

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING PENALTIES FOR DUI OFFENDERS.

Prime Sponsors: Reps. Saine and McCann
Sens. Cooke and Johnston

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Date Prepared: April 7, 2015

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 03/26/15.

	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

On page 4 of the 03/26/15 Revised Fiscal Note, in the FY 2015-16 column, an additional appropriation of \$437 for Attorney Registration costs of the Office of the State Public Defender was inadvertently omitted. The appropriations listed in Tables 1 and 2 of this document and the appropriations in amendment J.001 correct this technical error. Legislative Council Staff agrees with this update.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment

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 the General Fund appropriations provisions listed in Table 1 to the Judicial Department for FY 2015-16. This provision also states that the appropriations are based on the assumption that the Department will require the additional FTE listed in Table 1.

TABLE 1: Appropriations to the Judicial Department for FY 2015-16		
Purpose	General Fund	FTE
Trial Courts - Personal services and operating expenses	\$700,394	8.8
Probation Programs - Personal services and operating expenses	152,261	2.3
Courthouse capital/infrastructure maintenance	231,126	0.0
Office of the State Public Defender - Personal Services, operating expenses, attorney registration, and capital outlay	188,352	3.1
Total	\$1,272,133	14.2

Amendment J.001 also adds a five year sentencing clause to the bill as required by Section 2-2-703, C.R.S. The clause contains the statutory appropriations to the Department of Corrections listed in Table 2 for FY 2015-16 through FY 2019-20. Because the state currently places additional offenders in private prisons and private prisons have substantial excess capacity, the clause does not include an appropriation for capital construction costs.

TABLE 2: Appropriations to Department of Corrections	
Fiscal Year	Statutory General Fund Appropriation to the Department of Corrections
FY 2015-16	\$0
FY 2016-17	2,581,944
FY 2017-18	6,497,158
FY 2018-19	9,397,689
FY 2019-20	9,397,689
Total	\$27,874,480

Points to Consider

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2015-16 based on the March 2015 Legislative Council Staff revenue forecast. The budget package allocates a total of \$18.5 million General Fund to be available to fund 2015 legislation. If the full \$18.5 million is not used to fund legislation, it will remain in the General Fund reserve.

Future Fiscal Impact

In addition to the \$1,272,133 General Fund appropriation required for FY 2015-16, this bill requires General Fund appropriations totaling \$27,874,480 for FY 2016-17 through FY 2019-20.