



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Fiscal Note

**Drafting Number:** LLS 22-0488 **Date:** February 14, 2022  
**Prime Sponsors:** Rep. Gonzales-Gutierrez; **Bill Status:** House Judiciary  
 Bacon **Fiscal Analyst:** Aaron Carpenter | 303-866-4918  
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**Bill Topic:** **REDUCE JUSTICE-INVOLVEMENT FOR YOUNG CHILDREN**

**Summary of Fiscal Impact:**

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill increases the minimum age that a juvenile can be involved in the criminal justice system. Starting in FY 2022-23, the bill decreases state revenue and expenditures.

**Appropriation Summary:** For FY 2022-23, the bill requires a reduction in appropriations of \$247,700 to multiple state agencies.

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

**Table 1**  
**State Fiscal Impacts Under HB 22-1131**

|                                 |                           | Budget Year<br>FY 2022-23 | Out Year<br>FY 2023-24 | Out year<br>FY 2024-25 |
|---------------------------------|---------------------------|---------------------------|------------------------|------------------------|
| <b>Revenue</b>                  |                           | -                         | -                      | -                      |
| <b>Expenditures<sup>1</sup></b> | General Fund              | (\$236,495)               | (\$456,998)            | (\$806,999)            |
|                                 | Federal Funds             | (\$11,205)                | (\$22,409)             | (\$22,409)             |
|                                 | Centrally Appropriated    | (\$19,374)                | (\$65,727)             | (\$94,708)             |
|                                 | <b>Total Expenditures</b> | <b>(\$267,074)</b>        | <b>(\$693,620)</b>     | <b>(\$924,116)</b>     |
|                                 | <b>Total FTE</b>          | <b>(1.1 FTE)</b>          | <b>(3.8 FTE)</b>       | <b>(5.6 FTE)</b>       |
| <b>Transfers</b>                |                           | -                         | -                      | -                      |
| <b>Other Budget Impacts</b>     | General Fund Reserve      | (\$41,286)                | (\$68,550)             | (\$121,050)            |

## Summary of Legislation

The bill increases the minimum age for when a juvenile can be involved in the criminal justice system from 10 to 13. This includes:

- when municipal, county, and juvenile court have jurisdiction over criminal action;
- when a peace officer may take a juvenile into temporary custody; and
- when courts or probation can impose sentences to commitment or detention in the Division of Youth Services (DYS) within the Department of Human Services (DHS).

In addition, the bill increases the minimum age when a juvenile case can be transferred from juvenile court to a district court. Under current law, a juvenile who commits a class 1 or class 2 felony or crime of violence, and was 12 or 13 at the time of the offense, may have their case transferred to district court to be tried as an adult. The bill raises the age to 14 years old.

Finally, the bill requires the criteria for juveniles served through alternative services to include children who are between the ages of 10 and 13 and at risk of entering detention at an older age.

## Assumptions

The fiscal note makes the following assumptions:

- that it takes one year from the time a crime is committed until a juvenile is sentenced; and
- the average length of stay in DHS commitment is 17 months.

## State Revenue

**Criminal fines and court fees.** By raising the age of prosecution, the bill will decrease state revenue from criminal fines and court fees by a minimal amount beginning in FY 2022-23, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. Additionally, court fees may have been 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 the discretion of incarceration, imposing a fine, or both, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

## State Expenditures

The bill decreases state expenditures in the Judicial Department and the DHS by \$267,074 in FY 2022-23, \$693,620 in FY 2023-24, and \$924,116 in FY 2024-25 and ongoing primarily from the General Fund and minimally from federal funds. Expenditures are shown in Table 2 and detailed below.

**Table 2  
Expenditures Under HB 22-1131**

|  | <b>FY 2022-23</b>  | <b>FY 2023-24</b>  | <b>FY 2024-25</b>  |
|--|--------------------|--------------------|--------------------|
| <b>Trial Courts (Judicial Department)</b>          |                    |                    |                    |
| Personal Services                                  | (\$93,089)         | (\$186,178)        | (\$186,178)        |
| Operating Expenses                                 | (\$1,345)          | (\$2,400)          | (\$2,400)          |
| Capital Outlay Costs                               | (\$440)            | (\$800)            | (\$800)            |
| Centrally Appropriated Costs <sup>1</sup>          | (\$19,374)         | (\$36,747)         | (\$36,747)         |
| FTE – Personal Services                            | (1.1 FTE)          | (2.0 FTE)          | (2.0 FTE)          |
| <b>Trial Court Subtotal</b>                        | <b>(\$114,248)</b> | <b>(\$226,125)</b> | <b>(\$226,125)</b> |
| <b>Division of Probation (Judicial Department)</b> |                    |                    |                    |
| Personal Services                                  | -                  | (\$122,069)        | (\$244,141)        |
| Operating Expenses                                 | -                  | (\$3,210)          | (\$6,420)          |
| Capital Outlay Costs                               | -                  | (\$720)            | (\$1,440)          |
| Centrally Appropriated Costs <sup>1</sup>          | -                  | (\$28,980)         | (\$57,961)         |
| FTE – Personal Services                            | -                  | (1.8 FTE)          | (3.6 FTE)          |
| <b>Probation Subtotal</b>                          | <b>-</b>           | <b>(\$154,979)</b> | <b>(\$309,962)</b> |
| <b>Department of Human Services</b>                |                    |                    |                    |
| Parole Costs                                       |                    | (\$6,865)          | (\$82,378)         |
| Contract Placement                                 | (\$124,496)        | (\$248,992)        | (\$248,992)        |
| Food Costs   | (\$28,330)         | (\$56,659)         | (\$56,659)         |
| <b>DHS Subtotal</b>                                | <b>(\$152,826)</b> | <b>(\$312,516)</b> | <b>(\$388,029)</b> |
| <b>Total</b>                                       | <b>(\$267,074)</b> | <b>(\$693,620)</b> | <b>(\$924,116)</b> |
| <i>General Fund</i>                                | (\$236,495)        | (\$456,998)        | (\$806,999)        |
| <i>Federal Funds</i>                               | (\$11,205)         | (\$22,409)         | (\$22,409)         |
| <i>Centrally Appropriated</i>                      | (\$19,374)         | (\$65,727)         | (\$94,708)         |
| <b>Total FTE</b>                                   | <b>(1.1 FTE)</b>   | <b>(3.8 FTE)</b>   | <b>(5.6 FTE)</b>   |

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Trial courts.** Starting in FY 2022-23, the bill will decrease staffing needs in the trial courts. Based on a five-year average of cases involving juveniles who are 10 to 12 years old, the fiscal note assumes that there will be 3 fewer felony cases, 446 fewer juvenile delinquency cases, 64 fewer misdemeanor cases, 10 fewer traffic cases, and 2 fewer traffic infraction cases. Based on the Judicial Department's caseload model, the reduction in cases results in a decrease of 2.0 FTE. This includes 0.5 FTE magistrate and 1.5 FTE support staff. Costs in FY 2022-23 are prorated for a December 1, 2023, start date.

**Probation.** The bill increase expenditures in the Division of Probation in FY 2022-23 only and then decreases expenditures beginning in FY 2023-24 as described below.

- **Increase in FTE.** Starting in FY 2022-23, the Division of Probation will require 1.2 FTE to oversee more 14 and 15 year olds sentenced to probation in lieu of commitment or detention. Based on a five year average of 14 and 15 year olds who were sentenced to DYS, the fiscal note assumes there will be an additional 32 cases per year requiring supervision, with 10 percent of juveniles sentenced to juvenile intensive supervision, 70 percent sentenced to maximum risk supervision and 20 percent sentenced to medium risk supervision. In addition, the fiscal note assumes that 90 percent of cases will require a Juvenile Assessment Summary Report. Because this increase in costs only occurs for six months, the fiscal note assumes the cost can be absorbed within existing appropriations.
- **FTE reductions.** Starting in FY 2023-24, staffing within the Division of Probation will decrease by 3.6 FTE to no longer supervise 10, 11, and 12 year olds sentenced to probation. Cost reductions will not begin until FY 2023-24 because the fiscal note assumes it takes one year before a juvenile would be sentenced to probation. Using a five-year average of juveniles sentenced to probation, the fiscal note assumes there will be 126 fewer juveniles sentenced to probation per year. In addition, the fiscal note assumes there will be 77 fewer pre-sentence investigations. FY 2023-24 costs are prorated for a December 1 start date.

**Department of Human Services.** Starting in FY 2022-23, expenditures in the DHS will decrease as juveniles aged 10 to 15 are no longer sentenced to DYS commitment. Using a three-year average daily population of juveniles ages 10 to 15 in DYS, the fiscal note assumes that the average daily population of DYS will decrease by 25.8 juveniles once the bill is fully implemented. The fiscal note assumes that 16 would be in a DYS facility and 2 would be in a contract placement, resulting in a cost decrease for contract placements (about 2 beds per day at \$305 per day) and food costs in DYS facilities (about \$9 per day). Contract placements receive 9 percent federal funding. In addition, costs for juvenile parole will decrease starting in FY 2023-24. The fiscal note assumes that there will be a decrease of 7 juveniles on parole per year at a cost of \$10,246 per youth. Assuming an average length of stay of 17 months for juveniles in DYS facilities, the fiscal note assumes this decrease will not be realized until June 1, 2024.

- **Colorado Youth Detention Continuum.** The bill requires that the criteria for juveniles served through alternative services include children who are between the ages of 10 and 13 who are at risk of entering detention at an older age. It is unknown how many children will meet this criteria. If additional funding is required, it will be requested by the DHS through the annual budget process.

**Independent Judicial Offices.** Starting in FY 2022-23, workload and expenditures in various independent offices that represent children during juvenile delinquency proceedings may decrease. Offices include the Office of the Public Defender, the Office of the Alternative Defense Counsel, and the Office of the Child's Representative. The fiscal note assumes that any decrease in appropriations will be requested 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 and supplemental employee retirement payments, are shown in Table 2.

## Local Government

Starting in FY 2022-23, workload to district attorney offices will decrease since youth ages 10, 11, and 12 can no longer be prosecuted. District attorney offices are funded by counties.

## Other Budget Impacts

**General Fund reserve.** Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to decrease the amount of General Fund held in reserve as shown in Table 1, which will increase the amount of General Fund available for other purposes.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to crimes committed and to confinement or detention ordered on or after January 1, 2023.

## State Appropriations

The bill requires a decrease in appropriations totaling \$247,700 including:

- a reduction of \$94,874 from the General Fund to the Judicial Department with a reduction of 1.1 FTE;
- a reduction of \$141,621 from the General Fund to the Department of Human Services; and
- a reduction of \$11,205 of federal funds to the Department of Human Services.

## State and Local Government Contacts

Corrections  
Human Services  
Judicial  
Office of Respondent Parents' Counsel

District Attorneys  
Information Technology  
Municipalities