



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated February 16, 2021)

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<b>Drafting Number:</b>	LLS 21-0547	<b>Date:</b>	April 15, 2021
<b>Prime Sponsors:</b>	Rep. Ortiz; Lynch Sen. Garcia; Gardner	<b>Bill Status:</b>	Senate SVMA
		<b>Fiscal Analyst:</b>	Sonia Hatfield   303-866-5851 Sonia.Hatfield@state.co.us

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**Bill Topic:**                   **TRANSFER JURISDICTION TO VETERAN'S SPECIALITY COURT**

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**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 allows a veteran defendant to petition that their case be transferred to a jurisdiction with a veteran's specialty court, if such a court is unavailable in their jurisdiction. If the court has the capacity to provide services, it shall grant the petition. Beginning in FY 2021-22, the bill will increase state and local expenditures on an ongoing basis.

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**Appropriation Summary:**                   No appropriation is required.

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

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## Summary of Legislation

Under current law, a court is required to inform veteran defendants that they are in a jurisdiction with a veteran's specialty court, and that they may be entitled to receive services from this court. This bill allows a veteran defendant whose case is not in a jurisdiction with a veteran's court to petition to transfer their probation supervision to a jurisdiction with a veteran's court after a plea or sentence, and requires the courts to inform them of this right. A defendant filing a petition must identify the jurisdiction they would like to transfer to, and the post-disposition services in that particular jurisdiction they would like to access. The court shall grant the petition to transfer the case if the veteran's court in that jurisdiction has the capacity to provide services and support to the defendant, and with the consent of the district attorney and any victim in the case.

## Background

There are currently six veteran's specialty courts in Colorado. They cover the counties of Adams, Arapahoe, Denver, Douglas, El Paso, Elbert, Gilpin, Jefferson, Lincoln, Pueblo, and Teller. According to data from the American Community Survey, approximately 70 percent of Colorado's veterans live in a district with a veteran's court. Veteran's courts exist to serve veterans who are struggling with

substance abuse, PTSD, or other mental health issues that may be tied to their service, and who may be committing crimes because of these untreated issues. The purpose of the veteran's courts is to offer treatment instead of incarceration.

## State Expenditures

Beginning in FY 2021-22, the bill will transfer workload and potential costs between jurisdictions for the Judicial Department.

**Judicial Department.** If veteran defendants successfully petition to transfer their cases, workload and costs in the original courts will decrease, and will increase for the new jurisdictions handling the cases. The changes are expected to be minimal and can be accomplished within existing appropriations. It is expected the number of cases transferred will remain low, due to most existing veteran's courts already being at or near capacity. If a case is successfully transferred, it could require travel for victims and witnesses to appear in court. Crime victims have the right to attend trials, with necessary expenses covered by the Crime Victim's Compensation Fund. Witnesses will also need to be reimbursed for travel to trials and evidentiary hearings. As data on the number of veteran defendants that appear in the court system annually is unavailable, a precise impact has not been determined. If necessary, the Judicial Department will seek additional cash fund spending authority through the annual budget process.

## Local Government

Similar to the state, if court petitions to transfer cases are successful, costs and workload will decrease for counties and district attorney's offices that transfer their cases, and increase for those with veteran's specialty courts.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## State and Local Government Contacts

Counties  
Judicial

District Attorneys  
Military Affairs

Information Technology