

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 13-0297  
**Prime Sponsor(s):** Sen. Steadman  
 Rep. Levy

**Date:** March 28, 2013  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Jessika Shipley (303-866-3528)

**TITLE:** CONCERNING PROVISIONS THAT IMPROVE THE REINTEGRATION OPPORTUNITIES FOR PERSONS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM.

<b>Fiscal Impact Summary</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
<b>State Revenue</b>	<b><u>\$187,489</u></b>	<b><u>\$187,489</u></b>
General Fund	65,910	65,910
Cash Funds		
CBI Identification Unit Cash Fund	15,109	15,109
Judicial Stabilization Cash Fund	78,000	78,000
Court Security Cash Fund	1,950	1,950
Justice Center Cash Fund	26,520	26,520
<b>State Expenditures</b>	<b><u>\$282,753</u></b>	<b><u>\$208,252</u></b>
General Fund	271,359	196,858
Cash Funds		
CBI Identification Unit Cash Fund	11,394	11,394
<b>FTE Position Change</b>	<b>3.2 FTE</b>	<b>3.2 FTE</b>
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2013-2014:</b> For FY 2013-14, the Judicial Branch will require a General Fund appropriation of \$235,359 and 2.9 FTE. The Department of Corrections will require a General Fund appropriation of \$36,000, which will be reappropriated to the Governor's Office of Information Technology. Finally, the Department of Public Safety requires an appropriation from the CBI Identification Cash Fund of \$11,394 and 0.3 FTE.		
<b>Local Government Impact:</b> Increased costs—see Local Government Impact section		

**Summary of Legislation**

Under current law, records of certain drug convictions may be sealed with specific limitations. This bill expands the right to seal records to most other crimes. Current law also requires probation and parole officers to provide notice to individuals on probation or parole of their rights with regard to sealing of records. The bill specifies what the notice must contain.

The bill states that a pardon issued by the Governor waives all of the collateral consequences of a criminal conviction unless such a pardon limits the scope of the pardon with regard to collateral consequences. Notice of clemency (commutation of a sentence or a pardon) must be provided by the Governor to the Colorado Bureau of Investigation (CBI) within the Department of Public Safety.

The CBI is then required to note in the offender's criminal record that he or she was granted clemency.

Finally, the Department of Regulatory Agencies is required to include in any sunrise review of a profession or occupation a description of any anticipated disqualifications of an applicant for licensure, certification, relicensure, or recertification based on criminal history and how the disqualifications serve public safety or consumer protection interests.

**State Revenue**

State revenue is expected to increase by approximately \$187,489 a year as a result of the bill. First, the CBI is authorized to charge a fee to seal records. The current fee is \$27.98 per record, which is deposited into the CBI Identification Unit Cash Fund. The fiscal note assumes that the bill will result in an additional 600 petitions to seal records each year. Currently, for drug-related offenses, orders to seal are issued for approximately 90 percent of the total petitions filed. The fiscal note assumes a similar percentage of petitions (540) will be successful under the provisions of the bill. As a result, revenue to the CBI Identification Cash Fund will increase by approximately \$15,100 annually.

Also, the Judicial Branch is authorized to collect a \$200 filing fee for each new application to seal records, which is deposited into the Judicial Stabilization Cash Fund, in addition to the current filing fee of \$242, which is deposited into the General Fund, the Court Security Cash Fund, and the Justice Center Cash Fund. Assuming 600 new filings and a 35 percent indigency rate, the Judicial Branch is expected to see increased revenue of approximately \$172,380 each year, distributed as shown in Table 1.

<b>Table 1. State Revenue Under SB 13-123</b>		
<b>Fund Name</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>
CBI Identification Unit Cash Fund	\$15,109	\$15,109
General Fund (Judicial)	65,910	65,910
Judicial Stabilization Cash Fund	78,000	78,000
Court Security Cash Fund	1,950	1,950
Judicial Center Cash Fund	26,520	26,520
<b>Total</b>	<b>\$187,489</b>	<b>\$187,489</b>

**State Expenditures**

The fiscal note assumes that General Fund expenditures will increase by an estimated \$271,359 and 2.9 FTE in FY 2013-14 and by an estimated \$196,858 and 2.9 FTE in FY 2014-15.

**Cash fund expenditures are expected to increase by \$11,394 and 0.3 FTE in FY 2013-14 and each year thereafter. More information about the expenditures is found in the following sections.**

<b>Table 2. State Expenditures Under SB 13-123</b>		
<b>Cost Components</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>
Judicial Branch Personal Services	\$191,253	\$191,253
Judicial Branch FTE	2.9	2.9
Judicial Branch Operating Expenses	5,605	5,605
Judicial Branch Capital Outlay	38,501	0
Public Safety Personal Services	11,394	11,394
Public Safety FTE	0.3	0.3
Department of Corrections IT Costs	36,000	0
<b>TOTAL</b>	<b>\$282,753</b>	<b>\$208,252</b>

**Judicial Branch.** Based on the number of petitions to seal criminal conviction records under current law, the fiscal note assumes an additional 600 petitions will be filed each year as a result of the bill. The cases are expected to be relatively simple and straightforward, requiring an additional 0.6 FTE for a magistrate and 2.3 FTE for court support staff. The costs associated with the increased workload are shown in Table 2.

**Department of Public Safety (DPS).** Under current law, the CBI seals criminal records involving dismissed cases and drug offenses. The CBI is able to seal an average of 2,626 records each year with 1.5 FTE. Assuming that approximately 90 percent of the 600 new filings each year result in orders to seal, the fiscal note estimates that 540 new orders to seal records will be processed by the CBI each year. As a result, the CBI will require an additional \$11,394 and 0.3 FTE. The costs associated with the new FTE will come from the CBI Identification Cash Fund and are shown in Table 2.

**Department of Corrections (DOC).** The DOC will require a one-time General Fund expenditure of \$36,000 to modify the Department of Corrections Information System (DCIS) and the Personal Computer Department of Corrections Information System (PCDCIS). These systems track offender information and currently do not have a process in place for sealing the records of a sentence after an offender has been discharged from DOC custody. The required modifications will allow historical records to be pulled out of the main data set and placed in a database of sealed records only. The analysis, design, development, testing, and implementation are expected to take 486 hours at a rate of \$74 per hour. This amount will be reappropriated to the Governor's Office of Information Technology.

**Department of Law.** The department's Criminal Law Division obtains approximately 50 felony and 10 misdemeanor convictions each year. The fiscal note assumes that one or two of those defendants will file a motion to seal records, requiring one hour of attorney time and one-half

an hour of paralegal time each. Given the low number of expected cases, any increase in workload will be managed using existing resources.

**Department of Regulatory Affairs (DORA).** DORA is required by the bill to include in any sunrise review of a profession or occupation a description of any anticipated disqualifications on an applicant for licensure, certification, relicensure, or recertification based on criminal history and how the disqualifications serve public safety or consumer protection interests. The fiscal note assumes that this is the type of information gathered during the regular sunrise review process conducted by the department and any increase in workload will be managed using existing resources.

### **Expenditures Not Included**

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 summarized in Table 3.

<b>Table 3. Expenditures Not Included Under SB 13-123*</b>		
<b>Cost Components</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$19,360	\$19,360
Supplemental Employee Retirement Payments	12,438	14,072
<b>TOTAL</b>	<b>\$31,798</b>	<b>\$33,432</b>

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

### **Local Government Impact**

The bill is expected to increase workloads and costs for local governments. First, county sheriffs' offices are custodians of criminal justice records and are required to seal those records upon receipt of a court order. Costs will vary by county according to the number of orders received, but, as an example, the Boulder County Sheriff's Office estimates that it spends approximately \$95 on each record sealed.

Additionally, district attorneys' offices will be required to review case files and appear in court for those cases where the district attorney objects to the sealing. However, in the case of a class 2, 3, or 4 felony, if the district attorney objects to the sealing, the case will be dismissed without a hearing. As with the county sheriffs, costs are expected to vary widely depending on the number of petitions that are filed each year. The Denver District Attorney's Office estimates a need for an additional 3.0 FTE in order to address the increased hearings.

**State Appropriations**

For FY 2013-14, the Judicial Branch will require a General Fund appropriation of \$235,359 and 2.9 FTE. The Department of Corrections will require a General Fund appropriation of \$36,000, which will be reappropriated to the Governor's Office of Information Technology. Finally, the Department of Public Safety requires an appropriation from the CBI Identification Cash Fund of \$11,394 and 0.3 FTE.

**Departments Contacted**

Corrections  
Counties  
District Attorneys  
Governor  
Judicial  
Law  
Public Safety  
Sheriffs