

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

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

Prime Sponsors: Representative Barker
Senator Aguilar

JBC Analyst: Amanda Bickel
Phone: 303-866-2061
Date Prepared: February 28, 2012

Summary of Amendments Made to the Bill After the 02/21/12 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs

Does Not Concur

Updated Analysis

Reason for the Non-Concurrence/Update

The Judicial Department has indicated that it does not require an additional FY 2012-13 appropriation of \$169 cash funds from the Judicial Stabilization Cash Fund to implement this bill.

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$3,209 cash funds from the Crimes Against At-Risk Persons Surcharge Fund to the Department of Human Services for FY 2012-13.

Bill Sponsor Amendments

Sponsor amendment **L.002** applies surcharges to individuals convicted of identity theft when the victim is an at-risk adult or at-risk juvenile. The surcharges would be the same as those applied to individuals convicted of crimes against at-risk adults and at-risk juveniles.

If adopted, this amendment is anticipated to increase total surcharges that result from the bill by \$2,650 in FY 2012-13 and \$8,951 in FY 2013-14. Of these amounts, 95 percent would be deposited into the Crimes Against At-risk Persons Surcharge Fund for appropriation to the Department of Human Services and 5 percent would be deposited into the Judicial Stabilization Cash Fund.

These amounts reflect the following assumptions:

- 725 convictions for identity theft per year, based on the average for the last three years;

- fifteen percent of these convictions (109 per year) estimated to be for crimes against at-risk adults or juveniles, based on national data on the percentage of identify-theft victims age 60 and older; and
- an average surcharge of \$490 per offender, based on the current mix of identity-theft crime levels.

As described in the Legislative Council Staff Revised Fiscal Note, it is assumed that 35 percent of offenders will be unable to pay the surcharge, collections from other offenders will be spread over multiple years, and surcharges in the first year will be reduced by the effective date of August 15, 2012. Revenue will therefore increase over time.

The table below reflects the total anticipated revenue and expenditure estimates for the bill if L.002 is adopted.

H.B. 12-1226 Revised Fiscal Impact if L.002 Adopted*		
	FY 2012-13	FY 2013-14
State Revenue		
Judicial Stabilization Cash Fund	\$302	\$1,016
Crimes Against At-Risk Persons Surcharge Fund	5,726	19,285
State Appropriations		
Department of Human Services - Crimes Against At-Risk Persons Surcharge Fund	5,726	19,285

*As described in the Legislative Council Staff Revised Fiscal Note, in addition to the amounts shown, there may be additional revenue and expenditures for the Department of Public Safety if programs receiving funds under this bill direct staff and providers to seek fingerprint-based background checks.

Staff has drafted an amendment, **J.002**, to appropriate \$5,726 cash funds from the Crimes Against At-Risk Persons Surcharge Fund to the Department of Human Services for FY 2012-13. **If amendment L.002 is adopted, J.002 should also be adopted** and J.001 should **not** be adopted.

Points to Consider

1. The bill describes in specific detail the entity that is to be used by the Department of Human Services as the fiscal agent for the distribution of funds from the Crimes Against At-risk Persons Surcharge Fund. The Crimes Against At-risk Persons Surcharge Fund and role of the fiscal agent would continue indefinitely under the bill's provisions. Will the description of the fiscal agent included in the bill continue to be meaningful in future years?

2. By FY 2014-15, the total revenue to the Crimes Against At-risk Persons Surcharge Fund is projected to be \$15,855 if L.002 is not adopted and \$28,369 if L.002 is adopted. Revenue in subsequent years is expected to be similar.