



**Colorado
Legislative
Council
Staff**

SB16-065

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0481
Prime Sponsor(s): Sen. Steadman

Date: February 1, 2016
Bill Status: Senate Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: RESTITUTION IN CRIMINAL CASES

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	\$195,198	
General Fund	179,916	
Centrally Appropriated Costs	15,282	
FTE Position Change	1.4 FTE	
Appropriation Required: \$179,916 - Judicial Department (FY 2016-17).		
Future Year Impacts: None.		

Summary of Legislation

This bill modifies the treatment of restitution for criminal offenses. Specifically, it allows the amount of restitution to be negotiated as part of a plea agreement and clarifies that a restitution order is in effect until paid in full or until two years after the offender's death.

The bill lowers the amount of interest on unpaid restitution that may accrue from 12 percent per year from the date of entry to 3 percent per year, but interest may not be compounded or accrue while the offender is incarcerated or is current on a payment plan.

State Expenditures

For FY 2016-17 only, this bill increases General Fund expenditures in the Judicial Department by \$195,198 and 1.4 FTE.

Judicial Department. Contract personnel are required to program the Judicial Department's Eclipse computer system to change the interest rates and to ensure no accrual occurs while an offender is incarcerated or on a payment plan. This cost is \$195,198 including \$178,586 in personnel costs, \$1,330 in operating costs, and \$15,282 in centrally appropriated costs. A total of 2.0 FTE is required, prorated to 1.4 FTE as the work will take approximately eight months to complete.

The bill may also have a minimal workload impact on trial courts and the Office of the State Public Defender or Alternate Defense Counsel. To the extent that failure to negotiate interest rates leads fewer cases to be resolved by plea agreements, workload may increase for these agencies. This workload is not anticipated to result in an increase in appropriations for any agency within the Judicial Department.

Local Government Impact

This bill will increase workload for district attorneys if they choose to negotiate interest rates as part of a plea agreement. The fiscal note assumes that district attorneys are already negotiating restitution amounts and the increase in workload per case to include interest rates in that negotiation is minimal. The overall workload increase associated with Senate Bill 16-065 will vary by judicial district depending on the number of and the complexity of those negotiations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2016-17, the bill requires an appropriation of \$179,916 General Fund and an allocation of 1.4 FTE to the Judicial Department.

State and Local Government Contacts

Corrections
Judicial

District Attorneys
Office of Information Technology