



Colorado Legislative Council Staff Fiscal Note
STATE
FISCAL IMPACT

Drafting Number: LLS 11-0606
Prime Sponsor(s): Rep. Barker

Date: February 17, 2011
Bill Status: House Judiciary
Fiscal Analyst: Jessika Shipley (303-866-3528)

TITLE: CONCERNING CONDUCTING A SUBSTANCE ABUSE ASSESSMENT AT PROBATION INTAKE WHEN THE PRESENTENCE REPORT IS WAIVED.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
Cash Funds		
Drug Offender Surcharge Cash Fund	\$67,518	\$136,400
State Expenditures		
FTE Position Change		
Effective Date: August 10, 2011, if the General Assembly adjourns on May 11, 2011, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2011-2012: None required.		
Local Government Impact: None.		

Summary of Legislation

Current law requires all adults convicted of a felony, misdemeanor, or petty offense, who are to be considered for any sentence that includes supervision by the Division of Probation Services within the Colorado Judicial Branch, to submit to an assessment for the use of controlled substances or alcohol as part of the presentence investigation. Current law allows the presentence investigation to be waived by the court. This bill expands the requirement of an assessment to include cases in which an individual is sentenced to be supervised by probation services and the presentence investigation is waived. In these cases, the assessment will be completed after sentencing as part of the probation intake process.

Background

The Judicial Branch currently imposes a \$45 or \$75 fee for the Standardized Offender Assessment when it is completed during the presentence investigation phase of a case. The assessment is a two-step process. The branch charges \$45 for the first portion of the assessment. If an individual scores high enough on that portion, he or she is charged an additional \$30, or \$75 total, for the second portion of the assessment. The fees are deposited in the Drug Offender Surcharge Cash Fund.

State Revenue

The bill allows probation departments to assess the \$45 or \$75 fee for the Standardized Offender Assessment on adults in cases where no presentence investigation was completed. Approximately 11,000 fees are currently assessed each year and that number is expected to double if the bill is enacted. The average fee collected is \$62. The branch collects approximately 11 percent of the fees assessed in the fiscal year in which they were assessed. An additional 10 percent is generally collected in the following fiscal year. Table 1 shows the expected revenue as a result of the bill.

Table 1. Drug Offender Surcharge Revenue Under HB 11-1200				
Year 1				
Estimated # of new fees imposed *	Average fee amount	Total additional amount assessed	% collected by June 30 of year 1	Estimated new revenue
9,900	\$62	\$613,800	11%	\$67,518
Total Year 1 Additional Revenue				\$67,518
Year 2				
Estimated # of new fees imposed	Average fee amount	Total additional amount assessed	% collected by June 30 of year 2	Estimated new revenue
11,000	\$62	\$682,000	11%	\$75,020
			Additional % collected during year 2 on year 1 assessments	Additional new revenue during year 2 from year 1 assessments
			10%	\$61,380
Total Year 2 Additional Revenue				\$136,400

* Year 1 volume is 90% of estimated new cases because the bill takes effect August 10, 2011.

Departments Contacted

Judicial