



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 23-0771
Prime Sponsors: Rep. Bacon

Date: March 2, 2023
Bill Status: House Judiciary
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Bill Topic: **LIMIT ARREST FOR LOW-LEVEL OFFENSES**

Summary of Fiscal Impact:

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill requires that an individual receive a summons for certain criminal offenses in lieu of an arrest. Starting in FY 2023-24, the bill increases state expenditures and decreases local government workload.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$13,365 to the Judicial Department.

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

Table 1
State Fiscal Impacts Under HB 23-1169

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures	General Fund	\$13,365	\$17,821
	Centrally Appropriated	\$3,455	\$4,973
	Total Expenditures	\$16,820	\$22,794
	Total FTE	0.2 FTE	0.3 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$2,005	\$2,673

Summary of Legislation

The bill requires that a summons be issued, in lieu of an arrest, for all petty offenses, drug petty offenses, class 2 traffic misdemeanor offenses, and all municipal offenses where there is no comparable state misdemeanor offense. An arrest warrant may be ordered if the location of the person is unknown and is necessary to subject the person to the jurisdiction of the court.

The bill also makes certain exceptions to the requirement to issue a summons be issued in lieu of an arrest for domestic violence cases, victim rights crimes, offenses involving impaired driving, traffic offenses involving bodily injury or death, persons eluding a police officer, and cases where an officer is statutorily required to make an arrest. The bill does not limit the authority of an officer to execute an arrest warrant, including warrants issued for failure to appear in court.

Lastly, the bill encourages law enforcement agencies that serve a community with a co-responder or diversion opportunities to collaborate with those organizations to increase their usage.

State Expenditures

The bill increases state General Fund expenditures in the Judicial Department by about \$17,000 in FY 2023-24 and \$23,000 in FY 2024-25. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 23-1169

	FY 2023-24	FY 2024-25
Judicial Department		
Personal Services	\$13,365	\$17,821
Centrally Appropriated Costs ¹	\$3,455	\$4,973
Total Cost	\$16,820	\$22,794
Total FTE	0.2 FTE	0.3 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Judicial Department. The Judicial Department will require 0.3 FTE for court staff to enter case information that would have been entered by the arresting agency if the individual was arrested. It is estimated that there are about 15,300 cases per year that would qualify for a summons under the bill and that 50 percent of these cases already involve issuance of a summons. Costs in FY 2023-24 prorated for the General Fund pay date shift and a September 1 start date.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Local Government

Starting in FY 2023-24, local law enforcement agency workload will decrease from fewer individuals being arrested. In addition, court staff, rather than the arresting agency, will enter case information for individuals issued a summons who would otherwise have been arrested under current law.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2023-24, the bill requires an appropriation of \$13,365 from the General Fund to the Judicial Department and 0.2 FTE.

State and Local Government Contacts

District Attorneys

Judicial

Sheriffs