

*Colorado Legislative Council Staff Fiscal Note*

**STATE and LOCAL  
FISCAL IMPACT**

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| <b>Drafting Number:</b> LLS 15-0043  | <b>Date:</b> January 26, 2015                        |
| <b>Prime Sponsor(s):</b> Rep. McCann | <b>Bill Status:</b> House Judiciary                  |
| Sen. Steadman; Cooke                 | <b>Fiscal Analyst:</b> Bill Zepernick (303-866-4777) |

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**BILL TOPIC:** JUVENILE PETTY OFFENSE CONTRACTS

| <b>Fiscal Impact Summary*</b>        | <b>FY 2015-2016</b>        | <b>FY 2016-2017</b> |
|--------------------------------------|----------------------------|---------------------|
| <b>State Revenue</b>                 |                            |                     |
| <b>State Expenditures</b>            | Minimal workload decrease. |                     |
| <b>FTE Position Change</b>           |                            |                     |
| <b>Appropriation Required:</b> 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. 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.

**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, and monitor compliance with the terms of the contracts. 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 takes effect September 1, 2015, assuming no referendum petition is filed, and applies to offenses committed on or after this date.

**State and Local Government Contacts**

Judicial  
District Attorneys  
Sheriffs

Human Services  
Counties

Public Safety  
Municipalities