



**Legislative
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Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 19-0645
Prime Sponsors: Rep. Sullivan

Date: February 8, 2019
Bill Status: House Judiciary
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Bill Topic: VICTIM NOTIFICATION CRIMINAL PROCEEDINGS

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 removes opt-in requirements for a victim to receive notifications of criminal proceedings and instead automatically enrolls them. The bill will increase state and local expenditures on an ongoing basis.

Appropriation Summary: The bill requires a total General Fund appropriation of \$1.0 million in the current FY 2018-19 and \$6.0 million in FY 2019-20.

Fiscal Note Status: This fiscal note reflects the introduce bill.

**Table 1
State Fiscal Impacts Under HB 19-1064**

		FY 2018-19 (Current Year)	FY 2019-20	FY 2020-21
Revenue		-	-	-
Expenditures	General Fund	\$1,025,399	\$6,014,339	\$6,014,339
	Centrally Appropriated	\$98,637	\$142,154	\$142,154
	Total	\$1,124,036	\$6,156,493	\$6,156,493
	Total FTE	6.3 FTE	73.0 FTE	73.0 FTE
Transfers		-	-	-
TABOR Refund		-	-	-

Summary of Legislation

Under current law, victims of certain crimes identified in statute outlining victim's rights must opt in to receive various notifications about criminal proceedings involving the offender in the crime against them. The bill removes the opt-in requirements and instead automatically enrolls victims to receive these notices.

Background

Under current law, victims of covered crimes must opt-in to receive various notices concerning the offender who committed the crime against them. These notices include, among others:

- annual updates of the status of a cold case;
- notifications about an offender's probation;
- information about an offender in the Department of Corrections (DOC); and
- information about an offender in one of the state's mental health hospitals.

Crimes for which a victim may request notifications include, but are not limited to, murder, manslaughter, assault, kidnaping, and sexual assault.

Assumptions

Under the bill, the fiscal note assumes there will be:

- an additional 18,578 victims per year requiring notification about offenders on probation, based on the estimated number of victims of offenders currently on probation for a covered crime for which a victim has not opted in to receive notifications;
- an additional 19,821 victims per year requiring notification about offenders in the DOC based on the estimated number of victims of offenders currently in the DOC for a covered crime for which a victim has not opted in to receive notifications; and
- an additional 16,615 victims per year requiring notification about parole hearings, based on the average number of parole hearings per year where a victim has not opted-in to receive notification.

The fiscal note also assumes that the number of notifications per year per victim will continue at the same rate as for those who are currently opted in. Notifications will occur by telephone, email, letter, in-person, or other method in the same percentage as done for current notifications to victims.

State Expenditures

The bill will increase state General Fund expenditures by \$1.1 million and 6.3 FTE the current FY 2018-19, and by \$6.2 million and 73.0 FTE per year starting in FY 2019-20, as shown in Table 2 and discussed below.

**Table 2
Expenditures Under HB 19-1064**

Cost Components	FY 2018-19 (Current Year)	FY 2019-20	FY 2020-21
Judicial Department			
Personal Services	\$361,640	\$4,339,667	\$4,339,667
Operating Expenses and Capital Outlay Costs	\$301,419	\$59,850	\$59,850
Training	\$2,600	-	-
Victim Rights Brochures	\$4,000	-	-
Postage	\$3,400	\$17,000	\$17,000
Centrally Appropriated Costs*	\$86,180	\$1,016,416	\$1,016,416
FTE – Personal Services	5.4 FTE	63.0 FTE	63.0 FTE
Judicial Dept (Subtotal)	\$759,239	\$5,432,933	\$5,432,933
Department of Corrections			
Personal Services	\$46,297	\$555,564	\$555,564
Operating Expenses and Capital Outlay Costs	\$47,885	\$9,500	\$9,500
Other Costs	\$18,158	\$16,342	\$16,342
Office Space Renovation	\$240,000	-	-
Centrally Appropriated Costs*	\$12,457	\$142,154	\$142,154
FTE – Personal Services	0.9 FTE	10.0 FTE	10.0 FTE
DOC (Subtotal)	\$364,797	\$723,560	\$723,560
Total	\$1,124,036	\$6,156,493	\$6,156,493
Total FTE	6.3 FTE	73.0 FTE	73.0 FTE

* Centrally appropriated costs are not included in the bill's appropriation, except when a bill requires an increase of 20 FTE or more. Therefore, centrally appropriated costs for the Judicial Department starting in FY 2019-20 have been included in the appropriation identified for this bill.

Judicial Department. This bill will increase costs in the Judicial Department by \$759,239 and 5.4 FTE in the current FY 2018-19 and by \$5.4 million and 63.0 FTE per year starting in FY 2019-20. In order to notify all victims of covered crimes about the offender on probation and to work with victims on any safety concerns, the Judicial Department will require 45.0 FTE for probation officers, 9.0 FTE for probation supervisors, and 9.0 FTE for support staff. Costs in the current fiscal year are prorated for a May 1st start date and the General Fund Paydate Shift.

Training. Every new probation officer is required to undergo a one-time training. The training is estimated to cost \$2,600.

Brochure and postage. In the current FY 2018-19, the Judicial Department will need to print new brochures about the victim's rights act to reflect the change in law. This one time cost is estimated to be \$4,000. Costs will increase to mail additional notifications. Postage is estimated to cost \$17,000 per year and is prorated for the current FY 2018-19.

Trial courts. Starting in the current FY 2018-19, workload to the trial courts will increase to notify more victims about an offender, who was found not guilty for reason of insanity, who is petitioning the court to remove their name from the central offender registry. The fiscal note assumes that this increase in notifications can be handled within existing appropriations.

Department of Corrections. The bill will increase state expenditures in the DOC by \$364,797 and 0.9 FTE in the current FY 2018-19, and by \$723,560 and 10.0 FTE per year starting in FY 2019-20. The new staff required will include 6.0 FTE to notify all victims of covered crimes about the offender in the DOC, 1.0 FTE to notify all victims of a parole hearing, 2.0 FTE to assist an increase number of victims in attending parole hearings, and 1.0 FTE to assist the increased number of victims that may participate in the Victim Offender Dialogue program. Costs in the current fiscal year are prorated for a May 1st start date and the General Fund Paydate Shift and include costs to renovate space to fit the new FTE

Other costs. In the current FY 2018-19, the DOC will have an increase in costs of \$18,158 in the current FY 2018-19 and \$16,342 per year starting in FY 2019-20. These costs include software licensing, trainings, drug tests, postage, and basic training for new hires.

Parole Board. To the extent that the bill results in more victim's attending parole hearings, costs and workload to the Parole Board will increase to hear and review victims statements. If the amount of time needed for each parole case increases to a level that more parole board members are necessary, future legislation to increase the number of board members may be necessary.

Department of Human Services. The bill increases costs and workload to the Department of Human Services to provide notifications to victim's when an offender is in a state mental hospital. The fiscal note assumes that the increase in notifications can be accomplished within existing appropriations.

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, except in cases where the bill results in an increase of 20 FTE or more. These costs for the Judicial Department and the DOC, which include employee insurance and supplemental employee retirement payments, are shown in Table 3 below. For the DOC, centrally appropriated costs are estimated to be \$12,457 in the current FY 2018-19 and \$142,154 per year in FY 2019-20 and FY 2020-21. For the Judicial Department, these costs are estimated to be \$86,180 in the current FY2018-19 and \$1.0 million in FY 2019-20 and future years.

Table 3
Centrally Appropriated Costs Under HB 19-1064

Cost Components	FY 2018-19 <i>(Current Year)</i>	FY 2019-20	FY 2020-21
Judicial Department			
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$53,847	\$628,426	\$628,426
Supplemental Employee Retirement Payments	\$32,333	\$387,990	\$387,990
Judicial Dept (Subtotal)	\$86,180	\$1,016,416*	\$1,016,416
Department of Corrections			
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$8,318	\$92,484	\$92,484
Supplemental Employee Retirement Payments	\$4,139	\$49,670	\$49,670
DOC (Subtotal)	\$12,457	\$142,154	\$142,154
Total	\$98,637	\$1,158,570	\$1,158,570

* Judicial Department centrally appropriated costs for FY 2019-20 are included in the state appropriation section.

Local Government

The bill increases costs and workload to local law enforcement agencies to provide annual updates to victims about the status of any cold case.

Effective Date

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

State Appropriations

The bill requires the following General Fund appropriations in the current FY 2018-19:

- \$673,059 and 5.4 FTE to the Judicial Department; and
- \$352,340 and 0.9 FTE to the Department of Corrections.

For FY 2019-20, the bill requires the following General Fund appropriations:

- \$5,432,933 and 63.0 FTE to the Judicial Department; and
- \$581,406 and 10.0 FTE to the Department of Corrections.

State and Local Government Contacts

Counties
Judicial
Sheriffs

Corrections
Municipalities
Public Safety

Human Services
Information Technology
District Attorneys