



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0302
Prime Sponsors: Sen. Cooke

Date: February 17, 2022
Bill Status: Senate Judiciary
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Bill Topic: **RESTITUTION SERVICES FOR VICTIMS**

Summary of Fiscal Impact:

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The makes several changes to the assessment of restitution and creates a planning group to develop the Division of Restitution Services within the Department of Human Services. Starting in FY 2022-23, the bill increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$161,711 to the Department of Human Services

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 22-043

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures	General Fund	\$161,711	\$154,369
	Centrally Appropriated	\$30,506	\$33,643
	Total Expenditures	\$192,217	at least \$188,012
	Total FTE	1.8 FTE	at least 2.0 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$24,257	at least \$23,155

Summary of Legislation

The bill changes assessments of restitution to include certain costs and creates the Division of Restitution Services in the Department of Human Services (DHS), as described below.

Court assessments of restitution. The bill makes several changes to the assessment of restitution. First, the bill requires district attorneys to present information to calculate restitution within 182 days prior to the order of conviction or 91 days prior to an order of adjudication of a juvenile. Second, the bill requires the court to determine specific amounts of restitution within 63 days of the submission of restitution information from the district attorney unless good cause is shown for extending the time period. Third, the bill requires the court and the district attorney to presume that valid expenses include long term or ongoing medical expenses, reimbursement for insurance deductibles, replacement costs for damaged property, travel expenses to court, child care expenses while a victim participates in court proceedings, rewards the victim pays out of pocket and associated costs, and costs the victim incurs to participate virtually in court. Finally, the bill prohibits restitution for pecuniary losses proximately caused by dismissed charges, unless there is an agreement between the defendant and the prosecution.

Division of Restitution Services. The bill creates the 12-member Division of Restitution Services Planning Group to develop a plan to create and implement a new Division of Restitution Services within the DHS. The DHS must make appointments to the planning group before August 1, 2022, and hold the group's first meeting no later than September 15, 2022. The planning group must submit a final plan for the Division of Restitution Services by March 1, 2023, to the General Assembly, the Governor, and the DHS. On July 1, 2023, the bill creates the Division of Restitution Services within the DHS. The division must coordinate with the planning group to implement its recommendations; collaborate with state agencies to support a centralized state restitution case registry system; support and guide victims seeking restitution; advocate to the General Assembly and state agencies on behalf of victims; and educate victims, defendants, and state agencies on the centralized state restitution case registry system.

State Expenditures

The bill increases state expenditures in the DHS by about \$192,000 in FY 2022-23 and by at least \$188,000 in FY 2023-24 from the General Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2
Expenditures Under SB 22-043**

	FY 2022-23	FY 2023-24
Department of Human Services		
Personal Services	\$139,029	\$151,669
Operating Expenses	\$2,700	\$2,700
Capital Outlay Costs	\$12,400	-
Travel Reimbursement	\$7,582	-
Centrally Appropriated Costs ¹	\$30,506	\$33,643
Total Cost	\$192,217	at least \$188,012
Total FTE	1.8 FTE	2.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Human Services. The DHS will have impacts related to the planning group and the Division of Restitution Services, as discussed below.

- **Planning group.** In FY 2022-23, the DHS requires 2.0 FTE to assist the planning group in coming up with their recommendations. Duties include assisting the committee in researching restitution and other policy issues, and providing administrative support to coordinate work and meetings for the committee. In out years, it is assumed this staff will be part of the Division of Restitution Services. Staffing costs include personal services, operating expenses, and capital outlay costs, and are prorated for the General Fund pay date shift in FY 2022-23. Travel reimbursement costs assume reimbursements for each of the 12-members of the planning group at a rate of \$0.53 per mile and that each member will travel on average 200 miles per person for six meetings.
- **Division of Restitution Services.** Starting in FY 2023-24, General Fund expenditures in the DHS will increase. The fiscal note includes 2.0 FTE, but the remainder of costs will depend on the recommendation made by the planning group. The fiscal note assumes that the DHS will request additional funds through the annual budget process.

Judicial Department. The Judicial Department is currently in charge of restitution for courts run by the state. This includes maintaining a restitution database for the state courts that manages orders, assessments, interest calculation and assessments, amounts paid, and disbursements, and to collect payments. The exact impact to the Judicial Department cannot be determined at this time, as it will be determined by the Planning Group and the recommendations it makes. The fiscal note assumes that any change to appropriations will be requested through the annual budget process.

Governor's Office. The Governor's Office of Boards and Commissions will have increased workload to make the required appointments under the bill, including recruiting, vetting, and interviewing potential appointees. It is assumed that the Governor's Office may seek funding through the annual budget process, if necessary, based on the total workload of the Boards and Commissions office and the cumulative impact of all legislation affecting the office.

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. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve as shown in Table 1, which will decrease the amount of General Fund available for other purposes.

Technical Note

The bill sets the deadline for final recommendations of March 1, 2023, and has the new Division of Restitution Services implemented on July 1, 2023. However, because the budget requests for the next fiscal year are submitted to the General Assembly in November, the department will not have enough time to request funds for the new division based on the recommendations of the planning group.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, except that the creation of the Division of Restitutions Services takes effect July 1, 2023.

State Appropriations

For FY 2022-23, the bill requires an appropriation of \$161,711 and 1.8 FTE from the General Fund to the Department of Human Services.

State and Local Government Contacts

District Attorneys
Human Services

Judicial
Information Technology