



Legislative Council Staff *Nonpartisan Services for Colorado's Legislature*

Fiscal Note

Drafting Number:	LLS 23-0080	Date:	March 6, 2023
Prime Sponsors:	Rep. Froelich; Soper Sen. Winter F.	Bill Status:	House Judiciary
		Fiscal Analyst:	Clayton Mayfield 303-866-5851 clayton.mayfield@coleg.gov

Bill Topic: FORENSIC MEDICAL EVIDENCE PROCESS IMPROVEMENTS

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 the Department of Public Safety to establish a tracking system for sexual assault forensic medical evidence examinations and prohibits medical facilities from billing victims for costs of obtaining evidence or for treating injuries directly relating to assaults. Starting in FY 2023-24, the bill increases state expenditures and local workload on an ongoing basis.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$1.6 million to the Department of Public Safety.

Fiscal Note Status: This fiscal note is preliminary and reflects the introduced bill. The fiscal note will be updated as more information on technology costs becomes available.

**Table 1
State Fiscal Impacts Under HB 23-1199**

		Budget Year FY 2023-24	Out Year FY 2024-25	Out Year FY 2025-26
Revenue		-	-	-
Expenditures	General Fund	\$1,550,086	\$611,916	\$552,692
	Centrally Appropriated	\$17,518	\$35,060	\$50,809
	Total Expenditures	\$1,567,604	\$646,976	\$603,501
	Total FTE	6.2 FTE	3.4 FTE	4.3 FTE
Transfers		-	-	-
Other Budget Impacts	General Fund Reserve	\$232,513	\$91,787	\$82,904

Summary of Legislation

The bill requires the Department of Public Safety (DPS) to establish a secure statewide system that allows victims of sexual assault to monitor the status of evidence obtained from their forensic medical evidence examinations. Every state or local law enforcement agency, medical facility, crime laboratory, or other entity that supplies, performs, analyzes, stores, or destroys examinations must participate in the system. The system must track certain information about stages of evidence analysis based on whether or not the victim consents to having the evidence analyzed and must also provide victims with certain information about navigating the criminal justice system and community resources. The system must be operational by December 31, 2024. By January 30, 2026, DPS must report annually on examination data to the General Assembly.

Additionally, the bill prohibits medical facilities from charging victims for costs associated with examinations, including treating injuries directly related to assaults. The DPS must establish a maximum amount payable to medical facilities that seek reimbursement for these costs and develop a system to track, process, and analyze these reimbursements. By January 30, 2026, DPS must report annually on reimbursement data to the General Assembly.

Finally, the bill makes the DPS sexual assault victim emergency (SAVE) payment program responsible for covering exams and associated medical costs for victims who report to law enforcement. It removes statutory provisions designating the SAVE program as the payer of last resort and that makes exam and associated medical costs eligible for other victim compensation programs.

Background

Under current law, costs of medical forensic exams for victims who report to law enforcement are borne by the local law enforcement agency with jurisdiction over the assault. Medical costs from injuries related to the assault are the responsibility of the victim, who may apply for reimbursement from local victim compensation programs.

When a victim receives a medical forensic exam and does not report to law enforcement, exam costs and medical care are reimbursable by the SAVE program, which is funded subject to the discretion of the General Assembly. The FY 2023-24 budget request for the DPS indicates \$167,933 in General Fund appropriations, and 0.2 FTE, for the SAVE program in its current form, which also currently utilizes approximately \$320,000 in federal Victim of Crime Act grant funds.

Assumptions

This fiscal note assumes that:

- most law enforcement agencies will continue to pay for medical forensic exam costs except for those whose current budgets cannot absorb unforeseen caseload increases;
- the SAVE program will modify service levels to cover any increase in total exams reimbursed; and
- the SAVE program will continue to pay for costs that are not otherwise covered by other victim compensation programs—see Technical Note.

State Expenditures

The bill increases state expenditures in the DPS by about \$1.6 million in FY 2023-24, \$650,000 in FY 2024-25, and \$600,000 in FY 2025-26 paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2
 Expenditures Under HB 23-1199**

	FY 2023-24	FY 2024-25	FY 2025-26
Department of Public Safety			
Personal Services	\$81,145	\$150,826	\$213,128
Operating Expenses	\$1,350	\$2,835	\$3,780
Capital Outlay Costs	\$6,670	\$13,340	-
Tracking Systems	\$1,441,531	\$427,525	\$318,394
Statewide Training	\$4,390	\$2,390	\$2,390
Forensic Exam Kits	\$15,000	\$15,000	\$15,000
Centrally Appropriated Costs ¹	\$17,518	\$36,060	\$50,809
FTE – Personal Services	0.9 FTE	1.9 FTE	2.8 FTE
FTE – Information Technology	5.3 FTE	1.5 FTE	1.5 FTE
Total	\$1,567,604	\$646,976	\$603,501
Total FTE	6.2 FTE	3.4 FTE	4.3 FTE

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

Staffing. The DPS requires 2.8 FTE to administer the program. This includes an Administrator to oversee the program, help customize the tracking system, coordinate and conduct outreach with stakeholders, train tracking system users and community stakeholders, review and process reimbursements, and assist with preparing required reports; a Data Manager to collect contact information for tracking system participants needed at the beginning of the project, manage updates to this information, and coordinate with the administrator on training and report preparation; and 0.8 FTE Administrative Assistant to enter initial billing data, track status of reimbursements, and follow-up with medical facilities.

The administrator will start in the first year, while the data manager and administrative assistant will start in December of the second year, one month before the system comes online. Amounts include standard operating and capital outlay costs and costs are prorated for the General Fund pay date shift.

Tracking systems. The Office of Information Technology (OIT) will obtain an existing statewide tracking system, adapt the system for Colorado’s security and accessibility requirements, and maintain the system on an ongoing basis thereafter. The OIT will also create an invoicing system for DPS. First-year costs for the two systems involve project intake, system requirements, hardware, and

the majority of system build-out using both OIT staff and contract project management. Ongoing maintenance costs are reflected in the third year of Table 2.

Statewide training. In the first year of implementation, DPS will receive training and consultation from Oregon officials that have implemented a similar tracking system at \$2,000 for travel and lodging expenses. Additionally, program staff will train stakeholders across the state on system utilization at a total cost of \$2,390, which includes travel and lodging for three events across the state per year.

Forensic exam kits. The Colorado Bureau of Investigation (CBI) currently supplies kits to law enforcement agencies and medical facilities through a vendor at a cost of approximately \$35,000. To supply kits that are integrated with the tracking system, it is estimated that the department will need an additional \$15,000 to deploy bar code information on these kits.

Cost reimbursements. The bill allows law enforcement and hospitals to seek reimbursement from DPS for costs related to forensic medical evidence examinations. As discussed in the Assumptions section, the fiscal note assumes these reimbursements will be paid from existing SAVE funds.

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

Local government workload will increase for law enforcement agencies to fulfill tracking system reporting requirements. Some law enforcement agencies may have decreased expenditures resulting from exam cost reimbursements from the SAVE program.

Technical Note

Currently the bill eliminates the responsibility of local law enforcement to cover medical forensic exam costs, making the SAVE program responsible for the costs, and removes the requirement that the SAVE program is a payer of last resort. This fiscal note assumes that a future amendment will clarify that the SAVE program will only cover costs local law enforcement agencies are unable to absorb.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2023-24, the bill requires a General Fund appropriation of \$1,550,086 to the Department of Public Safety, and 0.9 FTE. Of this amount, \$1,441,531 is reappropriated to the Office of Information Technology, and 5.3 FTE.

State and Local Government Contacts

Corrections	Counties	District Attorneys
Higher Education	Judicial	Law
Public Health and Environment	Public Safety	Regulatory Agencies