



**Colorado  
Legislative  
Council  
Staff**

**HB17-1207**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0748

**Date:** March 6, 2017

**Prime Sponsor(s):** Rep. Lee

**Bill Status:** House Judiciary

**Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** NO DETENTION FACILITY REQUIREMENT YOUTH AGES 10-12

Fiscal Impact Summary	FY 2016-17	FY 2017-2018	FY 2018-2019
<b>State Revenue</b>			
<b>State Expenditures</b>	<b>(\$13,359)</b>	<b>(\$160,270)</b>	<b>(\$160,270)</b>
General Fund	(13,359)	(160,270)	(160,270)
<b>Appropriation Required:</b> (\$160,270) - Department of Human Services (FY 2017-18).			
<b>Future Year Impacts:</b> Ongoing decrease in state expenditures.			

### Summary of Legislation

This bill states that no juvenile aged 10, 11, or 12 may be ordered to detention in the Division of Youth Corrections (DYC) within the Department of Human Services unless he or she was arrested for a felony or a weapons charge.

### Background

The DYC reports that in the previous three fiscal years, 188 youth between the ages of 10 and 12 were detained in DYC facilities for a non-weapons-related misdemeanor or petty offense.

Under current law, county departments of human or social services recommend appropriate placements for children in juvenile delinquency proceedings. If the guardian ad litem appointed to represent the child's interests does not find the recommendation appropriate, he or she researches and presents alternatives to the court.

### State Expenditures

Beginning in FY 2016-17, this bill may decrease expenditures in the Department of Human Services by approximately \$160,270 per year. It may also decrease workload in the Office of the Child's Representative in the Judicial Department and may increase workload for trial courts.

**Division of Youth Corrections.** Over the last three years, DYC detention facilities have had on average 82 admissions per year of youth aged 10 through 12, with an average length of stay of 8.4 days per admission. According to FY 2015-16 data, the average operating cost per day to house a youth in detention is \$232.68. This estimate excludes administrative overhead. Under

the bill, these youth will not be detained by DYC, resulting in a reduction in General Fund expenditures of \$160,270 per year. Because the bill could become effective as early as April or May, it could result in a reduction of state expenditures in the current fiscal year of approximately \$13,359 (assuming a May 1, 2017, effective date). The fiscal note assumes that any change for the current fiscal year will be addressed in FY 2017-18, once the exact impact is known.

***Office of the Child's Representative (OCR).*** Under the bill, county departments of human or social services can no longer recommend detention as the appropriate placement for a youth aged 10 through 12. Given that guardians ad litem appointed through the OCR typically oppose detention for youth of that age and are tasked with recommending alternatives, they may see a minimal decrease in their workload as this option becomes unavailable from the beginning. The fiscal note assumes that this reduction in workload does not require an adjustment in appropriations.

***Trial courts.*** The bill may increase workload in trial courts in the Judicial Department to hold additional hearings to address a youth's placement. No change in appropriations is required.

***Office of the State Public Defender (OSPD).*** Because current law requires that all detained youth be appointed legal counsel, the bill may decrease workload for OSPD if their office handles fewer detention hearings for these youth. No change in appropriations is required.

### **Local Government Impact**

Beginning in FY 2016-17, this bill may increase workload for county departments of human or social services. To the extent that these departments must determine suitable alternative placements to detention, workload will increase. The fiscal note has not estimated the exact impact to local governments but assumes that given the small number of youth affected, the impact will be minimal.

### **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

### **State Appropriations**

In FY 2017-18, the bill requires a reduction in General Fund appropriations to the Department of Human Services of \$160,270.

### **Departmental Difference**

The Department of Human Services estimates the reduction in state expenditures at \$10,909 per year. The department uses a much lower average cost per day to calculate the reduction. The fiscal note and the department disagree about what constitutes a variable versus a fixed cost, and the fiscal note maintains that calculating the reduction in expenditures using the more comprehensive average operating cost per day more accurately represents the impact of the bill.

**State and Local Government Contacts**

District Attorneys  
Information Technology

Human Services  
Judicial