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Fiscal Note

Drafting Number:	LLS 23-0330	Date:	February 8, 2023
Prime Sponsors:	Sen. Fields; Exum Rep. Ricks	Bill Status:	Senate Judiciary
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Bill Topic: **DELETION OF CHILD'S NAME FROM CRIMINAL JUSTICE RECORDS**

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

The bill requires courts to replace identifying information on judicial records involving children with “child victim” or “child witness” to protect the individual's identity. The bill will increase state and local expenditures beginning in FY 2023-24

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$429,760 to the Judicial Department.

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

Table 1
State Fiscal Impacts Under SB 23-075

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures	General Fund	\$429,760	\$498,177
	Centrally Appropriated	\$102,496	\$135,928
	Total Expenditures	\$532,256	\$634,105
	Total FTE	6.2 FTE	8.2 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$64,464	\$74,727

Summary of Legislation

Current law requires the Judicial Department to delete a child’s name from court records and replace it with “child victim” for certain sexual offenses. The bill expands this requirement to all criminal offenses and to court records where a child is a witness to a crime.

Background

Court staff currently review filings for certain sexual offenses upon acceptance of the documents. If, upon review, the staff see that the victim is a child, they replace any identifying information with “child victim” and label the document with an appropriate security setting based on the contents.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$635,363 in FY 2023-24 and \$634,105 in FY 2024-25, paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under SB 23-075

	FY 2023-24	FY 2024-25
Judicial Department		
Personal Services	\$365,330	\$487,107
Operating Expenses	\$7,790	\$7,790
Capital Outlay Costs	\$56,640	\$3,280
Centrally Appropriated Costs ¹	\$102,496	\$135,928
Total Cost	\$532,256	\$634,105
Total FTE	6.2 FTE	8.2 FTE

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

Judicial Department. The Judicial Department requires additional court staff to review and redact approximately 1 million records per year.

- **Assumptions.** The fiscal note assumes that court staff will review every court document received to screen for potential child victims and witnesses in need of redaction, including felony criminal cases, misdemeanor cases, and traffic cases. According to the Judicial Department, courts received an average of 991,738 documents per year over the last five calendar years. Each review of a document for potential redaction of a child’s information is expected to take one minute, on average. Courts also receive an average of 3,612 criminal records requests per year, where an additional review will occur to ensure that no child’s name is disclosed as a result of these requests. Reviewing documents for a criminal records request and ensuring that no identifying information for a child is released is assumed to take 10 minutes.

- **Staff.** The Judicial Department requires 8.2 FTE Court Support Staff to process document redaction as outlined above. Staff costs include personal services costs, operating costs, and capital outlay costs as shown in Table 2. First-year costs are prorated for the General Fund pay date shift and a September 1, 2023, start date.

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. 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

The bill will increase district attorney workload to redact child information when complying with any criminal justice records disclosure request. District attorneys estimate that approximately one-quarter of their records requests contain either a child victim or a child witness.

Technical Note

The courts' ability to fully implement this legislation will require some programming of their case management system. An applicability date would provide additional clarity to the department for timing the update of their IT systems.

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 2023-24, the bill requires an appropriation of \$429,760 to the Judicial Department from the General Fund, and 6.2 FTE.

State and Local Government Contacts

District Attorneys
Public Safety

Human Services

Judicial