



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

Drafting Number: LLS 12-0841
Prime Sponsor(s): Rep. Gardner B.

Date: April 23, 2012
Bill Status: House Judiciary
Fiscal Analyst: Jessika Shipley (303-866-3528)

TITLE: CONCERNING SEX OFFENDER REGISTRATION.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures General Fund	at least \$69,303	at least \$68,697
FTE Position Change	0.9 FTE	0.9 FTE
Effective Date: The bill takes effect July 1, 2012, and applies to offenses committed on or after that date.		
Appropriation Summary for FY 2012-2013: For FY 2012-13, the Judicial Branch will require a General Fund appropriation of \$69,303 and an allocation of 0.9 FTE.		
Local Government Impact: Increased costs—See Local Government Impact section.		

Summary of Legislation

Current law requires sex offenders to register with local law enforcement agencies in the jurisdictions where they reside. This bill establishes a system for the registration of sex offenders who lack a fixed residence. Offenders who lack a fixed residence are required to verify their registration information with the local law enforcement agency in their jurisdiction every one or three months, depending on the offender's registration status. The bill creates a new unclassified misdemeanor for individuals who fail to verify their location as a sex offender, punishable by up to one year in a county jail.

Beginning July 1, 2012, and ending January 1, 2015, the Colorado Bureau of Investigation (CBI) and local law enforcement agencies, subject to available resources, are required to report every six months to the Department of Public Safety (DPS) on the number of individuals who registered without a fixed residence. By March 31, 2015, the DPS is required to assess the effectiveness of the registration system for those sex offenders who lack a fixed residence.

State Expenditures

Judicial Branch. Judicial Branch expenditures will increase by at least \$69,303 and 0.9 FTE in FY 2012-13 and at least \$68,697 and 0.9 FTE each year thereafter. The increased costs result from at least 14 additional high risk offenders being convicted and sentenced to probation each year, based upon historical numbers of registered sex offenders who are registered as homeless or transient. Because the population affected by the bill is fairly unstable and the bill provides additional opportunities to fail, this number is considered a conservative estimate and may, ultimately, be higher. Each new probation case is expected to require an offense-specific evaluation and pre-sentence investigation report (PSIR). Implementation of the bill requires at least 0.9 FTE, which includes probation officers, support services, and probation supervision. Finally, each of the 14 new offenders sentenced to probation will be required to undergo a psychosexual evaluation at a cost of \$1,000 per offender, for at least \$14,000 per year. Table 1 details the costs to the Judicial Branch as a result of the bill.

Table 1. Judicial Branch Expenditures Under HB 12-1346		
Cost Components	FY 2012-13	FY 2013-14
Personal Services	\$50,215	\$53,842
FTE	0.9	0.9
Operating Expenses and Capital Outlay	5,088	855
Psychosexual Evaluations	14,000	14,000
TOTAL	\$69,303	\$68,697

The bill is also expected to result in 42 new county court cases filed each year. This number is well within the threshold of cases that can be heard in county court using existing appropriations.

Department of Public Safety. The bill is expected to require changes to the Sex Offender software program within the Colorado Crime Information Center (CCIC) for tracking sex offenders who lack a fixed residence. The CBI recently received a grant for the purpose of modifying and enhancing the program and the changes required by the bill can be incorporated into that project, assuming the bill passes by May 9, 2012. If that happens, the fiscal impact to the DPS will be minimal and can be accomplished within existing appropriations.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 2.

Table 2. Expenditures Not Included Under HB 12-1346*		
Cost Components	FY 2012-13	FY 2013-14
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$5,523	\$5,529
Supplemental Employee Retirement Payments	2,624	3,238
TOTAL	\$8,147	\$8,767

**More information is available at: <http://colorado.gov/fiscalnotes>*

Local Government Impact

The penalty for the new unclassified misdemeanor in the bill is up to one year imprisonment in a county jail. Based on the average number of failure to register cases each year and the percentage of those individuals who lack a fixed residence, the fiscal note assumes that no less than 14 individuals each year will be convicted of the new misdemeanor. A majority, if not all of those convicted will likely be sentenced to probation rather than to jail. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. It is unknown how many offenders will be receive a jail sentence and for how long, however it is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

Additionally, local law enforcement agencies will be required accept the initial registration and updated information of those offenders who lack fixed residences more frequently than that of sex offenders who have a fixed residence. Law enforcement agencies are not required to verify the physical location of an offender who is required by the bill to verify his or her own information. Local agencies are required, subject to available resources, to report every six months to the DPS the number of offenders registered without a fixed residence. The fiscal note is unable to estimate the impact of the increased workload on local law enforcement agencies.

State Appropriations

For FY 2012-13, the Judicial Branch will require a General Fund appropriation of \$69,303 and an allocation of 0.9 FTE.

Departments Contacted

Corrections	Judicial	Law
Public Safety	Sheriffs	