



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated March 6, 2023)

<b>Drafting Number:</b>	LLS 23-0080	<b>Date:</b>	March 28, 2023
<b>Prime Sponsors:</b>	Rep. Froelich; Soper Sen. Winter F.	<b>Bill Status:</b>	House Appropriations
		<b>Fiscal Analyst:</b>	Clayton Mayfield   303-866-5851 clayton.mayfield@coleg.gov

**Bill Topic:** FORENSIC MEDICAL EVIDENCE PROCESS IMPROVEMENTS

**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 requires the Department of Public Safety to establish tracking systems for sexual assault forensic medical evidence examinations and reimbursements under the SAVE program. The bill expands the SAVE program to allow reimbursement for victims that report to law enforcement. Starting in FY 2023-24, the bill increases state expenditures and local workload on an ongoing basis.

**Appropriation Summary:** For FY 2023-24, the bill requires an appropriation of \$710,353 to the Department of Public Safety.

**Fiscal Note Status:** This revised fiscal note reflects the introduced bill, as amended by the House Judiciary committee.

**Table 1**  
**State Fiscal Impacts Under HB 23-1199**

		Budget Year FY 2023-24	Out Year FY 2024-25	Out Year FY 2025-26
<b>Revenue</b>		-	-	-
<b>Expenditures</b>	General Fund	\$710,353	\$1,571,095	\$486,918
	Centrally Appropriated	\$33,998	\$52,568	\$54,138
	<b>Total Expenditures</b>	<b>\$744,351</b>	<b>\$1,623,663</b>	<b>\$541,056</b>
	<b>Total FTE</b>	<b>4.5 FTE</b>	<b>7.6 FTE</b>	<b>4.0 FTE</b>
<b>Transfers</b>		-	-	-
<b>Other Budget Impacts</b>	General Fund Reserve	\$106,553	\$235,664	\$73,038

## **Summary of Legislation**

The bill requires the Department of Public Safety (DPS) to establish a secure statewide system that allows victims of sexual assault to monitor the status of evidence obtained from their forensic medical evidence examinations. Every state or local law enforcement agency, medical facility, crime laboratory, or other entity that supplies, performs, analyzes, stores, or destroys examinations must participate in the system. The system must track certain information about stages of evidence analysis based on whether or not the victim consents to having the evidence analyzed and must also provide victims with certain information about navigating the criminal justice system and community resources. The system must be operational by June 30, 2025. Beginning January 30, 2026, the DPS must annually report on examination data to the General Assembly.

Additionally, the DPS must establish a tracking system for claims submitted to the sexual assault victim emergency (SAVE) payment program by December 31, 2024. The system must meet minimum information requirements described in the bill. Beginning January 30, 2026, the DPS must annually report on reimbursement data to the General Assembly.

Finally, the bill allows the SAVE program to cover exams and associated medical costs for victims who report to law enforcement. A law enforcement agency must request reimbursement to have costs covered, and the SAVE program must cover costs to the agency for recording the assault in the statewide tracking system. DPS must develop a policy for the amount payable to law enforcement agencies based on costs and available funds.

## **Background**

Under current law, costs of medical forensic exams for victims who report to law enforcement are borne by the local law enforcement agency with jurisdiction over the assault. Medical costs from injuries related to the assault are the responsibility of the victim, who may apply for reimbursement from local victim compensation programs.

When a victim receives a medical forensic exam and does not report to law enforcement, exam costs and medical care are reimbursable by the SAVE program. The FY 2023-24 budget request for the DPS indicates \$167,933 in General Fund appropriations, and 0.2 FTE, for the SAVE program in its current form, which also currently utilizes approximately \$320,000 in federal Victim of Crime Act grant funds.

## **State Expenditures**

The bill increases state expenditures in the DPS by \$744,351 in FY 2023-24, \$1.6 million in FY 2024-25, and \$541,056 in FY 2025-26, paid from the General Fund. Expenditures are shown in Table 2 and detailed below. Additionally, the bill allows the General Assembly to increase SAVE program funding for exam reimbursements as described below.

**Table 2  
 Expenditures Under HB 23-1199**

	FY 2023-24	FY 2024-25	FY 2025-26
<b>Department of Public Safety</b>			
Personal Services	\$151,237	\$220,149	\$225,163
Operating Expenses	\$2,700	\$4,050	\$4,050
Capital Outlay Costs	\$13,340	\$6,670	-
Tracking Systems	\$523,686	\$1,322,836	\$240,315
Statewide Training	\$4,390	\$2,390	\$2,390
Forensic Exam Kits	\$15,000	\$15,000	\$15,000
Exam Reimbursements—see below	-	-	-
Centrally Appropriated Costs <sup>1</sup>	\$33,998	\$52,568	\$54,138
FTE – Personal Services	1.8 FTE	2.9 FTE	3.0 FTE
FTE – Information Technology	2.7 FTE	4.7 FTE	1.0 FTE
<b>Total</b>	<b>\$744,351</b>	<b>\$1,623,663</b>	<b>\$541,056</b>
<b>Total FTE</b>	<b>4.5 FTE</b>	<b>7.6 FTE</b>	<b>4.0 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Staffing.** The DPS requires 3.0 FTE to administer the program. This includes an Administrator to oversee the program, help customize the tracking system, coordinate and conduct outreach with stakeholders, train tracking system users and community stakeholders, review and process reimbursements, and assist with preparing required reports; a Data Manager to collect contact information for tracking system participants needed at the beginning of the project, manage updates to this information, and coordinate with the administrator on training and report preparation; and an Administrative Assistant to enter initial billing data, track status of reimbursements, and follow-up with medical facilities.

The administrator and data manager will start in the first year, while the administrative assistant will start in the second year. Amounts include standard operating and capital outlay costs and first-year costs are prorated for the General Fund pay date shift.

**Tracking systems.** The Office of Information Technology (OIT) will obtain an existing statewide tracking system, adapt the system for Colorado’s security and accessibility requirements, and maintain the system on an ongoing basis thereafter. The OIT will also create an invoicing system for DPS. First-year costs for the two systems involve project intake, system requirements, and hardware. The majority of system build-out using both OIT staff and contract project management will occur in the second year based on the implementation date found in the bill. Ongoing maintenance costs are reflected in the third year of Table 2.

**Statewide training.** In the first year of implementation, DPS will receive training and consultation from Oregon officials that have implemented a similar tracking system at \$2,000 for travel and lodging expenses. Additionally, program staff will train stakeholders across the state on system utilization at a total cost of \$2,390, which includes travel and lodging for three events across the state per year.

**Forensic exam kits.** The Colorado Bureau of Investigation (CBI) currently supplies kits to law enforcement agencies and medical facilities through a vendor at a cost of approximately \$35,000. To supply kits that are integrated with the tracking system, it is estimated that the department will need an additional \$15,000 to deploy bar code information on these kits.

**Exam reimbursements.** The bill expands the population of victims whose exam and related medical costs are eligible for reimbursement under the SAVE program and allows law enforcement agencies to seek reimbursement for their exam-related costs. As discussed in the Background section, local law enforcement currently covers the costs for forensic exams, and the SAVE program currently covers some exam costs for victims who undergo forensic exams but do not report to law enforcement. Assuming an exam costs approximately \$2,000 on average, with the forensic exam itself costing \$875, to fully reimburse costs for approximately 1,700 victims that report to law enforcement and approximately 550 who seek medical attention without reporting to law enforcement, the DPS would require about \$4.0 million in additional funding for the SAVE program, which operates with about \$490,000 in state and federal funding in its current form as discussed in the Background section. Since an appropriation for these costs is at the discretion of the General Assembly, these costs are not currently included in the fiscal note.

**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

Local government workload will increase for law enforcement agencies to fulfill tracking system reporting requirements. Some law enforcement agencies may have decreased expenditures resulting from exam cost reimbursements from the SAVE program.

## Effective Date

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

## State Appropriations

For FY 2023-24, the bill requires a General Fund appropriation of \$710,353 to the Department of Public Safety, and 1.8 FTE. Of this amount, \$523,686 is reappropriated to the Office of Information Technology, and 2.7 FTE.

## Departmental Difference

The DPS estimates that it requires an additional \$350,000 in General Fund appropriations over what is included in this fiscal note. The DPS estimate assumes that the agency will receive 400 reimbursement requests from law enforcement agencies for the forensic exam costs of \$875 per exam and that the DPS would be required to provide reimbursement for each of these exams. The fiscal note does not include these costs because the bill allows, but does not require, the SAVE program to reimburse local law enforcement agencies if funds are available. The fiscal note therefore assumes that funding for the SAVE program may be set at the discretion of the General Assembly and that reimbursement will occur within available appropriations.

## State and Local Government Contacts

Corrections  
Higher Education  
Public Health and Environment

Counties  
Judicial  
Public Safety

District Attorneys  
Law  
Regulatory Agencies