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**REVISED
FISCAL NOTE**

(replaces fiscal note dated February 8, 2019)

Drafting Number: LLS 19-0645
Prime Sponsors: Rep. Sullivan

Date: April 1, 2019
Bill Status: House Appropriations
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Bill Topic: VICTIM NOTIFICATION CRIMINAL PROCEEDINGS

**Summary of
Fiscal Impact:**

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill removes opt-in requirements for a victim to receive notifications of criminal proceedings and instead automatically enrolls them. The bill will increase state and local expenditures on an ongoing basis.

**Appropriation
Summary:**

The bill requires General Fund appropriations of \$352,340 in the current FY 2018-19 and \$581,406 in FY 2019-20 to the Department of Corrections.

**Fiscal Note
Status:**

This revised fiscal note reflects the introduce bill, as amended by the House Judiciary Committee.

**Table 1
State Fiscal Impacts Under HB 19-1064**

		FY 2018-19 <i>(current year)</i>	FY 2019-20	FY 2020-21
Revenue		-	-	-
Expenditures	General Fund	\$352,340	\$581,406	\$581,406
	Centrally Appropriated	\$12,457	\$142,154	\$142,154
	Total	\$364,797	\$723,560	\$723,560
	Total FTE	0.9 FTE	10.0 FTE	10.0 FTE
Transfers		-	-	-
TABOR Refund		-	-	-

Summary of Legislation

Under current law, eligible victims must opt-in to receive various notices concerning the offender who committed the crime against them. These notices include, among others:

- annual updates of the status of a cold case;
- notifications about an offender's probation;
- information about an offender in the Department of Corrections (DOC); and
- information about an offender in one of the state's mental health hospitals.

The bill removes the opt-in requirements, except for notifications about probation, and instead automatically enrolls victims to receive notices. Probation victims will automatically receive notifications only when offenders abscond from probation. Crimes for which a victim may request notifications include, but are not limited to, murder, manslaughter, assault, kidnaping, and sexual assault.

Assumptions

Under the bill, the fiscal note assumes there will be:

- an additional 19,821 victims per year requiring notification about offenders in the DOC based on the estimated number of victims of offenders currently in the DOC for a covered crime for which a victim has not opted in to receive notifications; and
- an additional 16,615 victims per year requiring notification about parole hearings, based on the average number of parole hearings per year where a victim has not opted in to receive notification.

The fiscal note also assumes that the number of notifications per year per victim will continue at the same rate as for those who are currently opted in. Notifications will occur by telephone, email, letter, in-person, or other method in the same rate as done for current notifications.

State Expenditures

The bill will increase state General Fund expenditures in the DOC by \$364,797 and 0.9 FTE in the current FY 2018-19, and by \$723,560 and 10.0 FTE per year starting in FY 2019-20, as shown in Table 2 and discussed below.

**Table 2
 Expenditures Under HB 19-1064**

Cost Components	FY 2018-19 (current year)	FY 2019-20	FY 2020-21
Department of Corrections			
Personal Services	\$46,297	\$555,564	\$555,564
Operating Expenses and Capital Outlay Costs	\$47,885	\$9,500	\$9,500
Other Costs	\$18,158	\$16,342	\$16,342
Office Space Renovation	\$240,000	-	-
Centrally Appropriated Costs*	\$12,457	\$142,154	\$142,154
Total	\$364,797	\$723,560	\$723,560
Total FTE	0.9 FTE	10.0 FTE	10.0 FTE

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

Department of Corrections. The bill will increase state expenditures in the DOC by \$364,797 and 0.9 FTE in the current FY 2018-19, and by \$723,560 and 10.0 FTE per year starting in FY 2019-20. The new staff required will include 6.0 FTE to notify all victims of covered crimes about offenders in the DOC, 1.0 FTE to notify all victims about parole hearings, 2.0 FTE to assist an increased number of victims in attending parole hearings, and 1.0 FTE to assist the increased number of victims that may participate in the Victim Offender Dialogue program. Costs in the current fiscal year are prorated for a May 1 start date and the General Fund Paydate Shift. Costs for office space renovations are also included.

In addition, in the current FY 2018-19, the DOC will have an increase in costs of \$18,158 in the current FY 2018-19 and \$16,342 per year starting in FY 2019-20 for various other costs. These costs include software licensing, trainings, drug tests, postage, and basic training for new hires.

Judicial Department. This bill will increase workload in the Judicial Department starting in FY 2019-20, in order to notify all victims of covered crimes about the offender who absconds from probation. In addition, workload to the trial courts will increase to notify more victims about an offender who was found not guilty for reason of insanity and is petitioning the court to remove their name from the central offender registry. The fiscal note assumes that these increases in notifications can be handled within existing appropriations.

Parole Board. To the extent that the bill results in more victim's attending parole hearings, costs and workload to the Parole Board will increase to hear and review victims statements. If the amount of time needed for each parole case increases to a level that more parole board members are necessary, future legislation to increase the number of board members may be necessary.

Department of Human Services. The bill increases costs and workload to the Department of Human Services to provide notifications to victim's when an offender is in a state mental hospital. This increase in notifications can be accomplished within existing appropriations.

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 for the DOC, which include employee insurance and supplemental employee retirement payments, are estimated to be \$12,457 in the current FY 2018-19 and \$142,154 per year in FY 2019-20 and FY 2020-21.

Local Government

The bill increases costs and workload to local law enforcement agencies to provide annual updates to victims about the status of any cold case.

Effective Date

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

State Appropriations

For the current FY 2018-19, the bill requires a General Fund appropriation of \$352,340 and an allocation of 0.9 FTE to the Department of Corrections.

For FY 2019-20, the bill require a General Fund appropriation of \$581,406 and an allocation of 10.0 FTE to the Department of Corrections.

State and Local Government Contacts

Corrections
Human Services
Municipalities

Counties
Information Technology
Public Safety

District Attorneys
Judicial
Sheriffs