



Legislative Council Staff

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FISCAL NOTE

Drafting Number: LLS 18-0041
Prime Sponsors: Rep. Landgraf

Date: February 9, 2018
Bill Status: House Judiciary
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Bill Topic: COURT PROGRAMS FOR VETERANS

- Summary of Fiscal Impact: State Revenue, State Expenditure (workload), State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill requires municipal courts to identify defendants who are veterans or active duty military members and notify them that they may be entitled to certain services. This bill also makes changes regarding the establishment of veteran court programs, guidelines, and eligibility requirements. This bill increases state workload and municipal government costs. These impacts are ongoing.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

This bill requires the court to determine if a defendant is a veteran of or actively serving in the U.S. military at the first appearance or upon arraignment, whichever is first. This applies to municipal charter or ordinance violations, except for traffic violations where the penalty is only a fine, arrest is prohibited, and a bench warrant may not be issued. If a defendant is a veteran or active duty member of the military, the court must notify the defendant that he or she may be entitled to receive mental health treatment, substance use treatment, or other services if the court determines such services are applicable and a pre-sentence report has been prepared. The court may not accept a guilty plea or plea of no contest without first determining the defendant's veteran or active duty military status and providing the notification required by this bill.

Under current law, the chief judge of a judicial district may establish a program for the treatment of veterans and active duty military members. This bill requires the chief judge to collaborate with the probation department, district attorney, and the State Public Defender to establish agreed upon program guidelines and eligibility requirements when establishing such a program.

### **State Expenditures**

Beginning in FY 2018-19, this bill may increase workload for the Judicial Department including probation and the State Public Defender to collaborate on the development of veteran and active military court program guidelines and eligibility requirements when such programs are being established. This workload increase is assumed to be minimal and can be accomplished within existing appropriations; however, if additional appropriations are required in the future, they will be requested through the annual budget process.

### **Local Government**

This bill impacts municipalities in several ways. First, the bill increases municipal court workload to identify if a defendant is a veteran or active duty military member. Second, to the extent that a municipality has a court program for the treatment of veterans and active duty military members and this bill increases the use of these services, costs will increase. Third, workload may increase to conduct a pre-sentence report. Fourth, for municipalities that do not have court programs for the treatment of veterans and active duty military members, costs may be increased to create such a program. These costs would be partially offset by fees established for the participation in the program. These impacts will vary by municipality depending on the number of veterans and active duty military members within its jurisdiction, the number and extent of criminal charges against veterans and active duty military members, and whether or not court programs exist to provide services. These impacts have not been estimated.

Workload also increases for district attorneys to collaborate with the Judicial Department in the development of court veteran and active duty military court program guidelines and eligibility requirements. This impact is assumed to be minimal.

### **Effective Date**

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

### **State and Local Government Contacts**

District Attorneys  
Military Affairs

Information Technology  
Municipalities

Judicial  
Public Defender