

Colorado Legislative Council Staff Fiscal Note

**FINAL
FISCAL NOTE**

Drafting Number: LLS 15-0043	Date: July 22, 2015
Prime Sponsor(s): Rep. McCann	Bill Status: Signed into Law
Sen. Steadman; Cooke	Fiscal Analyst: Bill Zepernick (303-866-4777)

BILL TOPIC: JUVENILE PETTY OFFENSE CONTRACTS

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Minimal workload decrease.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The bill, originating from the Colorado Commission on Criminal and Juvenile Justice, creates a new type of pre-diversion program for juveniles committing minor offenses. Specifically, the bill allows law enforcement officers to issue petty offense tickets to juveniles age 10 and older who commit delinquent acts that would be considered a petty offense if committed by an adult or a municipal ordinance violation. The petty offense ticket would require the juvenile to go through an assessment process with a screening entity as designated by the municipal, county, or district court. The screening entity may be a law enforcement officer, assessment officer, or a screening team.

The screening entity can issue a petty offense contract to the juvenile and his or her parents or guardians if certain conditions are met, including no prior adjudications for the youth, the juvenile admits to the offense, and the alleged offense is a class 1, class 2, or unclassified petty offense. In cases where a juvenile is not eligible for a petty offense contract, the screening entity finds that issuing a petty offense contract would not be in the best interests of the youth, or the juvenile does not follow the terms of the contract, a prosecuting attorney may file a petition of delinquency.

The bill also specifies that all petty offense contracts must be in writing and include provisions relating to restitution, community services, school attendance, restorative justice practices, when applicable, and require that the juvenile not commit a delinquent offense during the term of the contact. Contract length may be up to 90 days, unless extended up to an additional 30 days for good cause. Upon successful completion of a petty offense contract, the juvenile is released from any further obligation and the prosecuting attorney shall not file a petition of delinquency for the admitted act. Local law enforcement agencies that issue petty offense tickets must track certain data about the tickets, to whom they are issued, and their final disposition.

State Expenditures

The bill may reduce trial court workload in the Judicial Department by a minimal amount by diverting youth who complete a petty offense contract from prosecution. Given the nature of the offenses and relatively small number of cases that will likely be involved, any impact on the trial courts is minimal. To the extent juveniles are diverted from the courts, other agencies in the Judicial Department such as the Office of the Child's Representative may have decreased costs and workload. Any impact is expected to be minimal and no changes in appropriations are required.

Local Government Impact

The bill will increase workload and costs for local law enforcement agencies to issue petty offense tickets, screen juveniles for eligibility for petty offense contracts, monitor compliance with the terms of the contracts, and track data on tickets. Municipal and county courts will also have increased workload to establish procedures, identify screening agencies, and assist law enforcement monitor contract compliance. Issuance of petty offense tickets is at the discretion of law enforcement officers and local jurisdictions. Costs will depend on how local governments structure and implement their petty offense contract systems and how frequently they are used. The bill may also decrease local fine revenue from petty and municipal offenses by a minimal amount.

Effective Date

The bill was signed into law by the Governor on March 18, 2015, and takes effect September 1, 2015, assuming no referendum petition is filed. It applies to offenses committed on or after the effective date.

State and Local Government Contacts

Judicial
District Attorneys
Sheriffs

Human Services
Counties

Public Safety
Municipalities