

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee  
FROM Justin Brakke, JBC Staff (303-866-4958)  
DATE May 19, 2020  
SUBJECT Statutory Change for Law Enforcement Assistance Grant Program

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### → ELIMINATE ROLL FORWARD SPENDING AUTHORITY FOR LAW ENFORCEMENT ASSISTANCE GRANT PROGRAM

*JBC ACTION AS OF 3/16/20:* On February 18, the Committee voted to approve the Department's request (R20 Adjust Funds for Civil Asset Forfeiture Reforms Grant) to reduce appropriations for the Law Enforcement Assistance Grant Program (the Program) by \$495,703 cash funds from the Marijuana Tax Cash Fund (MTCF). This reduction occurred in the DCJ Administrative Services line item.

*RECOMMENDATION:* Staff recommends a statutory change that eliminates the one-year roll forward spending authority for the Program. This would allow MTCF appropriated for the Program to revert back to the MTCF at the end of every fiscal year. If applied to FY 20, this could free up approximately \$1.3 million MTCF for other uses.

#### *ANALYSIS:*

#### **Background**

House Bill 18-1020 (Civil Forfeiture Reforms) established the Law Enforcement Assistance Grant Program (Section 24-33.5-522) to award money to state and local law enforcement agencies involved in the seizure of property as part of a criminal investigation (seizing agencies). The intent of the Program is to reimburse local governments for revenue lost from the changes established under H.B. 17-1313 (also titled Civil Forfeiture Reform).

#### **Low Demand**

The Department's FY 21 budget request noted that DCJ had received just two applications for the grant. During figure setting in February 2020, the Committee asked why demand was so low and if there were any barriers to accessing the grant. The Department said "The most significant barrier is that a local agency has to wait until cases involving the seizure/forfeiture are resolved prior to requesting funds." Since November 2019, the Department has identified criminal cases involving seizures that would be eligible for these grants. However, with courts closed down due to COVID 19, those cases have not moved forward, which means those seizing agencies cannot apply for the grant.

#### **Recommendation: Eliminate Roll Forward Spending Authority**

Each appropriation has one year of roll forward spending authority. In FY 19, the Department received an appropriation of about \$1.5 million and only expended about \$124,000, which means about \$1.4 million rolled forward into FY 20 and will revert at the end of FY 20.

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The Department received another \$1.5 million in FY 20; JBC staff estimates that the Department will only expend about \$200,000. Current statute would allow that unexpended appropriations (\$1.3 million, in this case) to roll forward into FY 21.

Staff recommends eliminating the roll forward spending authority (Section 24-33.5-522 (1)(c), C.R.S.). This would cause all unexpended and unencumbered appropriations for the Program to revert back to the MTCF at the end of every fiscal year.

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