

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

**Note:** This fiscal note is written pursuant to Joint Rule 22 (b)(c) and reflects strike below Amendment L.001.

**Drafting Number:** LLS 11-0640  
**Prime Sponsor(s):** Rep. Levy

**Date:** February 24, 2011  
**Bill Status:** House Judiciary  
**Fiscal Analyst:** Jessika Shipley (303-866-3528)

**TITLE:** CONCERNING USING INDIVIDUALIZED ASSESSMENTS TO AID JUDGES IN IMPOSING CRIMINAL SENTENCES THAT REDUCE THE LIKELIHOOD OF CRIMINAL OFFENDERS COMMITTING ADDITIONAL CRIMINAL ACTS.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
<b>State Revenue</b>		
<b>State Expenditures</b> General Fund	Minimal increase	
<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> None		

**Summary of Legislation**

This bill, *with the adoption of strike-below amendment L.001*, expands the existing statutory requirements for presentence investigation reports (PSIRs) that are completed by probation departments. The reports must include the following:

- an assessment of the offender's criminological risks and needs;
- an analysis, based on previously mentioned risk-needs assessment, of which sentencing option is most likely to reduce recidivism by the offender;
- sufficient data to allow the court to determine:
  - ▶ whether the offender is suitable for one or more containment options that do not entail incarceration; and
  - ▶ the form and appropriate conditions of probation, if appropriate; and
- a description of the rates of recidivism and projected costs, if known, associated with each sentencing option available to the court.

Current law includes four specified purposes of sentencing. The bill adds an additional purpose, which is to select a sentence alternative, a sentence length, and a level of supervision that addresses the offender's individual characteristics and reduces potential recidivism by that offender. The court is required, before sentencing an offender to a period of incarceration, to review the purposes of sentencing and determine which sentencing option will best achieve such purposes. This determination is not required to be a part of the court record, nor is it to be used as the basis for challenging any sentence issued by the court.

### **State Expenditures**

The fiscal impact of the bill is expected to be minimal and the Judicial Branch will manage any increased workload within existing appropriations. Providing additional information for presentence review will impact the workload of the trial courts, but the increase is expected to be small. The time judges use to consider whether alternatives to incarceration are appropriate will be absorbed into the time they are currently using to assess and determine sentences.

Additionally, the fiscal note assumes that current practice with regard to the PSIR process meets all of the requirements of the bill. The goal of the process is to provide the court with all available relevant information so the court can determine the best sentencing option for the defendant. The PSIR currently includes a risk-needs assessment and a list of conditions under which a defendant can be safely managed in the community should the court choose to sentence the defendant to probation. Information about rates of recidivism and projected costs associated with various sentencing options is currently available from a number of sources and will be provided to the courts annually, rather than as part of individual PSIRs.

### **Departments Contacted**

Judicial