

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING MEASURES TO ENHANCE LAW ENFORCEMENT INTEGRITY.

|   |                               |
|---|-------------------------------|
| Prime Sponsors: Sens. Garcia and Fields | JBC Analyst: Christina Beisel |
| Reps. Herod and Gonzales-Gutierrez      | Phone: 303-866-2149           |
|   | Date Prepared: June 5, 2020   |

**Appropriation Items of Note**

**Appropriation Required, Amendment in Packet**

**General Fund Impact**

**Significant Cost Increase in Second Year (or Third) Year**

**Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 06/04/20.

|            |  |
|------------|--|
|            | <b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill                 |
|            | <b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>                   |
| <b>XXX</b> | <b>Update:</b> Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared  |
|            | <b>Non-Concurrence:</b> JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill |

The Senate State, Veterans, & Military Affairs Committee Report (06/04/20) includes amendments that generate a fiscal impact that could not be calculated by the time of publication of this analysis. Therefore, neither an updated fiscal impact or staff prepared appropriation amendment is included to reflect those amendments.

**Amendments in This Packet for Consideration by Appropriations Committee**

| <b>Amendment</b>  | <b>Description</b>  |
|-------------------|---|
| L.021/L.022/J.001 | Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation |

**Current Appropriations Clause in Bill**

The bill requires but does not contain an appropriation clause.

**Description of Amendments in This Packet**

- L.021** Bill Sponsor amendment **L.021** (attached) reduces the fiscal note by requiring only local law enforcement to use body-worn cameras, not state law enforcement. In addition, the amendment requires only local law enforcement to submit incident data reporting on use of force and other incidents, not state law enforcement. Finally, the amendment makes only local law enforcement subject to a civil cause of action relating to constitutional rights violations by law enforcement officers. The removal of the incident data reporting requirement removes the costs for the Colorado State Patrol and the Department of Human Services shown in the fiscal note dated June 4, 2020. The amendment also reduces unestimated but substantial costs added by L.014 to equip state law enforcement officers with body cameras and to indemnify state law enforcement officers from the civil cause of action.
- L.022** Bill Sponsor amendment **L.022** (attached) changes the timing of the fiscal impact and the agency impacted by moving the incident data reporting requirement to January 1, 2023, and changing the agency receiving the reporting from the Department of Law to the Department of Public Safety.
- J.001** Staff has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$432,196 General Fund to the Department of Public Safety for FY 2020-21. This provision also states that the appropriation is based on the assumption that the Department will require an additional 4.5 FTE to implement the act. This reflects the fiscal impact if L.021 and L.022 are adopted.

*The three amendments work together and either all three should be adopted or none should be adopted.*

### Points to Consider

#### *General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2020-21 based on the following:

- the May 12, 2020, Office of State Planning and Budgeting revenue forecast;
- a school finance bill placeholder for a reduction of \$723.8 million General Fund;
- a placeholder for the reduction of \$202.0 million General Fund through one or more non-JBC package bills; and
- an adjusted statutory General Fund reserve percentage of 3.84 percent equal to \$402.0 million.

This bill, with sponsor amendments **L.021**, **L.022**, and **J.001**, requires a General Fund appropriation of \$432,196 for FY 2020-21, thereby decreasing the proposed fiscal year-end General Fund reserve or increasing the proposed placeholder reductions by the same amount.

## **SB20-217**

## **JBC Staff Analysis**

### *Future Fiscal Impact*

The Joint Budget Committee has proposed a budget package for FY 2020-21. The budget package bills reduce or eliminate some appropriations and transfers, and suspend or delay other appropriations and transfers. These bills also augment the amount of money available in the General Fund. Many of these changes apply for FY 2020-21 only, and thus require scheduled increases in General Fund appropriations and transfers in FY 2021-22 and subsequent fiscal years.

This bill, with sponsor amendments **L.021**, **L.022**, and **J.001**, requires General Fund appropriations of \$1,260,885 in FY 2021-22 and \$860,672 in FY 2022-23, further increasing the base General Fund commitment in those fiscal years. This further reduces the amount of General Fund available for appropriations and obligations by the same amount.