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Revised Fiscal Note

(replaces fiscal note dated January 12, 2024)

Drafting Number: LLS 24-0274 Date: February 28, 2024
Prime Sponsors: Rep. Amabile; English Bill Status: Senate Judiciary
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Bill Topic: PERSONS DETAINED IN JAIL ON EMERGENCY COMMITMENT

Summary of Fiscal Impact:
State Revenue [] State Transfer [] Local Government [x]
State Expenditure [x] TABOR Refund [] Statutory Public Entity []

The bill prohibits jails as an option for emergency commitments of juveniles and requires reporting to the Behavioral Health Administration on emergency commitments. The bill increases state expenditures and local government workload on an ongoing basis starting in FY 2024-25.

Appropriation Summary: For FY 2024-25, the bill includes an appropriation of \$64,738 to the Behavioral Health Administration.

Fiscal Note Status: The fiscal note reflects the reengrossed bill. This bill was recommended by the Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems.

Table 1
State Fiscal Impacts Under HB 24-1079

Table with 4 columns: Category, Sub-category, Budget Year FY 2024-25, and Out Year FY 2025-26. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

Starting July 1, 2024, the bill prohibits the use of jails for emergency commitments of juveniles. Local law enforcement agencies that take any person into protective custody pursuant to an emergency commitment must report certain data about each person to the Behavioral Health Administration (BHA). Additionally, approved treatment facilities and emergency medical service providers that hold any person pursuant to an emergency commitment must also report certain data to the BHA, which must protect personal information and use the data to plan service levels.

State Expenditures

The bill increases state expenditures in the BHA by \$74,007 in FY 2024-25, and by \$53,392 in FY 2025-26 and future years, paid from the General Fund. Expenditures are detailed in Table 2 below.

Table 2
Expenditures Under HB 24-1079

	FY 2024-25	FY 2025-26
Behavioral Health Administration		
Personal Services	\$38,483	\$38,483
Operating Expenses	\$640	\$640
Capital Outlay Costs	\$6,670	-
Data Collection System	\$13,945	-
Data Storage Costs	\$5,000	\$5,000
Centrally Appropriated Costs ¹	\$9,269	\$9,269
Total Cost	\$74,007	\$53,392
Total FTE	0.5 FTE	0.5 FTE

Behavioral Health Administration. The BHA requires staff and data-related costs to implement the bill.

- **Staff.** The BHA requires 0.5 FTE to collect and manage data received on emergency commitments from local law enforcement, approved treatment facilities, and emergency medical service providers. Staff costs include standard operating and capital outlay costs.
- **Data collection system.** To collect data from local law enforcement, approved treatment facilities, and emergency medical service providers the BHA will build a data collection system at an estimated cost of \$13,945 in FY 2024-25.
- **Data storage costs.** In addition, the BHA requires \$5,000 in ongoing funding starting in FY 2024-25 to store collected data.

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. 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, decreasing the amount of General Fund available for other purposes.

Local Government

The bill increases local law enforcement workload to provide the data on emergency commitments required by the bill and to ensure emergency commitments are placed appropriately. Any cost savings to county jails is expected to be minimal, since juveniles are rarely, if ever, placed in jails for emergency commitments.

Effective Date

The bill takes effect July 1, 2025, except for Section 2 of the bill which takes effect July 1, 2024.

State Appropriations

For FY 2024-25, the bill includes a General Fund appropriation of \$64,738 to the Behavioral Health Administration, and 0.5 FTE.

State and Local Government Contacts

Behavioral Health Administration

Human Services

Public Safety

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit: leg.colorado.gov/fiscalnotes.