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Fiscal Note

Drafting Number: LLS 21-1009
Prime Sponsors: Rep. Tipper; Benavidez
Date: May 24, 2021
Bill Status: House Judiciary
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Bill Topic: SUNSET SEX OFFENDER MANAGEMENT BOARD

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

Sunset Bill. House Bill 21-1320 continues the Sex Offender Management Board in the Department of Public Safety, which is scheduled to repeal on September 1, 2021. State fiscal impacts under the bill include the continuation of the program's current revenue and expenditures, as well as new ongoing costs in the Department of Human Services. The program is continued through September 1, 2027.

Appropriation Summary: For FY 2021-22, the bill requires an appropriation of \$130,560 to the Department of Human Services.

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

Table 1
State Fiscal Impacts Under HB 21-1320¹

New Impacts		Budget Year FY 2021-22	Out Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-	-
Expenditures		\$130,560	\$130,560	\$130,560
TABOR Refund		-	-	-
Continuing Impacts				
Revenue	Cash Funds	-	\$139,341	\$152,008
Expenditures	General Funds		\$420,599	\$458,835
	Cash Funds	-	\$139,341	\$152,008
	Continuing FTE	-	5.6 FTE	6.1 FTE
TABOR Refund		-	-	-

¹ Table 1 shows the new impacts resulting from changes under the bill (top), and the continuing impacts from extending the program beyond its current repeal date (bottom). The continuing program impacts will end if the bill is not passed and the program is allowed to repeal.

Summary of Legislation

The bill extends the Sex Offender Management Board (SOMB) in the Department of Public Safety from September 1, 2021, until September 1, 2027. In addition, the bill makes the following changes to the board and sex offender management program, including:

- requiring supervising officers to conform to the guidelines and standards of the SOMB and allowing the SOMB to hear and act on complaints against supervising officers;
- requiring that sex offenders receive a list of all eligible providers, not just two;
- requiring the SOMB to maintain a record of any denial or removal from SOMB provider list; and
- removing unnecessary or outdated statutory language.

Continuing Program Impacts

Based on the Senate Bill 21-205 (FY 2021-22 Long Bill), the Department of Public Safety is expected to have revenue of \$152,008 and expenditures of \$610,843 to administer the Sex Offender Management Board and program. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2022-23. This continuing revenue is subject to the state TABOR limit. If this bill is not enacted, the program will end on September 1, 2022, following a wind-down period, and state revenue and expenditures will decrease starting in FY 2022-23 by the amounts shown in Table 1, above. Costs in FY 2022-23 are prorated for the September 1 repeal date.

State Expenditures

Starting in FY 2021-22, the bill will increase expenditures in the Department of Human Services by an estimated \$130,560 to bring outside providers into Division of Youth Services facilities. Because the bill allows youth to pick any provider on the Sex Offender Management Board provider list, costs will increase to the extent youth choose providers who are not currently offered at Youth Services facilities. The fiscal note assumes that 20 percent of the current average daily population of youth sex offenders (about 10 youths) will request outside providers and that youths will meet with the provider four times per month. Costs are shown in Table 2 and include costs for mileage reimbursement, travel per diem, and a provider rate.

Table 2
Expenditures Under HB 21-1320

	FY 2021-22	FY 2022-23
Department of Human Services		
Mileage Reimbursement	\$24,960	\$24,960
Provider Costs	\$105,600	\$105,600
Total Cost	\$130,560	\$130,560

Mileage reimbursement. The fiscal note assumes that providers will drive an average of 100 miles round trip at a reimbursement rate of \$0.52 per mile. In addition, the fiscal note assumes that a provider will meet with youth 4 times a month.

Provider costs. The fiscal note assumes that outside providers will cost about \$220 per trip. This includes any reimbursement of travel costs (estimated at \$70 per hour and 2 hours per trip) and a provider rate of \$80 per hour.

Appropriations

For FY 2021-22, the bill requires a General Fund appropriation of \$130,560 to the Department of Human Services.

Effective Date

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

State and Local Government Contacts

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