



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

# FISCAL NOTE

**Drafting Number:** LLS 20-0257  
**Prime Sponsors:**

**Date:** October 7, 2019  
**Bill Status:** Bill Request  
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**Bill Topic:** JUVENILES ON COLORADO SEX OFFENDER REGISTRY

**Summary of  
Fiscal Impact:**

- State Revenue (*minimal*)
- TABOR Refund (*minimal*)
- State Expenditure
- Local Government
- State Transfer
- Statutory Public Entity

The bill makes multiple changes related to juveniles who have committed sex offenses. This bill also creates a new unclassified misdemeanor. This bill will increase state expenditures and will both increase and decrease local government revenue and workload starting in FY 2020-21.

**Appropriation  
Summary:**

For FY 2020-21, this bill requires an appropriation of \$372,554 to the Department of Public Safety.

**Fiscal Note  
Status:**

The fiscal note reflects the bill draft requested by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems.

**Table 1  
State Fiscal Impacts Under Bill 2**

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

## **Summary of Legislation**

The bill makes multiple changes related to juveniles who have committed sex offenses as described 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.

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 Colorado Bureau of Investigation (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 (SOTAR) 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. This analysis assumes that there will be less than five criminal cases filed for this offense and that approximately one offender will be convicted and assessed a fine penalty every five years.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

### State Revenue

By creating a new unclassified misdemeanor offense, the bill will increase state revenue from criminal fines and court fees by a minimal amount beginning in FY 2020-21, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty is up to \$1,000 per violation. Additionally, court fees may be imposed on a case-by-case basis for a variety of court-related costs, such as probation supervision, drug surcharges, or late fees. Because the courts have discretion in the size of the fine imposed, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

### State Expenditures

The bill increases state expenditures by \$434,037 and 1.2 FTE in FY 2020-21 and \$39,714 and 0.5 FTE in FY 2021-22 and future years. These costs, which are paid from the General Fund, are shown in Table 2 and discussed below.

**Table 2  
 Expenditures Under Bill 2**

	FY 2020-21	FY 2021-22
<b>Department of Public Safety</b>		
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
FTE – Personal Services	1.2 FTE	0.5 FTE
<b>Total Cost</b>	<b>\$434,037</b>	<b>\$39,768</b>
<b>Total FTE</b>	<b>1.2 FTE</b>	<b>0.5 FTE</b>

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

**Department of Public Safety.** In FY 2020-21, the Department of Public Safety (DPS) will require a system administrator to work with vendors to implement system enhancements to the Colorado Crime Information Center System and the Sex Offender Registry System. Beginning in FY 2020-21, DPS will require a 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. DPS will also have costs, preliminarily 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.

**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, and to process additional criminal case filings as a result of the new unclassified misdemeanor. Workload may also increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Council. In addition, 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.

**TABOR refunds.** The bill will minimally increase state General Fund obligations for TABOR refunds in FY 2020-21 and in FY 2021-22. Under current law and the September 2019 Legislative Council Staff forecast, the measure will correspondingly increase the amount refunded to taxpayers, which will first be issued via reimbursements to local governments, followed by sales tax refunds made available on income tax returns for tax years 2021 and 2022, depending on the total amount to be refunded each year.

## 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.

**Denver County Court.** The bill increases revenue and workload for the Denver County Court, which is managed and funded by the City and County of Denver, to try misdemeanor cases under the bill.

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

**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.

**State and Local Government Contacts**

Counties	District Attorneys	Human Services
Information Technology	Judicial	Local Affairs
Municipalities	Public Safety	Sheriffs

