



Colorado Legislative Council Staff Fiscal Note
STATE
FISCAL IMPACT

Drafting Number: LLS 12-0480
Prime Sponsor(s): Rep. Barker
 Sen. Aguilar

Date: February 14, 2012
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

TITLE: CONCERNING A SURCHARGE ON PERSONS CONVICTED OF CRIMES AGAINST AT-RISK PERSONS.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
Cash Funds	<u>at least \$9,653</u>	<u>at least \$16,761</u>
Judicial Stabilization Cash Fund	483	838
Crimes Against At-Risk Persons Surcharge Fund	9,170	15,923
CBI Identification Unit Cash Fund	potential increase	potential increase
State Expenditures		
Cash Funds		
Crimes Against At-Risk Persons Surcharge Fund	Increase - See State Expenditures section.	
FTE Position Change		
Effective Date: August 15, 2012, if no referendum petition is filed.		
Appropriation Summary for FY 2012-2013: See State Appropriations section.		
Local Government Impact: None.		

Summary of Legislation

This bill adds a surcharge to persons who are convicted of a crime against an at-risk adult or at-risk juvenile. The surcharges vary and range from \$75 for a class 3 misdemeanor to \$1,500 for a class 2 felony and may be waived by the court. Surcharge revenue is distributed 5 percent to the Judicial Stabilization Cash Fund for administrative costs in the court and 95 percent to the newly created Crimes Against At-Risk Persons Surcharge Fund.

Moneys in the Crimes Against At-Risk Persons Surcharge Fund will be appropriated each year to the Department of Human Services (DHS) for distribution to a non-profit organization serving as a fiscal agent. The DHS is directed to establish guidelines for the distribution of moneys from the fund, reporting procedures for the fiscal agent, and standards for programs that receive moneys. The fiscal agent is authorized to retain a portion of the moneys for training and coordination purposes, with the rest distributed to programs that provide respite services to caregivers.

A program that receives funds must agree to complete a signed agreement and protocol with the fiscal agent, conduct a fingerprint-based criminal history check of staff and providers, and satisfy the performance standards identified by the DHS. The DHS may not expend any moneys until it has enough revenue to cover administrative costs.

State Revenue

This bill is anticipated to increase state cash fund revenue by at least \$9,653 in FY 2012-13 and \$16,761 in FY 2013-14. On average a total of 150 convictions of crimes against at-risk persons occur each year, prorated to 132 in the first year. Based on the current mix of crime levels, the fiscal note assumes an average surcharge will be \$450 per offender. Based on the current payment rates of approximately 25 percent of each year's revenue received in the first year with 15 percent paid in each successive year, and assuming that at least 35 percent of offenders will be identified as indigent, cash fund revenue will increase by \$9,653 in FY 2012-13 and \$16,761 in FY 2013-14.

Conditional upon the DHS receiving sufficient revenues to begin distribution of funds and individual programs directing staff and providers to obtain background checks from the Colorado Bureau of Investigation (CBI), state cash fund revenue could increase. The state charges \$39.50 to process fingerprint-based background checks, with revenue credited to the CBI Identification Unit Cash Fund. As it is unknown how many providers and staff will receive a fingerprint-based background check and whether these individuals will request services from the CBI, the amount of potential increased revenue has not been estimated.

State Expenditures

This bill will increase state cash fund expenditures by at least \$9,653 in FY 2012-13 and \$16,761 in FY 2013-14 as discussed below.

Judicial Branch. The Judicial Branch will retain 5 percent of surcharge revenue for administrative purposes, for a total of \$483 in FY 2012-13 and \$838 in FY 2013-14.

Department of Human Services. The DHS is responsible for implementing program guidelines and contracting with a fiscal agent, which can be absorbed within existing appropriations. The fiscal note assumes that the department will distribute funds to the fiscal agent in the amount of \$9,170 in FY 2012-13 and \$15,923 in FY 2013-14.

Department of Public Safety. If programs receiving funds under this bill direct their staff and providers to seek fingerprint-based background checks from the CBI, costs to the department will increase. However, as discussed under the State Revenue section, any such costs will be offset by additional fee revenue received for this purpose.

State Appropriations

For FY 2012-13, the Judicial Branch should receive \$483 cash funds from the Judicial Stabilization Cash Fund. The Department of Human Services should receive \$9,170 from the Crimes Against At-Risk Persons Surcharge Fund.

Departments Contacted

Corrections
Law

Human Services
Public Safety

Judicial