

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING BEHAVIORAL HEALTH SUPPORT FOR ADVOCATES IN THE CRIMINAL JUSTICE SYSTEM.

Prime Sponsors: Sens. Fields and Coram
Reps. Roberts and Titone

JBC Analyst: Andrea Uhl
Phone: 303-866-4956
Date Prepared: April 11, 2022

Appropriation Items of Note

Appropriation Required, Amendment in Packet

General Fund Impact

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 04/01/22.

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

The Senate Judiciary Committee Report (04/07/22) includes amendments to the bill that eliminate the transfer from the Peace Officers Behavioral Health Support and Community Partnership Fund to the Public Defender and Prosecutor Behavioral Health Support Fund in FY 2022-23, eliminate language making any part of the bill conditional on the passage of S.B. 22-005 (Law Enforcement Agency Peace Officer Services), and instead require the General Assembly to appropriate \$500,000 to the Public Defender and Prosecutor Behavioral Health Support Fund in FY 2022-23. The bill does not specify a source of funds; Legislative Council Staff and JBC Staff assume the appropriation will be from the General Fund. The General Fund appropriation to the Public Defender and Prosecutor Behavioral Health Support Fund will also require a reappropriation from the Fund to allow the Department of Local Affairs to implement the Public Defender and Prosecutor Behavioral Health Support Program. The amendments also eliminate the need for an additional 0.8 FTE in the Department of Local Affairs and direct the Department to allocate fifty percent of the appropriation to the Office of the State Public Defender and fifty percent to the Colorado District Attorney's Council. Legislative Council Staff agrees with this assessment.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001 Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$500,000 General Fund to the Public Defender and Prosecutor Behavioral Health Support Fund in the Department of Local Affairs and reappropriating \$500,000 from that fund to support the Public Defender and Prosecutor Behavioral Health Support Program.

Points to Consider

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2022-23 based on the March 2022 Legislative Council Staff revenue forecast. The budget package includes two set-asides:

- \$40.0 million General Fund for bills that create ongoing obligations; and
- \$900.0 million General Fund for bills that create one-time obligations in FY 2022-23.

The \$40.0 million appropriations set-aside includes an additional \$6.0 million General Fund to provide a 15.0 percent General Fund reserve for those appropriations. The \$900.0 million obligations set-aside does not include an additional amount for a General Fund reserve and, assumes, but does not require, that obligations be addressed through statutory transfers rather than appropriations. Therefore appropriations from the \$900.0 million set-aside require an additional 15.0 percent to maintain the statutory General Fund reserve.

This bill creates a one-time obligation and requires a General Fund appropriation of \$500,000 for FY 2022-23, reducing the \$900.0 million set aside by \$575,000 million in order to maintain a 15.0 percent statutory General Fund reserve.