



**Colorado
Legislative
Council
Staff**

HB16-1027

**REVISED
FISCAL NOTE**

(replaces fiscal note dated January 21, 2016)

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

Drafting Number: LLS 16-0397

Date: March 16, 2016

Prime Sponsor(s): Rep. Danielson
Sen. Todd; Sonnenberg

Bill Status: Senate Judiciary

Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: VIDEO DEPOSITION FOR AT-RISK ELDERS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Potential minimal increase in state expenditures.		

Summary of Legislation

The *reengrossed* bill expands and streamlines the allowable use of recorded depositions for at-risk elders. Under the bill, upon receipt of a motion the court must schedule a recorded deposition within 14 days without further findings if the victim is an at-risk elder, defined as any person 70 years of age or older; however, the bill allows the defense to challenge the motion for recorded depositions of other at-risk adults. Both the prosecution and defendant must share all discovery no later than five days before the deposition. If either party fails to do so, the other may file a motion to reschedule the deposition. The bill also changes the wording of statute to allow a "recording" of depositions rather than strictly "video-tape" depositions.

Background

Under current law, prosecutors may request a video deposition for victims of or witnesses to a crime who are at-risk adults unable to testify at trial. If the court finds that the at-risk adult will be medically or otherwise unavailable at the time of trial, the court must grant the motion for a video deposition. In the past three years, there have been approximately 2,000 cases with at least one charge of a crime against an at-risk individual.

State Expenditures

This bill increases workload in the Judicial Department by a minimal amount. Recorded depositions are time-consuming for the courts. Over the past several years, however, motions for video depositions of at-risk adults have been infrequent. To the extent that this bill leads to motions for recorded depositions of at-risk elders, workloads will increase for the trial courts and potentially for the Office of the State Public Defender and the Office of the Alternate Defense Counsel. Any such increases are anticipated to be minimal and will not require an adjustment in appropriations.

Local Government Impact

This bill may increase costs for district attorneys. To the extent that district attorneys file more motions requesting recorded depositions of at-risk elders, they will incur additional costs to record such depositions.

Effective Date

The bill takes effect July 1, 2016, and applies to cases pending on or after said date.

State and Local Government Contacts

Corrections
Information Technology

District Attorneys
Judicial

Human Services

Research Note Available

An LCS Research Note for HB16-1027 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.