



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 21-0966	Date:	August 30, 2021
Prime Sponsors:	Rep. Roberts; Carver Sen. Lee; Gardner	Bill Status:	Signed into Law
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Bill Topic: CRIMINAL TRIAL CONTINUANCES COVID-19 PANDEMIC

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

This bill allows trials to be delayed an additional six months due to the COVID-19 pandemic if the case meets certain criteria. It may impact state and local government workload in FY 2021-22 only.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Summary of Legislation

Under current law, a criminal defendant must be brought to trial within six months after entering a plea of not guilty. This bill permits the courts to exclude a period of delay resulting from the COVID-19 pandemic of up to six additional months if certain criteria are met. If a defendant is currently in custody, the court must conduct a hearing for reconsideration of bond, change the conditions for bond, and allow the defendant to be released, unless they pose a significant risk or are charged with committing a class 1, 2, or 3 felony. The Judicial Department shall collect, report on, and publish data on the district where continuances are granted and the highest class offense charged in those defendant's cases. This provision may only be used as a reason for a delay until April 29, 2022, and this section is repealed in July 1, 2023.

Background

Due to delays caused by the COVID-19 pandemic, there is a backlog of jury trials across the state. For reference, 2,647 jury trials were held in 2019, compared to only 946 in 2020. Of those 946, about two-thirds were held in the first three months of the year. This backlog has a ripple effect through higher courts and state and local agencies representing offenders.

State Expenditures

This bill may increase workload and expenditures for the Judicial Department and independent judicial agencies depending on the number and type of cases delayed and the length of the delay. In the trial courts, the bill may reduce the number of senior judges needed to help with the backlog of cases. To the extent that cases take longer to close, costs for agencies providing representation to indigent defendants may also increase. This bill may also increase workload in the department to collect, report on, and publish data related to cases granted continuances. Any increase in workload and expenditures for the various judicial agencies is expected to be minimal and no change in appropriations is required.

Local Government

To the extent that a delay in trials keeps defendants in custody longer, costs for local jails may increase. However, since the bill specifies that defendants only who pose significant risk are required to be kept in custody, this impact is expected to be minimal.

Effective Date

This bill was signed into law by the Governor and took effect on June 21, 2021.

State and Local Government Contacts

Judicial

Municipalities