



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 22-0408	Date:	January 25, 2022
Prime Sponsors:	Sen. Gonzales Rep. Bacon; Gonzales-Gutierrez	Bill Status:	Senate Judiciary
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Bill Topic: **DECEPTIVE TACTICS JUVENILE CUSTODIAL INTERROGATION**

Summary of Fiscal Impact:

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

This bill makes juvenile statements inadmissible in court if law enforcement uses deception during interrogation and requires law enforcement to record all interrogations of juveniles. The bill will increase state and local workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill makes any statement or admission of a juvenile presumptively inadmissible in court if a law enforcement official knowingly uses deception, as defined in the bill, prior to or during an interrogation, unless the prosecution can prove that the statement was made voluntarily despite the deception. Law enforcement must electronically record all juvenile interrogations regardless of the nature of the offense.

Background

House Bill 16-1117 required a peace officer investigating an alleged class 1 or 2 felony or a felony sexual assault to electronically record an interrogation occurring in a detention facility.

State Expenditures

The bill will increase trial court workload to the extent prosecutors request more hearings to determine if a statement may be admitted despite the use of deception. However, court workload may decrease to the extent less evidence is put in front of the court. Overall, any changes in workload are not expected to require a change in appropriations.

Local Government

Workload to local law enforcement agencies may increase to update policies on when to record interrogations. Because law enforcement agencies are already required to record certain interrogations, the fiscal note assumes that law enforcement agencies already have the necessary equipment to comply with the bill.

Workload and costs to district attorney offices will increase to the extent there are additional or longer hearings to admit evidence.

Effective Date

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

State and Local Government Contacts

Corrections
Human Services
Law

District Attorneys
Information Technology
Sheriffs

Education
Judicial