal law, accessing local community mental health center records and appointment systems to assess treatment history and make direct connections to services for a defendant with a behavioral health condition;
- conducting screening for behavioral health conditions and determining appropriate referral and treatment options when necessary; and
- using behavioral health information in statewide court data systems to make a determination regarding whether the parties to a particular case would benefit from a behavioral health consultation and conducting these meetings.

**Reporting.** The State Court Administrator must collaborate with each judicial jurisdiction and each court liaison to collect and analyze outcome data. This information must be provided to the Joint Budget Committee on or before October 1, 2019, and each October 1 thereafter.

## **State Expenditures**

On net, this bill increases state General Fund expenditures by \$2.1 million in FY 2018-19 and by \$2.8 million in FY 2019-20 and future years. A total of 1.0 FTE are required in the Judicial Department. The bill may also result in future cost savings. Table 2 and the discussion that follows present the costs of the bill.

**Table 2  
 Expenditures Under SB 18-251**

	<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>Judicial Department</b>		
Personal Services	\$79,376	\$86,593
Operating Expenses and Capital Outlay Costs	\$5,653	\$950
Contracted FTE for Judicial Districts	\$1,695,752	\$2,261,003
Contracted FTE Travel	\$216,331	\$288,441
Centrally Appropriated Costs*	\$113,141	\$146,172
FTE – Personal Services	0.9 FTE	1.0 FTE
<b>Total Cost</b>	<b>\$2,110,253</b>	<b>\$2,783,159</b>
<b>Total FTE</b>	<b>0.9 FTE</b>	<b>1.0 FTE</b>

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

**Judicial Department.** The bill affects several areas within the Judicial Department as described below.

*Court liaison program administration.* The bill requires 1.0 FTE for a courts program analyst position to administer the program, including staffing a committee, drafting program policies and procedures, drafting funding guidelines, overseeing the contracting process and overall implementation and coordination of the program. This position is assumed to start on July 1, 2018. FY 2018-19 salary costs are prorated to account for the General Fund paydate shift.

*Contract court liaisons.* The fiscal note assumes that program funding will be used to hire a total of 29.0 contract liaison FTE to serve the state's 22 judicial districts. Some districts will require multiple positions to cover the caseload volume and geographic area. These positions will be contracted to start as of October 1, 2018. Travel and mileage costs are also included for these positions and are based on travel by existing court staff.

*Trial courts.* The bill may increase court time related to criminal cases where a defendant has a behavioral health issue in order to ascertain information about the defendant and to coordinate with affected parties. If a consultation is required, cases may experience delays. In addition, the requirement that the court track the presence of behavioral health conditions among defendants will increase workload for court staff to input this information. These impacts are assumed to be minimal and do not require an increase in appropriations.

*Computer programming.* The bill requires that judicial data systems track the presence of behavioral health conditions in cases. This will require that minimal programming changes, which can be accomplished within existing appropriations.

*Resource savings.* To the extent that liaisons identify behavioral health resources in the community that would have otherwise been paid for by the Judicial Department or address concerns among defendants that result in reduced contact with the judicial system, such as redirection or diversion into less expensive programs, cost savings will occur. These impacts have not been estimated.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$113,141 in FY 2018-19 and \$146,172 in FY 2019-20.

### **Local Government**

This bill results in increased workload for district attorneys or the Denver County Court to participate in behavioral health consultations for criminal defendants and to stay abreast of community resources and collaborate with the new liaison positions. If the bill results in greater use of alternative sentencing rather than terms of incarceration, costs for county jails may also be reduced. For reference purposes, estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.39 to house state inmates.

### **Effective Date**

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

### **State Appropriations**

For FY 2018-19, the bill requires an appropriation of \$1,997,112 General Fund and an allocation of 0.9 FTE to the Judicial Department.

### **State and Local Government Contacts**

District Attorneys

Joint Budget Committee Staff

Judicial