



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 17, 2022)

Drafting Number: LLS 22-0302
Prime Sponsors: Sen. Cooke

Date: March 15, 2022
Bill Status: Senate Appropriations
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Bill Topic: RESTITUTION SERVICES FOR VICTIMS

- Summary of Fiscal Impact:
- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The makes several changes to the assessment of restitution. The bill increases state expenditures in FY 2022-23 only.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$525,723 to multiple state agencies. See State Appropriations Section.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the Senate Judiciary Committee.

Table 1
State Fiscal Impacts Under SB 22-043

Table with 3 columns: Category, Budget Year FY 2022-23, and Out Year FY 2023-24. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

## **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.

**Stimulus payments and restitution.** The bill requires the director of the Department of Corrections (DOC) to deduct any stimulus payments from the federal government from an inmate's account and pay it toward any outstanding court-ordered 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 DOC and the Judicial Department by \$541,623 in FY 2022-23 from the General Fund. Expenditures are shown in Table 2 and detailed below.

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

<b>Cost Components</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>
<b>Department of Corrections</b>		
Personal Services	\$51,483	-
Centrally Appropriated Costs <sup>1</sup>	\$15,900	-
FTE – Personal Services	0.8 FTE	-
<b>DOC Subtotal</b>	<b>\$67,383</b>	<b>-</b>
<b>Judicial Department</b>		
IT Modifications	\$474,240	-
<b>Judicial Subtotal</b>	<b>\$474,240</b>	<b>-</b>
<b>Total</b>	<b>\$541,623</b>	<b>-</b>
<b>Total FTE</b>	<b>0.8 FTE</b>	<b>-</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Department of Corrections.** In FY 2022-23 only, the DOC will require 0.8 FTE to audit 7,300 inmate bank accounts to determine what amount of available funds are from federal stimulus funds and to process payments. The fiscal note assumes that it will take 5 months to complete the work.

**Judicial Department.** In FY 2022-23 only, the Judicial Department will require \$474,240 to modify the IT program that distributes inmate payments withheld by the DOC. Currently, statute requires that funds withheld by the DOC be credited in this order: costs for Crime Victim Compensation Fund, surcharges for Victims and Witnesses Assistance and Law Enforcement Fund, and then restitution to victims. The current IT program that processes payments follows this order when it distributes payments. The department will need to modify the programming to allow for stimulus funds to go straight to restitution of victims. Based on similar programming for restitution changes, 2,080 hours of a contract software engineer and a business analyst are 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.

### **Other Budget Impacts**

**General Fund reserve.** Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve as shown in Table 1, which will decrease the amount of General Fund available for other purposes.

## **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State Appropriations**

For FY 2022-23, the bill requires the following appropriations from the General Fund:

- \$51,483 to the Department of Corrections and 0.8 FTE; and
- \$474,240 to the Judicial Department.

## **State and Local Government Contacts**

Corrections  
Information Technology

District Attorneys  
Judicial

Human Services  
Law