



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

Drafting Number: LLS 06-0024

Date: January 26, 2006

Prime Sponsor(s): Rep. Green

Bill Status: House Judiciary

Fiscal Analyst: Todd Herreid (303-866-2633)

TITLE: CONCERNING UNLAWFUL SEXUAL BEHAVIOR.

Fiscal Impact Summary	FY 2006/07	FY 2007/08
State Revenues		
State Expenditures		
General Fund	\$9,000	\$4,800
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: Upon the signature of the Governor.		
Appropriation Summary for FY 2006/07: Department of Corrections: \$9,000 General Fund		
Local Government Impact: County child welfare offices may have to pay for additional presentence reports for juvenile sex offenders.		

Summary of Legislation

Under current law, sexually violent predators (SVPs) are defined as offenders who pled guilty or no contest to sexual assault, unlawful sexual contact, sexual assault on a child, or sexual assault on a child by a person in a position of trust, on or after July 1, 1999, provided they committed the crime on or after July 1, 1997. The SVP classification also requires that a risk assessment screening show that the offender is likely to commit another sex offense, as defined above. Moreover, the victim has to be a stranger to the offender or a person whom the offender was seeking a relationship with for the purpose of sexual exploitation. Most persons convicted of a sex offense will have a presentence report prepared by a probation officer. In rare cases, the presentence report may be waived for sex offenders upon the agreement of the district attorney and the defense attorney. The current statute of limitations for sex offenses is 10 years, with a longer limitation if the victim is a juvenile under 18 years of age. In the latter case, the statute of limitations is extended by 10 years after the juvenile reaches 18 years of age.

This bill requires that a presentence report be prepared for all sex offenders, including the results of the risk assessment screening for offenders who could be classified as SVPs. The bill further specifies that community notification may be required for individuals identified as SVPs. The bill also eliminates the current criminal and civil statutes of limitations for certain sex offenses against children. The bill requires the Department of Corrections and the Judicial Branch to prepare an annual report for the General Assembly and the Governor on the evaluation, identification, custody status, and length of sentence of SVPs.

State Expenditures

Department of Corrections. The bill is expected to increase expenditures for the department by \$9,000 in FY 2006-07 and \$4,800 each year thereafter. The bill requires the department to prepare an annual report for the General Assembly, providing data on SVPs and the evaluation process. The report will require one-time computer programming expenses of \$4,200 to extract the relevant information from DOC databases. In addition, the department will require contract statistical support to assist in the preparation of the report, estimated at \$4,800 annually (80 hours at \$60/hour).

In addition, to the degree that additional sex offense cases are prosecuted because of the elimination of the statute of limitations, the department may see an increase in prison admissions. However, under current law, if a victim reports an offense to a law enforcement agency within 10 years of the offense and a DNA specimen is available, there is no limit on when a person may be prosecuted. Consequently, the potential impact of the bill on DOC admissions is expected to be negligible.

Judicial Department. The department may incur new expenses for trial courts and probation if additional civil and criminal cases are filed that would not have been filed previously because of the existing statute of limitations. The fiscal note has not estimated the magnitude of this potential increase. The department will have to monitor the effects of the bill and address any impacts through the annual budget appropriation process.

Local Government Impact

Local governments may incur new costs if county child welfare offices have to prepare additional presentence reports for juvenile sex offenders. These costs are expected to be minimal because it is rare for presentence reports to be waived for adult or juvenile sex offenders.

State Appropriations

For FY 2006-07, the Department of Corrections will require a General Fund appropriation of \$9,000.

Departments Contacted

Judicial Corrections Public Safety Human Services