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Revised Fiscal Note

(replaces fiscal note dated March 22, 2021)

Drafting Number:	LLS 21-0758	Date:	April 27, 2021
Prime Sponsors:	Sen. Coleman Rep. Sandridge	Bill Status:	Senate Appropriations
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Bill Topic: IMPROVE BRAIN INJURY SUPPORT IN CRIMINAL JUSTICE SYSTEM

Summary of Fiscal Impact:

<input 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

The bill requires the Department of Corrections to survey inmates on traumatic brain injuries upon intake. It also establishes the Brain Injury Pilot Program and the Brain Injuries in the Criminal Justice System task force. The bill increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2021-22, the bill requires an appropriation of \$137,809 to the Department of Corrections to implement both brain injury screening and the pilot program. See State Appropriations section for more detail.

Fiscal Note Status: This revised fiscal note reflects the introduced bill, as amended by the Senate Judiciary Committee. It has also been updated to reflect new information on the Brain Injury Pilot Program.

**Table 1
State Fiscal Impacts Under SB 21-138**

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$137,809	\$133,282
	Centrally Appropriated	\$28,822	\$31,806
	Total Expenditures	\$166,631	\$165,088
	Total FTE	1.8 FTE	2.0 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill requires the Department of Corrections (DOC) to perform a survey to identify traumatic brain injuries on offenders at intake.

The bill establishes the Brain Injury Support in the Criminal Justice System Task Force in the Department of Human Services (DHS). The task force must develop a plan to integrate a model to identify and support individuals with a brain injury in the criminal justice system. The task force must convene by August 1, 2021, and meet at least four times to develop the plan. Task force members serve without compensation but are entitled to reimbursement of necessary expenses. The task force is repealed on June 30, 2024.

Subject to available appropriations, the bill allows the DOC to implement the Brain Injury Pilot Program, to evaluate outcomes for individuals with a brain injury who received screening and support while in the criminal justice system. By January 1, 2022, and each year thereafter, the DOC must submit a report to the General Assembly regarding the implementation of the pilot program. The pilot program repeals June 30, 2026.

State Expenditures

The bill will increase expenditures in the DOC by \$166,631 and 1.8 FTE in FY 2021-22 and \$165,088 and 2.0 FTE in FY 2022-23. The State Appropriations section below provided a breakdown of costs for the required brain injury screening and for funding the optional pilot program. The bill will also increase workload in the Department of Human Services. Costs are shown in Table 2 and detailed below.

Table 2
Expenditures Under SB 21-138

Cost Components	FY 2021-22	FY 2022-23
Department of Corrections		
Personal Services	\$119,609	\$130,482
Operating Expenses	\$2,800	\$2,800
Capital Outlay Costs	\$12,400	-
Training	\$3,000	-
Centrally Appropriated Costs ¹	\$28,822	\$31,806
Total	\$166,631	\$165,088
Total FTE	1.8 FTE	2.0 FTE

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

Brain injury screening—DOC. Starting in FY 2021-22, the Department of Corrections requires 1.0 FTE to administer brain injury screenings. This assumes that 9,700 offenders per year will require screenings that average 7 minutes, along with 6 minutes for additional paperwork and analysis. First-year costs are prorated for the General Fund pay date shift, and standard operating expenses and capital outlay costs are included. If it is determined that the screening must be conducted privately to conform with HIPAA regulations, an additional one-time cost for facility renovation of \$55,000 will also be required to allow for offender confidentiality during the screening process. This costs will be addressed through the budget process, if required.

Brain Injury Pilot Program—DOC. The bill also requires 1.0 FTE to implement the Brain Injury Pilot Program, if funding is provided. Duties include designing a study methodology, evaluating outcomes for offenders receiving brain injury screening, and contributing to the task force screening recommendations so that protocols and data collection allow the pilot program evaluation to meet its objectives.

Task force—DHS. The bill requires the Brain Injury Support in the Criminal Justice System Task Force to make recommendations on policies and procedures for screenings for brain injuries in the criminal justice system, staff training, and assistance and supports for those with identified brain injuries. Recommendations must be issued by January 1, 2022. Once the recommendations are known, costs in the DOC may increase or decrease depending on the plan developed by the task force. The fiscal note assumes any change in appropriations will be requested through the annual budget process.

Workload in the DHS will increase to support the Brain Injury Support in the Criminal Justice System Task Force created by the bill. This workload can be accomplished within existing resources. Expense reimbursements have not been included as it is assumed this task force will meet remotely.

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 estimated to be \$28,822 in FY 2021-22 and \$31,806 in FY 2022-23.

Effective Date

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

State Appropriations

For FY 2021-22, the bill requires an appropriation of \$75,692 and 0.9 FTE from the General Fund to the Department of Corrections. If the General Assembly intends to fund the pilot program, an additional appropriation of \$62,067 General Fund and 0.9 FTE is also required in FY 2021-22.

Departmental Difference

The DOC estimates it will have costs of \$258,565 and 2.8 FTE in FY 2021-22 and \$249,992 and 3.0 FTE in FY 2022-23 to implement the bill. These costs assume that each screening will take 30 minutes for 40+ offenders per day. This fiscal note uses a reported intake number and estimates half the time for the screenings. In addition, costs for private offices have not been included, as it is not yet known if this is required for the screening.

State and Local Government Contacts

Corrections
Public Defender

Human Services
Public Safety

Information Technology