**Colorado Legislative Council Staff**

# HB16-1104

# FISCAL NOTE

FISCAL IMPACT:  ⊠ State  ⊠ Local  ☐ Statutory Public Entity  ☐ Conditional  ☐ No Fiscal Impact

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| **Drafting Number:** | LLS 16-0704 | **Date:** | February 8, 2016 |
| **Prime Sponsor(s):** | Rep. Roupe | **Bill Status:** | House Judiciary |
| | Sen. Cooke | **Fiscal Analyst:** | Amanda Hayden (303-866-4918) |

**BILL TOPIC:** SUMMONS IN LIEU OF WARRANT FOR NON-VIOLENT CRIMES

| Fiscal Impact Summary | FY 2016-2017 | FY 2017-2018 |
|---|---|---|
| **State Revenue** | | |
| **State Expenditures** | Minimal workload decrease. ||
| **Appropriation Required:** None. |||
| **Future Year Impacts:** Ongoing minimal workload decrease. |||

## Summary of Legislation

This bill changes the rules and procedures for when a summons can be issued to a defendant in lieu of a warrant. The bill:

- allows law enforcement officers, rather than the courts, to issue a summons in lieu of a warrant, based on the officer's discretion if certain conditions are met;
- prohibits a summons in lieu of a warrant for class 4 felonies and crimes relating to victims' rights laws; and
- allows for a summons in lieu of a warrant for level 1 and 2 drug felonies.

A law enforcement officer may issue a summons if he or she believes there is a reasonable likelihood the defendant will appear, the defendant has had no felony arrests in the past five years, and there is no allegation that the defendant used a deadly weapon.  Under the bill, a defendant receives the summons from the law enforcement officer rather than by mail.  The law enforcement officer must sign the summons and deliver a copy to the court and the district attorney in the jurisdiction where the offense took place, no later than ten days after he or she issued the summons.  The bill specifies that an information or complaint may be filed in open court on the date listed in the summons.

## Assumptions

In estimating the fiscal impact, the fiscal note makes the following assumptions:

- When law enforcement officers suspect an individual of criminal activity, officers will continue to arrest, book, and detain suspects in county jails.

- Before a law enforcement officer can decide on issuing a summons in lieu of a warrant, the district attorney must decide which charges apply.
- In the event that a district attorney charges a defendant with a crime for which a summons may be issued in lieu of a warrant, the officer will choose to issue the summons if the conditions under the bill are met. The fiscal note assumes that local law enforcement will prefer to issue a summons over an arrest, in order to save the expense of housing defendants in county jail.
- Because the bill adds new crimes for which a summons may be issued in lieu of a warrant (level 1 and 2 drug felonies) but also removes crimes (class 4 felonies and Victim's Rights crimes), any net change in summons issued will be minimal.

**State Expenditures**

This bill may reduce workload in the Judicial Department by a minimal amount. To the extent that law enforcement officers choose to issue a summons instead of filing for a warrant from the courts, workload would be reduced in relation to issuing a warrant and the subsequent bond hearing that takes place after arrest.

**Local Government Impact**

This bill may reduce costs for local governments. To the extent that law enforcement officers choose to issue a summons instead of filing for a warrant from the courts, costs to local governments to house defendants in county jails will decrease. The cost to house an offender in county jails varies from about $53 to $114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of $52.74 to house state inmates.

The bill may increase workload for local law enforcement agencies to clarify procedures and provide additional training for law enforcement officers involved in the summons process. It may also reduce workload for law enforcement officers that save time serving a summons rather than arresting a defendant.

**Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

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| Counties | Information Technology | Judicial |
| Municipalities | Public Safety | Sheriffs |