



Legislative Council Staff

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FISCAL NOTE

Drafting Number: LLS 19-1119 Date: April 26, 2019
Prime Sponsors: Rep. Gonzales-Gutierrez; Bockenfeld; Sen. Lee; Cooke Bill Status: House Judiciary Fiscal Analyst: Aaron Carpenter | 303-866-4918 Aaron.Carpenter@state.co.us

Bill Topic: JUVENILE RECORD EXPUNGEMENT CLEAN-UP

- Summary of Fiscal Impact: State Revenue, State Expenditure (minimal), State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill clarifies when juvenile records are automatically expunged; when a juvenile is eligible for having their records expunged; and that juvenile record expungement applies in municipal court. Overall, the bill increases state and local government workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill clarifies when juvenile delinquent records are automatically expunged; when a juvenile delinquent is eligible for expungement; and that juvenile record expungement applies in municipal court by establishing guidelines for municipal courts.

Automatic expungement. The bill clarifies that a juvenile's record is automatically expunged when a juvenile completes an alternative sentence for a petty offense, a drug petty offense, a class 2 or 3 misdemeanor, or a level 1 or 2 drug misdemeanor if the offense does not involve unlawful sexual behavior, domestic violence, or a victim rights crime. Furthermore, after completion of a diversion program, a juvenile's record must be expunged as an alternative to filing a court petition.

Eligibility for expungement. Under current law, a class 1 misdemeanor sex offense is eligible for expungement. This bill allows juveniles with a class 2 and class 3 misdemeanor sex offense to have their records expunged. The bill also changes the timeline for agencies to provide a report to the courts and how long a victim has to object to the expungement. Finally, if the juvenile is required to register as a sex offender, the court can order expungement and discontinue the registration requirement; deny expungement and continue the registration requirement; or deny expungement and continue the registration requirement. The bill also creates a new timeline for when a victim can object to expungement.

## **Assumptions**

According to the Judicial Department's case management system, there are 370 juveniles under active sex offender probation supervision. Of those, 341 are already eligible for expungement under current law or are not eligible for expungement because of a felony conviction. The fiscal note assumes that there will be approximately 29 cases a year that will be eligible for expungement.

## **State Expenditures**

Starting in FY 2019-20, workload will increase in the Judicial Department and the Department of Public Safety as described below.

**Trial courts.** Workload in the trial courts will be impacted under this bill. To the extent more expungements fall under the automatic process, workload will decrease. To the extent that there are more expungement petitions from juveniles who were previously not able to file motions, workload will increase. Due to the assumed low number of newly eligible cases, it is assumed that any change in workload can be accomplished within existing appropriations.

**Probation.** Workload in the Division of Probation will also be impacted under this bill. Because the bill no longer requires the division to contact and summarize certain activities when a juvenile is petitioning for expungement, workload will decrease. However, by increasing the number of juveniles who are eligible for expungement, workload will increase for probation to create reports for this new population. The fiscal note assumes that the net change in workload will be minimal.

**IT modifications.** Workload to the Judicial Department's IT Division will increase in order to update the case management system. This workload can be accomplished within existing appropriations.

**Department of Public Safety.** Workload in the Department of Public Safety will increase in order to expunge records within the Colorado Bureau of Investigation. Additionally, workload will increase for the department to ensure that diversion program records are expunged. Based on the number of eligible cases laid out in the Assumption section, the fiscal note assumes that this workload can be accomplished within existing appropriations.

## **Local Government**

Starting in FY 2019-20, expenditures and workload to municipal courts will increase in order to follow the procedures laid out in the bill. Because the bill clarifies who gets notified, the bill will also decrease workload for courts due to less notifications. This impact has not been estimated.

**Denver County Courts.** Similar to the state courts, workload for the Denver County Court and probation division will be impacted by this bill.

**District Attorneys.** Workload to the district attorneys will increase to update victims of expungement petitions for juveniles who are now eligible under the bill. The increase in workload is assumed to be minimal.

**Effective Date**

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

**State and Local Government Contacts**

District Attorneys  
Judicial

Human Services  
Municipalities

Information Technology  
Public Safety