



Finally, the bill creates the 26-member Colorado Human Trafficking Council within the DPS and specifies the council's membership and duties. The council is required to meet at least four times per year. The council must make recommendations to the General Assembly by January 1, 2016, regarding whether or not a process should be established for certifying organizations that provide services to victims of human trafficking, and if a grant program should be established to assist these organizations. The council may recommend statutory changes to more easily punish and prosecute persons who engage in human trafficking, and better protect victims. The council is also required to:

- develop an implementation plan for a public awareness campaign to educate the public about human trafficking, and distribute victim services contact information to places where victims are likely to see it;
- develop training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work with victims, and for law enforcement agencies; and
- identify best practices for the prevention of human trafficking.

The council must annually report to the Judiciary Committees of the General Assembly on the prevalence of human trafficking and the efforts of law enforcement to combat human trafficking in the state.

### **State Revenue**

Overall, this bill is expected to increase state cash fund revenue by less than \$5,000 per year beginning in FY 2019-20. The bill specifies that if an offender is convicted of human trafficking for involuntary or sexual servitude, the offender must pay restitution to the victim. If the victim is deceased, or otherwise unavailable to collect the restitution payment for up to five years after the restitution order is made, the offender must pay the restitution to the Prostitution Enforcement Cash Fund in the DPS (PECF). To the extent that victims are unavailable to accept restitutions payments state revenue will increase by up to \$5,000 for moneys credited to the PECF.

### **State Expenditures**

Overall, this bill is expected to increase workload and state expenditures by an estimated \$287,205 and 1.8 FTE in FY 2014-15 and \$296,803 and 2.0 FTE in FY 2015-16 and each year thereafter, primarily due to the newly created Human Trafficking Council in the DPS.

**Department of Public Safety.** The bill creates the council within the DPS. Council members serve without compensation or reimbursement for expenses. The council is required to meet at least four times per year. The fiscal note assumes that the council will hold four meetings in FY 2014-15 and six meetings in FY 2015-16 and each year thereafter.

Because the council is located within the DPS, it is assumed that the DPS will provide staff support. Staff will be required to coordinate meeting logistics, provide minimal support to subcommittees, keep record of meeting minutes, conduct research, synthesize information and prepare a final report, and help direct the work of the council. This will require staff with knowledge in victim services, data analysis, and the criminal justice system. The fiscal note assumes that staff members need not be subject matter experts, as the membership of the task force includes subject matter experts.

This fiscal note used the Governor's Community Corrections Advisory Council and the Colorado Substance Abuse Task Force as models for estimating the staff levels required to support the council. These groups share similarities with the council in terms of duties, reporting requirements, meeting frequency, and the level and detail of work required. Based on these models, the fiscal note estimates that the DPS will require at least 2 full-time professional staff, plus the services of an expert consultant to support the council and its work. The full-time positions are assumed to require a monthly salary at the middle of the compensation range, and the consultant is assumed to provide training in the creation of curriculums and to help guide the work of the council. Costs are shown in Table 1, below, and are prorated in the first year to account for the General Fund paydate shift.

<b>Table 1. Expenditures Under HB 14-1273</b>		
<b>Cost Components</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
Personal Services	\$161,700	\$176,400
FTE	1.8 FTE	2.0 FTE
Operating Expenses and Capital Outlay Costs	11,116	1,900
Travel and Lodging	2,980	4,470
Consultant Services - Curriculum Training	88,000	88,000
Centrally Appropriated Costs*	23,409	26,033
<b>TOTAL</b>	<b>\$287,205</b>	<b>\$296,803</b>

\* Centrally appropriated costs are not included in the bill's appropriation.

**Council membership.** For those state agencies required to have member representation on the council, workload will increase. Council members serve without compensation or reimbursement for expenses and may experience costs for travel to council meetings, and other incidental expenses. Increases in costs and workload will not require additional appropriations.

**Judicial Department.** The crime of human trafficking exists under current law. Although current law does not make a distinction between human trafficking for involuntary or sexual servitude, the distinction provided by the bill is not expected to increase the number of filings within the Judicial Department. As such, this bill is not expected to increase costs to the Judicial Department.

**Office of the State Public Defender (OSPD).** This bill is not anticipated to increase costs to the OSPD; however, because an offender may be charged for both the crime of human trafficking for the purpose of involuntary servitude and for the crime of human trafficking for the purposes of sexual servitude under the bill, the complexity of cases may increase, requiring additional resources. Any increase in workload or expenditures as a result of the bill will be addressed through the annual budget process.

**Alternative Defense Counsel (ADC).** The ADC represents defendants only if the defendant is indigent and the OSPD has a conflict in representing the defendant. Under the bill, an offender may be charged for two crimes related to human trafficking, and this may increase the complexity of cases, requiring additional resources. Any increase in workload or expenditures as a result of the bill will be addressed through the annual budget process.

**Department of Corrections (DOC).** Human trafficking cases are prosecuted under current law at the same felony level that they would be prosecuted at under the bill. In FY 2012-13, the DOC received one offender sentenced for trafficking of adults and one offender sentenced for trafficking of children. In FY 2013-14, the DOC received no offenders for either offense. Because the offenses of human trafficking for the purpose of involuntary or sexual servitude as described by the bill are currently being prosecuted under the current human trafficking statutes, and the felony level of these offenses is unchanged by the bill, this bill is not expected create an increase in the number of offenders being sentenced to stay in the DOC; however, costs to the DOC may increase if an offender is charged for both crimes and is sentenced to consecutive stays in the DOC. Any increase in workload or expenditures as a result of the bill will be addressed through the annual budget process.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

<b>Cost Components</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$11,159	\$12,360
Supplemental Employee Retirement Payments	12,250	13,673
<b>TOTAL</b>	<b>\$23,409</b>	<b>\$26,033</b>

\*More information is available at: <http://colorado.gov/fiscalnotes>

### **Effective Date**

The bill takes effect July 1, 2014, and applies to offenses committed on or after that date.

### **State Appropriations**

For FY 2014-15, the Department of Public Safety requires a General Fund appropriation of \$263,796 and an allocation of 1.8 FTE.

### **Departmental Difference**

The Department of Public Safety identified total costs of \$461,218 and 3.6 FTE in FY 2014-15 and \$477,139 and 4.0 FTE in FY 2015-16. The department used the Colorado Commission on Criminal and Juvenile Justice (CCJJ) as a model to estimate the staffing level and expertise requirements to support the council. The department indicates that the duties and requirements of the council closely align to the duties and requirements of the CCJJ, and therefore, so should staffing levels.

Overall, the department estimates that the council will hold 12 meetings per year and require additional staff support of 4.0 FTE, with 3.0 FTE being at the General Professional IV level and 1.0 FTE being at the General Professional V level, for a total salary cost of \$298,186 in

FY 2014-15 and \$331,319 in FY 2015-16, prorated in the first year to account for the payday shift. Travel and lodging expenses for 4.0 FTE are calculated to be \$38,020 in both years, and operating and capital outlay has been calculated for 4.0 FTE at a cost of \$22,612 in FY 2014-15 and \$3,800 in FY 2015-16. Leased space is calculated by the department to cost \$14,400 in FY 2014-15 and \$16,000 in FY 2015-16. The department also included costs of \$26,100 for council member travel and lodging reimbursement in both years, which is not required by the bill. Finally, the department includes a cost of \$88,000 in both years for consultant services.

Certain staffing costs identified by the department have been excluded from the fiscal note because it is assumed that the council's duties, reporting requirements, meeting frequency, and level and detail of work required more closely match those of the Governor's Community Corrections Advisory Council and the Colorado Substance Abuse Task Force models. The fiscal note estimates a need for at least 1.8 additional FTE in FY 2014-15 and at least 2.0 additional FTE in FY 2015-16 and each year thereafter. The fiscal note assumes that staff members need not be subject matter experts and, therefore, do not require the high level of expertise or background training in human trafficking that the department has identified. This assumption is based on the fact that the council membership is comprised of subject matter experts. In addition, the department identified a need for staff to coordinate and work with council subcommittees. The fiscal note assumes that subcommittees may require minimal staff support and this has been included in the fiscal note's FTE calculations.

Leased space costs identified by the department were not included in the fiscal note because the staffing level identified by the fiscal note does not warrant the use of leased space. Travel and lodging expenses and operating and capital outlay expenditures for staff members have been reduced to reflect the fiscal note's staff level estimates. Finally, the fiscal note does not include travel or lodging reimbursement for council members which were identified by the department at a cost of \$26,100 per year; these expenditures are not required by the bill.

### **State and Local Government Contacts**

Corrections  
Sheriffs  
Judicial  
Law  
Labor and Employment  
Colorado District Attorney's Council

Cities and Counties  
Governor's Office  
Public Safety  
Human Services  
Higher Education