

**FINAL
FISCAL NOTE**

Drafting Number: LLS 12-0480
Prime Sponsor(s): Rep. Barker
 Sen. Aguilar

Date: June 19, 2012
Bill Status: Signed into Law
Fiscal Analyst: Kerry White (303-866-3469)

TITLE: CONCERNING A SURCHARGE ON PERSONS CONVICTED OF CRIMES AGAINST AT-RISK PERSONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
Cash Funds	<u>at least \$5,948</u>	<u>at least \$21,954</u>
Judicial Stabilization Cash Fund	298	1,097
Crimes Against At-Risk Persons Surcharge Fund	5,650	20,857
CBI Identification Unit Cash Fund	potential increase	potential increase
State Expenditures		
Cash Funds		
Crimes Against At-Risk Persons Surcharge Fund	Increase - See State Expenditures section.	
FTE Position Change		
Effective Date: The bill was signed into law by the Governor on June 8, 2012, and takes effect August 15, 2012, assuming no referendum petition is filed.		
Appropriation Summary for FY 2012-2013: See State Appropriations section.		
Local Government Impact: None.		

Summary of Legislation

This bill adds a surcharge to persons who are convicted of statutorily defined crimes against an at-risk adult or at-risk juvenile (including neglect, assault, robbery, serious bodily injury or death, among others) or identity theft when the victim is an at-risk adult or at-risk juvenile. The surcharges vary and range from \$75 for a class 3 misdemeanor to \$1,500 for a class 2 felony and may be waived by the court. Surcharge revenue is distributed 5 percent to the Judicial Stabilization Cash Fund for administrative costs in the court and 95 percent to the newly created Crimes Against At-Risk Persons Surcharge Fund.

Moneys in the Crimes Against At-Risk Persons Surcharge Fund will be appropriated each year to the Department of Human Services (DHS) for distribution to a non-profit organization serving as a fiscal agent. The DHS is directed to establish guidelines for the distribution of moneys from the fund, reporting procedures for the fiscal agent, and standards for programs that receive moneys. The fiscal agent is authorized to retain a portion of the moneys for training and coordination purposes, with the rest distributed to programs that provide respite services to caregivers.

A program that receives funds must agree to complete a signed agreement and protocol with the fiscal agent, conduct a fingerprint-based criminal history check of staff and providers, and satisfy the performance standards identified by the DHS. The DHS may not expend any moneys until it has enough revenue to cover administrative costs.

State Revenue

This bill is anticipated to increase state cash fund revenue by at least \$5,948 in FY 2012-13 and \$21,954 in FY 2013-14. On average a total of 150 convictions of crimes against at-risk persons occur each year, prorated to 132 in the first year. These offenders will pay an average surcharge of \$450 each. In addition, on average a total of 725 convictions of identity theft occur per year, with an estimated 15 percent committed against at-risk adults or at-risk juveniles. These offenders are expected to have an average surcharge of \$490 each. In the first year, the fiscal note assumes only 35 percent of cases are offenses that occurred after the bill's effective date.

Based on the current collection rates of approximately 25 percent of each year's revenue received in the first year with 15 percent paid in each successive year, and assuming that 35 percent of offenders will be identified as indigent, cash fund revenue will increase by \$5,948 in FY 2012-13 and \$21,954 in FY 2013-14.

Conditional upon the DHS receiving sufficient revenues to begin distribution of funds and individual programs directing staff and providers to obtain background checks from the Colorado Bureau of Investigation (CBI), state cash fund revenue could increase. The state charges \$39.50 to process fingerprint-based background checks, with revenue credited to the CBI Identification Unit Cash Fund. As it is unknown how many providers and staff will receive a fingerprint-based background check and whether these individuals will request services from the CBI, the amount of potential increased revenue has not been estimated.

State Expenditures

This bill will increase state cash fund expenditures by at least \$5,948 in FY 2012-13 and \$21,954 in FY 2013-14 as discussed below.

Judicial Branch. The Judicial Branch will retain 5 percent of surcharge revenue for administrative purposes, for a total of \$298 in FY 2012-13 and \$1,097 in FY 2013-14.

Department of Human Services. The DHS is responsible for implementing program guidelines and contracting with a fiscal agent, which can be absorbed within existing appropriations. The fiscal note assumes that the department will distribute funds to the fiscal agent in the amount of \$5,650 in FY 2012-13 and \$20,857 in FY 2013-14.

Department of Public Safety. If programs receiving funds under this bill direct their staff and providers to seek fingerprint-based background checks from the CBI, costs to the department will increase. However, as discussed under the State Revenue section, any such costs will be offset by additional fee revenue received for this purpose.

State Appropriations

For FY 2012-13, the Department of Human Services is appropriated \$5,650 cash funds from the Crimes Against At-Risk Persons Surcharge Fund. The Judicial Department does not require a new appropriation as it has sufficient spending authority from the Judicial Stabilization Cash Fund.

Departments Contacted

Corrections
Law

Human Services
Public Safety

Judicial