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# Final Fiscal Note

**Drafting Number:** LLS 22-0975 **Date:** August 4, 2022  
**Prime Sponsors:** Sen. Fields; Coram **Bill Status:** Signed into Law  
 Rep. Roberts; Titone **Fiscal Analyst:** Erin Reynolds | 303-866-4146  
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**Bill Topic:** BEHAVIORAL HEALTH SUPPORT FOR CRIMINAL JUSTICE ADVOCATES

**Summary of Fiscal Impact:**

<input checked="" 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 Program in the Department of Local Affairs to provide funding to the Office of the State Public Defender and district attorney's offices. It increases state expenditures on an ongoing basis beginning in FY 2022-23.

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

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

**Table 1  
State Fiscal Impacts Under SB 22-188**

		Budget Year FY 2022-23	Out Year FY 2023-24
<b>Revenue</b>		-	-
<b>Expenditures<sup>1</sup></b>	Cash Funds	\$500,000	\$500,000
	<b>Total Expenditures</b>	<b>\$500,000</b>	<b>\$500,000</b>
<b>Transfers<sup>2</sup></b>	General Fund	(\$500,000)	(\$500,000)
	Cash Funds	\$500,000	\$500,000
	<b>Net Transfer</b>	<b>\$0</b>	<b>\$0</b>
<b>Other Budget Impacts</b>	General Fund Reserve	\$75,000	\$75,000

<sup>1</sup> For FY 2023-24 and beyond, expenditures will depend on the amount of funding appropriated to the program cash fund each year, which will be set at the discretion of the General Assembly.

<sup>2</sup> The transfer in the bill is made through an appropriation of funds.

## **Summary of Legislation**

The bill creates the Public Defender and Prosecutor Behavioral Health Support Program in the Department of Local Affairs (DOLA) to provide funding to the Office of the State Public Defender (OSPD) and district attorney's offices. DOLA is required to allocate half of total program appropriations and gifts, grants, and donations to the OSPD, and the other half to the Colorado District Attorneys' Council, and these entities are required to administer grant funding and provide reports to the legislature following timelines established in the bill.

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.

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.

## **Background**

As of writing, there are approximately 1,050 OSPD staff and 1,800 district attorney staff.

## **State Revenue**

The bill permits DOLA to seek, accept, and expend gifts, grants, and donations for the program. As of this writing, no funding source has been identified. This revenue is not subject to TABOR.

## **State Transfers**

In FY 2022-23, the bill appropriates \$500,000 from the General Fund to the Public Defender and Prosecutor Behavioral Health Support Fund. The fiscal note assumes this appropriated transfer will occur annually, but the amount of program funding in future years will be at the discretion of the General Assembly.

## **State Expenditures**

The bill increases state cash fund expenditures in DOLA by \$500,000 per year beginning in FY 2022-23. Of this amount, the OSPD is expected to receive and expend \$250,000 per year, which will increase workload in the office to administer and report on grant funding.

## **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 by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

## **Local Government**

District attorney offices will have an increase in revenue and expenditures of \$250,000 per year for behavioral health support programs.

## **Effective Date**

The bill was signed into law by the Governor on May 20, 2022, and takes effect August 9, 2022, assuming no referendum petition is filed.

## **State Appropriations**

The bill includes an appropriation of \$500,000 from the General Fund to the Public Defender and Prosecutor Behavioral Health Support Fund in FY 2022-23. This amount is further appropriated to DOLA. The OSPD and CDAC have necessary spending authority to expend funding received from DOLA.

## **State and Local Government Contacts**

District Attorneys  
Law

Human Services  
Local Affairs

Information Technology  
Public Defender