

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING CHANGES TO CRIMES INVOLVING CONTROLLED SUBSTANCES.

Prime Sponsors: Representative Waller
Sens. Steadman and Mitchell

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Phone: 303-866-2061
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Summary of Amendments Made to the Bill After the 04/05/10 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs **Does Not Concur** **Updated Analysis**

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision reducing General Fund appropriations for FY 2010-11 by \$1,468,196, and appropriating those savings to the Drug Offender Surcharge Fund, for a \$0 net General Fund impact. Specifically, this provision appropriates \$263,377 General Fund and 4.8 FTE to the Judicial Department for probation services and \$36,528 General Fund and 0.5 FTE to the Department of Public Safety for annual reporting on the fiscal savings generated by this bill. This provision also reduces General Fund appropriations to the Department of Corrections for payments to house state prisoners by \$1,523,589, and it reduces the General Fund appropriations to the Judicial Department for the public defense of drug crimes by \$244,512 General Fund and 5.6 FTE.

In addition, as required by Section 9 of the bill, amendment J.001 appropriates the savings generated by the bill for FY 2010-11 (\$1,468,196 General Fund) to the Drug Offender Surcharge Fund. Please note that amendment J.001 does not appropriate those moneys out of the Drug Offender Surcharge Fund in FY 2010-11 for treatment of adult offenders. Staff assumes that the Judicial Department's FY 2011-12 budget request will include a plan to allocate the funds among state agencies in FY 2011-12, as required by the bill.

Bill Sponsor Amendments

Staff is not aware of any sponsor amendments to be offered.

Points to Consider

As amended by the House Judiciary Committee, the bill contains references to appropriating the savings from the bill to both the Drug Offender Surcharge Fund (see pages three and four of the Judiciary Committee Report) and the Drug Offender Treatment Fund (see page 17 of the printed bill). It is staff's understanding that this was a technical drafting error, and that the correct fund for these savings is the Drug Offender Surcharge Fund.