



**Colorado  
Legislative  
Council  
Staff**

**HB16-1345**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated April 8, 2016)

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0433

**Date:** April 27, 2016

**Prime Sponsor(s):** Rep. Kagan

**Bill Status:** House Appropriations

**Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** SUNSET SEX OFFENDER MANAGEMENT BOARD

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018	
This bill changes and continues a program that would otherwise end September 1, 2016, so the fiscal note shows the new and continuing fiscal impacts.	New	New	Continuation
<b>State Revenue</b>			
<b>State Expenditures</b>		<b>\$429,195</b>	
General Fund			269,319
Cash Funds	Workload increase.	Workload increase.	135,224
Centrally Appropriated Costs			24,652
<b>FTE Position Change</b>			3.9 FTE
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Ongoing increase in state expenditures through FY 2019-20.			

**Summary of Legislation**

This bill, *as amended by the House Judiciary Committee*, continues the Sex Offender Management Board (SOMB) in the Department of Public Safety (DPS) from September 1, 2016, to September 1, 2019. The SOMB is set to sunset on September 1, 2016.

**Standards and guidelines revision.** The SOMB must revise the standards and guidelines used to identify, evaluate, and treat adult sex offenders by July 1, 2017, incorporating concepts of the risk-need-responsivity or other evidence-based correctional model. If the SOMB determines that it will be unable to complete the revisions by that date, it must report to the General Assembly a projected completion date as part of its annual report. The SOMB must revise the standards and guidelines to be consistent with the recommendations provided in a 2014 independent evaluation funded by the General Assembly or explain inconsistencies in the revisions in its annual report. Once the SOMB has approved revised portions of its standards and guidelines, it must make every effort to publish the approved portions.

**Choice of providers.** The bill specifies that the supervising agency of each adult sex offender and juvenile who has committed a sexual offense must give an offender a choice of two appropriate agencies from which to choose a treatment provider, unless the supervising agency documents in the file that, based on the nature of the program offered and the needs of the offender, fewer than two agencies can meet the offender's specific needs and ensure the public's safety. Once selected, neither the treatment agency nor the polygraph examiner may be changed by the offender without the approval of the community supervision team, the multidisciplinary team, or the court.

**Data collection plan.** The bill requires the SOMB to develop a data collection plan, including costs, in consultation with the research and evaluation professionals on the board and within DPS. By July 1, 2017, the SOMB must revise the standards and guidelines for approved providers to require evaluators, treatment providers, and polygraph examiners to collect data pursuant to the data collection plan. The SOMB must report on the data collection plan to the General Assembly as part of its annual report and must include a projected completion date if the SOMB cannot make the above revisions by July 1, 2017.

**Complaints against providers.** The bill directs the SOMB and the Department of Regulatory Agencies (DORA) to notify one another of any complaints against a sex offender treatment provider or evaluation service and of any disciplinary action taken by either entity as a result. The SOMB must review and investigate all complaints and may take disciplinary action against an individual who provides sex-offender specific treatment, evaluation, or polygraph services that do not comply with the standards set forth by the SOMB.

## Background

The purpose of the SOMB is to establish evidence-based standards for the evaluation, identification, treatment, management, and monitoring of adult sex offenders and juveniles who have committed sexual offenses. The 25 board members, who are representatives from various public and private stakeholder groups, meet monthly.

## Fiscal Impact of Programs Set to Expire

This bill continues a program in DPS that is set to repeal effective September 1, 2016. Under current law, state agencies may be appropriated funds to wind up the affairs of an expiring program for 12 months following the repeal date. To account for the wind-up period, the impact of extending the program beyond the current repeal date is shown as beginning in FY 2017-18, one year after the repeal date. There is no need for an appropriation of the \$515,034 base funding or an allocation of 4.7 FTE in FY 2016-17, since the program's authorization has not yet expired, and ongoing funding for the program is included in the department's base budget request for FY 2016-17. Program continuation costs in FY 2017-18 have been prorated to reflect the September 1 continuation date.

## State Expenditures

Beginning in FY 2016-17, the bill increases workload in DPS and other agencies.

**Department of Public Safety (DPS).** The SOMB must revise its standards and guidelines and create a data collection plan. The bill may also increase workload for the SOMB to investigate complaints against sex offender treatment providers and to communicate with DORA about complaints received and disciplinary actions taken. This increase in workload is expected to be minimal and can be accomplished within existing appropriations.

**Other agencies.** The bill continues workload starting in FY 2017-18 for all agencies required to participate on the SOMB, including the Department of Corrections, the Judicial Department, and the Department of Human Services. This workload continuation can be accomplished within existing appropriations. The bill may increase workload in DORA to communicate with the SOMB about complaints received against sex offender treatment providers and any disciplinary actions taken. This increase in workload is expected to be minimal and can be accomplished within existing appropriations.

## Local Government Impact

Beginning in FY 2017-18, the bill continues workload for various local government entities that have membership on the SOMB, including law enforcement, district attorneys, and county departments of social services. The fiscal note has not estimated the impact to local governments but assumes it is minimal.

## Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

## State and Local Government Contacts

Corrections  
Human Services  
Municipalities

Counties  
Information Technology  
Public Safety

Education  
Judicial  
Regulatory Agencies