


Colorado Legislative Council Staff Fiscal Note
STATE
FISCAL IMPACT

Drafting Number: LLS 12-0561
Prime Sponsor(s): Sen. Grantham

Date: January 25, 2012
Bill Status: Senate Judiciary
Fiscal Analyst: Jessika Shipley (303-866-3528)

TITLE: CONCERNING AGGRAVATED JUVENILE OFFENDERS ADJUDICATED FOR MURDER.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures General Fund	\$11,840	Potential increase
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2012-2013: See State Appropriations section.		
Local Government Impact: None.		

Summary of Legislation

This bill establishes a 20-year mandatory period of parole for juvenile offenders who are adjudicated a delinquent and sentenced for murder in the first degree. It allows a court to sentence a juvenile adjudicated a delinquent for murder in the first degree or murder in the second degree either consecutively or concurrently.

Under current law, when an aggravated juvenile offender in the custody of the Department of Human Services reaches the age of 20 years and 6 months, the court is required to hold a hearing to determine the continuing jurisdiction of the juvenile. This bill requires a psychological evaluation of the juvenile by a state-employed psychiatrist at the Colorado Mental Health Institute at Pueblo (CMHIP). The court is required to consider the following factors, at a minimum, when determining whether to transfer custody of a juvenile to the Department of Corrections:

- the psychological evaluation;
- the nature of the crimes committed;
- the prior criminal history of the juvenile;
- the impact of the crimes on the victims;
- the likelihood of rehabilitation; and
- the interest of the community in assuring that the punishment fits the crime.

State Expenditures

Department of Corrections (DOC). The bill will drive a one-time General Fund expenditure for the DOC of \$11,840 in FY 2012-13. Under current law, juveniles who are adjudicated as delinquents, rather than being charged as adults, and who are released to parole before their 21st birthdays are supervised in the juvenile parole system in the Division of Youth Corrections (DYC) of the Department of Human Services. Juvenile parole periods range from 6 to 21 months. The bill would require such juveniles to be supervised under the adult parole system for a mandatory period of 20 years. Transferring juvenile offenders to the supervision of the adult parole system requires computer programming changes. The changes are expected to require 160 programming hours at a rate of \$74 per hour, for a total, one-time cost of \$11,840. This amount will be reappropriated to the Governor's Office of Information Technology (OIT).

Potential future increased expenditures in the DOC. In the case of first degree murder, it is extremely rare that juveniles are granted parole directly from the DYC. Given the serious nature of the crime, the court almost always orders juveniles who were sentenced for first degree murder to continue their sentence in a DOC facility.

In the event that a juvenile, sentenced to the DYC for first degree murder, is granted parole as a juvenile without first being transferred to the custody of a DOC facility, the bill would require that individual to be supervised under the adult parole system for a mandatory period of 20 years. The fiscal note assumes this will not occur any time in the next five years. However, if it does happen, the average daily rate for adult parole supervision is \$12.51, or \$4,566 per year for one offender.

Department of Human Services (DHS). The bill is not expected to change the population or operations in DYC facilities. Further, although the CMHIP will be required to conduct psychological evaluations of aggravated juvenile offenders who reach the age of 20 years and 6 months, the number of evaluations is expected to be no more than six each year. This is a small number compared with the hundreds of evaluations conducted by CMHIP annually. The bill will not require any additional DHS staff or resources and can be implemented within existing appropriations.

Judicial Branch. This bill requires the trial court to consider a psychological evaluation and other specified factors when making a determination about the custody of a juvenile adjudicated a delinquent, who has reached the age of 20 years and 6 months. Consideration of these factors is not expected to appreciably change the length or number of hearings and can be accomplished within existing appropriations.

State Appropriations

The DOC requires a General Fund appropriation of \$11,840 for FY 2012-13, which should be reappropriated to the OIT.

Departments Contacted

Corrections
Governor's Office of Information Technology
Human Services
Judicial