

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING REIMBURSING PROSECUTING ATTORNEYS FOR COSTS ASSOCIATED WITH LITIGATING RULE 35 OF THE COLORADO CRIMINAL PROCEDURE MOTIONS.

Prime Sponsors: Sens. Cooke and Gardner
Representative Wist

JBC Analyst: Steve Allen
Phone: 303-866-4961
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Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/13/18.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment
L.001/J.002	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001 Staff has prepared amendment **J.001** (attached) to add a net appropriation for FY 2018-19 of \$1,278,800 General Fund and \$597,600 reappropriated funds to the bill. The amendment (1) appropriates \$1,876,400 General Fund to the Judicial Department, (2) reappropriates \$597,600 of this amount to the Department of Law for Rule 35 costs, and (3) reduces the existing appropriation to the Department of Law in the FY 2018-19 Long Bill for Rule 35 costs by \$597,600.

L.001 and J.002

Bill Sponsor amendment **L.001** (attached) and **J.002** (attached) strike "or the Attorney General" from several places in the bill and appropriate \$1,278,800 General Fund to the Judicial Department. As explained in more detail in Points to Consider, *Technical Issues*

below, District Attorneys and the Attorney General receive the same General Fund appropriation as they do with the more complex appropriation in J.001.

The Committee should adopt J.001 or it should adopt L.001 and J.002. It should not adopt J.001 if L.001 is adopted.

Points to Consider

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2018-19 based on the March 2018 Office of State Planning and Budgeting revenue forecast. The budget package leaves approximately \$40.8 million General Fund unallocated. Thus, the General Assembly could appropriate up to \$38.3 million General Fund to fund 2018 legislation and maintain a 6.5 percent General Fund reserve. This bill requires a General Fund appropriation of \$1,278,800 for FY 2018-19, reducing the excess General Fund reserve by \$1,361,922.

Technical Issues

The introduced bill requires the Judicial Department to reimburse a district attorney *or the Attorney General* for the costs associated with rule 35 motions. Because the Attorney General already receives a General Fund appropriation in the Long Bill for Rule 35 costs, this provision adds complexity to the bill's appropriation clause and to future Long Bills without changing the bill's net General Fund appropriation. If "or the attorney general" is struck from the bill the appropriation is simplified substantially. The net General Fund appropriation is unchanged, the amount that district attorneys and the Department of Law receive for Rule 35 motions is unaltered and the reappropriation in J.001 disappears.