



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1315

**FINAL
FISCAL NOTE**

Drafting Number:	LLS 19-1029	Date:	September 3, 2019
Prime Sponsors:	Rep. Gonzales-Gutierrez; Michaelson Jenet Sen. Gonzales	Bill Status:	Signed into Law
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Bill Topic: ADMISSIBILITY OF STATEMENTS BY A JUVENILE

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue (<i>minimal</i>)	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill makes changes to the admissibility of statements by a juvenile. This bill minimally increases state workload and decreases state revenue on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, statements by a juvenile concerning a delinquent act are admissible against the juvenile so long as the juvenile was accompanied by an adult, even if that adult was shown to have an interest that was adverse to the juvenile. This bill allows juveniles to assert that statements made during the custodial interrogation are inadmissible because the responsible adult present during the interrogation had an adverse interest to the juvenile. If an issue concerning the responsible adult's adverse interest is raised, then the prosecution must prove by a preponderance of the evidence that the person who interrogated the juvenile believed that the adult did not have any interests adverse to those of the juvenile and that the adult was able to provide protective counseling to the juvenile concerning his or her rights during the interrogation.

State Revenue

Beginning in FY 2019-20, this bill may reduce state revenue from probation supervision fees to the extent less juvenile are adjudicated and sentenced to probation. This impact is assumed to be minimal.

State Expenditures

Beginning in FY 2019-20, this bill will increase workload for trial courts in the Judicial Department from additional motions seeking suppression of a juvenile's statement. In addition, this bill potentially reduces expenditures for the Division of Probation as a case previously adjudicated and sentenced to probation as a result of an admissible statement may not result in adjudication under this bill. The Division of Youth Services in the Department of Human Services will also see a decrease in workload if fewer juveniles are adjudicated. These impacts are minimal and can be accomplished within existing resources.

Effective Date

The bill was signed into law by the Governor on May 28, 2019, and took effect August 2, 2019.

State and Local Government Contacts

Counties
Human Services
Local Affairs
Office Of The Child's Representative

District Attorneys
Judicial
Municipalities