



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated January 25, 2022)

Drafting Number:	LLS 22-0408	Date:	March 10, 2022
Prime Sponsors:	Sen. Gonzales Rep. Bacon; Gonzales-Gutierrez	Bill Status:	House Judiciary
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Bill Topic: DECEPTIVE TACTICS JUVENILE CUSTODIAL INTERROGATION

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 makes juvenile statements inadmissible in court if law enforcement uses deception during interrogation, requires law enforcement to record all interrogations of juveniles, and requires the POST Board to train law enforcement officers on interrogating juveniles. Starting in FY 2022-23, the bill will increase state expenditures and local workload on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill requires a \$30,000 appropriation to the Department of Law.

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

**Table 1
State Fiscal Impacts Under SB 22-023**

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures	Cash Funds	\$30,000	\$1,451,110
Transfers		-	-
Other Budget Impacts		-	-

Summary of Legislation

Deception in juvenile custodial interrogation. The bill makes any statement or admission of a juvenile presumptively inadmissible in court if a law enforcement official knowingly uses deception, as defined in the bill, prior to or during the custodial interrogation, unless the prosecution can prove that the statement was made voluntarily despite the deception. Law enforcement must electronically record all juvenile custodial interrogations regardless of the nature of the offense.

Law enforcement training. The bill requires the Peace Officers Standards and Training Board (POST Board) to develop an in-person interactive training program on:

- juvenile development and culture and its impact on interviews and custodial interrogations;
- interpreting juvenile behavior during an interview or custodial interrogation;
- techniques for building rapport with juveniles;
- constructing age-appropriate statements and questions; and
- cautions and considerations for interviewing and interrogation juveniles in custody.

The bill requires the state to cover any local law enforcement agency cost associated with the training.

Background

House Bill 16-1117 required a peace officer investigating an alleged class 1 or 2 felony or a felony sexual assault to electronically record an interrogation occurring in a detention facility.

Data and Assumptions

According to the Department of Law (DOL), there are about 13,403 law enforcement officers in the state of Colorado. The fiscal note assumes that all officers will participate in the training over a five-year period starting in FY 2023-24, or 2,681 officers per year.

State Expenditures

The bill increases state expenditures in the Department of Law by \$30,000 in FY 2022-23 and \$1.5 million in FY 2023-24 from the POST Cash Fund. Expenditures are shown in Table 2. In addition, the bill will increase workload to the Judicial Department as described below.

Table 2
Expenditures Under SB 22-023

	FY 2022-23	FY 2023-24
Department of Law		
Course Development	\$30,000	-
Instructor Costs	-	\$85,600
Training Materials	-	\$160,860
Local Agency Reimbursement	-	\$1,204,650
Total Cost	\$30,000	\$1,451,110

Department of Law. Starting in FY 2022-23, the bill will increase expenditures in the DOL to provide training and to reimburse local law enforcement agencies for going to the training. Costs are described in more detail below.

- **Course development.** In FY 2022-23 only, expenditures in the DOL will increase to contract with a vendor to develop training curriculum. The fiscal note assumes that curriculum development will take 400 hours at \$75 per hour.
- **Instructor costs.** Starting in FY 2023-24, expenditures in the DOL will increase to contract with an instructor to teach classes. The fiscal note assumes that in one year there will be about 107 classes per year (about 25 officers per class) for 8 hours at a rate of \$100 per hour.
- **Training materials.** Starting in FY 2023-24, expenditures in the DOL will increase to develop and provide training materials to training attendees. The fiscal note assumes that training materials will cost \$60 per attendee.
- **Local agency reimbursement.** Starting in FY 2023-24, expenditures in the DOL will increase to reimburse local law enforcement agencies for sending officers to the training. The fiscal note assumes that 8 hours of training will be reimbursed at \$50 per hour. In addition, the DOL will be required to provide reimbursement for backfill coverage for officers who have to pick up an additional shift for officers that are at the training. The fiscal note assumes that 10 percent of cases will require backfill. Finally, expenditures in the DOL will increase to provide reimbursement for local agency lodging, mileage, and meals associated with training attendance. The fiscal note assumes that 100 attendees will require these costs at a rate of \$250 per attendee.

Judicial Department. The bill will increase trial court workload to the extent that prosecutors request more hearings to determine if a statement may be admitted despite the use of deception. However, court workload may decrease to the extent less evidence is put in front of the court. Overall, any changes in workload are not expected to require a change in appropriations.

Local Government

Local law enforcement agencies. Workload to local law enforcement agencies may increase to update policies on when to record interrogations. Because law enforcement agencies are already required to record certain interrogations, the fiscal note assumes that law enforcement agencies already have the necessary equipment to comply with the bill.

While the bill increases training-related costs for law enforcement agencies, these costs will be reimbursed by the state. Law enforcement agencies will also have an increase in workload to facilitate scheduling.

District attorneys. Workload and costs to district attorney offices will increase to the extent there are additional or longer hearings to admit evidence. Similar to the state, this impact is expected to be minimal.

Technical Note

The estimated costs of the bill from FY 2023-24 through FY 2026-27 cannot be supported by the current funding level of the POST Cash Fund. The POST Board is funded primarily through a \$1 fee from each vehicle registration and minimally from applicant certification fees and manual publication. The POST Board is prohibited from using General Fund.

Effective Date

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

State Appropriations

For FY 2022-23, the bill requires a \$30,000 appropriation from the POST Cash Fund to the Department of Law.

State and Local Government Contacts

Corrections
Human Services
Law

District Attorneys
Information Technology
Sheriffs

Education
Judicial