



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0005 **Date:** March 17, 2022
Prime Sponsors: Sen. Danielson **Bill Status:** Senate Judiciary
 Rep. Duran; Herod **Fiscal Analyst:** Matt Bishop | 303-866-4796
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Bill Topic: MISSING AND MURDERED INDIGENOUS RELATIVES

Summary of Fiscal Impact:

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

The bill creates the Office of Liaison for Missing and Murdered Indigenous Relatives in the Department of Public Safety. It increases state expenditures on an ongoing basis beginning in FY 2022-23.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$497,250 to the Department of Public Safety.

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

**Table 1
State Fiscal Impacts Under SB 22-150**

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures	General Fund	\$497,250	\$486,239
	Centrally Appropriated	\$78,534	\$86,582
	Total Expenditures	\$575,784	\$572,821
	Total FTE	4.5 FTE	5.0 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$74,588	\$72,936

Summary of Legislation

The bill implements several policy interventions with respect to missing and murdered indigenous persons, including creating a new state office, an advisory board, and an alert program.

New state office. The bill establishes the Office of Liaison for Missing and Murdered Indigenous Relatives in the Department of Public Safety (CDPS) to facilitate technical assistance on investigations and cases involving indigenous victims, develop best practices protocol for law enforcement agencies, conduct case reviews for certain cases, and develop best practices for data accuracy. The office also serves to facilitate communication and coordination with various stakeholders, including other divisions in CDPS and other state and local offices, tribal law enforcement agencies, indigenous-led community organizations, and federal agencies.

The office must make recommendations on potential legislative or agency action, changes to sentencing ranges, and strengthening the trauma-informed and victim-centered response of law enforcement, courts, and healthcare systems.

The office must assist families, tribal agencies, and nongovernmental entities in using the National Missing and Unidentified Persons System administered by the federal Department of Justice, and provide guidance to families of indigenous victims on how to navigate state and federal court cases.

The bill authorizes office personnel to access certain records in the performance of these duties, and it describes the circumstances in which records or any confidential information contained in those records may be released. An employee of the office who makes confidential information from these records public commits a class 2 misdemeanor.

Advisory board. The bill establishes the Community Volunteer Advisory Board to advise the office. It must meet quarterly in FY 2022-23 and biannually in subsequent years. Board membership includes representatives from:

- indigenous-led organizations for victims of violence;
- community-based organizations supporting indigenous people;
- indigenous victims or their family members;
- tribes based in, or with historical ties to, Colorado;
- law enforcement agencies; and
- other state agencies, including the Attorney General's office, the Judicial Department, the Department of Human Services, or the Colorado Commission on Indian Affairs.

The Colorado Bureau of Investigation (CBI) must maintain a clearinghouse database on missing indigenous persons from Colorado, and the office must create a website dashboard that displays information regarding missing or murdered indigenous persons. The office must submit an annual report to the legislature and the Governor by December 31 of each year, containing a summary of its work during the year, information from the dashboard, and its recommendations for legislation, agency action, or the criminal justice system.

The bill directs the Peace Officer Standards and Training (POST) Board to work with the office to develop training for peace officers on issues relating to missing or murdered indigenous persons investigations, and requires the basic academy curriculum to be updated by January 1, 2023.

Alert program. The bill directs the CBI to notify the appropriate tribal entity when it receives a report of a missing or murdered indigenous person. When it receives a report of a missing indigenous person, it must issue an alert to designated media outlets. CBI must also operate a database on missing indigenous people from Colorado and publish an annual report.

CDPS must promulgate rules to specify the process for confirming information from local law enforcement agencies, the process for reporting information to the Federal Communications Commission, and other processes as necessary to implement the alert program. The department must include certain information on the program's use in its annual SMART Act hearing.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates the new offense of making certain confidential information public, a class 2 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of violation of confidentiality requirements by a health care provider, officer, or employee of the Department of Public Health and Environment as a comparable crime. From FY 2018-19 to FY 2020-21, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Expenditures

The bill increases state expenditures in CDPS by about \$575,000 per year from the General Fund. In addition, it increases workload in the Department of Law and other state departments. Expenditures are shown in Table 2 and detailed below.

**Table 2
 Expenditures Under SB 22-150**

	FY 2022-23	FY 2023-24
Department of Public Safety		
Personal Services	\$372,798	\$406,689
Operating Expenses	\$5,900	\$5,900
Capital Outlay Costs	\$24,800	-
Travel Expenses	\$53,770	\$53,770
Agent Capital and Operating	\$39,982	\$19,880
Centrally Appropriated Costs ¹	\$78,534	\$86,582
Total Cost	\$575,784	\$572,821
Total FTE	4.5 FTE	5.0 FTE

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

Department of Public Safety. Starting in FY 2022-23, the office requires 5.0 FTE to staff the new office including:

- a director to manage the office's activities and liaise with other agencies, organizations, and individuals;
- an analyst to collect data, maintain the office's website, manage a clearinghouse database of missing indigenous persons, and facilitate the alert program;
- an administrative assistant to provide administrative support;
- a criminal investigator to collaborate with local law enforcement and other stakeholders on investigations; and
- a training specialist to develop and facilitate training for peace officers around the state.

Standard operating and capital outlay costs are included. The fiscal note assumes a start date of July 1, 2022, and costs reflect the General Fund pay date shift.

The department requires additional funding for travel and equipping the criminal investigator. The investigator and training specialist require fleet vehicles, mileage, and other travel-related costs. Vehicles are leased from the state fleet, which is managed by the Department of Personnel and Administration. The criminal investigator requires additional equipment, which is provided in FY 2022-23 only. Annual expenses include training and overtime hours.

The CBI can accomplish the requirement to create a clearinghouse database on missing indigenous persons from Colorado and a related website within its existing information technology systems.

Department of Law. Workload will increase in the POST Board to develop new training for peace officers and to update the basic academy curriculum. This workload can be accomplished within existing POST Board training appropriations.

Governor's Office. The Governor's Office of Boards and Commissions will have a minimal workload increase to make the required appointment under the bill. This work can be accomplished within existing appropriations.

Other state agencies. Workload will increase for state agencies represented on the Community Volunteer Advisory Board. Any such workload is expected to be minimal.

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 this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, which decreases the amount of General Fund available for other purposes.

Local Government

Local government workload will increase for law enforcement agencies to liaise with the new state office on cases involving missing and murdered indigenous relatives. If in-service peace officer trainings are developed, costs will increase for local law enforcement agencies related to training, travel and per diems, and/or overtime coverage.

Effective Date

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

State Appropriations

For FY 2022-23, the bill requires an appropriation of \$497,250 to the Department of Public Safety from the General Fund, and 4.5 FTE. Of this, \$15,982 is reappropriated to the Department of Personnel and Administration.

State and Local Government Contacts

County Coroners	Governor	Human Services
Information Technology	Judicial	Law
Public Safety	Sheriffs	