

HB15-1094

Drafting Number:LLS 15-0495Date:February 4, 2015Prime Sponsor(s):Rep. LeeBill Status:House JudiciarySen. Cooke; NewellFiscal Analyst:Bill Zepernick (303-866-4777)

BILL TOPIC: RESTORATIVE JUSTICE COUNCIL AND PILOT CHANGES

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue Cash Funds	Potential increase - gifts, grants, and donations.	
State Expenditures Cash Funds	Potential increase. See State Expenditures section.	
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 makes several changes to restorative justice programs in the Judicial Department. First, the bill adds the following members to the Restorative Justice Coordinating Council: the state public defender, a judge to be appointed by the chief justice of the Colorado Supreme Court, and a representative of law enforcement to be appointed by the state court administrator. Second, the Restorative Justice Coordinating Council is allowed to accept gifts, grants, and donations to support restorative justice practices. Third, the bill expands eligibility for participation in the restorative justice program to juveniles who committed an act that would be a petty offense or municipal offense if charged as an adult. Lastly, the bill clarifies that a required pre-conference questionnaire is to be completed by the offender.

Background

House Bill 13-1254 created the Restorative Justice Surcharge Fund to provide funding to judicial districts offering restorative justice services. HB 13-1254 also created four restorative justice pilot sites to specifically serve juvenile offenders through two new programs and two existing programs in judicial districts and specified evaluation criteria for these pilot programs.

State Revenue

The bill may increase revenue in the Judicial Department from gifts, grants, and donations, credited to the Restorative Justice Surcharge Fund. At this time, no specific source of gifts, grants, and donations has been identified, so the fiscal note cannot predict how much additional revenue, if any, will be received.

Page 2 February 4, 2015

State Expenditures

The bill potentially increases expenditures in the Judicial Department by a minimal amount, as discussed below.

Gifts, grants, and donations. To the extent that gifts, grants, and donations are received, any additional funds in the Restorative Justice Surcharge Fund could be used to support restorative justice programs operated by the judicial districts. Because the amount of any such gifts grants, and donations is unknown at this time, the amount of any potential increase in expenditures cannot be estimated. The fiscal note assumes that any funding received will be appropriated through the annual budget process.

Coordinating council participation. A judge and a representative from the Office of the State Public Defender's Office will be required to participate on the Restorative Justice Coordinating Council. This will increase workload for these staff, but it is assumed these duties can be accomplished within existing appropriations. Commission members serve without compensation and are not reimbursed for expenses.

Local Government Impact

To the extent that the bill increases participation by juveniles in the restorative justice pilot programs, district attorneys may have additional workload and costs. Any revenue received from gifts, grants, and donations under the bill could provide additional funding for district attorneys to operate restorative justice programs in their judicial districts. To the extent juveniles are referred to, and successfully complete, a restorative justice program prior to adjudication for petty and municipal offenses, fee and fine revenue to cities and workload in municipal courts may be reduced by a minimal amount.

Effective Date

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Judicial District Attorneys Treasurer