



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

REVISED FISCAL NOTE

(replaces fiscal note dated April 1, 2019)

Drafting Number: LLS 19-0645 Date: April 30, 2019
Prime Sponsors: Rep. Sullivan; Baisley Bill Status: Senate Judiciary
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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 and includes a General Fund appropriation of \$784,542 in FY 2019-20 to the Department of Corrections.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill

Table 1 State Fiscal Impacts Under HB 19-1064

Table with 3 columns: Category, FY 2019-20, FY 2020-21. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total), Total FTE, Transfers, and 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;
- 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; and
- expenditures will be incurred starting on July 1, 2019.

The fiscal note also assumes current utilization rates and notification methods will continue under this bill.

**State Expenditures**

The bill will increase state General Fund expenditures in the DOC by \$909,704 and 9.1 FTE in FY 2019-20 and \$723,560 in FY 2020-21 and 10.0 FTE, as shown in Table 2 and discussed below.

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

<b>Cost Components</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Department of Corrections</b>		
Personal Services	\$459,475	\$555,564
Operating Expenses and Capital Outlay Costs	\$55,675	\$9,500
Other Costs	\$29,392	\$16,342
Office Space Renovation	\$240,000	-
Centrally Appropriated Costs*	\$125,162	\$142,154
<b>Total</b>	<b>\$909,704</b>	<b>\$723,560</b>
<b>Total FTE</b>	<b>9.1 FTE</b>	<b>10.0 FTE</b>

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

**Department of Corrections.** The DOC requires new staff including 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. First-year costs are prorated for the General Fund Paydate Shift. Costs for office space renovations to accommodate 10.0 new FTE are also included.

In addition, in FY 2019-20, the DOC will have an increase in costs of \$29,392 in FY 2019-20 and \$16,342 per year starting in FY 2020-21 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 victims 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. 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 \$125,162 in FY 2019-20 and \$142,154 in 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 FY 2019-20, the bill requires and includes a General Fund appropriation of \$784,542 and an allocation of 9.1 FTE to the Department of Corrections.

## State and Local Government Contacts

Corrections  
Human Services  
Municipalities

Counties  
Information Technology  
Public Safety

District Attorneys  
Judicial  
Sheriffs