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Fiscal Note

Drafting Number: LLS 22-0326 **Date:** February 18, 2022
Prime Sponsors: Rep. Benavidez; Duran **Bill Status:** House Judiciary
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Bill Topic: **SUNSET DOMESTIC VIOLENCE MANAGEMENT BOARD**

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" 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. This bill continues the Domestic Violence Offender Management Board in the Department of Public Safety, which is scheduled to repeal on September 1, 2022. State fiscal impacts include both increased expenditures from changes to the program under the bill, as well as the continuation of the program's current revenue and expenditures. The program is continued through September 1, 2033.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$51,703 to the Department of Public Safety.

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

Table 1
State Fiscal Impacts Under HB 22-1210¹

		Budget Year FY 2022-23	Out Year FY 2023-24
New Impacts			
Revenue		-	-
Expenditures	General Fund	\$51,703	\$60,581
	Centrally Appropriated	\$17,890	\$22,234
	Total New Expenditures	\$69,593	\$82,815
	New FTE	0.8 FTE	1.0 FTE
Other Budget Impacts	General Fund Reserve	\$7,755	\$9,087
Continuing Impacts			
Revenue	Cash Funds	-	\$29,744
Expenditures	General Fund and Cash Funds	-	\$359,518
	Continuing FTE	-	2.9 FTE

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

Summary of Legislation

This sunset bill continues the Domestic Violence Offender Management Board in the Department of Public Safety (CDPS) until September 1, 2033. It is currently scheduled to repeal on September 1, 2022. The bill also implements two recommendations from the sunset report. First, the board must conduct compliance reviews on at least five percent of approved treatment providers each year. Second, the bill updates background check requirements in statute to conform to current practice.

Background

When an adult is convicted of a crime involving domestic violence, that person is required to complete domestic violence treatment, unless sentenced to the Department of Corrections. The Domestic Violence Offender Management Board develops and maintains standards for the evaluation and treatment of domestic violence offenders, develops processes to approve treatment providers, and analyzes the effectiveness of evaluation and treatment standards. Treatment providers pay a fee to apply for placement on the approved provider list. While this fee revenue defrays a portion of the board's operating costs, most of its funding comes from the General Fund. For more information on the board's duties and activities, see the sunset report compiled by the Department of Regulatory Agencies at <https://coprrr.colorado.gov/archive-of-reviews>.

Continuing Program Impacts

Based on the department's FY 2021-22 budget request, the Department of Public Safety is expected to have revenue of about \$30,000 and expenditures of about \$360,000 to administer the board. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2023-24. This continuing revenue is subject to the state TABOR limits. If this bill is not enacted, the program will end on September 1, 2023, following a wind-down period, and state revenue and expenditures will decrease starting in FY 2023-24 by the amounts shown in Table 1. The changes to the program that drive additional costs are discussed in the State Expenditures section below.

State Expenditures

The bill increases state expenditures in CDPS by \$69,593 in FY 2022-23 and \$82,815 in FY 2023-24 from the General Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2
Expenditures Under HB 22-1210**

	FY 2022-23	FY 2023-24
Department of Public Safety		
Personal Services	\$44,423	\$59,231
Operating Expenses	\$1,080	\$1,350
Capital Outlay Costs	\$6,200	-
Centrally Appropriated Costs ¹	\$17,890	\$22,234
Total Cost	\$69,593	\$82,815
Total FTE	0.8 FTE	1.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Public Safety. The bill requires the department to additional compliance checks each year. Because the sunset report notes that the department has not kept up with checks as currently required, the fiscal note estimates that the bill requires 1.0 FTE in additional staff to communicate with stakeholders, conduct the additional compliance checks, and follow up on compliance outcomes. Expenditures are prorated for the bill's effective date and account for the General Fund pay date shift in FY 2022-23.

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 shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on the new appropriations estimated in the fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts in Table 1, which will decrease the amount of General Fund available for other purposes.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2022-23, the bill requires a General Fund appropriation of \$51,703 to the Department of Public Safety, and 0.8 FTE.

State and Local Government Contacts

Information Technology
Public Safety

Law
Regulatory Agencies