

  
*Colorado Legislative Council Staff Fiscal Note*  
**FINAL**  
**FISCAL NOTE**

**Drafting Number:** LLS 12-0435  
**Prime Sponsor(s):** Rep. Levy  
 Sen. Guzman

**Date:** May 17, 2012  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Jessika Shipley (303-866-3528)

**TITLE:** CONCERNING PRETRIAL DETENTION OF CHILDREN PROSECUTED AS ADULTS.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
<b>State Revenue</b>		
<b>State Expenditures</b> General Fund	Minimal increase.	
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill was signed into law by the Governor and took effect March 15, 2012.		
<b>Appropriation Summary for FY 2012-2013:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

The bill changes the presumption in current law that juveniles who are charged as adults, a process known as direct filing, be detained pending a trial in an adult jail facility. Under the bill, such juvenile defendants are required to be held in a juvenile facility unless a judge determines, after a hearing, that the appropriate place of confinement is an adult jail. The bill lists a number of factors the court must consider when making such a determination. The court's decision to place a juvenile defendant in an adult facility is subject to review by the court, upon the filing of a petition by the juvenile.

The Division of Youth Corrections (DYC) in the Department of Human Services may petition the court to move a juvenile, who is being held in a juvenile detention facility, to an adult facility in a case where the juvenile detention placement presents an imminent danger to others.

**State Expenditures**

*Department of Human Services (DHS).* The bill will increase the number of juveniles in DYC detention facilities awaiting trial. Juvenile direct file offenders are currently detained in both adult jails and DYC facilities. The number of direct files fluctuates widely each year, but the fiscal note assumes that no more than 50 new juveniles will be detained in DYC facilities each year as a result of the bill. The state's DYC detention bed capacity is statutorily set at 422. Funding for these beds is allocated to judicial districts based on projected need. The bill may shift bed needs between districts, but is not expected to increase costs above the current level of funding.

Additionally, the DHS will likely need to petition the court to terminate a juvenile's placement in a DYC facility approximately three times per year. Legal services costs for these petitions are expected to be minimal and will be absorbed using current appropriations.

**Judicial Branch.** The workload of the trial courts will increase as a result of new hearings to determine whether adult placement of a juvenile direct file defendant is appropriate. The fiscal note assumes hearings would be required in approximately 16 cases each year. Each hearing will take approximately six hours, necessitating 0.05 FTE for magistrates and support staff, which is well within the range that can be absorbed by the branch using existing appropriations.

### **Local Government Impact**

The bill will likely result in decreased costs for county sheriffs through fewer juveniles being detained in adult jails while awaiting trial. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. However, housing juvenile offenders tends to be more expensive, due to the need to keep them segregated from the adult population and to provide certain services during the period of detention. The fiscal note assumes that an average of 50 juvenile offenders each year who were being detained in a county jail will be transferred to a DYC facility as a result of the bill. The average length of stay for a juvenile offender awaiting trial is approximately 100 days. If the cost of housing a juvenile offender is \$100 per day, the savings to county jails would be \$500,000 per year.

### **Departments Contacted**

Human Services      Judicial      Law