

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING SEXUALLY VIOLENT PREDATORS.

Prime Sponsors:	Senator Kester	JBC Analyst:	Karl Spiecker
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**Summary of Amendments Made to the Bill After the 02/13/06 Legislative Council Staff Fiscal Note was Prepared (Amended by the Judiciary Committee 02/13/06)**

The Judiciary Committee amendment inserted a provision into the bill that does the following:

1. Requires a peace officer to notify the Colorado Bureau of Investigation (CBI) if the peace officer has arrested a person for failure to register as a sex offender, if that person is required to register based on their status as a sexually violent predator.
2. Upon receiving the notification from a peace officer, requires the CBI to notify the jurisdiction in which the sexually violent predator was last registered.
3. Requires the jurisdiction in which the sexually violent predator was last registered to coordinate with the jurisdiction in which the arrest was made to determine which jurisdiction should file the charge.
4. Requires the appropriate jurisdiction to file charges against the sexually violent predator within five business days after the arrest.

It is estimated that the affected entities can implement the provisions of this amendment within their existing resources. As such, **the Judiciary Committee amendment does not change the fiscal impact of the bill.** Legislative Council Staff concurs with this assessment.

**JBC Staff Concurrence with Legislative Council Staff Fiscal Note**

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

**Amendments/Appropriation Status**

The bill does not contain an appropriations clause. Staff has drafted an amendment (**J.001**) that inserts an appropriations clause into the bill. This appropriations clause does the following:

1. Appropriates \$71,806 General Fund and 0.7 FTE to the Department of Corrections in FY 2006-07;
2. Appropriates \$27,000 cash funds (Sex Offender Surcharge Fund) to the Judicial Department in FY 2006-07; and
3. Appropriates \$29,000 General Fund to the Division of Criminal Justice in the Department of Public Safety in FY 2006-07.

This clause is consistent with the estimated fiscal impact of the bill as delineated in the Legislative Council Staff Fiscal Note dated February 13, 2006.

### **Sponsor Amendments**

Staff is aware of one sponsor amendment (**L.005**). Sponsor amendment **L.005** eliminates the provision of the bill that expands the definition of "sexually violent predator" to include offenders who have been convicted of an attempt, solicitation, or conspiracy to commit certain sex offenses. This amendment, if adopted, would eliminate the fiscal impact of the bill. Legislative Council Staff concurs with this assessment. **If L.005 is adopted, J.001 is not necessary.**

### **Points to Consider**

The Joint Budget Committee has introduced a budget package for FY 2006-07 based on the March 2006, Legislative Council Staff revenue forecast. The budget package appropriates the maximum amount of General Fund allowed pursuant to the statutory six percent limit on General Fund appropriations, less \$10,000,000<sup>1</sup>. This bill requires \$100,806 in additional General Fund appropriations for FY 2006-07; this appropriation is subject to the six percent statutory limit on General Fund appropriations. If this bill is enacted in conjunction with other bills that require more than a total of \$10.0 million General Fund for FY 2006-07, the General Assembly will exceed the statutory limit on General Fund appropriations. **This impact is eliminated if sponsor amendment L.005 is adopted.**

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<sup>1</sup> Please note that on March 31, 2006, the Governor vetoed H.B. 06-1374, which appropriates \$20.0 million General Fund for FY 2005-06 for the *Giardino* lawsuit settlement (including \$10.0 million subject to the six percent limit on General Fund appropriations, and \$10.0 million exempt from the six percent limit). The FY 2006-07 Long Bill appropriates \$20.0 million General Fund for the *Giardino* lawsuit settlement for FY 2006-07; this appropriation is predicated on statutory changes in H.B. 06-1374. The Joint Budget Committee has not yet discussed any adjustments to the budget package in response to this veto.