



Fiscal Note

Drafting Number:	LLS 24-0278	Date:	January 10, 2024
Prime Sponsors:	Sen. Rodriguez; Fields Rep. English; Bradfield	Bill Status:	Senate Judiciary
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Bill Topic: **PRETRIAL DIVERSION PROGRAMS**

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

The bill expands eligibility for participation in juvenile and adult diversion programs. Starting in the current FY 2023-24, the bill may decrease state workload and increase state and local expenditures.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill, which was recommended by the Legislative Oversight Committee Concerning Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems.

Summary of Legislation

The bill prohibits juvenile diversion programs from denying services based on an intellectual or developmental disability, a mental health or behavioral health issue, or a lack of mental capacity. If a juvenile cannot understand or participate in a diversion program due to behaviors or symptoms, programs must consider all available alternatives, including referral to the Department of Human Services (CDHS) or a collaborative management program (CMP). Behavioral health services and services for juveniles with developmental disability are added to the definition of "services" for the purpose of juvenile diversion programs.

Finally, the bill allows criminal defendants that raise competency issues, or are found incompetent to proceed, to enter into a diversion program with court approval.

Background

The juvenile diversion program is administered by the Division of Criminal Justice (DCJ) within the Department of Public Safety (CDPS). Each year, district attorneys may accept or decline funding from the DCJ, or waive funding to a designated entity. More information on the juvenile diversion program can be found on the DCJ [website](#).

Adult diversion programs are administered by district attorney offices, which may receive funding from the Judicial Department. More information on the adult diversion program can be found on the Judicial Department [website](#).

State Expenditures

Beginning in the current FY 2023-24, the bill may reduce workload in the trial courts, both increase and decrease costs in CDHS, and increase costs in CDPS. Overall, these impacts are anticipated to be minimal and no change in appropriations is required for these agencies.

Judicial Department. The bill may reduce workload in the trial courts by increasing the number of cases referred to juvenile and adult diversion programs thereby decreasing the number of cases handled by trial courts.

Department of Human Services. To the extent additional juveniles are referred to CMPs, costs in the CDHS may increase to provide additional funds to the CMPs to provide services. To the extent that the bill results in more cases to diversion instead of placements within the Division of Youth Services, costs may decrease.

Department of Public Safety. The bill may increase demand for juvenile diversion program services at the local level, which may increase demand for funding from the DCJ. If additional funding proves necessary in the future, it will be addressed through the annual budget process.

Local Government

Beginning in the current FY 2023-24, costs to local government agencies may increase. Similar to the state, impacts are assumed to be minimal.

District attorneys. To the extent that the bill increases eligibility for juvenile or adult diversion programs, costs will increase for district attorney offices to staff these programs. Many diversion programs already accept individuals identified in the bill.

County departments of human services. To the extent more juveniles are referred to county department of human services to receive services, including CMPs, workload and expenditures for those counties will increase. CMPs are administered by county departments of human services in partnership with other local, state, and private service providers.

Technical Note

The bill currently includes a provision that references a referral to the CDHS when a juvenile is unable to participate in diversion programs. The CDHS does not directly provide services, but would refer such cases to county human services offices.

Effective Date

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

State and Local Government Contacts

District Attorneys

Human Services

Judicial