



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 22-0206	Date:	January 28, 2022
Prime Sponsors:	Rep. Woodrow; Gonzales-Gutierrez Sen. Lee	Bill Status:	House Judiciary
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Bill Topic: **CLARIFYING CHANGES TO ENSURE PROMPT BOND HEARINGS**

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

The bill requires municipal courts to hold a bond hearing within 48 hours and repeals a cash fund. The bill will increase local expenditures on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill requires several changes in appropriations to refinance certain state expenditures, resulting in no net change in General Fund appropriations. See State Appropriations section.

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

Summary of Legislation

Under current law, a municipal court must hold a bond hearing within two calendar days excluding Sundays and federal holidays if the person is detained in jail on a municipal hold and has not received a personal recognizance (PR) bond. This bill requires municipal courts to hold the bond hearing within 48 hours after a defendant arrives at a jail or holding facility. In addition, the bill repeals the District Attorney Assistance for Bond Hearing Cash Fund.

Background

House Bill 21-1280 created the District Attorney Assistance for Bond Hearings Grant Program to provide \$150,000 in grants to district attorney offices to comply with the state's weekend and holiday bond hearing requirements. To issue the money, the bill created the District Attorney Assistance for Bond Hearing Cash Fund to house the money for grants. The cash fund receives funding from an appropriation from the General Fund.

State Expenditures

Starting in FY 2022-23, the bill will require several adjustments in appropriations in the Department of Law, but results in no net change in state expenditures. First, by repealing the District Attorney Assistance for Bond Hearing Cash Fund, the bill will decrease cash fund spending in the Department of Law by \$150,000, as well as the \$150,000 General Fund appropriation to the cash fund. Instead, \$150,000 General Fund must go directly to the Department of Law to fund the grant program, without passing through the repealed cash fund. Because the original source for funding the grant program is General Fund both under current law and the bill, overall there will be no net change in state expenditures.

Local Government

The bill will increase costs to municipal courts to the extent that courts hold bond hearings on Sundays and federal holidays instead of releasing defendants on a PR bond. The exact cost, if any, will vary based on locality and will depend on if the court already meets the requirements of the bill and the number of individuals detained in jail and not released on a PR bond on a Friday or Saturday. Cost to hold additional hearings in municipalities that current do not hold them on Sundays and holidays may range from \$50,000 to \$170,000 per year. Municipal courts are funded by municipalities.

Effective Date

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

State Appropriations

For FY 2022-23, the bill requires the following changes in appropriations:

- a decrease of \$150,000 from the District Attorney Assistance for Bond Hearing Cash Fund to the Department of Law;
- a decrease of \$150,000 from the General Fund to the District Attorney Assistance for Bond Hearing Cash Fund; and
- an increase of \$150,000 from the General Fund to the Department of Law.

State and Local Government Contacts

Law

Municipalities