



**Colorado
Legislative
Council
Staff**

Bill 6

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0152
Prime Sponsor(s):

Date: October 3, 2016
Bill Status: Legislative Oversight Committee
Concerning the Treatment of
Persons with Mental Illness in the
Criminal and Juvenile Justice
System Bill Request

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BILL TOPIC: REMOVE CHILD OFFENDERS FROM SEX OFFENDER REGISTRY

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	<u>\$28,500</u>	<u>\$31,406</u>
General Fund	23,348	24,828
Centrally Appropriated Costs	5,152	6,578
FTE Position Change	0.4 FTE	0.5 FTE
Appropriation Required: \$23,348 - Department of Public Safety (FY 2017-18).		
Future Year Impacts: Ongoing state expenditures increase.		

Summary of Legislation

This bill, *requested by the Mental Illness in the Criminal and Juvenile Justice System Legislative Oversight Committee*, limits the offenders required to register on the state's sex offender registry to only those whose offenses occurred when the offender was 14 years of age or older. In maintaining the sex offender registry, the Colorado Bureau of Investigation (CBI) must ensure that the registry only includes offenders whose offense was committed when he or she was 14 years of age or older.

Background

Any temporary or permanent resident in the state convicted in Colorado or any other jurisdiction of an unlawful sexual offense, enticement of a child, or internet luring of a child must register on Colorado's sex offender registry and with the local law enforcement agency where he or she resides. The court can exempt juveniles from registration under certain conditions, and a juvenile may petition the court for removal from the registry upon completion of his or her sentence. Although CBI does not charge for registration, local law enforcement agencies may charge up to \$75 for initial registration and up to \$25 for subsequent annual registrations.

The registry contains the offender's name, address, date of birth, a description of the offense or offenses committed, and his or her status as a sexually violent predator. This information is available to criminal justice agencies, local law enforcement agencies, and the public, upon request. Local law enforcement agencies may post on their websites information about adults on the sex offender registry, as well as juveniles with a second or subsequent adjudication involving unlawful sexual behavior or crimes of violence.

As of September 1, 2016, there are 2,095 juveniles on CBI's sex offender registry. CBI does not track the age of the offender at the time of the offense nor does it track how many new juveniles are added to the registry as a result of adjudication in Colorado or relocation from out of state. The fiscal note has not estimated how many juveniles will be removed from the list as a result of the bill. It assumes that the CBI will have to investigate every juvenile and potentially every adult sex offender who moves to Colorado to determine age at the time of the offense.

State Expenditures

The bill increases state General Fund expenditures by \$28,500 and 0.4 FTE in FY 2017-18 and by \$31,406 and 0.5 FTE in FY 2018-19 and future years in the Department of Public Safety (DPS). These costs are shown in Table 1 and described below.

Table 1. Expenditures Under Bill 6		
Cost Components	FY 2017-18	FY 2018-19
Personal Services	\$18,265	\$24,353
FTE	0.4 FTE	0.5 FTE
Operating Expenses and Capital Outlay Costs	5,083	475
Centrally Appropriated Costs*	5,152	6,578
TOTAL	\$28,500	\$31,406

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

Department of Public Safety (DPS). In FY 2017-18, DPS requires \$28,500 and 0.5 FTE, prorated to 0.4 FTE in the first year to account for a September 1 start date and the General Fund pay date shift, to ensure that the sex offender registry managed by CBI and any registries maintained by local law enforcement agencies do not contain any juveniles whose offenses occurred before their 14th birthday. In FY 2018-19 and ongoing, DPS requires \$31,406 and 0.5 FTE to investigate any juvenile sex offender who moves from out of state to determine how old the offender was at the time of his or her offense. Currently, CBI receives notice when a sex offender moves to Colorado from out of state, but the notice may not include court records and documentation about the offender's age at the time of his or her offense.

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. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under Bill 6		
Cost Components	FY 2017-18	FY 2018-19
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$3,515	\$4,396
Supplemental Employee Retirement Payments	1,637	2,182
TOTAL	\$5,152	\$6,578

Local Government Impact

The bill may reduce revenue and workload for local governments. Local law enforcement agencies may charge a fee of up to \$75 for initial registration on local sex offender registries and up to \$25 for annual renewal registrations. With fewer juveniles required to register, local governments may see a minimal decrease in fee revenue. Workload for local law enforcement agencies may also decrease with fewer registrations to enforce.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State Appropriations

In FY 2017-18, the bill requires a General Fund appropriation of \$23,348 and an allocation of 0.4 FTE to the Department of Public Safety.

State and Local Government Contacts

Counties
 Judicial
 Public Safety

District Attorneys
 Municipalities
 Sheriffs

Information Technology
 Public Defender