



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 19-0169
Prime Sponsors:

Date: September 21, 2018
Bill Status: Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems Bill Request

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Bill Topic: AUTOMATIC REMOVE JUVENILE SEX OFFENDER REGISTRY

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

This bill requires the Department of Human Services to file a petition for every eligible juvenile in its custody to have them removed from the Colorado sex offender registry prior to their appearance at the parole board hearing. Starting in the current FY 2018-19, this bill increases state expenditures and workload, and affects local government revenue, expenditures, and workload, on an ongoing basis.

Appropriation Summary: The bill requires an appropriation of \$10,415 in the current FY 2018-19 and \$30,550 and 0.1 FTE in FY 2019-20.

Fiscal Note Status: The fiscal note reflects the bill draft requested by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems.

Table 1
State Fiscal Impacts Under Bill 2

Table with 4 columns: Category, Current FY 2018-19, FY 2019-20, FY 2020-21. Rows include Revenue, Expenditures (General Fund, Total FTE), Transfers, and TABOR Refund.

Summary of Legislation

Under current law, the Department of Human Services (DHS) may petition the court to discontinue a juvenile's registration on the Colorado sex offender registry if the juvenile has yet to be released on parole and is otherwise eligible to petition. This bill requires the DHS to petition the court to discontinue an eligible juvenile's registration on the Colorado sex offender registry at least 63 days before they appear before the juvenile parole board.

Background

An individual convicted of certain sex offenses must be placed on the Colorado sex offender registry. Registration is done with a local law enforcement agency based on where the individual resides. The Colorado Bureau of Investigation (CBI) maintains a registry of convicted sex offenders within the state. It excludes offenders only convicted of misdemeanor offenses and juveniles adjudicated of sex crimes. Police departments and sheriff's offices also maintain local sex offender registries, some of which are online, such as the Sex Offender Tracking and Registration (SOTAR) system, which is maintained by Douglas County, but includes records for many Colorado jurisdictions. Current law allows local law enforcement agencies to charge a fee to individuals for entry onto the Colorado sex offender registry. This fee is to be based on actual costs and may not exceed \$75 for the initial registration and \$25 for each subsequent quarterly or annual registration.

Assumptions

In the last 10 years, DHS has not petitioned the court to remove a juvenile in the custody of the Division of Youth Services (DYS) from the Colorado sex offender registry. Between FY 2016 and FY 2018, DHS had an average of 44 juveniles per year in its custody who were eligible for a removal petition. The fiscal note assumes that the DHS will petition the court 44 times per year and that each petition will take about 7 hours to prepare and hear in court.

State Expenditures

This bill will increase General Fund expenditures in the DHS by \$10,415 in the current FY 2018-19 and by \$30,550 per year starting in FY 2019-20. The bill will also require 0.1 FTE to the Department of Law (DOL) in FY 2019-20. The bill will also increase workload to the trial courts and other judicial agencies on an ongoing basis. These impacts are discussed below.

Department of Human Services and Law. The bill will increase DHS expenditures by \$10,415 in the current FY 2018-19 and by \$30,550 per year starting in 2019-20 for legal services associated with the required petition under the bill. Based on the assumptions above, about 300 hours of legal services at a cost of \$103.63 per hour will be needed and provided by the DOL. Starting in FY 2019-20, the DOL will require 0.1 FTE to accomplish this work. The current year costs are prorated based on an assumed March 1, 2019, implementation date.

Judicial Department. Starting in FY 2018-19, the trial courts will increase workload to hear more petitions to remove juveniles from the Colorado sex offender registry. To the extent that a juvenile is represented by a guardian ad litem, workload and costs to the Office of the Child's Representative will increase. These increases do not require additional appropriations to any agency within the Judicial Department.

Local Government

Starting in the current FY 2018-19, to the extent that more juveniles are no longer required to register on the Colorado sex offender registry, revenue from registration fees and workload will decrease for affected local governments. Workload and expenditures will increase for district attorneys to be at removal hearings and to notify victims. To the extent that a juvenile in the custody of the DYS is also involved in a child welfare proceeding with a county department of human or social services, workload for that county will increase to attend the hearings. These impacts will vary based on where the juvenile resides, but overall are assumed to be minimal.

Effective Date

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

State Appropriations

The bill requires the following appropriations:

- for the current FY 2018-19, a General Fund appropriation of \$10,415 to the Department of Human Services, which is reappropriated to the Department of Law for legal services;
- for FY 2019-20, a General Fund appropriation of \$30,550 to the Department of Human Services, which is reappropriated to the Department of Law for legal services. An allocation of 0.1 FTE to the Department of Law is also required.

State and Local Government Contacts

Counties	District Attorneys	Human Services
Information Technology	Judicial	Law
Local Affairs	Municipalities	Public Safety
Sheriffs		

