

**Schedule 13
Change Request for FY 2010-11 Budget Request Cycle**

Decision Item FY 2010-11 Base Reduction Item FY 2010-11 Supplemental FY 2009-10 Budget Amendment FY 2010-11

Request Title: CBI, InstaCheck Unit Spending Authority Increase
 Department: Public Safety Dept. Approval by: *[Signature]* Date: 10/14/09
 Priority Number: 4 OSPB Approval: *[Signature]* Date: 10-15-09

	Fund	1	2	3	4	5	6	7	8	9	10
		Prior-Year Actuals FY 2008-09	Appropriation FY 2009-10	Supplemental Request FY 2009-10	Total Revised Request FY 2009-10	Base Request FY 2010-11	Decision/ Base Reduction FY 2010-11	November 1 Request FY 2010-11	Budget Amendment FY 2010-11	Total Revised Request FY 2010-11	Change from Base (Column 5) FY 2011-12
Total of All Line Items	Total	1,602,238	1,659,131	0	1,659,131	1,682,443	74,976	1,757,419	0	1,757,419	65,636
	FTE	21.2	26.4	0.0	26.4	26.4	0.0	26.4	0.0	26.4	0.0
	GF	1,371,839	1,436,266	0	1,436,266	1,456,483	0	1,456,483	0	1,456,483	0
	CF	230,399	222,865	0	222,865	225,960	74,976	300,936	0	300,936	65,636
	HUTF	0	0	0	0	0	0	0	0	0	0
	RF	0	0	0	0	0	0	0	0	0	0
	FF	0	0	0	0	0	0	0	0	0	0
(5) Colorado Bureau of Investigation	Total	1,306,876	1,259,438	0	1,259,438	1,282,750	60,768	1,343,518	0	1,343,518	60,768
(D) State Point of Contact-National	FTE	21.2	26.4	0.0	26.4	26.4	0.0	26.4	0.0	26.4	0.0
Criminal Background	GF	1,132,112	1,092,209	0	1,092,209	1,112,426	0	1,112,426	0	1,112,426	0
Check Program	CF	174,764	167,229	0	167,229	170,324	60,768	231,092	0	231,092	60,768
Personal Services	HUTF	0	0	0	0	0	0	0	0	0	0
	RF	0	0	0	0	0	0	0	0	0	0
	FF	0	0	0	0	0	0	0	0	0	0
(5) Colorado Bureau of Investigation	Total	295,362	399,693	0	399,693	399,693	14,208	413,901	0	413,901	4,868
(D) State Point of Contact-National	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Criminal Background	GF	239,727	344,057	0	344,057	344,057	0	344,057	0	344,057	0
Check Program	CF	55,635	55,636	0	55,636	55,636	14,208	69,844	0	69,844	4,868
Operating Expenses	HUTF	0	0	0	0	0	0	0	0	0	0
	RF	0	0	0	0	0	0	0	0	0	0
	FF	0	0	0	0	0	0	0	0	0	0

Non-Line Item Request: None
 Letternote Revised Text: None

Cash or Federal Fund Name and COFRS Fund Number: Revenue from CCW applications is deposited into Fund 100 -- there is no specific fund associated with this request.

Reappropriated Funds Source, by Department and Line Item Name:
 Approval by OIT? Yes: No: N/A:
 Schedule 13s from Affected Departments:

CHANGE REQUEST for FY 2010-11 BUDGET REQUEST CYCLE

Department:	Colorado Department of Public Safety
Priority Number:	4
Change Request Title:	CBI, InstaCheck Unit Spending Authority Increase

SELECT ONE (click on box):

- Decision Item FY 2010-11
- Base Reduction Item FY 2010-11
- Supplemental Request FY 2009-10
- Budget Request Amendment FY 2010-11

SELECT ONE (click on box):

Supplemental or Budget Request Amendment Criterion:

- Not a Supplemental or Budget Request Amendment
- An emergency
- A technical error which has a substantial effect on the operation of the program
- New data resulting in substantial changes in funding needs
- Unforeseen contingency such as a significant workload change

Short Summary of Request:

The Department requests a Cash Funds spending authority increase of \$74,976 in FY 2010-11 for temporary FTE to address dramatic growth in the volume of requests submitted to the Colorado Bureau of Investigation (CBI) concerning permits to carry concealed weapons.

Background and Appropriation History:

Senate Bill 03-024 delineated the circumstances under which Colorado citizens may be granted a permit to carry concealed weapons. In order to determine an applicant's eligibility for a concealed-carry permit (CCW), the CBI is required to perform a thorough criminal background check, along with checks of the Colorado Crime Information Center (CCIC), the National Crime Information Center (NCIC), the National Instant Criminal Background Check System (NICS), the Interstate Identification Index (III), and the Integrated Courts Online Network (ICON) databases. The applicants' eligibility status is determined and forwarded to the requesting Sheriff's Office.

The unprecedented volume of concealed carry permit requests received by Colorado Sheriff's Departments from mid-2007 to the present has resulted in processing times expanding from less than two weeks, to current delays of more than 45 days. Current staffing levels are inadequate to keep pace with the continuing increase in the public's demand for permit background checks. In FY 2008-09, the CBI processed more than 27,271 checks and experienced a 103.4% increase over the FY 2007-08 total of 13,363 checks.

Since the inception of this program in FY 2003-04, the CBI's spending authority appropriation has remained static, increasing only as a result of regular inflation in the costs of personal services for all State employees. The following table highlights changes in the InstaCheck CCW operations and appropriations since FY 2003-04:

Fiscal Year	Personal Services	FTE	Operating Expenses	Total	CCW Requests	Queue Time
FY 2003-04	\$152,567	4.4	\$55,636	\$208,203	10,608	3 Days
FY 2008-09	\$164,723	4.4	\$55,636	\$220,359	31,840	45 - 90 Days
FY 2009-10	\$167,229	4.4	\$55,636	\$222,865	--	--

Currently, the CBI accesses a fee to the requesting Sheriff's office of \$13 for each InstaCheck performed for CCW permits. Under the assumption that the CBI could receive and process a total of 31,840 during FY 2009-10 and FY 2010-11, revenue would outstrip spending authority by \$191,055.

General Description of Request:

With this request, the CBI would add spending authority for additional temporary and overtime hours, and associated operating expenses, totaling \$74,976. It is anticipated that temporary personnel would be hired on a contract basis.

It is expected that this request would increase the number of hours worked by InstaCheck personnel by 2,970 per year, enabling the processing of just over 19,300 CCW applications. (Based upon current productivity, the CBI estimates that an employee is

able to process 6.5 checks per hour.) This should provide sufficient flexibility to meet future demand.

With this request, the total time associated with the processing of concealed carry permits would be reduced significantly. The results of the criminal background check would be delivered to Colorado's 64 County Sheriff's Offices quickly, thus allowing Sheriffs to conduct further research, if necessary, and determine the eligibility of each applicant in a more timely manner. Because the Sheriffs would have sufficient time to determine the eligibility of each applicant, public safety would be improved and permits would not be issued to those who are ineligible.

Consequences if Not Funded:

If this request is not approved, the CBI will continue to experience delays of several weeks in processing CCW application requests. Revenue for this purpose will far exceed the CBI's authority to expend it. In addition, the InstaCheck Unit risks falling out of statutory compliance. (Currently, Colorado Sheriffs have a statutory limit of 90 days to approve or deny a concealed carry permit application.) A delayed response from the CBI may force Colorado Sheriffs to make decisions regarding the issuance of a permit based on incomplete or no information from the CBI. This may result in the issuance of concealed carry permits to potentially deniable applicants and a substantially negative impact on public safety.

Calculations for Request:

Summary of Request FY 2010-11	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request	\$74,976	0	\$74,976	0	0	0.0
State Point of Contact-National Instant Criminal Background Check Program, Personal Services	\$60,768	0	\$60,768	0	0	0.0
State Point of Contact-National Instant Criminal Background Check Program, Operating Expenses	\$14,208	0	\$14,208	0	0	0

Summary of Request FY 2011-12	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request	\$65,636	0	\$65,636	0	0	0.0
State Point of Contact-National Instant Criminal Background Check Program, Personal Services	\$60,768	0	\$60,768	0	0	0.0
State Point of Contact-National Instant Criminal Background Check Program, Operating Expenses	\$4,868	0	\$4,868	0	0	0

Cash Funds Projections:

Revenue from CCW requests is deposited into Fund 100 and any unexpended revenue reverts to the General Fund at the end of each fiscal year. In FY09, total CCW-related revenue was \$343,573 Cash Funds, compared with expenditures of \$244,552.

Assumptions for Calculations:

OSPB Common Policy for Temporary Staff Requests							
FTE and Operating Costs					GRAND TOTAL		
Fiscal Year(s) of Request		FY 10-11	FY 11-12	FY 12-13	FY 10-11	FY 11-12	FY 12-13
PERSONAL SERVICES	Title:	Data Specialist					
Number of Additional Hours		2,970	2,970	2,970			
Approximate Cost per Hour		\$18.33	\$18.33	\$18.33			
Annual base salary		\$54,451	\$54,451	\$54,451			
Salary		\$54,451	\$54,451	\$54,451	\$54,451	\$54,451	\$54,451
PERA	10.15%	\$5,527	\$5,527	\$5,527	\$5,527	\$5,527	\$5,527
Medicare	1.45%	\$790	\$790	\$790	\$790	\$790	\$790
Subtotal Personal Services at Division Level		\$60,768	\$60,768	\$60,768	\$60,768	\$60,768	\$60,768
OPERATING EXPENSES							
Supplies @ \$500/\$500 ²	\$500	\$800	\$800	\$800	\$800	\$800	\$800
Computer @ \$900/\$0	\$900	\$1,800	\$0	\$0	\$1,800	\$0	\$0
Office Suite Software @ \$330/\$0	\$330	\$660	\$0	\$0	\$660	\$0	\$0
Office Equipment @ \$3,440/\$0 (includes cubicle and chair)	\$3,440	\$6,880	\$0	\$0	\$6,880	\$0	\$0
Telephone Base @ \$450/\$450	\$450	\$900	\$900	\$900	\$900	\$900	\$900
Training and Registration Fees	\$1,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Travel for Training (5 days per year, \$100 lodging, \$46 per diem)	\$730	\$1,168	\$1,168	\$1,168	\$1,168	\$1,168	\$1,168
**Subtotal Operating Expenses		\$14,208	\$4,868	\$4,868	\$14,208	\$4,868	\$4,868
GRAND TOTAL ALL COSTS		\$74,976	\$65,636	\$65,636	\$74,976	\$65,636	\$65,636

**Operating expenses are based on an additional 1.4 state temporary personnel. Computer, Office Suite Software, Office Equipment and Telephone expenses are based on 2.0 persons.

Impact on Other Government Agencies: This request will have no fiscal impact to other State agencies.

Cost Benefit Analysis: In FY 2003-04, the InstaCheck Unit processed a total of 10,680 permit checks. All checks were processed and results were forwarded to the appropriate Sheriff's Office within three days of receipt by CBI. Comparatively, in FY 2008-09, the InstaCheck Unit completed 31, 840 checks with processing times taking between 45 to 90 plus days. This increase in processing times is a direct result of FTE levels remaining the same while the volume of permits processed by CBI has increased almost 200 percent in the past 5 years.

This increase in processing times negatively affects Colorado Sheriff's Offices and the safety of the citizens in Colorado. With the addition of the requested spending authority, these negative consequences will be decreased and the CBI will be better able to meet the public's demand for concealed carry permits, provide increased support to the Colorado Sheriff's Offices, and continue to ensure the safety of the public.

If additional personnel are not available to process concealed carry permits, a significant increase in queue and processing times will continue, and, as noted above, the InstaCheck unit may fall out of statutory compliance. This situation may cause an undue risk to the safety of Colorado's citizens.

Because revenue for CCW applications will continue to accrue based on demand, this request can be approved at no net increase in costs to the State. As such, the benefits of this request significantly outweigh the non-existent costs.

Implementation Schedule: The CBI will make use of additional spending authority immediately upon commencement of FY 2010-11.

Statutory and Federal Authority:

C.R.S. 18-12-205(2)(b) (2009) – An applicant shall complete the permit application form and return it, in person, to the sheriff of the county or city and county in which the applicant resides, to the sheriff of the county or city and county in which the applicant maintains a secondary residence or owns or leases real property used by the applicant in a business, or to the sheriff that previously issued a permit to the applicant. The applicant shall sign the completed permit application form in person before the sheriff. The applicant shall provide his or her signature voluntarily upon a sworn oath that the applicant knows the contents of the permit application and that the information contained in the permit application is true and correct. An applicant who knowingly and intentionally makes a false or misleading statement on a permit application or deliberately omits any material information requested on the application commits perjury as described in section [18-8-503](#). Upon conviction, the applicant shall be punished as provided in section [18-1.3-501](#). In addition, the applicant shall be denied the right to obtain or possess a permit, and the sheriff shall revoke the applicant's permit if issued prior to conviction.

C.R.S. 18-12-208(2)(b) (2009) – (1) Upon receipt of a permit applicant's fingerprints from a sheriff pursuant to section [18-12-205](#) (4) or upon a sheriff's request pursuant to section [18-12-211](#) (1), the bureau shall process the full set of fingerprints to obtain any available state criminal justice information or federal information pursuant to section [16-21-103](#) (5), C.R.S., and shall report any information received to the sheriff. In addition, within ten days after receiving the fingerprints, the bureau shall forward one set of the fingerprints to the federal bureau of investigation for processing to obtain any available state criminal justice information or federal information.

(2) The bureau shall use the fingerprints received pursuant to this part 2 solely for the purposes of:

(a) Obtaining information for the issuance or renewal of permits; and

(b) Notifying an issuing sheriff that a permittee has been arrested for or charged with an offense that would require revocation or suspension of the permit or that a permittee has been convicted of such an offense.

(3) On or before January 15, 2004, and on or before January 15 each year thereafter until January 15, 2007, the bureau shall provide to the general assembly a list of the jurisdictions in which the sheriff provides to the bureau the names of persons to whom the sheriff issues permits.

Performance Measures:

This request is in alignment with the following Departmental strategic objective and performance measure:

CBI, Objective 5 *Minimize the average wait time before an InstaCheck operator answers a call for service.*

Performance Measure: *Maintain a monthly average queue time of fifteen minutes or less.*