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Fiscal Note

Drafting Number:	LLS 22-0975	Date:	April 1, 2022
Prime Sponsors:	Sen. Fields; Coram Rep. Roberts; Titone	Bill Status:	Senate Judiciary
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Bill Topic: **BEHAVIORAL HEALTH SUPPORT FOR CRIMINAL JUSTICE ADVOCATES**

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 checked="" type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates the Public Defender and Prosecutor Behavioral Health Support Grant Program in the Department of Local Affairs to provide grants to the Office of the State Public Defender and district attorney's offices. Conditional upon passage of SB 22-005, it increases state expenditures and creates a one-time transfer in FY 2023-23 only.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$500,000 to the Department of Local Affairs.

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

Table 1
State Fiscal Impacts Under SB 22-188

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures¹	Cash Funds	\$500,000	\$500,000
	Centrally Appropriated	\$21,467	\$24,994
	Total Expenditures	\$521,467	\$524,994
	Total FTE	0.8 FTE	1.0 FTE
Transfers	Cash Funds	(\$500,000)	-
	Cash Funds	\$500,000	-
	Net Transfer	\$0	-
Other Budget Impacts		-	\$75,000

¹ For FY 2023-24, grant funding amounts are at the discretion of the General Assembly.

Summary of Legislation

The bill creates the Public Defender and Prosecutor Behavioral Health Support Grant Program in the Department of Local Affairs (DOLA) to provide grants to the Office of the State Public Defender (OSPD) and district attorney's offices.

Grants may be used for:

- counseling services, including reimbursements for the costs of counseling services;
- training and education programs that teach the symptoms of job-related trauma and how to prevent and treat trauma; and
- peer support programs.

DOLA must develop policies and procedures to administer the grant program, and submit annual reporting to the legislature beginning in 2023. The bill creates the Public Defender and Prosecutor Behavioral Health Support Cash Fund to consist of gifts, grants, and donations, appropriations or transfers, and interest earnings. DOLA may use up to 5 percent of annual appropriations for its costs to administer the grant program.

Conditional upon the passage of Senate Bill 22-005, the bill requires the State Treasurer to transfer \$500,000 from the Peace Officers Behavioral Health Support and Community Partnership Fund to the Public Defender and Prosecutor Behavioral Health Support Fund within three days of this bill's effective date.

The bill prohibits a district attorney or public defender peer support team member from being examined as a witness in court about any communication between the peer support team member and a person receiving peer support services without the consent of the person who received the peer support services.

State Transfers

Conditional upon passage of SB 22-005, the bill transfers \$500,000 from the Peace Officers Behavioral Health Support and Community Partnership Fund to the Public Defender and Prosecutor Behavioral Health Support Fund in FY 2022-23.

State Expenditures

Conditional upon passage of SB 22-005, the bill increases state cash fund expenditures in the Department of Local Affairs by \$500,000 in FY 2022-23. From FY 2023-24, the fiscal note assumes this program will be funded with General Fund at the same funding level as FY 2022-23; however, the amount of grant funding is at the discretion of the General Assembly. Expenditures are shown in Table 2 and detailed below.

**Table 2
 Expenditures Under SB 22-188**

	FY 2022-23	FY 2023-24
Department of Local Affairs		
Personal Services	\$49,676	\$59,610
Operating Expenses	\$1,080	\$1,350
Capital Outlay Costs	\$6,200	-
Behavioral Health Grants	\$443,044	\$439,040
Centrally Appropriated Costs ¹	\$21,467	\$24,994
Total Cost	\$521,467	\$524,994
Total FTE	0.8 FTE	1.0 FTE

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

Department of Local Affairs. Beginning FY 2022-23 , expenditures in DOLA will increase to administer the Public Defender and Prosecutor Behavioral Health Support Grant Program.

- **Staff.** DOLA requires 1.0 FTE program assistant to administer the grant program and provide reporting. Costs have been prorated for a September 1, 2022, start date. Standard operating and capital outlay costs are included. See Technical Note.
- **Grants.** After administrative costs, there is about \$443,000 remaining for grants to the Office of the State Public Defender and district attorney offices.

Office of the State Public Defender. Assuming that the OSPD will apply for a grant, it requires spending authority for grant funding. See Technical Note.

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.

Local Government

District attorney offices that apply for a grant will have an increase in workload. Those that receive grants will have additional revenue for behavioral health support for staff.

Technical Note

The bill authorizes DOLA to use up to 5 percent of the annual appropriation to pay the direct and indirect cost of administering the grant program. Based on the estimated costs in this fiscal note, 5 percent of the FY 2022-23 appropriation is insufficient to fund the department’s administration costs.

In addition, the OSPD requires the authority to seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of receiving funding through the bill.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, except that Section 1 takes effect only if Senate Bill 22-005 becomes law, in which case Section 1 takes effect on the effective date of this act or Senate Bill 22-005, whichever is later.

State Appropriations

The Department of Local Affairs requires an appropriation of \$500,000 from the Public Defender and Prosecutor Behavioral Health Support Fund in FY 2022-23, and 0.8 FTE.

State and Local Government Contacts

District Attorneys
Law

Human Services
Local Affairs

Information Technology
Public Defender