



Legislative Council Staff
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Final Fiscal Note

Drafting Number: LLS 23-0311 Date: June 5, 2023
Prime Sponsors: Sen. Rodriguez Bill Status: Signed into Law
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Bill Topic: SUNSET DEFENSE COUNSEL FIRST APPEARANCE PROGRAM

Summary of Fiscal Impact:
State Revenue [] TABOR Refund []
State Expenditure [x] Local Government [x]
State Transfer [] 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 and includes an appropriation of \$1.7 million.

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

Table 1
State Fiscal Impacts Under SB 23-072^1

Table with 3 columns: Category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include New Impacts (Revenue, Expenditures, Other Budget Impacts) and Continuing Impacts (Revenue, Expenditures, Other Budget Impacts).

^1 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 1st 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 was signed into law by the Governor on May 15, 2023, and takes effect on August 7, 2023, assuming no referendum petition is filed.

State Appropriations

This bill requires and includes 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