

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING EVIDENCE COLLECTED IN CONNECTION WITH A SEXUAL ASSAULT.

Prime Sponsors: Representative McNulty
Senator Roberts

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Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/05/13.

	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
XXX	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

The Legislative Council Staff Revised Fiscal Note (04/05/13) lists \$3,090 General Fund for rule making. The Department of Law needs an appropriation of \$3,090 reappropriated funds in order to provide legal services to the Department of Public Safety. Legislative Council Staff agrees with this JBC Staff assessment.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment
L.005	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001 Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$13,934,124 General Fund and 9.0 FTE to the Department of Public Safety for FY 2013-14 and \$3,090 reappropriated funds to the Department of Law for the provision of legal services to the Department of Public Safety for FY 2013-14.

If the Committee adopts amendment L.005, it should NOT adopt amendment J.001.

L.005 Bill Sponsor amendment **L.005** (attached):

- Clarifies that the rules promulgated by the Executive Director of the Department of Public Safety (the Department) on time frames for submission of evidence will start to apply after the backlog of forensic evidence is resolved;
- Requires that the rules promulgated by the Executive Director of the Department include: (a) a plan for prioritizing the testing of the backlog of forensic medical evidence to be forwarded to the Colorado Bureau of Investigation (CBI) pursuant to subsection (4) of the bill and a plan for testing newly collected forensic medical evidence once the backlog is resolved; and (b) the date, as soon as practicable, by which a law enforcement agency (LEA) must analyze its backlog of forensic medical evidence if it does not forward such evidence to the CBI for analysis;
- Extends the period for submission of backlog forensic evidence by LEAs to the CBI or other accredited laboratory from 90 days to 120 days from the effective date of the bill;
- Requires the CBI to submit to the Governor and the Judiciary Committees *as soon as practicable* (rather than June 30, 2014), a proposed plan for analyzing all of the inventoried backlog of forensic medical evidence *and for analyzing newly collected forensic evidence "as soon as practicable"*;
- Allows an LEA to develop its own plan to analyze forensic medical evidence of alleged sexual assaults by a date specified by the rules promulgated by the Executive Director of the Department (rather than June 30, 2014);
- Requires the Department to include, within its budget requests and supplemental budget requests submitted to the Joint Budget Committee, funding requests to analyze as soon as practicable the backlog of forensic medical evidence and any newly collected forensic medical evidence of any alleged sexual assaults forwarded to the CBI pursuant to the requirements of the bill; and
- Appropriates \$6,351,002 General Fund to the Department for FY 2013-14 for contract services for testing of backlog evidence.

Points to Consider

General Fund Impact

The Joint Budget Committee introduced a budget package for FY 2013-14 based on the March 2013 Office of State Planning and Budgeting revenue forecast. The budget package appropriates all but approximately \$8.0 million of General Fund revenues projected to be available, less a statutorily required five percent General Fund reserve. This bill requires a General Fund appropriation of \$13,934,124 for FY 2013-14. If this bill is enacted, other General Fund appropriations for existing programs will need to be reduced by \$5,934,124 in order to maintain a statutorily required five percent General Fund reserve.

HB13-1020

JBC Staff Analysis

Future Fiscal Impact

Sponsor amendment **L.005** contains an appropriation clause appropriating \$6,351,002 General Fund for FY 2013-14 for contract services for testing of backlog evidence related to the implementation of the bill. At a cost of \$1,500 per kit, the funding contained in **L.005** would allow the Department to contract for the testing of 4,234 kits in FY 2013-14, or about 84 percent of the estimated evidence backlog. Amendment **L.005** requires the Department to include within its budget requests and supplemental budget requests funding to analyze as soon as practicable the remaining evidence backlog and newly collected forensic evidence. Thus, as early as January 2014, the Department may request the remaining \$7,583,122 General Fund and 9.0 FTE estimated to be required to analyze such evidence.