



**Colorado
Legislative
Council
Staff**

HB17-1039

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0367
Prime Sponsor(s): Rep. Lee
 Sen. Kagan

Date: January 31, 2017
Bill Status: House Judiciary
Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: RESTORATIVE JUSTICE COMMUNICATION ISSUES

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	\$118,541	\$130,311
General Fund	95,886	103,688
Centrally Appropriated Costs	22,655	26,623
FTE Position Change	1.2 FTE	1.5 FTE
Appropriation Required: \$95,886 - Judicial Department (FY 2017-18).		
Future Year Impacts: Ongoing increase in state expenditures.		

Summary of Legislation

This bill affects restorative justice practices within the criminal justice system in the following ways:

- It makes all communications made at any stage in the restorative justice process confidential except under certain conditions and requires participants to agree in writing to those exceptions;
- It requires the judge at a defendant's first appearance in court to inform the defendant that he or she may be assessed for suitability in restorative justice practices;
- It allows district attorneys to agree to include an assessment for participation in restorative justice practices as part of the sentence recommendation in a plea agreement; and
- It requires probation officers to include in defendants' presentence reports an assessment for participation in restorative justice practices.

Background

Restorative justice refers to practices that emphasize restoring the harm caused by offenders to victims and the community. These practices aim to engage all parties to an offense—including the offender, the victim, their families, and the community—in a voluntary

dialogue. This dialogue is intended to give the offender the opportunity to accept responsibility for the harm caused to the victim and the community, to promote victim healing, and to enable the participants to agree on consequences, which may include apologies, community service, reparation, and counseling, among others.

House Bill 07-1129 created a state level Restorative Justice Coordinating Council in the Judicial Department to provide training, technical assistance, and education and to promote the development of restorative justice programs. There are programs for both adult and juvenile offenders.

State Expenditures

This bill increases state General Fund expenditures by \$118,541 and 1.2 FTE in FY 2017-18 and by \$130,311 and 1.5 FTE in FY 2018-19 in the Judicial Department. These costs are shown in Table 1 and discussed below.

Table 1. Expenditures Under HB17-1039		
Cost Components	FY 2017-18	FY 2018-19
Personal Services	\$87,773	\$99,863
FTE	1.2 FTE	1.5 FTE
Operating Expenses and Capital Outlay Costs	8,113	3,825
Centrally Appropriated Costs*	22,655	26,623
TOTAL	\$118,541	\$130,311

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

Judicial Department. The bill increases workload and expenditures in the Division of Probation Services (Probation) to include an assessment for suitability for restorative justice programs in each presentence investigation report.

Personal services. The fiscal note assumes that Probation will need 10 extra minutes in each of approximately 9,060 presentence investigation reports conducted annually to assess for restorative justice suitability. For approximately 20 percent of these cases, Probation requires another 15 minutes to contact victims to explain the restorative justice process and determine their interest in participating. To accomplish this increase in workload, Probation requires \$87,773 and 1.2 FTE (including a probation officer and corresponding support and supervisory staff) in FY 2017-18 and \$99,863 and 1.5 FTE in FY 2018-19. First year costs have been prorated to reflect a September 1, 2017, start date and the General Fund pay date shift. Standard operating and capital outlay costs for probation staff have been included. Probation must also create an assessment and a curriculum to train probation officers on how to use the assessment. This increase in workload can be accomplished within existing appropriations.

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. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under HB17-1039		
Cost Components	FY 2017-18	FY 2018-19
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$10,063	\$12,563
Supplemental Employee Retirement Payments	7,865	8,948
Indirect Costs	4,727	5,112
TOTAL	\$22,655	\$26,623

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State Appropriations

In FY 2017-18, the bill requires a General Fund appropriation of \$95,886 and an allocation of 1.2 FTE to the Judicial Department.

State and Local Government Contacts

District Attorneys Information Technology Judicial