



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 23-0662	Date:	May 25, 2023
Prime Sponsors:	Rep. Woodrow; Bockenfeld Sen. Rodriguez; Gardner	Bill Status:	Signed into Law
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Bill Topic: CLARIFICATIONS TO 48-HOUR BOND HEARING REQUIREMENT

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

The bill clarifies the state's 48-hour bond hearing requirement for individual's in custody. It increases state and local workload.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, an individual who is arrested must be brought before a judge for a bond hearing within 48 hours of arriving at the jail. The bill clarifies that the 48-hour requirement applies regardless of whether the individual is held in custody in a jurisdiction other than the one that issues the arrest warrant and also applies when a monetary bond was set outside of the presence of the individual or their counsel. The bill also clarifies circumstances when the 48-hour requirement does not apply—such as an individual's refusal to attend court or inability to attend court due to substance use or behavioral health emergencies—and requires sheriffs to notify public defenders and document those circumstances.

Background

[House Bill 21-1280](#) created the 48-hour bond hearing requirement that this bill seeks to clarify. The fiscal note for HB 21-1280 estimated ongoing costs of about \$800,000 and 9.5 FTE for the Judicial Department to create two bond hearing offices to assist rural, multi-county districts where staff resources are limited, as well as centralized staff to provide data entry and technical support. Additionally, the 2023 Long Bill included \$2.4 million General Fund and 19.3 FTE for 48-hour bond hearings, which included additional magistrates and support staff for the largest judicial districts that are not currently served by the regional bond hearing offices; a program coordinator for the State

Court Administrator's Office to coordinate logistics and establish algorithms for processing out-of-county arrests for all counties and judicial districts; and the establishment of a third regional bond hearing office.

State Expenditures

The bill will increase workload in judicial districts that are not currently interpreting the 48-hour bond hearing requirement to apply in all instances, as clarified by this bill.

Local Government

Similar to the state, workload for district attorneys will increase in jurisdictions where the courts have interpreted the law to not require 48-hour bond hearings in certain cases.

Effective Date

The bill was signed into law by the Governor and took effect on April 20, 2023.

State and Local Government Contacts

Information Technology
Sheriffs

Judicial

Public Safety