



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 22-0302 **Date:** July 11, 2022
Prime Sponsors: Sen. Cooke; Gonzales **Bill Status:** Signed into Law
Rep. Lynch; Duran **Fiscal Analyst:** Aaron Carpenter | 303-866-4918
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Bill Topic: **RESTITUTION SERVICES FOR VICTIMS**

Summary of Fiscal Impact:

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

The bill makes several changes to the assessment of restitution and creates the Office of Restitution Services. The bill increases state expenditures starting in FY 2022-23.

Appropriation Summary: For FY 2022-23, the bill requires and includes an appropriation of \$129,359 to the Judicial Department.

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

Table 1
State Fiscal Impacts Under SB 22-043

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures	Cash Funds	\$129,359	\$155,765
	Centrally Appropriated	\$26,327	\$33,769
	Total Expenditures	\$155,686	\$189,534
	Total FTE	1.6 FTE	2.0 FTE
Transfers		-	-
Other Budget Impacts		-	-

Summary of Legislation

Court assessments of restitution. The bill allows the following expenses when calculating restitution if damage was proximately caused by the crime:

- long-term or ongoing medical expenses;
- insurance deductibles;
- replacement costs for damaged or destroyed property;
- travel expenses to court hearings if over 100 miles one-way;
- travel expenses to a secure site;
- child care expenses; and
- lost wages.

The bill also prohibits the court from imposing restitutions for pecuniary losses unless otherwise agreed to by the defendant and the prosecution.

Government windfall payments and restitution. The bill requires the Department of Corrections (DOC) to intercept government windfall payments before making them available in an inmate's bank account and to disperse the payment, as outlined in current law, to pay for various court imposed fees.

Office of Restitution Services. The bill also creates and outlines the duties of the Office of Restitution Services in the Judicial Department, which is created to assist victims who are owed restitution.

Background

Current law requires the DOC to withhold, at a minimum, 20 percent of all deposits into an inmate's bank account to pay for required court-ordered costs. The DOC then forwards those funds to the Judicial Department, which distributes the money as directed by statute. The Judicial Department has received the following amounts for restitution payments from the DOC:

- FY 2018-19: \$1.7 million;
- FY 2019-20: \$2.0 million; and
- FY 2020-21: \$2.9 million.

According to the DOC, about 7,300 inmates have received stimulus checks since April 2021, totaling \$15.6 million. Upon receiving the stimulus checks, the DOC withheld \$2.6 million for restitution. After withholding other court-ordered costs, the remaining dollars were deposited into an inmate's bank account. The amounts in an inmate's bank account is unknown.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$155,686 in FY 2022-23 and \$189,534 in FY 2023-24 from the Collections Enhancement Cash Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2
Expenditures Under SB 22-043**

	FY 2022-23	FY 2023-24
Judicial Department		
Personal Services	\$114,799	\$153,065
Operating Expenses	\$1,520	\$1,900
Capital Outlay Costs	\$13,040	\$800
Centrally Appropriated Costs ¹	\$26,327	\$33,769
Total Cost	\$155,686	\$189,534
Total FTE	1.6 FTE	2.0 FTE

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

Judicial Department. Starting in FY 2022-23, the Judicial Department requires 2.0 FTE to staff the newly created Office of Restitution Services. The new office will answer requests for semi-annual statements, answer restitution question from victims, create and maintain a webpage, assist with training, enhance communications, and collaborate with victim advocacy programs. Costs in FY 2022-23 are prorated for an October 1 start date and the General Fund pay date shift.

Department of Corrections. Starting FY 2022-23, workload in the DOC will increase to ensure that payments are distributed as required by the bill. No change in appropriation is required.

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.

Effective Date

The bill was signed into law by the Governor on May 27, 2022, and takes effect on August 9, 2022, assuming no referendum petition is filed.

State Appropriations

For FY 2022-23, the bill requires and includes an appropriation of \$129,359 from the Collections Enhancement Cash Fund to the Judicial Department and 1.6 FTE.

State and Local Government Contacts

Corrections	District Attorneys	Human Services
Information Technology	Judicial	Law