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Revised Fiscal Note

(replaces fiscal note dated March 15, 2021)

Drafting Number: LLS 21-0297 Date: April 05, 2021
Prime Sponsors: Sen. Lee Bill Status: House Judiciary
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Bill Topic: JUVENILE DIVERSION PROGRAMS

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

This bill makes a number of changes to juvenile diversion programs, including program funding allocation. The bill will impact state and local revenue and expenditures on an ongoing basis beginning in FY 2021-22.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Summary of Legislation

The bill makes several changes to juvenile diversion programs as described below.

Juvenile diversion—district attorney responsibility. The bill makes several updates to the responsibility of district attorneys regarding juvenile diversion programs. First, district attorneys must use a risk-screening tool to inform eligibility for participation in a diversion program and the level and intensity of supervision, not for decisions on length of stay and services provided. In addition, district attorneys must use the risk-screening tool to make decisions on the eligibility criteria for a diversion program and must make that criteria public. Starting August 1, 2021, district attorneys must report annually the name and demographic data for any juvenile granted diversion for a ticket, summons, or offense.

Juvenile diversion—diversion program responsibility. Diversion programs may use the results of an assessment tool to inform the level and intensity of supervision, length of stay, and services offered. The Division of Criminal Justice (DCJ) in the Department of Public Safety (DPS) must approve any assessment instrument used by diversion programs and must reevaluate instruments every three years. Starting on August 1, 2021, diversion programs must report on the number of juveniles screened for eligibility and were rejected and demographic information. Finally, each program must collaborate with the DCJ to develop objectives for the program and report on its progress.

Data summary. The bill requires the DCJ, in collaboration with district attorneys and diversion program directors, to collect data on referrals to restorative justice services for its data summary on the juvenile diversion programs.

Diversion program allocation. Finally, the bill requires the DCJ to review the diversion program allocation formula every three years, and it must prioritize funding for programs that include restorative justice practices.

State Revenue

The bill removes the authority for the DCJ to accept gifts, grants, and donations for juvenile diversion programs. The fiscal note assumes that any decrease in revenue will be minimal. Gifts, grants, and donations are not subject to TABOR.

State Expenditures

In FY 2021-22, workload in the DPS will increase to update its data collection summary, to approve assessment tools used by diversion programs, and to update the formula every three years. The fiscal note assumes that all work can be accomplished within existing appropriations. If more resources are necessary, the DPS will request additional funds through the annual budget process.

Local Government

The bill increases workload for local district attorney offices to collect certain demographic information required by the bill. The Colorado District Attorney Council will need to update its DA Action system to satisfy reporting requirements.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, except for Section 3 which takes effect on July 1, 2023.

State and Local Government Contacts

District Attorneys
Judicial

Human Services
Public Safety

Information Technology