



Legislative Council Staff

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Fiscal Note

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Prime Sponsors:	Sen. Lee Rep. Michaelson Jenet	Bill Status:	Senate Judiciary
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Bill Topic: JUVENILE DIVERSION PROGRAMS

Summary of Fiscal Impact:

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

This bill makes a number of changes to juvenile diversion programs, including their funding allocation. The bill will impact state and local revenue and expenditures on an ongoing basis beginning in FY 2021-22.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill makes several changes to juvenile diversion programs as described below.

Pre-arrest diversion. The bill allows juveniles to be put into a juvenile diversion program before any official action is taken by the legal system. Pre-arrest diversion may not result in any supervision, formal processing, or tracking of the juvenile in the legal system.

Juvenile diversion—district attorney responsibility. The bill makes several updates to the responsibility of district attorneys regarding juvenile diversion programs. First, district attorneys must only use a risk-screening tool to inform eligibility for participation in a diversion program, not for decisions on level and intensity of supervision, length of stay, and services provided. In addition, district attorneys must use the risk-screening tool to make decisions on the eligibility criteria for a diversion program and must make that criteria public. Starting August 1, 2021, district attorneys must report annually the name and demographic data for any juvenile granted diversion for a ticket, summons, or offense.

Juvenile diversion—diversion program responsibility. Diversion programs may use the results of an assessment tool to inform the level and intensity of supervision, length of stay, and services offered. The Division of Criminal Justice (DCJ) in the Department of Public Safety (DPS) must approve any assessment instrument used by diversion programs and must reevaluate instruments every three years. Starting on August 1, 2021, diversion programs must report on the number of juveniles screened for eligibility and were rejected and demographic information. Finally, each program must collaborate with the DCJ to develop objectives for the program and report on its progress.

Data summary. The bill requires the DCJ, in collaboration with district attorneys and diversion program directors, to collect data on referrals to restorative justice services for its data summary on the juvenile diversion programs.

Diversion program allocation. Finally, the bill changes the allocation of juvenile diversion program grants. By July 1, 2023, the bill requires the DCJ to allocate 20 percent of its diversion program funds to community based pre-arrest or post-arrest diversion programs based on a competitive grant process. The other 80 percent of the allocation must be distributed by an established formula. The DCJ must review the formula every three years.

State Revenue

To the extent there are fewer juvenile delinquency cases due to the pre-arrest diversion program, fee and fine revenue to the Judicial Department will decrease. An exact decrease cannot be estimated at this time. In addition, the bill removes the authority for the DCJ to accept gifts, grants, and donations for juvenile diversion programs. The fiscal note assumes that any decrease in revenue will be minimal.

State Expenditures

In FY 2021-22, workload in the DPS will increase to update its data collection summary and to approve assessment tools used by diversion programs. In FY 2023-24, workload will increase to award grants to pre-arrest and community programs. The fiscal note assumes that all work can be accomplished within existing appropriations. If more resources are necessary, the DPS will request additional funds through the annual budget process.

In addition, the bill may decrease expenditures in the trial courts, the Department of Human Services, and the Office of the Child Representative, if the bill results in fewer juvenile delinquency cases due to the pre-arrest diversion program. The fiscal note assumes that any decrease in resources will be adjusted through the annual budget process, if necessary.

Local Government

The bill increases workload to local district attorney offices. First, the bill will require training to district attorney staff on the use of pre-arrest diversion. The bill will also require district attorneys to publish criteria for the diversion program and to collect certain demographic information required by the bill. The Colorado District Attorney Council will need to update its DA Action system to satisfy

reporting requirements. Finally, similar to the state, to the extent the bill decreases the number of juvenile delinquency cases, workload to district attorney offices will decrease.

The bill will also decrease revenue to local governments that run juvenile diversion programs. For informational purposes, currently the DCJ grants around \$3.1 million to local diversion programs run by district attorneys, counties, and community-based agencies. Under the bill, \$615,742 must be awarded to community-based agencies, potentially decreasing funding to diversion programs funded by local governments. The exact allocation amount will be decided by the DCJ in FY 2023-24.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, except for Section 4 which takes effect on July 1, 2023.

State and Local Government Contacts

District Attorneys
Judicial

Human Services
Public Safety

Information Technology