


Colorado Legislative Council Staff Fiscal Note
STATE
FISCAL IMPACT

Drafting Number: LLS 08-0592
Prime Sponsor(s): Rep. Levy
 Sen. Shaffer

Date: February 19, 2008
Bill Status: House Judiciary
Fiscal Analyst: Jessika Shipley (303-866-3528)

TITLE: CONCERNING JUVENILES AGAINST WHOM CHARGES ARE DIRECTLY FILED IN A DISTRICT COURT.

Fiscal Impact Summary	FY 2008-2009	FY 2009-2010
State Revenue General Fund		
State Expenditures General Fund	(\$14,712)	(\$14,712)
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: July 1, 2008		
Appropriation Summary for FY 2008-2009: See State Appropriations section		
Local Government Impact: None		

Summary of Legislation

This bill increases the minimum age from 14 to 16 for charging a juvenile as an adult in district court, a process known as "direct filing." The bill removes vehicular homicide and vehicular assault from the list of crimes for which a district attorney can direct file. In cases where a juvenile is charged with a class 1 felony that is pled down to a class 2 felony because the court finds or the prosecution agrees that there is no reasonable likelihood of a conviction on the class 1 felony, the bill permits the court to sentence the juvenile to the youthful offender system (YOS) within the Colorado Department of Corrections (DOC).

The bill allows the court to sentence a juvenile to the juvenile justice system (deferred sentence, juvenile probation, juvenile detention center, etc.) when the judge finds that the interests of the juvenile and the community would be better served by a juvenile disposition of the case.

In some cases, a prosecutor will direct file on a juvenile for an offense that is eligible for direct filing, plus one or more lesser offenses. If the juvenile is only convicted of the lesser offense, the bill requires the court to sentence a juvenile to a juvenile disposition. In all cases where a juvenile is sentenced to the juvenile justice system, the bill requires that the conviction be treated as a juvenile delinquency.

The bill also creates a reverse transfer process, whereby a juvenile who has charges direct filed upon him or her may petition the court to transfer the case to juvenile court. The bill establishes a process for considering such a petition and makes conforming amendments.

State Expenditures

This bill will result in a **net savings of \$14,712 in General Fund for FY 2008-09 and FY 2009-10.**

Department of Corrections. A total of 61 offenders were sentenced to the YOS in FY 2006-07. Of those, 11 were sentenced for crimes committed when the juvenile was less than 16 years of age and one offender was sentenced for vehicular homicide, for a total of 12 offenders that would not be eligible for the YOS in the future. Given that the annual YOS operating cost per inmate is \$67,437, the bill is expected to save the department approximately \$809,244 each year in operating costs. The average YOS sentence for these offenders was 5.2 years.

It should be noted that the YOS is an intensively structured program that provides services and treatment to juvenile offenders during incarceration, as well as the transition back to the community. House Bill 08-1208 will impact the types of offenders sentenced to the YOS and will likely require the DOC to make programming and security changes to adapt to the needs of older and more serious criminal offenders.

Department of Human Services. Juveniles who are convicted of a class 2 felony offense, but are no longer eligible for sentencing to the YOS under HB 08-1208, must be committed to the Department of Human Services, Division of Youth Corrections (DYC). State-secured DYC commitment facilities operate at an approximate annual cost of \$66,211 per juvenile, depending on variable costs for treatment and education. The 12 juveniles mentioned previously who would be sentenced to the DYC instead of the YOS would cost the division \$794,532 each year.

Judicial Branch. Raising the minimum age and removing vehicular homicide and vehicular assault from the direct file qualifications will slightly reduce the number of cases direct filed in district court. Instead, these cases will be filed in juvenile court as juvenile delinquency matters, which generally take less time to process than a traditional criminal case. However, given the serious nature of the cases that warrant consideration for direct filing, they would be some of the most complex cases on the juvenile delinquency dockets. This fiscal note expects only a minimal impact to the trial courts due to the relatively small number of cases to which the new provisions will apply.

State Appropriations

The following appropriations are needed under HB 08-1208 for FY 2008-09:

Department of Corrections	Amount
General Fund reduction	(\$809,244)

Department of Human Services - Division of Youth Corrections	Amount
General Fund	\$794,532

Departments Contacted

Corrections Human Services Judicial