



**Legislative  
Council Staff**

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**FISCAL NOTE**

**Drafting Number:** LLS 18-1148  
**Prime Sponsors:** Rep. Lontine  
 Sen. Marble

**Date:** April 11, 2018  
**Bill Status:** House Judiciary  
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**Bill Topic:** DEFENSE COUNSEL IN MUNICIPAL COURT GRANT PROGRAM

**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill creates the Defense Counsel in Municipal Court Grant Program in the Department of Local Affairs. Beginning in FY 2018-19, this bill increases state expenditures and municipal revenue on an ongoing basis.

**Appropriation Summary:** For FY 2018-19, this bill requires an appropriation of \$2,442,750 to the Department of Local Affairs.

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

**Table 1  
State Fiscal Impacts Under HB 18-1353**

		<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	at least \$2,442,750	at least \$2,439,303
	Centrally Appropriated	\$13,202	\$13,463
	<b>Total</b>	at least \$2,455,952	at least \$2,452,766
	<b>Total FTE</b>	0.5 FTE	0.5 FTE
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

**Summary of Legislation**

This bill creates the Defense Counsel on First Appearance Grant Program in the Division of Local Government in the Department of Local Affairs (DOLA). The purpose of this grant program is to reimburse local governments, in full or in part, for costs associated with providing counsel to defendants at their first appearance in municipal court.

The General Assembly is authorized to appropriate General Fund money annually for these grants and the administration of the grant program. DOLA is authorized to promulgate grant rules and create grant application processes and award criteria. DOLA is also required to report on the effectiveness of the grant program annually as part of its SMART Act hearing.

**Background**

Current law, requires municipal courts to appoint counsel to represent a defendant charged with an offense with a possible sentence of incarceration. This counsel must be appointed for the defendants first appearance, unless a defendant knowingly and voluntarily waives his or her right to counsel. There are over 200 municipal courts in the state that must meet this requirement.

**State Expenditures**

Beginning in FY 2018-19 and continuing thereafter, this bill increases state expenditures by at least \$2.5 million and 0.5 FTE in the Department of Local Affairs. It is assumed that this grant program will begin July 1, 2018. These impacts are shown in Table 2 and discussed below.

**Table 2  
Expenditures Under HB 18 1353**

	<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>Department of Local Affairs</b>		
Personal Services	\$31,396	\$34,250
Operating Expenses and Capital Outlay Costs	\$5,276	\$573
Legal Services	\$1,598	-
Computer Programming	\$4,480	\$4,480
Defense Counsel Grant Funds	at least \$2,400,000	at least \$2,400,000
Centrally Appropriated Costs*	\$13,202	\$13,463
FTE – Personal Services	0.5 FTE	0.5 FTE
<b>Total Cost</b>	<b>at least \$2,455,952</b>	<b>at least \$2,452,766</b>
<b>Total FTE</b>	<b>0.5 FTE</b>	<b>0.5 FTE</b>

\* Centrally appropriated costs are not included in the bill's appropriation.

**Department of Local Affairs.** To implement this bill, the Department of Local Affairs requires 0.5 FTE. This position will create the grant program, application criteria, and grant award process. This position will also review submitted grant applications, make grant awards, track the

use of grant funds for compliance, and perform reporting duties. Standard operating and capital outlay costs are included and FY 2018-19 costs are prorated to reflect the General Fund paydate shift.

**Legal Services.** Legal services costs in the amount of \$1,598 are needed in FY 2018-19 only, for 15 hours of legal services at a rate of \$106.56 per hour to consult with the Department of Law in the creation of the grant program and application criteria.

**Computer Programming.** Beginning in FY 2018-19 and continuing each year thereafter, \$4,480 is needed for 40 hours of computer programming at a rate of \$112 per hour. This funding will be used to set up and adjust the grants portal system used by DOLA.

**Defense Counsel on First Appearance Grant Program.** Subject to annual General Fund appropriation by the General Assembly, at least \$2.4 million is required for reimbursement of municipal costs associated with providing counsel to defendants at their first appearance in municipal court. This assumes municipal costs of at least \$12,000 annually for each of the 200 municipalities that provide representation for defendants at first appearance in municipal court.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance, supplemental employee retirement payments, indirect costs, and leased space, are estimated to be \$13,202 in FY 2018-19 and \$13,463 in FY 2019-20.

## Local Government

Beginning in FY 2018-19 and continuing thereafter, this bill increases municipal government revenue by at least \$2.4 million from the receipt of grant funds as reimbursement for costs associated with providing counsel to defendants at their first appearance in municipal court. To the extent that such grant funds are received, this bill will increase the amount of municipal funds available for other purposes. The amount of funds grant funds received will vary by municipality and has not been estimated.

## Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State Appropriations

For FY 2018-19, this bill requires an appropriation of \$2,442,750 General Fund and an allocation of 0.5 FTE to the Department of Local Affairs. Of this \$1,598 is reappropriated to the Department of Law and \$4,480 is reappropriated to the Office of Information Technology.

**State and Local Government Contacts**

Information Technology

Local Affairs

Municipalities