

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING CHANGES TO IMPROVE OUTCOMES FOR PERSONS CONVICTED OF POSSESSION OF CERTAIN CONTROLLED SUBSTANCES CRIMES, AND, IN CONNECTION THEREWITH, ESTABLISHING A MISDEMEANOR PENALTY FOR POSSESSION OF CONTROLLED SUBSTANCES, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT, AND MAKING AN APPROPRIATION.

Prime Sponsors: Sens. Mitchell and Steadman
Reps. Beezley and Levy

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Date Prepared: April 26, 2012

Summary of Amendments Made to the Bill After the 04/26/12 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

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

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision that adjusts FY 2012-13 General Fund appropriations as follows:

Table 1		
FY 2012-13 General Fund appropriation increases and decreases in J.001	Amount	FTE
1. Department of Corrections	(\$455,542)	0.0
2. Department of Human Services, Drug and Alcohol Abuse Division	17,500	0.0
3. Judicial Department, Trial Courts	(278,693)	(5.0)
4. Judicial Department, Probation	59,301	1.0
5. Judicial Department, Office of the State Public Defender	(10,500)	(0.2)
6. Department of Public Safety, Community Corrections Placements	(200,491)	0.0
7. Drug Offender Surcharge Fund or Correctional Treatment Cash Fund	868,425	0.0
Total	\$0	(4.2)

The appropriations in Table 1 correspond to those identified in the Legislative Council Staff Revised Fiscal Note dated April 26, 2012. Appropriation #7 directs the bill's savings into the Drug Offender Surcharge Fund or, if S.B. 12-104 becomes law, the Correctional Treatment Cash Fund, which would be established by S.B. 12-104 and is currently awaiting second reading in the Senate.¹

Bill Sponsor Amendments

Sponsor amendment **L.011** (attached) strikes the Finance and Judiciary Committee reports and strikes everything below the bill's enacting clause, substituting a provision that requires the Colorado Commission on Criminal and Juvenile Justice to consider the development of a comprehensive drug sentencing scheme for all drug crimes and, by December 15, 2012, to provide the Judiciary Committees of the House and Senate with a written report of the Commission's recommendations.

The Division of Criminal Justice at the Department of Public Safety, which provides support for the Commission, states that it can do the work required by L.011 as part of its ongoing staffing for the Commission's Drug Policy Task Force with no need for additional appropriations.

If L.011 is adopted, no appropriation is necessary and J.001 should not be adopted.

Points to Consider

Passage of this bill will neither increase nor decrease the amount of General Fund that is available for other programs in FY 2012-13 or subsequent years. Savings generated by the bill will be expended by the Judicial Department and the Departments of Corrections, Human Services, and Public Safety.

¹ Amendment J.001 assumes that the Judicial Department and the Departments of Corrections, Human Services, and Public Safety will receive allocations from the Drug Offender Surcharge Fund or the Correctional Treatment Cash Fund that mirror those provided in the FY 2012-13 Long Bill. These Departments would need additional spending authority to receive and spend the \$868,425 made available by this bill.