

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING COMPETENCY RESTORATION SERVICES FOR DEFENDANTS DEEMED INCOMPETENT TO PROCEED.

Prime Sponsors: Senator Martinez Humenik
Representative Lee

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Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 01/31/17.

	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
XXX	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

The Senate Judiciary Committee Report (02/06/17) includes amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill. The fiscal impact of the bill has been updated, however, based on new information provided by the Department of Human Services. As described below and detailed in the table on the next page, the fiscal impact of the bill for FY 2017-18 has been reduced by \$351,054 General Fund.

In response to inquiries from legislative staff, the Department acknowledged that the estimated number of competency clients that will annually receive educational services as a result of this bill should be 213, rather than 334. The initial estimate provided by the Department included 121 clients that the court orders to receive inpatient competency restoration services and the Department provides such services through the Restoring Individuals Safely and Effectively (RISE) program. This 52-bed competency restoration program is operated by Correct Care, LLC, and is located in the Arapahoe County Detention Facility in Centennial. The RISE Program generally serves men from the Denver metro area who: do not have significant medical needs identified; do not have significant medication compliance issues; and are likely to be restored in a relatively short period of time. The Department has confirmed that RISE program clients are already receiving educational services, similar to clients that are served at the Colorado Mental Health Institute at Pueblo.

The following table provides an updated fiscal impact for the bill. Legislative Council Staff agree with the updated fiscal impact.

UPDATED Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	<u>at least \$851,255</u>	<u>at least \$840,825</u>
General Fund	820,669	800,550
Centrally Appropriated Costs	30,586	40,275
FTE Position Change	2.3 FTE	3.0 FTE
Appropriation Required: \$820,669 - Department of Human Services (FY 2017-18).		
Future Year Impacts: Ongoing state expenditure increase.		

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001 Staff has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$820,669 General Fund to the Department of Human Services for FY 2017-18. This provision also states that the appropriation is based on the assumption that the Department will require an additional 2.3 FTE.

Points to Consider

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2017-18 based on the March 2017 Legislative Council Staff revenue forecast. The budget package allocates \$11.7 million General Fund to be available to fund 2017 legislation that is not accounted for in the budget package. If the full \$11.7 million is not used to fund legislation, it will remain in the General Fund reserve.