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Fiscal Note Memorandum

March 6, 2023

TO: Members of the House Judiciary Committee

FROM: Aaron Carpenter, Senior Fiscal Analyst
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SUBJECT: Fiscal Assessment of Proposed Amendment **House Bill 23-1086_L.001**

This memorandum is an assessment of the fiscal impact of the attached proposed strike-below amendment L.001 to House Bill 23-1086. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

Summary of Proposed Amendment

Amendment L.001 removes the requirements of the introduced bill. Instead, the bill updates what is included in the Department of Local Affairs' (DOLAs) report of law enforcement seizure and forfeiture. Changes include collecting certain information on the outcome of the forfeiture proceeding, including if the owner defaulted or was an innocent owner, or if the property was forfeited by court order, settlement, or plea agreement. The bill also requires DOLA to report on the estimated value of the property, not the net equity.

Fiscal Impact of Amendment

Revenue impacts. The amendment removes the revenue impacts identified in the original fiscal note, as the amendment removes the forfeiture limits and distribution requirements from the bill.

Expenditure impacts. The amendment increases total expenditures by \$23,000 in FY 2022-23 from the original fiscal note and impacts workload to various state agencies, as described below.

- **Department of Local Affairs.** First, in FY 2022-23 only, the bill increases General Fund expenditures by \$22,549 in DOLA to update and add data fields to collect the information required by the bill. This work is estimated to require 0.2 FTE in the Office of Information Technology.
- **State law enforcement agencies.** Starting in FY 2023-24, workload to various state law enforcement agencies increases under the amendment to capture the required data. This workload can be accomplished within existing appropriations.

- **Judicial Department and independent offices.** Under the amendment, workload to the Judicial Department and independent offices that represent indigent persons decreases, since the amendment removes the changes to the civil forfeiture process, including requiring representation from the Office of the State Public Defender.

Local impacts. Under the amendment, workload to local law enforcement agencies, including district attorneys, will increase to capture the new required data. In addition, the amendment removes local revenue impacts from a decrease of forfeiture cost reimbursement, and will decrease workload to district attorneys to attend less hearings as assumed under the bill.

Bill’s Revised Fiscal Impact with Amendment

With L.001, the bill increases General Fund expenditures by \$22,549 in FY 2023-24 only as shown in Table 1.

**Table 1
State Fiscal Impacts Under L.001 to HB 23-1086**

	Budget Year FY 2023-24	Out Year FY 2024-25
Revenue	-	-
Expenditures General Fund	\$22,549	-
Transfers	-	-
Other Budget Impacts	-	-

State Expenditures

In FY 2023-24 only, the bill increases General Fund expenditures by \$22,549 in DOLA to update and add data fields to their law enforcement report and seizure report. This work is estimated to require 0.2 FTE in the Office of Information Technology.

State law enforcement agencies. Starting in FY 2023-24, workload to various state law enforcement agencies will increase under the amendment to capture the new required data. This workload can be accomplished within existing appropriations.

Local Government

Starting in FY 2023-24, workload to local law enforcement agencies, including district attorneys, will increase to capture the new required data. This work is expected to be minimal.

State Appropriations

The bill requires a General Fund appropriation of \$22,549 to the Department of Local Affairs, which is reappropriated to the Office of Information Technology with 0.2 FTE.