



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Fiscal Note

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<b>Drafting Number:</b>	LLS 23-0955	<b>Date:</b>	April 7, 2023
<b>Prime Sponsors:</b>	Rep. Lukens; Evans Sen. Roberts; Pelton B.	<b>Bill Status:</b>	House Public & Behavioral Health
		<b>Fiscal Analyst:</b>	Aaron Carpenter   303-866-4918 aaron.carpenter@coleg.gov

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<b>Bill Topic:</b>	<b>PRIVATE TREATMENT FOR OUT-OF-STATE DEFENDANT</b>
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<b>Summary of Fiscal Impact:</b>	<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

The bill updates the process and parameters for private treatment standards for interstate compact offenders. The bill increases state workload and may decrease local workload.

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<b>Appropriation Summary:</b>	No appropriation is required.
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<b>Fiscal Note Status:</b>	The fiscal note reflects the introduced bill.
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## Summary of Legislation

Under current law, Colorado is a part of the Interstate Compact for Adult Offender Supervision, which includes all 50 states and 3 territories. The compact allows states to track the supervision of offenders who move across state lines. When a supervised or unsupervised person comes to Colorado for a private treatment program, the private treatment program cannot admit or accept the person unless certain requirements are met. This bill clarifies the process and parameters to be admitted into a program as described below.

**Background checks and providing information.** The bill requires a private treatment program to notify the person of the person's need to register with the compact administrator and assist the person in providing certain information so the Department of Corrections (DOC) can complete a criminal history check. Within 48 hours, the DOC must complete the background check and notify the private treatment program, chief law enforcement official, and the person's probation or community parole officer if the person is supervised, of the status of the person. The bill also requires supervised persons who are residents of Colorado to confirm that the sending state has provided all the information to Colorado as required by the compact. If the person is not a resident, they must confirm that the compact administrator has accepted the person for placement in a private treatment program. Finally, the DOC must periodically update the out-of-state offender questionnaire used by private treatment providers.

**Fingerprinting and photographing.** Under current law, a local law enforcement agency must require supervised and unsupervised persons to physically appear at the local law enforcement agency for fingerprinting and photographing. The bill allows law enforcement to require a supervised or unsupervised person to appear for fingerprinting and photographing and requires the supervising agency or the compact administrator of a supervised person to notify the person of the fingerprinting and photographing requirement.

**Private treatment for a supervised person.** The bill also requires private treatment programs for a supervised person to provide treatment if the treatment would have been required if the offense was committed in Colorado.

**Misdemeanor offense.** Under current law, it is a misdemeanor if a private treatment program or supervising person violates registration or notification requirements. This bill removes that crime and instead requires that the program or person be reported to appropriate licensing, certifying, or approving agency for corrective action.

## Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data and assumptions.** This bill removes the offense of being in violation of registration or notification requirements of private treatment facilities and supervised persons, an unclassified misdemeanor. From FY 2019-20 to FY 2021-22, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will not be a decrease in case filings or convictions under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note.

## State Expenditures

Starting in FY 2023-24, the bill increases workload to the Judicial Department and the DOC. Specifically, the Probation Division within the Judicial Department must notify persons of any fingerprinting or photographing requirements and the DOC must update the questionnaire, run background checks, and notify the required parties of the status of an unsupervised or supervised person. All work can be accomplished within existing appropriations.

## Local Government

To the extent that a law enforcement agency does not require a supervised or un supervised person to appear at the agency for fingerprinting and photographing, workload to that agency will decrease.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## State and Local Government Contacts

Behavioral Health Administration  
Human Services  
Law

Corrections  
Information Technology  
Public Health and Environment

District Attorneys  
Judicial  
Public Safety