



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1079

**FINAL
FISCAL NOTE**

Drafting Number: LLS 20-0257 **Date:** July 6, 2020
Prime Sponsors: Rep. Benavidez; Singer **Bill Status:** Deemed Lost
 Sen. Rodriguez **Fiscal Analyst:** Aaron Carpenter | 303-866-4918
 Aaron.Carpenter@state.co.us

Bill Topic: **JUVENILES ON COLORADO SEX OFFENDER REGISTRY**

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 would have made multiple changes related to individuals who have committed sex offenses as juveniles. The bill also would have created a new unclassified misdemeanor. Beginning in FY 2020-21, it would have increased state expenditures and both increased and decreased local government revenue and workload.

Appropriation Summary: For FY 2020-21, this bill would have required an appropriation of \$372,554 to the Department of Public Safety.

Fiscal Note Status: The fiscal note reflects the introduced bill, as recommended by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Table 1
State Fiscal Impacts Under HB 20-1079**

		FY 2020-21	FY 2021-22
Revenue		-	-
Expenditures	General Fund	\$372,554	\$28,511
	Centrally Appropriated	\$61,483	\$11,257
	Total	\$434,037	\$39,768
	Total FTE	1.2 FTE	0.5 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill makes multiple changes related to how individuals who committed sex offenses as juveniles are registered and recorded. The bill also creates an unclassified misdemeanor. Further detail is provided below.

Sex offender registration. This bill eliminates the requirement to register on the Colorado sex offender registry for individuals who relocate to Colorado if the individual is only subject to registration based on an adjudication or conviction when he or she was a juvenile and was already relieved of the duty to register or was never required to register in the other state or jurisdiction. This bill also eliminates the requirement of lifetime registration for an adult who has more than one adjudication as a juvenile. This bill creates a process for the court to reconsider whether to require registration if new information has been discovered since the initial ruling. Further, the court is required to issue a ruling or set a mandatory hearing no later than 14 days before the end of each juvenile's sentence concerning their duty to register.

Access to and use of juvenile records. This bill limits access to juvenile records on the sex offender registry to law enforcement agencies, parole and probation personnel, the Division of Child Welfare in the Department of Human Services (DHS), and the victim. Local law enforcement agencies may not release or post information online pertaining to juveniles on the registry. The Colorado Bureau of Investigation (CBI) may release information about an individual registered if the person obtaining the information affirms in writing that it will not be posted online, used for financial benefit, or used with the intent to harass or intimidate any person. In addition, CBI must collect data on the number of times information is requested for juveniles on the registry.

Unclassified misdemeanor. Under the bill, a new unclassified misdemeanor is created for members of the public who submit a false statement for purposes of obtaining juvenile registry information or who use such information in a prohibited manner.

Background

An individual convicted of certain sex offenses must be placed on the Colorado sex offender registry. Under current law, an individual convicted of an offense that requires registration in another state, or would require registration if the offense occurred in Colorado, must register in Colorado if he or she relocates to Colorado on a temporary or permanent basis. Registration is done with a local law enforcement agency based on where the individual resides. The 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 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.

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 changes an element of an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill creates a new unclassified misdemeanor offense for submitting a false statement for purposes of obtaining juvenile registry information or using such information in a prohibited manner, subject to a fine of up to \$1,000 upon conviction. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of improperly releasing information contained in child abuse or neglect records, a class 1 misdemeanor, as a comparable crime. From 2016 to 2018, there were no convictions for this existing offense.

Assumptions. The fiscal note assumes that individuals will comply with the provisions of the bill and that there will be minimal additional case filings or convictions for the new offense. Because the bill is not expected to have a tangible impact on criminal justice-related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Expenditures

The bill increases state General Fund expenditures by \$434,037 and 1.2 FTE in FY 2020-21 and \$39,768 and 0.5 FTE in FY 2021-22 and future years in the Department of Public Safety (DPS). These costs, which are paid from the General Fund, are shown in Table 2 and discussed below.

Table 2
Expenditures Under HB 20-1079

	FY 2020-21	FY 2021-22
Department of Public Safety		
Personal Services	\$65,024	\$28,036
Operating Expenses	\$1,330	\$475
Capital Outlay Costs	\$6,200	-
IT System Updates	\$300,000	-
Centrally Appropriated Costs*	\$61,483	\$11,257
Total Cost	\$434,037	\$39,768
Total FTE	1.2 FTE	0.5 FTE

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

Department of Public Safety. Starting in FY 2020-21, the DPS will require a one-time 1.0 FTE system administrator to work with vendors to implement system enhancements to the Colorado Crime Information Center System and the Sex Offender Registry System. On an ongoing basis, the department requires 0.5 FTE customer support coordinator to develop forms for information requests, verify persons who are seeking information and process those requests, update criminal history records, and work with vendors. First year costs are prorated for the bill's effective date and reflect the General Fund pay date shift; standard operating and capital outlay costs are included.

- *IT system updates.* DPS will have one-time costs estimated at \$300,000 to update and modify the Colorado Crime Information Center System and the Sex Offender Registry System to allow for new searches within the systems, remove juvenile convictions for adults who are required to register, and to automatically update records. This cost is based on other IT projects with similar complexity. Work will be performed by the system vendor.

Department of Human Services. Starting in FY 2020-21, costs and workload in the Department of Human Services (DHS) may increase to the extent that DHS employees are called on to testify in the new rehearings established by the bill. Additionally, legal services from the Department of Law may be required to prepare DHS employees to testify in court, which are charged at a rate of \$106.60 an hour when in excess of 100 hours. The fiscal note assumes that legal services costs will be addressed through the annual budget process as necessary.

Judicial Department. The bill will increase workload for the trial courts in the Judicial Department to accommodate additional hearings before the end of a juvenile's sentence, to review motions to reconsider when new information is discovered. Workload may also increase in the Office of the Child's Representative, which assists juveniles in delivering proceedings, may also have increased workload when they are appointed in these cases. Overall, it is assumed that this workload can be accomplished within existing appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

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, supplemental employee retirement payments, and indirect costs, are estimated to be \$61,483 in FY 2020-21 and \$11,257 in FY 2021-22.

Local Government

Beginning in FY 2020-21, this bill is expected to both increase and decrease revenue and workload for local governments, as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction and where the individual resides. To the extent that the bill reduces the number of individuals required to register, the bill reduces revenue from any registration fees and workload for the affected jurisdictions.

District attorneys. The bill increases workload and costs for district attorneys to prosecute a new unclassified misdemeanor offense, to attend additional hearings, and to provide additional victim notification. Overall, impacts are assumed to be minimal. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Law enforcement agencies. The bill eliminates the circumstances under which juveniles adjudicated of certain crimes can be listed on a local government's sex offender registry and prohibits this information from being released to any party other than another law enforcement agency. As such, the bill is anticipated to reduce workload for local law enforcement agencies.

Effective Date

The bill was deemed lost on June 16, 2020.

State Appropriations

For FY 2020-21, this bill requires a General Fund appropriation of \$372,554 and 1.2 FTE to the Department of Public Safety.

Departmental Differences

Department of Human Services. The DHS estimates legal services costs of \$77,380 for its employees to testify in the rehearings established under the bill. This estimate assumes that there will be 73 cases per year where a DHS employee will need to testify, and that 10 hours of legal services are necessary per case. The fiscal note does not include these costs since it is unknown how often DHS employees will be required to testify in rehearing cases and the likelihood that legal services costs will be lower per case. The fiscal note assumes that legal services costs will be addressed through the annual budget process, rather than appropriated in this bill, as necessary.

Department of Public Safety. The DPS estimates that 1.4 FTE customer support coordinator at \$72,783 is necessary to manage the modified juvenile sex offender records system on an ongoing basis. This assumes the position will develop forms for information requests, verify persons who are seeking information, process requests, update criminal history records, work with vendors, respond to any questions from law enforcement and the public, respond to any IT related issues, and train law enforcement. The fiscal note assumes this workload will require only 0.5 FTE because existing staff perform many of these duties, while other duties are not driven by the bill. The DPS currently supports the 20,000 person registry with 2.0 FTE. While records related to the bill will be more complicated, there is anticipated to be less than 5,000 records affected, which is assumed to be managed proportionally by 0.5 FTE.

State and Local Government Contacts

Counties
Information Technology
Municipalities

District Attorneys
Judicial
Public Safety

Human Services
Local Affairs
Sheriffs