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Fiscal Note

Drafting Number:
Prime Sponsors:

LLS 21-0758
Sen. Coleman
Rep. Sandridge

Date: March 22, 2021
Bill Status: Senate Judiciary
Fiscal Analyst: Aaron Carpenter | 303-866-4918
Aaron.Carpenter@state.co.us

Bill Topic:

IMPROVE BRAIN INJURY SUPPORT IN CRIMINAL JUSTICE SYSTEM

Summary of Fiscal Impact:

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill requires the Department of Corrections to survey inmates on traumatic brain injuries upon intake. It also establishes the Brain Injury Pilot Program and the Brain Injuries in the Criminal Justice System task force. The bill increases state expenditures on an ongoing basis.

Appropriation Summary:

For FY 2021-22, the bill requires an appropriation of \$125,692 to the Department of Corrections. See State Appropriations section for more detail.

Fiscal Note Status:

This fiscal note reflects the introduced bill. It contains preliminary information on the cost of the Brain Injury Pilot Program.

**Table 1
State Fiscal Impacts Under SB 21-138**

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$125,692	\$124,100
	Centrally Appropriated	\$15,030	\$16,578
	Total Expenditures	\$140,722	\$140,678
	Total FTE	0.9 FTE	1.0 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill requires the Department of Corrections (DOC) to perform a survey to identify traumatic brain injuries on offenders at intake.

The bill also establishes the Brain Injury Support in the Criminal Justice System Task Force in the Department of Human Services (DHS). The task force must develop a plan to integrate a model to identify and support individuals with a brain injury in the criminal justice system. The task force must convene by August 1, 2021, and meet at least four times to develop the plan. Task force members serve without compensation but are entitled to reimbursement of necessary expenses. The task force is repealed on June 30, 2024.

Subject to available appropriations, the bill allows the DOC to implement the Brain Injury Pilot Program, to evaluate outcomes for individuals with a brain injury who received screening and support while in the criminal justice system. By January 1, 2022, and each year thereafter, the DOC must submit a report to the General Assembly regarding the implementation of the pilot program. The pilot program repeals June 30, 2026.

State Expenditures

The bill will increase expenditures in the DOC by \$140,722 and 0.9 FTE in FY 2021-22 and \$140,678 and 1.0 FTE in FY 2022-23. The bill will also increase workload in the Department of Human Services. Costs are shown in Table 2 and detailed below.

Table 2
Expenditures Under SB 21-138

Cost Components	FY 2021-22	FY 2022-23
Department of Corrections		
Personal Services	\$66,642	\$72,700
Operating Expenses	\$1,400	\$1,400
Capital Outlay Costs	\$6,200	-
Training	\$1,450	-
Evaluation Contractor	\$50,000	\$50,000
Centrally Appropriated Costs ¹	\$15,030	\$16,578
Total	\$140,722	\$140,678
Total FTE	0.9 FTE	1.0 FTE

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

Brain injury screening. Starting in FY 2021-22, the Department of Corrections requires 1.0 FTE to administer brain injury screenings. This assumes 9,700 offenders per year and that screenings will average 7 minutes, along with 6 minutes for additional paperwork and analysis. First-year costs are prorated for the General Fund pay date shift, and standard operating expenses and capital outlay costs are included. If it is determined that the screening must be conducted privately to conform with HIPAA regulations, an additional one-time cost for facility renovation of \$55,000 will also be required to allow for offender confidentiality during the screening process. This costs will be addressed through the budget process, if required.

Task force. The bill requires the Brain Injury Support in the Criminal Justice System Task Force to make recommendations on policies and procedures for screenings for brain injuries in the criminal justice system, staff training, and assistance and supports for those with identified brain injuries. Recommendations must be issued by January 1, 2022. Once the recommendations are known, costs in the DOC may increase or decrease depending on the plan developed by the task force. The fiscal note assumes any change in appropriations will be requested through the annual budget process.

Brain Injury Pilot Program. The bill will also increase workload and costs in the DOC to implement the Brain Injury Pilot Program, if funding is provided. Preliminarily, the DOC is estimated to have costs of \$50,000 per year for a contractor to design a study methodology and to use DOC data to evaluate outcomes for offenders receiving brain injury screening. It is assumed the contractor will contribute to the task force screening recommendations so that protocols and data collection allow the pilot program evaluation to meet its objectives.

Department of Human Services. Workload in the DHS will increase to support the Brain Injury Support in the Criminal Justice System Task Force created by the bill. This workload can be accomplished within existing resources. Expense reimbursements have not been included as it is assumed this task force will meet remotely.

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 estimated to be \$15,030 in FY 2021-22 and \$16,578 in FY 2022-23.

Effective Date

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

State Appropriations

For FY 2021-22, the bill requires an appropriation of \$75,692 and 0.9 FTE from the General Fund to the Department of Corrections.

If the General Assembly intends to fund the pilot program, an additional appropriation of \$50,000 General Fund is also required.

Departmental Difference

The DOC estimates it will have costs of \$258,565 and 2.8 FTE in FY 2021-22 and \$249,992 and 3.0 FTE in FY 2022-23 to implement the bill. These costs assume that each screening will take 30 minutes for 40+ offenders per day. This fiscal note uses a reported intake number and estimates half the time for the screenings. In addition, costs for private offices have not been included, as it is not yet known if this is required for the screening.

State and Local Government Contacts

Corrections
Public Defender

Human Services
Public Safety

Information Technology