

**STATE  
FISCAL IMPACT**

**Drafting Number:** LLS 11-0854

**Date:** April 14, 2011

**Prime Sponsor(s):** Sen. Jahn  
Rep. Gardner B.

**Bill Status:** Senate Judiciary

**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**TITLE:** CONCERNING THE CHILD ABUSE INVESTIGATION SURCHARGE.

<b>Fiscal Impact Summary</b>	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
<b>State Revenue</b>		
Cash Funds		
Judicial Stabilization Cash Fund	<\$1,000	<\$1,000
Child Abuse Investigation Surcharge Fund	<1,000	<1,000
<b>State Expenditures</b>		
Cash Funds		
Judicial Stabilization Cash Fund		
Child Abuse Investigation Surcharge Fund	See State Expenditures section.	
<b>FTE Position Change</b>		
<b>Effective Date:</b> July 1, 2011.		
<b>Appropriation Summary for FY 2011-2012:</b> None required.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

The bill adds the following offenses to the list of crimes against children for which a convicted person must pay a child abuse investigation surcharge:

- sexual assault on a client by a psychotherapist;
- invasion of privacy for sexual gratification;
- coercion of involuntary servitude.

**Background**

Under current law, the child abuse investigation surcharge must be paid by persons convicted of incest, child abuse, contributing to the delinquency of a minor, and internet luring of a child. Depending on the degree of the felony or misdemeanor offense, the surcharge can be between \$75 and \$1,500. Five percent of the surcharge is retained by the courts in the Judicial Stabilization Fund for administrative purposes and 95 percent is deposited into the Child Abuse Investigation Surcharge Fund. Moneys in the Child Abuse Investigation Surcharge Fund are annually appropriated

to the Department of Public Safety (DPS) for distribution to nonprofit organizations that work with children who have been the victims of abuse or crimes. In FY 2011-12, the DPS will receive an appropriation of \$317,415 from this fund.

### **State Revenue**

In the previous five years, only one person has been convicted of the crimes listed in the bill. The fiscal note assumes that convictions for these crimes will continue at a similar rate in the future. Therefore, the bill is expected to generate a minimal amount of revenue to the Judicial Stabilization Fund and the Child Abuse Investigation Surcharge Fund of less than \$1,000 per year beginning in FY 2011-12.

### **State Expenditures**

The bill does not affect costs in any department. However, to the extent that the bill increases revenue to the Judicial Stabilization Cash Fund and the Child Abuse Investigation Surcharge Fund, additional funding would be available to the Judicial Branch for court administration and to the DPS for grants to nonprofit organizations providing child abuse investigation and victim assistance. Because revenue from expanding the child abuse investigation surcharge to these new offense is expected to be minimal and infrequent (<\$1,000 per year), no appropriation is required at this time. If sufficient revenue is generated to the cash funds, appropriations to the DPS and Judicial Branch can be increased through the annual budget process.

### **Departments Contacted**

Human Services      Judicial      Public Safety