



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 20-083

FISCAL NOTE

Drafting Number: LLS 20-0577
Prime Sponsors: Sen. Gonzales, Rep. Herod

Date: January 27, 2020
Bill Status: Senate Judiciary
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Bill Topic: PROHIBIT COURTHOUSE CIVIL ARREST

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill prohibits the civil arrest of a person who is present at a courthouse or on its environs, or while going to, attending, or coming from a court proceeding and provides remedies. It may increase state workload on an ongoing basis beginning in FY 2019-20.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill prohibits the civil arrest of a person who is present at a courthouse or on its environs, or while going to, attending, or coming from a court proceeding. A judge or magistrate may issue a writ of protection to prohibit a civil arrest, but the protection applies regardless of whether a writ of protection has been issued. A person who violates this prohibition is liable for damages in a civil action and commits contempt of court. The Attorney General may bring a civil action for a violation and a person arrested or detained may seek a writ of habeas corpus.

State Expenditures

This bill may increase workload for the trial courts in the Judicial Department and the Department of Law as described below.

Trial courts. The bill requires a judge or magistrate to ensure that a civil arrest at a courthouse or its environs complies with the provisions of the bill. In a situation where a civil arrest is made in violation of the provisions of the bill, a judge or magistrate is required to file a contempt of court charge, which can lead to a trial depending on the type of sanction sought. The fiscal note assumes that these instances will be minimal and will not require an increase in appropriations.

Department of Law. The Attorney General may bring a civil action for a violation of the prohibition of civil arrest. These actions are expected to be minimal and can be accomplished within existing appropriations.

Local Government

Local governments that employ courthouse security will see an increase in workload for security officers to question law enforcement officers who are in the courthouse, but not working for the courthouse or participating in a court proceeding. They are also required to maintain a record of the information and if the purpose of the officer's presence is to make an arrest, notify a judge or magistrate to ensure that the officer complies with the provisions of the bill.

Effective Date

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

State and Local Government Contacts

Counties	Information Technology	Judicial
Law	Municipalities	