

**Legislative Council Staff**
*Nonpartisan Services for Colorado's Legislature***Revised Fiscal Note**

(replaces fiscal note dated May 10, 2021)

Drafting Number: LLS 21-0758
Prime Sponsors:Sen. Coleman
Rep. Sandridge**Date:** May 17, 2021
Bill Status: House Judiciary
Fiscal Analyst: Aaron Carpenter | 303-866-4918
Aaron.Carpenter@state.co.us**Bill Topic:** **IMPROVE BRAIN INJURY SUPPORT IN CRIMINAL JUSTICE SYSTEM****Summary of
Fiscal Impact:**

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

The bill establishes the Brain Injury Pilot Program in the Department of Corrections and the Brain Injuries in the Criminal Justice System Task Force. The bill increases state expenditures on an ongoing basis.

**Appropriation
Summary:**

For FY 2021-22, the bill requires an appropriation of \$144,409 to the Department of Corrections.

**Fiscal Note
Status:**

This revised fiscal note reflects the reengrossed bill. It has also been updated to reflect new information on the department's costs for the Brain Injury Pilot Program.

Table 1
State Fiscal Impacts Under SB 21-138

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$144,409	\$314,973
	Centrally Appropriated	\$14,687	\$16,205
	Total Expenditures	\$159,096	\$331,178
	Total FTE	0.9 FTE	1.0 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill requires the DOC to implement the Brain Injury Pilot Program to evaluate outcomes for individuals with a brain injury who received screening and support while in the criminal justice system. By January 1, 2022, and each year thereafter, the DOC must submit a report to the General Assembly regarding the implementation of the pilot program. The pilot program repeals June 30, 2026.

The bill establishes the Brain Injury Support in the Criminal Justice System Task Force in the Department of Human Services (DHS). The task force must develop a plan to integrate a model to identify and support individuals with a brain injury in the criminal justice system. The task force must convene by August 1, 2021, and meet at least four times to develop the plan. Task force members serve without compensation but are entitled to reimbursement of necessary expenses. The task force is repealed on June 30, 2024.

State Expenditures

The bill will increase expenditures in the DOC by \$159,096 and 0.9 FTE in FY 2021-22 and \$331,178 and 1.0 FTE in FY 2022-23 to administer the pilot program. The bill will also increase workload in the Department of Human Services. Costs are shown in Table 2 and detailed below.

Table 2
Expenditures Under SB 21-138

Cost Components	FY 2021-22	FY 2022-23
Department of Corrections		
Personal Services	\$62,859	\$68,573
Operating Expenses	\$1,400	\$1,400
Capital Outlay Costs	\$7,650	-
Training & Program Materials	\$12,500	\$15,000
Contractor	\$60,000	\$165,000
Community Provider	-	\$65,000
Centrally Appropriated Costs ¹	\$14,687	\$16,205
Total	\$159,096	\$331,178
Total FTE	0.9 FTE	1.0 FTE

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

Brain Injury Pilot Program—DOC. The bill will increase state expenditures in the DOC to implement the pilot program. The DOC will require staff, training, a contractor, and a community provider, as described below.

Staffing costs. The bill requires 1.0 FTE to screen individuals at the pilot program facility, conduct a symptoms questionnaire, assist in providing services to inmates who screen positive for a brain injury and refer inmates to community-based services upon release. Staffing costs include operating and capital costs, and costs in FY 2021-22 are prorated for the General Fund pay date shift.

Training and program materials. The bill will increase expenditures in the DOC to train staff at the pilot facility on brain injuries including how to do screenings, strategies and accommodations for inmates with a brain injury, and psychoeducation. The training is estimated at \$10,000 per year. In addition, costs will increase to purchase materials to implement the pilot program, including software for cognitive tools, equipment, and hard copy materials. Costs for materials are estimated at \$5,000 per year with costs in FY 2021-22 prorated by half.

Contractor. Starting in FY 2021-22, the bill will increase expenditures as shown in Table 2 to hire a contractor to design, consult, and help start up an evaluation of the pilot program. In addition, the contractor will administer neuropsychology assessments for the pilot program, oversee feedback assessments, and provide clinical supervision. The fiscal note assumes an evaluation will cost \$75,000 per year (FY 2021-22 represents a partial year impact) and the assessment will cost about \$170 per assessment for 600 assessments. About 60 assessments are expected to occur in FY 2021-22.

Community provider. Starting in FY 2022-23, the DOC will contract with a community service provider to deliver community-based case management to individuals with a brain injury who are released from the DOC. The fiscal note assumes that 125 clients will be served through the provider for an annual cost of \$65,000.

Task force—DHS. The bill requires the Brain Injury Support in the Criminal Justice System Task Force to make recommendations on policies and procedures for screenings for brain injuries in the criminal justice system, staff training, and assistance and supports for those with identified brain injuries. Recommendations must be issued by January 1, 2022. Once the recommendations are known, costs in the DOC may increase or decrease depending on the plan developed by the task force. The fiscal note assumes any change in appropriations will be requested through the annual budget process.

Workload in the DHS will increase to support the Brain Injury Support in the Criminal Justice System Task Force created by the bill. This workload can be accomplished within existing resources. Expense reimbursements have not been included as it is assumed this task force will meet remotely.

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 estimated to be \$14,687 in FY 2021-22 and \$16,205 in FY 2022-23.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2021-22, the bill requires an appropriation of \$144,409 and 0.9 FTE from the General Fund to the Department of Corrections.

State and Local Government Contacts

Corrections

Human Services