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Fiscal Note

Drafting Number: LLS 22-0542 Date: February 14, 2022
Prime Sponsors: Rep. Weissman; Soper Bill Status: House Judiciary
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Bill Topic: SENATE BILL 21-271 CLEAN-UP

- Summary of Fiscal Impact: [x] State Revenue [x] TABOR Refund
[x] State Expenditure [x] Local Government
[x] State Transfer [] Statutory Public Entity

The bill updates the procedures for civil infractions which were created under SB 21-271. The bill increases state expenditures in FY 2022-23 and may increase state revenue and decrease local revenue in future fiscal years.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$124,800 to the Judicial Department.

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

Table 1
State Fiscal Impacts Under HB 22-1229

Table with 4 columns: Category, Fund, Budget Year FY 2022-23, Out Year FY 2023-24. Rows include Revenue, Expenditures (General Fund), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

The bill updates the procedures for civil infractions that were created under Senate Bill 21-271. Under the bill, a person who has committed a civil infraction may pay the specified penalty and surcharge in person or by mail to the court.

If the person does not acknowledge guilt, or fails to pay the fine in time, the person must appear in county court as required in the notice. The bill outlines the procedure that occurs during a civil infraction case if the case is taken to trial and the procedure that occurs when a minor receives a civil infraction. The bill also makes conforming amendments to statute.

Background

Senate Bill 21-271 created a process for an individual to pay a civil infraction to the agency issuing the ticket, rather than the court. Civil infractions are \$100, unless otherwise directed by statute.

State Revenue

Starting in FY 2022-23, state revenue will increase from civil infraction fines paid to the courts instead of another local agency. Because it is unknown how many fines will be paid to the courts that would have otherwise been collected by a local agency, the exact increase cannot be determined. Fines collected by the court are subject to the state's TABOR limit.

State Expenditures

In FY 2022-23 only, state General Fund expenditures will increase by \$124,800 in the Judicial Department. Costs are to update the court's management system to collect fines from civil infractions paid to the courts but not issued by a judge. These modifications are estimated to take 1,040 hours at \$120 per hour. See Technical Note.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve as shown in Table 1, which will decrease the amount of General Fund available for other purposes.

Local Government

To the extent fines are paid to the courts rather than to a local agency, revenue to that local agency will decrease.

Technical Note

The Judicial Department requires approximately six months to make the necessary updates to its computer systems to implement the bill, which cannot be completed by the bill's September 1, 2022, effective date.

Effective Date

The bill takes effect March 1, 2022, and applies to offenses committed on or after that date, except that Section 16-2.3-102, C.R.S., concerning the ability to pay civil infraction assessments takes effect September 1, 2022.

State Appropriations

For FY 2022-23, the bill requires a General Fund appropriation of \$124,800 to the Judicial Department.

State and Local Government Contacts

District Attorneys

Judicial

Public Safety