



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

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**Fiscal Note**

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**Drafting Number:** LLS 22-0344 **Date:** January 21, 2022  
**Prime Sponsors:** Sen. Woodward **Bill Status:** Senate Judiciary  
Rep. Bradfield; Soper **Fiscal Analyst:** Aaron Carpenter | 303-866-4918  
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**Bill Topic:** **PRETRIAL RELEASE FOR REPEAT & VIOLENT OFFENDERS**

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

The bill changes the conditions of pretrial release for certain offenders. The bill will increase state and local revenue and workload on an ongoing basis.

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

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

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**Summary of Legislation**

The bill prohibits the courts from issuing a personal recognizance bond and sets a minimum monetary bond amount of \$7,500 for:

- a person who is presently free on another bond involving a felony or a class 1 misdemeanor;
- a person convicted within the previous two years of a class 1 misdemeanor or within the previous five years of a felony;
- a person who willfully failed to appear on bond in a prior felony or class 1 misdemeanor charge in the last five years; or
- a person accused of committing a crime of violence and the court has probable cause to believe the person has committed the offense.

**State Revenue**

The Judicial Department uses cash bonds to leverage outstanding fees and fines due. By setting a minimum monetary bond for certain offenders, the bill will increase state revenue from criminal fines and court fees by a minimal amount beginning in FY 2022-23, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. This revenue is subject to TABOR.

## **State Expenditures**

To the extent that the bill requires additional or longer hearings to determine if a court has probable cause to believe the person has committed a crime of violence, workload in the trial courts and independent judicial agencies that represent indigent persons will increase. However, it is assumed that in most cases a review of probable cause is already being done; therefore, no change in appropriation is required.

## **Local Government**

Beginning in FY 2022-23, this bill is expected to increase local government revenue, workload, and costs, as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

**County jails.** To the extent more individuals are kept in jail because they cannot post a monetary bond, cost to county jails will increase. The exact cost to county will vary but according to a 2018 jail survey submitted to the Joint Budget Committee the average cost per day to house an inmate in jail was \$81.65.

**District attorneys.** District attorney office workload will increase to the extent the bill results in more or longer hearings.

**Denver County Court.** Similar to the state, the bill may increase revenue, workload, and costs for the Denver County Court, which is managed and funded by the City and County of Denver.

## **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses committed on or after this effective date.

## **State and Local Government Contacts**

Corrections  
Judicial

District Attorneys  
Sheriffs

Information Technology