



*Colorado Legislative Council Staff Fiscal Note*  
**LOCAL  
 FISCAL IMPACT**

**Drafting Number:** LLS 11-0298  
**Prime Sponsor(s):** Sen. Shaffer B.  
 Rep. McCann

**Date:** March 4, 2011  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Jessika Shipley (303-866-3528)

**TITLE:** CONCERNING A DIVERSION PROGRAM FOR PERSONS WHO COMMIT PROSTITUTION-RELATED OFFENSES.

<b>Fiscal Impact Summary</b>	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
<b>State Revenue</b>		
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> August 10, 2011, if the General Assembly adjourns on May 11, 2011, as scheduled, and no referendum petition is filed.		
<b>Appropriation Summary for FY 2011-2012:</b> None required		
<b>Local Government Impact:</b> Local governments that establish diversion programs under the bill will see increased costs, but the costs cannot be quantified at this time.		

**Summary of Legislation**

This bill authorizes municipal courts to create and administer diversion programs for individuals charged with soliciting of prostitution, pandering, patronizing a prostitute, or any corresponding municipal code or ordinance. Such programs will only be available to offenders who have made a deferred sentencing agreement with the prosecuting attorney and who have no prior convictions for prostitution-related offenses.

The bill outlines specific requirements for diversion programs, including a requirement that offenders pay an administrative fee to cover the cost of the program. The prosecuting attorney has sole discretion over enrollment in the program, as a condition of plea bargain agreements. If an offender is offered enrollment, the plea bargain must include the following stipulations:

- the offender must enter a guilty plea;
- the court is required to defer judgement and sentencing for no more than two years while the offender completes the program;
- the court will dismiss the prostitution-related charges upon the offender's successful completion of the program;
- the offender is required to waive his or her right to a speedy trial; and

- if the offender fails to complete the program or to satisfy any other condition of the plea bargain agreement, he or she will be sentenced for the original charges and pay a fine of \$500.

Municipal courts that establish these programs are required to report to the House and Senate Judiciary committees within two to three years after the creation of the program. The report must include the cost of the program, and the extent to which such cost is mitigated by the fees paid by the offender, and the effectiveness of the program in reducing recidivism.

### **Local Government Impact**

The bill authorizes, but does not require, municipal courts to establish diversion programs for individuals who solicit or patronize prostitutes. It is reasonable to expect a successful program to have a coordinator, treatment providers, drug and alcohol monitoring, and the time of at least one judge, court personnel, and probation officers on a part-time, but regular, basis. Municipal courts that do establish such programs are authorized to impose a fee to pay administration costs. Without information about which municipalities will establish programs and how such programs will be structured, the fiscal note is unable to quantify the costs to local governments.

### **Departments Contacted**

Judicial