



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-0091	Date:	February 21, 2024
Prime Sponsors:	Rep. Mabrey; Snyder	Bill Status:	House Judiciary
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Bill Topic: **EMPOWER VICTIMS THROUGH ACCESS RESTORATIVE JUSTICE**

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

The bill creates a right for victims to participate in restorative justice programs, and expands the offenses eligible for restorative justice. Starting in FY 2024-25, the bill increases state and local expenditures.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$1.1 million to multiple state agencies.

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

Table 1
State Fiscal Impacts Under HB 24-1101

		Budget Year FY 2024-25	Out Year FY 2025-26
Revenue		-	-
Expenditures	General Fund	\$764,773	\$786,403
	Cash Funds	\$321,000	\$385,500
	Centrally Appropriated	\$70,388	\$77,226
	Total Expenditures	\$1,156,161	\$1,249,129
	Total FTE	3.9 FTE	4.3 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$114,716	\$117,961

Summary of Legislation

Under the bill, a victim-survivor has the right to be notified of, provided, and participate in restorative justice practices. This right is afforded to victim-survivors of any felony or misdemeanor in Title 18, but law enforcement and prosecutorial agencies are encouraged to provide restorative justice advisements and to consider the use of restorative justice in all cases. The bill requires the Restorative Justice Council within the Judicial Department to collaborate with nonprofits to create an advisement form and a restorative justice practices form. Finally, the bill removes the prohibition of certain offenses to participate in restorative justice and removes the fee ceiling that restorative justice facilitators may charge.

Department of Corrections. Under current law, the Department of Corrections (DOC) operates a pilot program that facilitates victim-initiated victim-offender conferences subject to available funds. The bill requires this program to be funded, requires the DOC to reimburse trained facilitators, prohibits the department from denying a victim the chance to meet with an offender, and renames the program the Victim-Offender Dialogue Program. In addition, the bill requires the DOC to create a letter bank to allow offenders to send letters to victims to express accountability and remorse.

Offender Services Cash Fund. Finally, the bill allows Offender Services Cash Fund to be used for restorative justice practices if requested by victims, when the offender is considered indigent.

State Expenditures

The bill increases state expenditures by \$1.2 million in FY 2024-25 and \$1.3 million in FY 2025-26 and ongoing in the Judicial Department and the DOC, paid from the General Fund and the Offender Services Cash Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 24-1101

	FY 2024-25	FY 2025-26
Judicial Department		
Personal Services	\$39,968	\$25,060
Probation Contract (CF)	\$321,000	\$385,500
Letters for Victim Notification	\$17,135	\$20,561
Centrally Appropriated Costs ¹	\$9,861	\$6,018
FTE – Personal Services	0.5 FTE	0.3 FTE
Judicial Subtotal	\$387,963	\$436,949

Table 2
Expenditures Under HB 24-1101 (Cont.)

	FY 2024-25	FY 2025-26
Department of Corrections		
Personal Services	\$200,474	\$235,852
Operating Expenses	\$13,852	\$5,120
Capital Outlay Costs	\$26,680	-
Contract Facilitator	\$416,664	\$500,000
Computer Programming	\$50,000	-
Centrally Appropriated Costs ¹	\$60,527	\$71,208
FTE – Personal Services	3.4 FTE	4.0 FTE
DOC Subtotal	\$768,198	\$812,181
Total	\$1,156,161	\$1,249,129
Total FTE	3.9 FTE	4.3 FTE

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

Judicial Department. Starting in FY 2024-25, the bill increases expenditures in the Judicial Department to contract with organizations to provide restorative justice services, send letters to notify victims of restorative justice services, and to cover costs for restorative justice services in cases involving indigent offenders. Costs in FY 2024-25 are prorated for a September 1, 2024, start date.

- **Staffing.** In FY 2024-25, 0.5 FTE is required to issue requests for proposals, formalize contracts with nonprofit organizations, and manage contracts. Staff includes 0.3 FTE for the Probation Division to find, select, and monitor contracts, and 0.2 FTE in the Financial Division to create the contract and to issue payments to organizations. This analysis assumes there will be around 70 organizations that may enter into a contract with the department. In out years, staff reduces to 0.3 FTE for the Probation Division for contract management.
- **Probation contract.** Starting in FY 2024-25, expenditures will increase to contract with nonprofits to provide restorative justice services if the offender is indigent and restorative justice is requested by the victim. The fiscal note assumes that 28 percent of cases sentenced to probation involve an offender with court-appointed council who will qualify for payment by the department, resulting in 5,141 cases that are eligible for funding from the department. Further, the fiscal note assumes that 10 percent of those will participate in a restorative justice program, and that on average it will cost \$750 to for an offender to participate in the program. Costs are assumed to be paid from the Offender Services Cash Fund—see Technical Note.

- **Letters for victim notification.** Starting in FY 2024-25, expenditures will increase for the department to send letters to victims, notifying them of the option to participate in restorative justice. This analysis assumes there will be 16,449 letters mailed at \$1.25 per letter, and that the mailing of victim notifications will occur through an automatic process programed by the department's information technology division. It is assumed that the required programing will take three months and can be absorbed within current appropriations.
- **Trial courts.** Workload in the trial courts will increase if the courts need to advise victims on their restorative justice rights, and to post restorative justice practice forms on the website. The fiscal note assumes that law enforcement, district attorneys, or victim advocates will also inform victims of their rights and, therefore, any workload increase will be minimal.
- **Restorative Justice Council.** Workload to the Restorative Justice Council will increase to include information related to programs and practitioners that offer services related to domestic violence and sexual assault, and to develop the required forms. Since the council already have access to required documents, resources, and expertise, this workload is expected to be minimal.

Department of Corrections. Expenditures in the DOC will increase by \$770,000 in FY 2024-25 and \$810,000 in FY 2025-26 to hire additional full-time staff and contract facilitators to manage increased use of dialogue sessions, and to update computer programing, as described below.

- **Staffing.** The department requires 4.0 FTE to expand dialogue programs from 4 to 12 facilities, run the letter database, and to ensure the safety of victims during dialogues. This includes 2.0 liaisons to coordinate requests for meetings, and 2.0 mental health clinical staff to provide oversight for any sex offenders that may participate in the program. FTE costs include personal services, operating expenses, and capital outlay. Costs in FY 2024-25 are prorated for a September 1, 2024, start date.
- **Contract facilitators.** The DOC requires additional resources to provide contractor-facilitated pre-dialogue classes at an additional 8 facilities. Costs are based on current contract facilitator costs at 4 facilities. Costs in FY 2024-25 are prorated for a September 1, 2024 start date.
- **Computer programing.** For FY 2024-25 only, \$50,000 is required in computer programing to update computer systems to track requests and stages of the dialogue process and accountability letter bank process. This work will be accomplished by the Office of Information Technology (OIT).

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

Starting in FY 2024-25, expenditures in district attorney offices will increase to notify victims of their right to participate in restorative justice programs. District attorney offices are funded by counties.

Technical Note

The Offender Services Cash Fund pays for administrative and personnel costs for adult and juvenile probation services as well as a number of treatment services. The fund is supported by a \$50 monthly supervision fee. According to a revised cash fund report submitted as a response to this fiscal note, cash fund expenditures are projected to exceed revenues starting in FY 2023-24, by about \$5.6 to \$5.8 million per year. The department estimates cash fund ending balances of \$13.8 million for FY 2023-24, \$8.2 million for FY 2024-25, and \$2.3 million for FY 2025-26. Based on these projected ending balances, the fiscal note shows cash fund expenditures in FY 2024-25 and FY 2025-26. However, in future years, General Fund may be required to support increased expenditures from the cash fund, or the General Assembly may have to raise the probation supervision fee.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, except that section 16-11.6-103(4) C.R.S., that concerns the rights of victims of domestic violence to receive restorative justice services, takes effect on August 1, 2025.

State Appropriations

For FY 2024-25, the bill requires a General Fund appropriation of \$764,773 including:

- \$57,103 to the Judicial Department, and 0.5 FTE; and
- \$707,670 to the Department of Corrections, and 3.4 FTE, of which \$50,000 is reappropriated to the Office of Information Technology.

In addition, the bill also requires a FY 2024-25 appropriation of \$321,000 from the Offender Services Cash Fund to the Judicial Department.

Departmental Difference

The Judicial Department assumes that due to projected decrease in cash fund balance in the Offender Services Cash Fund, costs for contracting with restorative justice programs should be transferred from the General Fund to the Offender Services Cash Fund, or come from another cash fund (such as the Restorative Justice Surcharge Cash Fund). While the fiscal note does acknowledge the decreased balance over the years, there still remains a balance sufficient to cover the estimated costs in FY 2024-25 and FY 2025-26; therefore, the fiscal note assumes costs will be covered by the cash fund in those years.

State and Local Government Contacts

Corrections
Judicial

District Attorneys
Public Safety

Human Services

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 the [General Assembly website](#).