



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

Drafting Number: LLS 11-0770
Prime Sponsor(s): Rep. Gardner B.
 Sen. Morse

Date: March 21, 2011
Bill Status: House Judiciary
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TITLE: CONCERNING SEX OFFENDER REGISTRATION.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures		
General Fund	\$66,033	\$66,033
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2011-2012: For FY 2011-12, the Department of Human Services requires a General Fund appropriation of \$66,033, which will be reappropriated to the Department of Law.		
Local Government Impact: Increased costs.		

Summary of Legislation

Current law allows an individual to be designated as a sexually violent predator in Colorado based on such a finding or its equivalent in another jurisdiction. This bill defines equivalent and requires that an individual so designated be given notice of his or her designation and have the right to appeal.

The bill makes a number of modifications to the requirements for registering as a sex offender, including the following:

- county sheriffs are required to submit registration information for individuals who are required to register as sex offenders and are held for more than five days or are sentenced to a term of imprisonment in a county jail;
- a defendant who is convicted of an offense in a tribal or territorial jurisdiction that requires registration as a sex offender must register as a sex offender in Colorado;
- the fee that may be charged by law enforcement agencies for registration services is capped at \$25 for annual and quarterly registration and may not be charged for updates to registration information;
- if an offender is unable to pay the fee at the time of registration, the fee debt may be sent into collections;

- an offender who is required to register must do so within five business days of his or her birthday;
- an offender who is required to register and who moves to a new jurisdiction is required to register in the new jurisdiction and cancel registration in the old jurisdiction; and
- the local law enforcement agency in the new jurisdiction is required to notify the local law enforcement agency in the old jurisdiction of the cancellation of the registration.

Under current law an adult offender who successfully completes a deferred sentence or a juvenile who discharges his or her sentence may petition the court to discontinue registration as a sex offender. The bill would require the court to automatically consider whether to discontinue the registration requirement when deciding whether to dismiss the charges in a deferred judgment or when discharging a juvenile's sentence. For a juvenile on parole, the Division of Youth Corrections (DYC) in the Department of Human Services is required to petition on behalf of the juvenile for a discontinuation of the registration requirement.

Current law requires the use of intensive supervised probation and parole for offenders convicted of failure to register as a sex offender. The bill allows the court and parole board discretion as to the use of intensive supervision programs. The county in which an offender completed his or her last registration is added as a proper venue for prosecuting offenses of failure to register as a sex offender. The bill creates an affirmative defense for failing to register as a sex offender if uncontrollable circumstances prevented the registration; the circumstances were not caused by the offender; and the offender registered as soon as the circumstances ceased to exist.

The bill adds second degree kidnapping (when the person kidnapped is the victim of a sexual offense) to the definition of unlawful sexual behavior.

State Expenditures

***Department of Human Services.* General Fund expenditures in the department will increase by \$66,033 in FY 2011-12 and each year thereafter.** The fiscal note assumes that the DYC will need to file 90 petitions each year for juveniles on parole regarding discontinuation of registration at an average of 10 hours per petition. The Attorney General's Office provides legal services to the DYC for such petitions at a rate of \$73.37 per hour, for a total of \$66,033.

Judicial Branch. The trial courts will see an increase in workload connected with hearings on appeals of sexually violent predator designations and court considerations of the possible discontinuation of the requirement to register as a sex offender for adults who successfully complete a deferred sentence and for juveniles who discharge their sentence. The number of cases is expected to be relatively small and can be absorbed within existing appropriations.

Local Government Impact

The bill requires county sheriffs to submit registration information for individuals who are required to register as sex offenders and are held for more than five days or are sentenced to a term of imprisonment in a county jail. This requirement will raise costs for counties, but the exact amount of the increase has not been quantified.

State Appropriations

For FY 2011-12, the Department of Human Services requires a General Fund appropriation of \$66,033, which will be reappropriated to the Department of Law.

Departments Contacted

Corrections

Human Services

Judicial

Public Safety