



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

**FINAL
FISCAL NOTE**

Drafting Number:	LLS 19-0946	Date:	September 13, 2019
Prime Sponsors:	Sen. Bridges; Marble Rep. Herod; Gonzales-Gutierrez	Bill Status:	Signed into Law
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Bill Topic: PROMPT PRETRIAL LIBERTY AND FAIRNESS

Summary of Fiscal Impact:

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

This bill creates rights for defendants related to release on bond. This bill minimally increases state and local government expenditures and reduces state revenue on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

**Table 1
State Fiscal Impacts Under SB 19-191**

		FY 2019-20	FY 2020-21	FY 2021-22
Revenue	Cash Funds	up to (\$838,000)	up to (\$838,000)	up to (\$838,000)
	Total	up to (\$838,000)	up to (\$838,000)	up to (\$838,000)
Expenditures		-	-	-
Transfers		-	-	-
TABOR Refund		-	-	-

Summary of Legislation

This bill creates rights for defendants related to release on bond. This requires that:

- unless extraordinary circumstances exist, a defendant must be allowed to post bond within 2 hours after the sheriff receives bond information from the court;
- unless extraordinary circumstances exist, a defendant must be released from jail as soon as practicable, but no later than 4 hours after the defendant's bond is posted;
- If a defendant is ordered released upon condition of being subject to electronic monitoring, the defendant may be held as long as practicable, but no longer than 24 hours after a defendant is physically present in jail and the bond is posted;
- unless extraordinary circumstances exist, if a defendant has been granted bond and can meet the terms of the bond, the court shall release the defendant even if they are unable to pay the bond fee or cost; and
- the defendant not be charged more than a \$10 bond processing fee and no additional transaction fees except for standard credit card fees;

The bill specifies that the defendant must voluntarily agree in writing to the use of the deposit to pay court costs, fees, fines, and restitution, or surcharges. A defendant is not required to agree to apply the deposit toward any amount owed as a condition of release. In addition, a third party that pays a bond for a defendant shall not have the deposit applied to court fees, fines, restitution, or surcharges owed by the defendant at the time of discharge.

Finally, this bill directs the chief judge of each judicial district to develop, in conjunction with representatives from the sheriffs' offices, public defenders' offices, district attorneys' offices, county commissioners, and other necessary agencies, plans for setting bond for all in-custody defendants within 48 hours of arrest. The county commissioners, sheriffs, and district attorneys must provide the chief judge with cost estimates of meeting the requirement and the potential savings, including jail bed costs. In addition, the potential for utilizing new or existing audiovisual conference technology must be evaluated. The State Court Administrator's Office will report to the House and Senate Judiciary Committees by November 1, 2019, on the plans for all 22 judicial districts including an estimate of resources necessary for implementation.

State Revenue

Beginning in FY 2019-20, state cash fund revenue is expected to decrease by up to \$838,000 per year. The average bond revenue collected in FY 2016-17 and FY 2017-18 was \$1,198,266 per year. Requiring a defendant to agree in writing to have the funds applied to outstanding balances along with the prohibition of a third party's bond application to court fees, fines, restitution, or surcharges is expected to decrease bond revenue by up to 70 percent. Criminal fine and court fee revenue is subject to TABOR; however, under the March 2019 Legislative Council Staff forecast, a TABOR surplus is not expected in FY 2019-20 or FY 2020-21.

State Expenditures

For FY 2019-20, this bill increases state workload in the Judicial Department to create plans for setting bond for all in-custody defendants within 48 hours of arrest. Costs associated with plan development are absorbable within existing resources, and any costs to implement the plans will be addressed through the annual budget process.

Local Government

Overall, this bill is expected to increase local government workload starting in FY 2019-20, as described below. The exact impact to a particular local government will vary by district, depending on current bonding procedures and number of individuals arrested. These impacts have not been estimated.

Counties. This bill will increase workload for counties to collaborate on plans for setting bond within 48 hours of arrest for all in-custody defendants.

District attorneys. The bill will increase workload for district attorneys to collaborate on plans for setting bond within 48 hours of arrest for all in-custody defendants. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Sheriffs. The bill will increase workload for sheriffs to ensure the requirement is met that a bond be allowed to be posted within 2 hours of the sheriffs receiving bond information from the court. Further, workload will increase to collaborate on plans for setting bond within 48 hours of arrest for all in-custody defendants.

Departmental Difference

The Judicial Department estimates that to recoup revenue losses, primarily from restitution for victims, under this bill they would need 2.0 FTE and \$107,323 beginning in FY 2019-20 to increase collection efforts. The fiscal note does not include these costs in the analysis because while revenue will be reduced, there is nothing in the bill that would require the Judicial Department to recoup these losses.

Effective Date

The bill was signed into law by the Governor on May 28, 2019, and took effect August 2, 2019, except that Section 16-4-102 (2)(b), (2)(c), (2)(d), (2)(e), and (2)(f) in section one of this bill take effect January 1, 2020.

State and Local Government Contacts

Counties	District Attorneys	Judicial
Local Affairs	Sheriffs	