



Legislative Council Staff

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Final Fiscal Note

Drafting Number:	LLS 22-0206	Date:	July 13, 2022
Prime Sponsors:	Rep. Woodrow; Gonzales-Gutierrez Sen. Lee; Rodriguez	Bill Status:	Signed into Law
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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 and includes 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 enacted 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 receipt of notice that the defendant is being held only on a municipal hold. 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. For FY 2022-23, the General Assembly has included \$600,000 from the General Fund to the grant program through the Long Bill (House Bill 22-1329).

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. By repealing the District Attorney Assistance for Bond Hearing Cash Fund, the bill will decrease cash fund spending in the Department of Law by \$600,000. The bill will also decrease the \$600,000 General Fund appropriation to the cash fund. As discussed in the Background section, \$600,000 General Fund is included in the Long Bill, for the Department of Law to directly fund the grant program.

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; however it is anticipated that scheduling and compensation time would offset these costs in urban municipalities. Municipal courts are funded by municipalities.

Effective Date

This bill was signed into law by the Governor and took effect on May 27, 2022, except that Section 1, which requires municipal courts to hold bond hearings within 48 hours, takes effect January 1, 2023.

State Appropriations

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

- a decrease of \$600,000 from the General Fund to the District Attorney Assistance for Bond Hearing Cash Fund and a corresponding decrease in the reappropriation to the Department of Law; and
- an increase of \$600,000 from the General Fund to the Department of Law.

For the current FY 2021-22, the bill includes the following changes in appropriations:

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

State and Local Government Contacts

Law

Municipalities