



**Colorado
Legislative
Council
Staff**

Bill 5

FISCAL NOTE

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

Drafting Number: LLS 17-0151
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
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BILL TOPIC: REMOVE JUVENILES FROM SEX OFFENDER REGISTRY

| Fiscal Impact Summary | FY 2017-2018 | FY 2018-2019 |
|---|-----------------------|----------------------|
| State Revenue | | |
| State Expenditures | <u>108,455</u> | <u>31,406</u> |
| General Fund | 84,366 | 24,828 |
| Centrally Appropriated Costs | 24,089 | 6,578 |
| FTE Position Change | 2.0 FTE | 0.5 FTE |
| Appropriation Required: \$84,366 - Department of Public Safety (FY 2017-18). | | |
| Future Year Impacts: Ongoing expenditure and workload impact. | | |

Summary of Legislation

Under this bill, ***requested by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice System***, a person is no longer required to register as a sex offender if the registrant:

- was required to register as the result of a conviction for an offense committed while he or she was a juvenile;
- has not been convicted as an adult of any offense that would result in him or her being required to register with the sex offender registry; and
- has completed his or her sentence for each conviction that would have required him or her to register as a sex offender under current law.

By August 1, 2017, the Colorado Bureau of Investigation (CBI) in the Department of Public Safety, which maintains the state sex offender registry, and any local law enforcement agency that maintains a local sex offender registry must remove all registrants who meet the above criteria from the sex offender registry. They must also implement procedures to ensure that all eligible registrants are promptly removed from the registry upon completion of their sentence.

This bill also clarifies that the Department of Corrections or the Department of Human Services, must provide a notice to the CBI and each applicable local law enforcement agency at least 10 days before the release of a registered sex offender and indicate in that notice that the offender is being released and may be a juvenile offender.

Background

As of September 2016, there are 18,181 offenders in the state sex offender registry, 2,095 of whom are juveniles. The CBI does not track the age of the offender at the time of the offense nor does it track how many juveniles are added to the registry as a result of adjudication in Colorado versus relocation from out of state.

Under the Colorado Sex Offender Registration Act, 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 with the Colorado sex offender registry and with the local law enforcement agency where he or she resides. 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. The CBI does not charge for registration, but local law enforcement agencies may charge up to \$75 for initial registration and up to \$25 for subsequent annual registrations.

A person can petition the court to have their name removed from the sex offender registry under current law. By requiring the CBI and local law enforcement agencies to remove eligible offenders from the registry, this bill eliminates the need for a court petition for sex offenses committed while the offender was a juvenile. No fee is charged for this petition. The number of petitions for removal from the sex offender registry for offenses committed as a juvenile, per year, is believed to be minimal; however, there are no data available.

State Expenditures

This bill increases state General Fund expenditures in the Department of Public Safety by \$108,455 and 2.0 FTE in FY 2017-18 and \$31,406 and 0.5 FTE in FY 2018-19. This bill also reduces workload in the Judicial Department. These impacts are shown in Table 1 and described below.

| Table 1. Expenditures Under Bill 5 | | |
|---|-------------------|-------------------|
| Cost Components | FY 2017-18 | FY 2018-19 |
| Personal Services | \$73,060 | \$24,353 |
| FTE | 2.0 FTE | 0.5 FTE |
| Operating Expenses and Capital Outlay Costs | 11,306 | 475 |
| Centrally Appropriated Costs* | 24,089 | 6,578 |
| TOTAL | \$108,455 | \$31,406 |

* Centrally appropriated costs are not included in the bill's appropriation.

Department of Public Safety. For FY 2017-18, the DPS requires 2.0 FTE to search and remove eligible offenders from the state sex offender registry and to implement policies to ensure that all eligible offenders are promptly removed from the registry upon completion of their sentence. Staff will also assist local law enforcement with the removal of offenders from local registries. A September 1, 2017, start date is assumed for this staff. For FY 2018-19 and beyond, 0.5 FTE is needed to ensure that the registry does not include specified juvenile offenders. This includes investigating any sex offender who moves to Colorado from out of state to determine if they were a juvenile at the time of the offense.

Judicial Department. This bill reduces workload in the trial courts by eliminating the need to petition for removal from the sex offender registry for offenses committed as a juvenile. It is assumed that less than 10 such petitions are filed per year; therefore, this workload reduction is expected to be minimal and does not require a reduction in appropriations.

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 5 | | |
|--|-------------------|-------------------|
| Cost Components | FY 2017-18 | FY 2018-19 |
| Employee Insurance (Health, Life, Dental, and Short-term Disability) | \$17,542 | \$4,396 |
| Supplemental Employee Retirement Payments | 6,547 | 2,182 |
| TOTAL | \$24,089 | \$6,578 |

Local Government Impact

This bill increases workload and costs and reduces revenue in local law enforcement agencies that maintain a local sex offender registry. Municipal police departments and county sheriffs offices maintaining a local sex offender registry must remove the names of all eligible juveniles from the registry and create policies to ensure that offenders are removed upon completion of their sentence. The extent of this workload impact varies by local law enforcement agency and cannot be estimated at this time. This bill also reduces local law enforcement revenue, as agencies will no longer collect the \$75 initial registration and the \$25 annual registration fee from offenders that would be required to be on the registry under current law.

Technical Note

The August 9, 2017, effective date of this bill does not allow for the removal of all eligible offenders from the state and local sex offender registries by August 1, 2017. This fiscal note assumes it will take approximately one year to fully implement this bill.

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

For FY 2017-18, this bill requires a General Fund appropriation of \$84,366 to the Department of Public Safety and an allocation of 2.0 FTE.

State and Local Government Contacts

Corrections
Information Technology
Public Safety

Counties
Judicial
Sheriffs

Human Services
Municipalities