



Legislative Council Staff

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Revised Fiscal Note

(replaces fiscal note dated April 1, 2022)

Drafting Number: LLS 22-0975 Date: April 14, 2022
Prime Sponsors: Sen. Fields; Coram Bill Status: House Judiciary
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Bill Topic: BEHAVIORAL HEALTH SUPPORT FOR CRIMINAL JUSTICE ADVOCATES

- Summary of Fiscal Impact:
[X] State Revenue [] TABOR Refund
[X] State Expenditure [X] Local Government
[X] State Transfer [] 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 revised fiscal note reflects the reengrossed bill.

Table 1
State Fiscal Impacts Under SB 22-188

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

1 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.

2 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 takes effect 90 days following adjournment of the General Assembly sine die, 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