



**Colorado  
Legislative  
Council  
Staff**

**SB17-051**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0674 **Date:** January 27, 2017  
**Prime Sponsor(s):** Sen. Fields; Gardner **Bill Status:** Senate Judiciary  
 Rep. Foote **Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** REVISIONS TO VICTIMS' RIGHTS LAWS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload and potential expenditure increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal workload and potential expenditure increase.		

**Summary of Legislation**

This bill modifies current law concerning the rights of crime victims. The bill adds three new offenses to the definition of "crime" to include: failure to stop at the scene of an accident that results in serious bodily injury of another person; violation of a protection order issued against a person charged with stalking; and posting a private image for harassment or monetary gain. The bill updates the definition of "modification of sentence" to include a resentencing following a probation revocation hearing or request for early termination of probation.

The bill creates a victim's right to be:

- heard at any court proceeding at which the court considers a request for progression from a person accused or convicted of a crime against the victim and who is in the custody of the state mental health hospital;
- informed of the results of a probation or parole revocation hearing;
- present at any hearings regarding a request for early termination or a change in the terms of probation; and
- informed of the Governor's decision to commute or pardon a person convicted of a crime against the victim before that information is publicly disclosed.

A number of additional victim notifications are established under the bill, including notifications related to:

- pending motions to sequester the victim from a critical stage in the case;
- information from public or private community corrections authorities, local jails, and the state mental health hospital concerning the custody and release of a person convicted of a crime against the victim, upon the victim's request;

- information about juvenile parole hearings, and
- hearings regarding any request by a probationer for early termination of probation or any change in the terms and conditions of probation.

For victims who are unavailable for hardship reasons or who are incarcerated or detained in a county jail or a correctional facility maintained by the Department of Corrections or Human Services, the bill allows those victims to provide testimony for a direct sentence or transitional referral to community corrections via phone or similar technology provided sufficient notice is made.

### **State Expenditures**

This bill may increase workload for the trial courts in the Judicial Department, the Governor's Office, and the Department of Human Services to make required notifications. These minimal workload increases do not require a change in appropriations for any of these state agencies.

**Department of Corrections.** The Department of Corrections (DOC) has approximately 100 offenders housed in other states or with the Federal Bureau of Prisons through various interstate compacts. To the extent that the bill's notification requirements concerning a transfer or release of an offender causes any of these states or the federal government to discontinue these arrangements, costs will increase for the DOC. Potential costs include staff time, transportation, and/or modification of facilities to accommodate the security needs of the particular offenders returning to Colorado. These impacts have not been estimated and this analysis assumes that should this occur, the DOC will request additional appropriations through the annual budget process.

### **Local Government Impact**

In the same manner as affected state agencies, this bill increases costs and workload by a minimal amount for district attorneys to make required notifications.

### **Effective Date**

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

### **State and Local Government Contacts**

Corrections	Counties	District Attorneys
Governor	Human Services	Information Technology
Judicial	Municipalities	Public Safety
Sheriffs		