



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 21-0492
Prime Sponsors: Sen. Buckner

Date: February 23, 2021
Bill Status: Senate Judiciary
Fiscal Analyst: Aaron Carpenter | 303-866-4918
Aaron.Carpenter@state.co.us

Bill Topic: **LIMIT THE DETENTION OF JUVENILES**

Summary of Fiscal Impact:

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

This bill requires that when a court releases a juvenile on bond that it do so under an unsecured personal recognizance bond. The bill also lowers the state's detention bed cap from 327 beds to 188 beds. Beginning in FY 2020-21, the bill decreases state expenditures, increases local expenditures, and may minimally decrease state revenue on an ongoing basis.

Appropriation Summary: In FY 2021-22, this bill requires a reduction of \$1.9 million in appropriations to the Department of Human Services.

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

Table 1
State Fiscal Impacts Under SB 21-071

	Budget Year FY 2021-22	Out Year FY 2022-23
Revenue	-	-
Expenditures		
General Fund	(\$1,838,163)	(\$1,838,163)
Federal Funds	(\$98,199)	(\$98,199)
Centrally Appropriated	(\$521,668)	(\$521,668)
Total Expenditures	(\$2,458,030)	(\$2,458,030)
Total FTE	(36.0 FTE)	(36.0 FTE)
Transfers	-	-
TABOR Refund	-	-

Summary of Legislation

This bill prohibits a court from releasing a juvenile on a bond with monetary or property conditions. It also reduces the juvenile detention bed cap in the Division of Youth Services within the Department of Human Services (DHS), as described below.

Juvenile bonds. If the court chooses to release a juvenile on a bond, the bill requires the bond to be an unsecured personal recognizance bond which cannot be secured by monetary or property conditions. If a juvenile poses a substantial risk of serious harm to others, the juvenile may be placed in a pre-adjudication service program instead of being released on a personal recognizance bond. Any juvenile being held or remaining in custody or detention must be tried within 60 days.

Detention bed cap. The bill lowers the statutory detention bed cap in the Division of Youth Services in DHS from 327 beds to 188 beds.

State Revenue

Starting in FY 2021-22, the bill will minimally decrease cash fund revenue to the Judicial Department due to the prohibition of juvenile cash bonds. Because the department received around \$20,000 in FY 2018-19 and around \$1,300 in FY 2019-20 from various fines, fees, costs, and restitutions from cash bonds, any revenue decrease is assumed to be minimal.

State Expenditures

The bill is estimated to reduce expenditures in the DHS by \$2.4 million per year beginning in FY 2021-22. These costs, paid from the General Fund and federal funds, as shown in Table 2. In addition, the bill will increase workload in the Judicial Department. These impacts are detailed below.

Table 2
Expenditures Under SB 21-071

	FY 2021-22	FY 2022-23
Department of Human Services		
Personal Services	(\$1,786,782)	(\$1,786,782)
Operating Expenses	(\$18,000)	(\$18,000)
Food, Medical, and Laundry Expenses	(\$131,580)	(\$131,580)
Centrally Appropriated Costs ¹	(\$521,668)	(\$521,668)
Total Cost	(\$2,458,030)	(\$2,458,030)
<i>General Fund</i>	(\$1,838,163)	(\$1,838,163)
<i>Federal Funds</i>	(\$98,199)	(\$98,199)
<i>Centrally Appropriated</i>	(\$521,668)	(\$521,668)
Total FTE	(36.0 FTE)	(36.0 FTE)

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

Department of Human Services. Starting in FY 2021-22, expenditures in the DHS will decrease by about \$2.5 million and 36.0 FTE. This amount assumes that a reduction of 139 beds, will result in the closure of three pods statewide. Costs associated with each FTE include personal services and operating expenses, as shown in Table 2.

Food, medical, and laundry expenses. In addition to staff reductions, expenditures related to food, medical, and laundry supplies for detained juveniles will also decrease. The amount shown in Table 2 assumes an average per day population of around 224 juveniles. Food-related expenditures are paid with federal funds from the National School Lunch Program.

Pre-adjudication programs. Pre-adjudication programs are operated through local judicial districts and funded by an appropriation to the DHS. To the extent more juveniles are sentenced to a pre-adjudication programs as a result of the bill's changes to juvenile bonds, expenditures in the DHS may increase. The fiscal note assumes any change in appropriations will be requested through the budget process.

Judicial Department. With the decrease of detention beds, trial courts may take more time to address alternative placements for juveniles who cannot return to a parent or legal guardian. In addition, the department will need to update its case management system to reflect the changes in the bill. These workload increases are assumed to be minimal and can be accomplished within existing resources.

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 reduced by \$521,668 in FY 2021-22 and thereafter.

TABOR refunds. Under the December 2020 Legislative Council Staff Economic and Revenue Forecast, the state is not expected to collect revenue above the TABOR limit in either FY 2021-22 or FY 2022-23, and refund obligations are not anticipated for these years. This bill does not change these expectations concerning refunds to taxpayers.

Local Government

Workload and expenditures in district attorney's offices will increase to try cases within the bill's 60-day deadline. District attorney offices are funded by the local counties within their district.

Effective Date

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

State Appropriations

For FY 2021-22, this bill requires the following appropriations to the Department of Human Services:

- a reduction of \$1,838,163 General Fund;
- a reduction of \$98,199 in federal funds; and
- a reduction of 36.0 FTE.

State and Local Government Contacts

District Attorneys
Judicial

Human Services
Sheriffs

Information Technology