



Legislative Council Staff  
Nonpartisan Services for Colorado's Legislature

# Fiscal Note

<b>Drafting Number:</b>	LLS 23-0311	<b>Date:</b>	February 1, 2023
<b>Prime Sponsors:</b>	Sen. Rodriguez Rep. Epps; Soper	<b>Bill Status:</b>	Senate Judiciary
		<b>Fiscal Analyst:</b>	Aaron Carpenter   303-866-4918 aaron.carpenter@coleg.gov

**Bill Topic:** SUNSET DEFENSE COUNSEL FIRST APPEARANCE PROGRAM

<b>Summary of Fiscal Impact:</b>	<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

**Sunset bill.** This bill continues the Defense Counsel on First Appearance Program in the Department of Local Affairs, which is scheduled to repeal on September 1, 2023. State fiscal impacts under the bill include only the continuation of the program's current expenditures. The program is continued through September 1, 2028.

**Appropriation Summary:** For FY 2023-24, the bill requires an appropriation of \$1.7 million. See State Appropriations section.

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

**Table 1  
State Fiscal Impacts Under SB 23-072<sup>1</sup>**

		Budget Year FY 2023-24	Out Year FY 2024-25
<b>New Impacts</b>			
Revenue		-	-
Expenditures		-	-
Other Budget Impacts		-	-
<b>Continuing Impacts</b>			
Revenue		-	-
Expenditures	General Fund	\$1,666,652	\$1,999,982
	Continuing FTE	0.4 FTE	0.5 FTE
Other Budget Impacts	General Fund Reserve	\$249,998	\$299,997

<sup>1</sup> Table 1 shows the new impacts resulting from changes to the program under the bill, and the continuing impacts from extending the program beyond its current repeal date. Because the bill continues a program without making any changes, there are no new impacts. The continuing program impacts will end if the bill is not passed and the program is allowed to repeal.

## **Summary of Legislation**

The bill continues the Defense Counsel on First Appearance Program in the Department of Local Affairs for five years, until September 1, 2028.

## **Background**

The Defense Counsel on First Appearance Program was created in House Bill 18-1353 to award grants to local governments to reimburse costs associated with providing defense counsel to defendants at their first appearance in municipal courts. The full sunset report can be found here:

<https://drive.google.com/file/d/18ix57OFgHEuZDEQGeV9d1YCnOO4wHiyq/view>

## **Continuing Program Impacts**

Based on the department's FY 2022-23 budget request, the Department of Local Affairs is expected to have expenditures of \$2.0 million to administer the Defense Counsel on First Appearance Program. If this bill is enacted, current expenditures will continue for the program starting in FY 2023-24. If this bill is not enacted, the program will end on September 1, 2023, and state expenditures will decrease starting in FY 2023-24 by the amounts shown in Table 1, above. Continuation costs in FY 2023-24 are prorated for the September 1<sup>st</sup> repeal date.

## **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 Governments**

Revenue to local governments will continue to the extent a local government receives grants from the Defense Counsel on First Appearance Program. According to the 2022 Sunset Report, local governments receive a reimbursement rate of \$100 per hour.

## **Effective Date**

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

## **State Appropriations**

Assuming that funding for two months of costs are included for the program in the FY 2023-24 Long Bill, this bill requires an appropriation of \$1,666,652 from the General Fund to the Department of Local Affairs for FY 2023-24 and 0.4 FTE.

**State and Local Government Contacts**

Information Technology

Local Affairs