



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 23-0330 **Date:** August 22, 2023
Prime Sponsors: Sen. Fields; Exum **Bill Status:** Signed into Law
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Bill Topic: **DELETION OF CHILD'S NAME FROM CRIMINAL JUSTICE RECORDS**

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 courts to replace identifying information on judicial records involving children with “child victim” or “child witness” to protect the individual's identity. The bill will increase state and local expenditures beginning in FY 2023-24

Appropriation Summary: For FY 2023-24, the bill requires and includes an appropriation of \$387,449 to the Judicial Department.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under SB 23-075

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures	General Fund	\$387,449	\$449,575
	Centrally Appropriated	\$92,551	\$122,666
	Total Expenditures	\$480,000	\$572,241
	Total FTE	5.6 FTE	7.4 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$58,117	\$67,436

Summary of Legislation

Current law requires the Judicial Department to delete a child’s name from court records and replace it with “child victim” for certain sexual offenses. The bill expands this requirement to all criminal offenses and to court records where a child is a witness to a crime, excluding traffic offenses. The courts may disclose identifying information of a child victim or child witness where doing so serves the public interest.

Background

Court staff currently review filings for certain sexual offenses upon acceptance of the documents. If, upon review, the staff see that the victim is a child, they replace any identifying information with “child victim” and label the document with an appropriate security setting based on the contents.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$480,000 in FY 2023-24 and \$572,241 in FY 2024-25 and ongoing, paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under SB 23-075

	FY 2023-24	FY 2024-25
Judicial Department		
Personal Services	\$329,689	\$439,585
Operating Expenses	\$7,790	\$7,030
Capital Outlay Costs	\$49,970	\$2,960
Centrally Appropriated Costs ¹	\$92,551	\$122,666
Total Cost	\$480,000	\$572,241
Total FTE	5.6 FTE	7.4 FTE

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

Staff. The Judicial Department requires 7.4 FTE Court Support Staff to process document redactions, assuming that there are 850,000 applicable records per year. The fiscal note assumes that court staff will review every court document received in felony and misdemeanor cases to screen for potential child victims and witnesses in need of redaction. Courts received an average of 821,477 documents per year over the last five calendar years; each review of a document for potential redaction of a child’s information is expected to take one minute, on average. Courts also receive an average of 3,612 criminal records requests per year, where an additional review will occur to ensure that no child’s name is disclosed as a result of these requests; reviewing documents for a criminal records request and ensuring that no identifying information for a child is released is assumed to take 10 minutes. Finally the court receives on average 14,162 child protection orders that will also require redaction.

Staff costs include personal services costs, operating costs, and capital outlay costs as shown in Table 2. First-year costs are prorated for the General Fund pay date shift and a September 1, 2023, start date.

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

The bill will increase district attorney workload to redact child information when complying with any criminal justice records disclosure request. District attorneys estimate that approximately one-quarter of their records requests contain either a child victim or a child witness.

Effective Date

The bill was signed into law by the Governor on May 23, 2023, and it took effect on August 7, 2023. The bill applies to any criminal justice record released on or after January 1, 2024.

State Appropriations

For FY 2023-24, the bill requires and includes an appropriation of \$387,449 to the Judicial Department from the General Fund, and 5.6 FTE.

State and Local Government Contacts

District Attorneys
Public Safety

Human Services

Judicial