



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

# FINAL FISCAL NOTE

<b>Drafting Number:</b>	LLS 18-1133	<b>Date:</b>	June 1, 2018
<b>Prime Sponsors:</b>	Sen. Scott; Gardner Rep. Lundeen	<b>Bill Status:</b>	Postponed Indefinitely
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**Bill Topic:** SPEEDY TRIAL EXCLUDE COURT CONTINUANCE TIME

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

This bill adds the period of delay caused by a continuance granted by the court to the list of time periods that are excluded from the calculation of what constitutes a speedy trial. The bill may minimally impact workload for state and local governments on an ongoing basis.

**Appropriation  
Summary:** No appropriation is required.

**Fiscal Note  
Status:** The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

## Summary of Legislation

This bill adds the period of delay caused by a continuance granted by the court to the list of time periods that are excluded from the calculation of what constitutes a speedy trial.

## Background

Current law generally requires a defendant to be brought to trial within six months. The following periods of time are excluded from the time calculation:

- when the defendant is incompetent to stand trial, is unable to appear by reason of illness or physical disability, or is under observation or examination for mental health reasons;
- interlocutory appeals;
- a reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and there is good cause for not granting a severance;
- voluntary absences or periods of unavailability, including when the defendant does not appear for trial or resists being returned to the state for trial;
- any mistrial, not to exceed three months for each mistrial;
- delays caused at the instance of the defendant;

- up to six months from a continuance granted at the request of the prosecuting attorney, without the consent of the defendant if certain conditions are met;
- up to three months between the expiration of time periods caused by certain events and the new date set for trial; and
- up to three months between the filing of a motion challenging the place of trial and any decision by the court on the motion that results in the transfer of the case to another county, and the first appearance of all parties in the new place of trial.

### **State Revenue and Expenditures**

Beginning in the current FY 2017-18, this bill is anticipated to shift the timing of revenue, workload, and expenditures for state trial courts and agencies that provide representation to indigent offenders, including the Office of the State Public Defender and the Office of the Alternate Defense Counsel, if it results in additional delays from the speedy trial statutes. Although the bill may result in a shift of the timing of workload and costs for trial related expenditures, and revenue for any criminal fees and fines imposed, these impacts are assumed to be minimal and will not result in a change in state appropriations for any agency within the Judicial Department.

To the extent that this bill shifts the receipt of state revenue, it may impact the calculations for the amount of money required to be refunded under TABOR and the amount of money available in the General Fund for the budget in FY 2018-19 and FY 2019-20. A TABOR refund obligation is not expected for the current FY 2017-18 or estimated for years beyond FY 2019-20. These impacts are assumed to be minimal, but have not been estimated.

### **Local Government**

Similar to the state and beginning in the current FY 2017-18, the bill may shift the timing of revenue, workload, and expenditures for local governments, including district attorneys and the Denver County Court. In addition, to the extent that defendants remain in jail during a continuance, costs could increase. The exact impact to a particular jurisdiction will depend on the number of cases delayed as a result of a continuance granted by the court. These impacts are assumed to be minimal.

### **Effective Date**

The bill was postponed indefinitely by the House Judiciary Committee on May 8, 2018.

### **State and Local Government Contacts**

District Attorneys      Judicial