

Colorado Legislative Council Staff Fiscal Note

**FINAL
FISCAL NOTE**

Drafting Number: LLS 08-0663
Prime Sponsor(s): Rep. Casso
 Sen. Gibbs

Date: July 15, 2008
Bill Status: Signed into Law
Fiscal Analyst: Marc Carey (303-866-4102)

TITLE: CONCERNING JUVENILE PAROLE, AND, IN CONNECTION THEREWITH, THE CODIFICATION OF AND IMPROVEMENT UPON CURRENT DEPARTMENT OF HUMAN SERVICES PRACTICES RELATING TO JUVENILE PAROLE, AND MAKING AN APPROPRIATION THEREFOR.

Fiscal Impact Summary	FY 2008-2009	FY 2009-2010
State Revenue	\$0	\$0
State Expenditures		
Cash Funds		
State Victims Assistance and Law Enforcement Fund*	\$55,997	\$45,768
FTE Position Change	0.8 FTE	0.8 FTE
Effective Date: The Governor signed the bill into law on May 22, 2008, and the bill became effective on July 1, 2008.		
Appropriation Summary for FY 2008-2009: See State Appropriations section.		
Local Government Impact: None.		

*These funds are reappropriated funds from the Department of Public Safety.

Summary of Legislation

This bill eliminates reference to the Division of Juvenile Parole in the Department of Human Services and authorizes the Division of Youth Corrections (DYC) to manage all juvenile parole services. The DYC is required to use objective risk assessment in identifying appropriate treatment services for a juvenile during his commitment and parole period. The bill also clarifies the Juvenile Parole Board's (JPB) authority to discharge a juvenile from parole. Finally, the bill clarifies that the DYC shall not retain jurisdiction over a juvenile who turns 21, and that the sentence to commitment and parole period is discharged when a juvenile turns 21.

The bill also expands the victim notification requirements for the department to include any request by the department or decision by the court to modify the sentence to commitment. In addition, when custody of a juvenile under 18 at the end of commitment cannot be determined, the bill requires the DYC to refer the juvenile to the last known county of residence. The county is required to conduct an assessment of the child protection needs of the juvenile, and provide services in the juvenile's best interests. The DYC is required to collaborate with the county in conducting the assessment and provide appropriate parole supervision services.

Finally, the bill requires the JPB, upon receipt of a written statement by the victim to notify the victim of the following regarding parole for the charged or convicted juvenile offender:

- any scheduled juvenile parole hearings;
- any escape or subsequent recapture while serving juvenile parole;
- any placement change in or discharge from juvenile parole.

The bill requires the DYC, at the end of the commitment period, to make reasonable efforts to return custody of the juvenile to the person who had custody immediately before the period of commitment. If such custody cannot be determined, the DYC is required to return the juvenile to the county of the last known residence of the responsible person. The county is required to child protection needs of the juvenile and provide services in the juvenile's best interests.

Background

The JPB is a Type I agency with sole authority to make release decisions and set conditions of parole for youth committed to the DYC. The JPB has applied for and received a state Victim Assistance and Law Enforcement (VALE) Grant from the Department of Public Safety to fund a the position of a victims' rights coordinator. The VALE grant program is designed to provide funding for programs which implement the statutory rights of crime victims, and coordinate or provide services to them. However, the JPB has not yet received spending authority for these funds.

Of the 1,300 juvenile cases that come before the JPB annually, roughly 600 cases are subject to the provisions of the Victims Rights Act. In each of these cases, victims would be initially notified of the board's actions. It is assumed that 20% of victims would request some sort of follow-up, and 5% would attend the parole hearing, accompanied by the victims' rights coordinator.

State Expenditures

Department of Human Services, Juvenile Parole Board. The board will incur additional expenses in the amount of \$55,997 and 0.8 FTE in FY 2008-09 and \$45,768 and 0.8 FTE in FY 2009-10. These expenses are detailed in Table 1, assuming that the victims' rights coordinator for the board will:

- provide victims with information concerning all aspects of the parole process;
- assist victims in preparing written responses and attending and testifying at hearings before the board;
- provide referrals so victims may obtain on-going support services; and
- notify victims by mail or in person of the period and conditions of juvenile parole, parole violations and parole discharges.

Table 1. Juvenile Parole Board Expenditures Under HB08-1156		
Cost Components	FY 2008-09	FY 2009-10
Personal Services	\$39,940	\$39,940
FTE	0.8	0.8
Operating Expenses	\$2,690	\$2,690
Capital Outlay (one-time cost)	\$2,764	\$0
Computer Expenses*	\$8,000	\$0
Travel Expenses	\$2,603	\$2,603
Training Expenses	\$0	\$535
TOTAL	\$55,997	\$45,768

* This expense assumes a one time modification to the Trails system.

Department of Human Services, Division of Youth Corrections. This bill aligns juvenile parole statutes with current practice. Currently, the DYC manages juvenile parole services with a \$3.3 million line item appropriation in the Long Bill. In addition, the DYC is currently employing a version of the Washington State Juvenile Court Assessment instrument, adapted to Colorado, to inform the Juvenile Parole Board when considering parole decisions. Thus, the requirement of the use of objective risk assessment to identify appropriate treatment services does not change standard practices of the DYC. Finally, the bill's clarification that DYC's jurisdiction ends when a juvenile reaches age 21 conforms to existing provisions regarding aggravated juvenile offenders.

State Appropriations

For FY 2008-09, the bill appropriates \$55,997 and 0.8 FTE in reappropriated funds to the Department of Human Services for allocation to the Juvenile Parole Board. This money will be from the Department of Public Safety, State Victims Assistance and Law Enforcement Fund.

Departments Contacted

Corrections

Human Services

Public Safety