



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 21-0547	Date:	February 16, 2021
Prime Sponsors:	Rep. Ortiz; Lynch	Bill Status:	House Judiciary
		Fiscal Analyst:	Sonia Hatfield 303-866-5851 Sonia.Hatfield@state.co.us

Bill Topic: TRANSFER JURISDICTION TO VETERAN'S SPECIALITY COURT

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill allows a veteran defendant to petition that their case be transferred to a jurisdiction with a veteran's specialty court, if such a court is unavailable in their jurisdiction. If the court has the capacity to provide services, it shall grant the petition. Beginning in FY 2021-22, the bill will increase state and local expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

Under current law, a court is required to inform veteran defendants that they are in a jurisdiction with a veteran's specialty court, and that they may be entitled to receive services from this court. This bill allows a veteran defendant whose case is not in a jurisdiction with a veteran's court to petition to transfer their case to a jurisdiction with one, and requires the courts to inform them of this right. A defendant filing a petition must identify the jurisdiction they would like to transfer to, and the services in that particular jurisdiction they would like to access. The court shall grant the petition to transfer the case if the veteran's court in that jurisdiction has the capacity to provide services and support to the defendant.

Background

There are currently six veteran's specialty courts in Colorado. They cover the counties of Adams, Arapahoe, Denver, Douglas, El Paso, Elbert, Gilpin, Jefferson, Lincoln, Pueblo, and Teller. According to data from the American Community Survey, approximately 70 percent of Colorado's veterans live in a district with a veteran's court. Veteran's courts exist to serve veterans who are struggling with substance abuse, PTSD, or other mental health issues that may be tied to their service, and who may

be committing crimes because of these untreated issues. The purpose of the veteran's courts is to offer treatment instead of incarceration.

State Expenditures

Beginning in FY 2021-22, the bill will increase workload and potential costs for the Judicial Department.

Judicial Department. If veteran defendants successfully petition to transfer their cases, workload and costs in those courts will increase. The increase is expected to be minimal and can be accomplished within existing appropriations. It is expected the number of cases transferred will remain low, due to most existing veteran's courts already being at or near capacity. If a case is successfully transferred, it can require extensive travel for victims and witnesses to appear in court. Crime victims have the right to attend trials, with necessary expenses covered by the Crime Victim's Compensation Fund. Witnesses will also need to be reimbursed for travel to trials and evidentiary hearings. As data on the number of veteran defendants that appear in the court system annually is unavailable, a precise impact has not been determined. If necessary, the Judicial Department will seek additional cash fund spending authority through the annual budget process.

Local Government

Similar to the state, if court petitions to transfer cases are successful, costs and workload will increase for counties and district attorney's offices (DAs). The DAs' office where the crime originally occurred is responsible for the case, and will have additional reimbursement costs for travel, lodging, and time spent in the new jurisdiction. If a DA in the new jurisdiction is responsible for the case, these costs will increase in the new jurisdiction.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Counties
Judicial

District Attorneys
Military Affairs

Information Technology