



**Colorado
Legislative
Council
Staff**

HB16-1311

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 16-0972 **Date:** August 8, 2016
Prime Sponsor(s): Rep. Salazar **Bill Status:** Signed into Law
 Sen. Carroll; Marble **Fiscal Analyst:** Amanda Hayden (303-866-4918)

BILL TOPIC: PROCEDURES WHEN ORDERS REQUIRE MONETARY PAYMENTS

Fiscal Impact Summary	FY 2015-2016 (Current year)	FY 2016-2017	FY 2017-2018
State Revenue			
State Expenditures	Minimal workload increase.		
Appropriation Required: None.			
Future Year Impacts: Ongoing minimal workload increase.			

Summary of Legislation

When a court imposes a sentence requiring a defendant to pay a monetary amount, the court may make arrangements for payment at a future date or in installments and must provide certain instructions to defendants. The bill specifies that these same rules apply when the court enters a judgment or issues an order requiring payment. The bill also specifies that when imposing a monetary obligation, the court must inform the defendant that if he or she is unable to pay, the court may not jail the defendant for failure to pay.

The bill requires the court to show that a defendant willfully failed to pay before imposing a suspended sentence, revoking probation, or holding a defendant in contempt. The court must make findings on the record of the defendant's ability to pay without undue hardship before accepting a defendant's guilty plea in contempt of court proceedings related to failure to pay. The court may issue an arrest warrant only if a defendant fails to appear at a hearing intended to determine his or her ability to pay.

The court defines "undue hardship" related to ability to pay as depriving a person or his or her dependents of money for basic necessities. In determining undue hardship, the court may consider homelessness; a defendant's income, expenses, and employment status; outstanding debts; whether he or she receives public assistance or lives in public housing; the availability of real or personal property; and any other circumstances that would impair his or her ability to pay.

State Expenditures

Beginning in the current FY 2015-16, the bill increases workload in the Judicial Department by a minimal amount. Judicial officers must inform defendants that if they are unable to pay, the court may not jail them for failure to pay. This additional advisement may increase trial times by a minimal amount. No increase in appropriations is necessary.

Local Government Impact

Beginning in FY 2015-16, this bill may increase workload in municipal courts and the Denver County Court, as the bill may change current practice in some courts. The bill may reduce the number of defendants jailed in municipal courts for failure to pay money or failure to appear. The precise impact to local governments has not been estimated.

Effective Date

The bill was signed into law by the Governor and took effect on June 10, 2016, and it applies to sentences entered and to hearings for failure to make payments conducted on or after this date.

State and Local Government Contacts

Judicial	Municipalities
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