



Legislative
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HB 18-1156

**REVISED
FISCAL NOTE**

(replaces fiscal note dated March 1, 2018)

Drafting Number: LLS 18-0695
Prime Sponsors: Rep. Lee
Sen. Holbert

Date: April 4, 2018
Bill Status: Senate Judiciary
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Bill Topic: LIMIT PENALTIES FOR JUVENILE TRUANCY

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government (<i>minimal</i>)
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill restricts the court from placing a habitually truant child in a juvenile detention facility for truancy. The bill may increase state and local government costs and workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Summary of Legislation

This bill restricts the use of youth detention for youths who are habitually truant by requiring that:

- the court provide all procedural protections mandated in the Colorado Rules of Civil Procedure when instituting a contempt of court proceeding;
- a judge or magistrate, when issuing a warrant, allow for the release of the youth from temporary custody on an unsecured personal recognizance bond that is cosigned by a parent or guardian;
- any warrant that directs a youth be arrested must indicate that the arrest must occur during court hours;
- detention, as a sanction for contempt of court, only be used in the best interests of the youth and that specific factors be considered;
- any sentence to detention for contempt of court cannot be more than 48 hours; and
- truancy plans developed by school districts must use appropriate sanctions other than detention.

The bill also creates a rebuttable presumption that a youth must receive credit for time served and if the court rebuts this presumption, it must be explained on record. Finally, the bill clarifies that the Department of Human Services (DHS) can use its appropriation for services to juveniles on youth who are habitually truant and under the age of seventeen.

Background

Under current law, a child who does not comply with a plan to fix their habitual truancy behavior can be sanctioned for contempt of court and placed in detention for no more than five days in a Division of Youth Services facility within the Department of Human Services (DHS). From October 2016 to September 2017, there were 15 truant youths that were placed in a detention facility.

State Expenditures

This bill will increase state workload and costs starting in FY 2018-19, as discussed below.

Judicial Department. Under the bill, the trial courts in the Judicial Department may have increased workload to consider additional factors before sentencing a youth to detention. As it is assumed that most judges will grant youths credit for time served rather than sentence a youth to detention for truancy, this increase will be minimal. However, in cases where detention is not considered, case time and workload may decrease and offset the workload increase to consider alternative sentences. The bill also requires that any warrant that authorizes the arrest of a youth must happen during court hours, which may increase workload for trial courts to bring the youth in and shift other cases on their docket. It is assumed that the use of this will be minimal. No change in appropriations is required.

Office of the Child's Representative. To the extent that the bill encourages judges to consider alternative sanctions to detention, the court may be more likely to appoint a guardian ad litem to represent the interest of the youth, which will increase costs for the Office of the Child's Representative. Because of the low number of truancy cases in the last two years, it is assumed that any increase in costs will be minimal and can be accomplished within existing appropriations.

Department of Human Services. The bill will decrease the number of children sentenced to the Division of Youth Services in the DHS. Because courts already issue sanctions other than detention, it is assumed that any reduction in the number of youths placed in detention at a Division of Youth Services facility for being habitually truant will be minimal. By clarifying who DHS can spend its services to juveniles appropriation on, spending within the department may shift.

Local Government

The bill may increase costs and workload for county departments of human or social services to the extent that the bill encourages courts to issue alternative sanctions that increase services provided by counties or if a youth is placed in out-of-home care as part of a related dependency and neglect proceeding. However, given that many of these youths and families are already involved with the child welfare system, any changes to county workload and costs are assumed to be minimal.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Judicial
Law

Education
Local Affairs
Sheriffs

Human Services
Information Technology