



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

Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: REMOVE CHILD OFFENDERS FROM SEX OFFENDER REGISTRY

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	\$28,500	\$31,406
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	District Attorneys	Information Technology
Judicial	Municipalities	Public Defender
Public Safety	Sheriffs	



October 4th, 2016

Representative Jonathan Singer, Chair
Senator Beth Martinez-Humenik, Vice Chair
Representative Pete Lee
Representative Stephen Humphrey
Senator Laura Woods
Senator Linda Newell

Re: Public Testimony on MICJS Draft Bills for Consideration on 10/5/2016

Honorable Members of the MICJS Legislative Oversight Committee:

Since 1967, the Colorado Behavioral Healthcare Council (CBHC) has been the membership organization for Colorado's community behavioral health system. Our membership includes the statewide network of community mental health centers (CMHCs), behavioral health organizations (BHOs), and managed service organizations (MSOs), as well as two specialty clinics serving Latino and Asian Pacific populations. Our mission is to work with policymakers and community leaders to enhance the behavioral health system and improve the health, wellness, and safety of all Coloradans.

To that end, CBHC has a long history of involvement in and support of the MICJS Task Force. Currently, we have two member representatives on the task force in Harriet Hall, CEO of Jefferson Center for Mental Health (and former MICJS Chair), and Fernando Martinez, CEO of San Luis Behavioral Health Group. We also commit staff time to attending the MICJS Task Force and offer our expertise and perspective when called upon.

Unfortunately, due to scheduling conflicts, neither CBHC nor our MICJS member representatives will be able to attend the October 5th meeting to provide testimony or comment on the six bill drafts being considered. Respectfully, we submit the following comments in lieu of spoken testimony at tomorrow's hearing:

Bill 1: Staffing Task Force Mental Illness Justice Systems

CBHC recognizes the tremendous workload involved in coordinating the MICJS Task Force and its various workgroups and Oversight Committees. We support the concept of more staff support to extend the excellent work of the existing Legislative Council staff assigned to the MICJS Task Force.

Bill 2: Medication Mental Illness in Justice Systems

Among the six bills being considered by the Committee, this draft is particularly complex. CBHC and members have participated in many of the stakeholder groups convened on medication consistency and information sharing and, while we're supportive of both concepts, there is some concern that this is moving too quickly into bill form, when there may be other alternatives for collaboration and agreement. Providers have shared concerns about duplicate data entry and unreimbursed cost of implementing a data sharing system. CBHC believes these concerns to be valid with new data systems being proposed or implemented in multiple state departments and changes to existing data systems and security being an expensive and often unreimbursed cost. We suggest the committee and bill sponsors consider a mechanism for studying the cost of implementation that providers and other stakeholders may incur with the proposed requirements. Perhaps this information could be collected and analyzed by CDHS in the required report to the Health committee? We'd also support language to require that the data information sharing system be built off of, or integrated with, existing data systems.

Bill 3: Competency Restoration Services and Education

Members of CBHC have generally provided positive feedback on the concepts included in this bill. We do not have specific recommendations or amendments for this draft at this time.

Bill 4: Assistance to Released Mentally Ill Offenders

Regarding this bill, we would like to provide feedback regarding the eligibility criteria for the proposed program, which is listed in article 70 Section 2, page six, lines 1 – 13. We believe that limiting access to these programs to only individuals who are being released from the Department of Corrections or jails is restrictive and does not align with the current movement of research and programming that supports increasing resources for diversion of individuals with mental illness from the criminal justice system. We propose adding another category of eligibility in said section that allows individuals who have been engaged by a diversion program, such as a co-responder team or specialty courts, to become eligible for the proposed program upon demonstration of high criminogenic risk. Risk may be assessed by diversion-program measures, community documentation (such as high police contact or 911 calls), or a formal assessment (i.e., the LS-RNR which is an evidence-based tool to assess for criminogenic risk). We believe that limiting eligibility to only re-entry will increase future barrier to implementing successful diversion programs which have consistently demonstrated higher positive outcomes and cross-systemic cost-avoidance as compared to programs in later intercepts of the Sequential Intercept Model. We look forward to working with the bill sponsors to discuss these ideas in more detail.

Bill 5: Remove Juveniles from Sex Offender Registry

CBHC offers no comment at this time.

Bill 6: Remove Child Offenders from Sex Offender Registry

CBHC offers no comment at this time.

As mentioned, CBHC has been working to gather feedback from members on all six bill drafts. Although we have received some comments to the bills on which we asked them to focus, we do not believe we've had sufficient time to fully vet each bill to our full ability. Because of this, we will continue to seek feedback from members on any of the bills that move forward once the hearing concludes. We commit to working with bill sponsors and stakeholders to ensure that our feedback and any specific recommendations or amendments are offered as early in the process as possible.

On behalf of CBHC and our members, we wish to thank the members of the MICJS Legislative Oversight Committee for considering our comments and feedback and we are happy to follow up with any questions you may have. Questions or comments can be directed to Frank Cornelia, Director of Government & Community Relations, at 720-573-3971 or at fcornelia@cbhc.org.

Sincerely,



Doyle Forrestal
CEO
Colorado Behavioral Healthcare Council