



**Colorado  
Legislative  
Council  
Staff**

**SB16-181**

**FISCAL NOTE**

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

**Drafting Number:** LLS 16-1200 **Date:** April 11, 2016  
**Prime Sponsor(s):** Sen. Woods; Jahn **Bill Status:** Senate Judiciary  
 Rep. Kagan; Dore **Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** SENTENCING JUVENILES CONVICTED OF CLASS 1 FELONIES

<b>Fiscal Impact Summary</b>	<b>FY 2015-2016 (Current Year)</b>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>State Revenue</b>			
<b>State Expenditures</b>	Workload increase.		Decrease - see State Expenditures section.
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Ongoing decrease in state expenditures.			

**Summary of Legislation**

This bill requires that a person convicted of a class 1 felony between July 1, 1990, and July 1, 2006, for an offense committed while a juvenile be sentenced to either:

- a determinate sentence of between 24 to 48 years in prison if the district court finds extraordinary mitigating circumstances were present; or
- life imprisonment with the possibility of parole after 40 years.

The bill allows for offenders who were sentenced to a life sentence without the possibility of parole for a class 1 felony committed as a juvenile between July 1, 1990, and July 1, 2006, to petition the court for a resentencing hearing. It specifies factors that can be considered in order to make a finding of the presence of extraordinary mitigating circumstances, such as the offender's age and maturity level at the time of the crime, and his or her capacity for rehabilitation.

**Determinate sentencing.** If the court issues a determinate sentence, it is required to impose a mandatory 10 year period of parole, for which the offender is eligible after serving 75 percent of his or her sentence, less any earned time accrued. The State Board of Parole may begin conducting parole hearings for existing offenders one year after the effective date of this bill.

**Life sentences.** If the court issues a life sentence, when that offender is released after serving 40 years, less any earned time accrued, he or she is to remain on parole for the remainder of his or her natural life.

**Earned time.** The bill clarifies that its intent is to ensure that the Department of Corrections (DOC) apply earned time calculations retroactively, as if the offender had been eligible for earned time awards from the beginning of his or her incarceration, as well as proactively.

## **Background**

Under current law, a life sentence for a class 1 felony committed by a juvenile requires the possibility of parole after 40 years. Persons who are sentenced to a life term without the possibility of parole do not accrue earned time.

As of this writing, there were 48 offenders that meet this criteria within the custody of the DOC that would meet the bill's criteria for resentencing. The length of stay for these offenders ranges from 7.9 years to 23 years. Of this number, 39 offenders have additional sentences, many of which are consecutive to the current life sentence.

## **State Expenditures**

Overall this bill is anticipated to decrease state expenditures by an indeterminate amount. Initially, in FY 2015-16 and FY 2016-17, workload will increase for courts to hold resentencing hearings for up to 48 offenders that currently meet the conditions of the bill. This workload is minimal and will not require an increase in appropriations for any agency in the Judicial Department.

In the future, the bill is expected to decrease costs for the DOC by potentially reducing sentences for existing offenders and lessening the amount of time future offenders must be incarcerated and the amount of time required prior to consideration of parole. As the results of the resentencing hearings and future sentencing decisions of the courts are not known, it is not possible to determine how many sentences will be reduced and when cost savings will begin. It should be noted that a portion of the savings will be reduced by an offsetting increase in parole supervision costs.

## **Effective Date**

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

## **State and Local Government Contacts**

Corrections  
Information Technology

District Attorneys  
Judicial