



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated January 31, 2023 )

Drafting Number: LLS 23-0059 Date: April 3, 2023
Prime Sponsors: Sen. Danielson Bill Status: Senate Appropriations
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Bill Topic: MISSING & MURDERED INDIGENOUS RELATIVES OFFICE

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill expands the reporting requirements and activities of the Office of Liaison for Missing and Murdered Indigenous Relatives. The bill increases state expenditures beginning in FY 2023-24.

Appropriation Summary: For FY 2023-24, the bill requires appropriations of \$332,574 to multiple state agencies.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the Senate Judiciary committee.

Table 1 State Fiscal Impacts Under SB 23-054

Table with 4 columns: Category, Budget Year FY 2023-24, Out Year FY 2024-25, and values for Revenue, Expenditures, Transfers, and Other Budget Impacts.

1 Of this amount, \$170,601 in FY 2023-24 may be paid from the Judicial Department's Information Technology Cash Fund, at the discretion of the General Assembly; however, use of this fund will likely increase the General Fund costs for future IT projects. See State Expenditure section for more detail.

## **Summary of Legislation**

The bill expands the duties of the Office of Liaison for Missing and Murdered Indigenous Relatives (MMIR) within the Department of Public Safety (CDPS). The bill requires the MMIR liaison to:

- conduct reviews of sentences and sentencing ranges for violent crimes against indigenous persons;
- publish a report on these cases and present this report to legislative committees;
- offer training to victim advocates who work with indigenous persons;
- establish an employee as the point of contact for indigenous families in need of assistance with the judicial process in a case involving a missing or murdered indigenous person; and
- develop an annual report that summarizes the office's work in the prior year and present this report to legislative committees.

The bill also allows the MMIR liaison to access criminal justice records and establishes privacy and confidentiality guidelines for publishing data from these records. Employees of the office who violate these guidelines commit a class 2 misdemeanor.

## **Background and Assumptions**

The Office of Liaison for MMIR within the Department of Public Safety was established by Senate Bill 22-150. The director of this office was hired on November 21, 2022. The office established the MMIR alert system, which went live on December 30, 2022. Since then, the alert system has been activated in January 2023 for one case involving a missing indigenous person. Annual average caseloads are unable to be determined given the limited timeframe of the office's activities.

## **Comparable Crime Analysis**

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data and assumptions.** This bill creates the new offense of making certain confidential information public, a class 2 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of violation of confidentiality requirements by a health care provider, officer, or employee of the Department of Public Health and Environment as a comparable crime. From FY 2019-20 to FY 2021-22, zero offenders have been sentenced and convicted for this existing offense. This fiscal note assumes that no Judicial Department employees will violate the privacy and confidentiality guidelines set by the bill. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note.

**State Expenditures**

The bill increases state expenditures in the Department of Public Safety by \$180,017 in FY 2023-24 and \$176,927 in FY 2024-25, paid from the General Fund. The bill also has \$170,601 in one-time computer programming costs for the Judicial Department in FY 2023-24. Expenditures are shown in Table 2 and detailed below.

**Table 2  
 Expenditures Under SB 23-054**

	FY 2023-24	FY 2024-25
<b>Department of Public Safety</b>		
Personal Services	\$92,023	\$100,387
Operating Expenses	\$2,450	\$2,450
Capital Outlay Costs	\$13,340	-
Lodging and Per Diem for Outreach	\$18,000	\$18,000
Mileage for Outreach	\$14,160	\$14,160
Statistical Analysis Software	\$12,000	\$12,000
Training and Conferences	\$10,000	\$10,000
Centrally Appropriated Costs <sup>1</sup>	\$24,044	\$25,930
FTE – Personal Services	1.4 FTE	1.5 FTE
<b>DPS Subtotal</b>	<b>\$180,017</b>	<b>\$176,927</b>
<b>Judicial Department</b>		
Computer Programming <sup>2</sup>	\$170,601	-
<b>Judicial Department Subtotal</b>	<b>\$170,601</b>	<b>-</b>
<b>Total</b>	<b>\$356,618</b>	<b>\$182,927</b>
<b>Total FTE</b>	<b>1.4 FTE</b>	<b>1.5 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

<sup>2</sup> Judicial Department IT costs may be paid from the Judicial Department's Information Technology Cash Fund. See Judicial Department paragraph for more detail on the potential use of this fund.

**Department of Public Safety.** The CDPS will increase staffing, utilize an additional software license, and provide trainings.

- **Staffing.** DPS will hire 1.0 FTE Social Services Specialist to serve as the point of contact for families in need of assistance in MMIR cases. DPS will also hire 0.5 FTE Statistical Analyst to complete the three reports required by the bill. Standard operating and capital outlay costs are included for this staff and first-year costs are prorated for the General Fund pay date shift.

- **Travel.** Staff are assumed to travel an average of 1,200 miles per month to conduct required outreach, with staff reimbursed \$0.59 per mile. Staff are assumed to average 5 nights per month outside the Denver metropolitan area, requiring lodging and per diem at \$300 per trip.
- **Statistical analysis software.** The statistical analyst will use the Colorado Integrated Criminal Justice Information System (CICJIS) to analyze cases and write reports required by the bill. Use of CICJIS for the new analyst requires a software license that costs \$12,000 annually.
- **Training and conferences.** The office will provide training for victim advocates who work with the families of MMIR. Developing training materials and booking meeting space is assumed to cost \$10,000 annually.

**Judicial Department.** The bill requires the Judicial Department to flag several new items in its court records: indigenous persons cases, repeat offender cases, and violent or exploitative crimes. Currently, the department's database only contains a field for Race/Ethnicity that would require updates to track indigenous cases in a manner required by the bill. Other upgrades would be required to track repeat offenders as part of an individual case record, as well as for flagging violent or exploitative crimes. Updating this database to track the required data is estimated to take about 1,400 hours of programming time at a rate of \$123 per hour, resulting in development costs of \$170,601. The fiscal note assumes that General Fund is the most appropriate funding source for this work; however, as noted in the footnote to Table 2, the Judicial Department Information Technology Cash Fund, at the discretion of the General Assembly, could also be used to cover these costs. However, use of the Information Technology Cash Fund will reduce the amount of cash fund available for future IT projects, including a planned upgrade to the Judicial case management system, and would likely result in the need for increased General Fund by the Judicial Department in the future.

**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 liaise with the office on cases involving MMIR. If in-service peace officer trainings are developed, costs will increase for local law enforcement agencies related to training, travel and per diems, and/or overtime coverage.

## **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 the following appropriations from the General Fund:

- \$161,973 to the Department of Public Safety, and 1.4 FTE; and
- \$170,601 to the Judicial Department.

## **State and Local Government Contacts**

Human Services  
Public Safety

Information Technology

Judicial