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Fiscal Note

Drafting Number:	LLS 24-0459	Date:	February 1, 2024
Prime Sponsors:	Rep. Marshall; Joseph Sen. Roberts; Gardner	Bill Status:	House Judiciary
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Bill Topic: **AUTHORITY OF ATTORNEY GENERAL TO OPERATE DISTRICT ATTORNEY OFFICE**

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

The bill clarifies the authority of the Attorney General to perform administrative functions when operating a district attorney office. Starting in FY 2024-25, the bill may minimally increase state and local workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, the Attorney General may assume the operation of a district attorney office when requested by the Governor. The bill clarifies that in such cases, the Attorney General also has the authority to expend money, manage staff, and perform other administrative functions essential for office operations. Additionally, the bill requires a hiring committee consisting of the Attorney General, a representative from the Colorado District Attorneys' Council, and the highest ranking attorney or official in the office when the Attorney General hires staff during their operation of an office.

Background

In FY 2022-23, the Governor appointed the Attorney General as the state's prosecutor for cases within the 12th (Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache County) and 22nd (Dolores and Montezuma Counties) Judicial Districts until new district attorneys were appointed. The Special Prosecution Unit within the Department of Law (DOL) assumed operations with no change in appropriations.

State Expenditures

To the extent the Attorney General needs to hire additional personnel, workload to the Department of Law will increase to establish a hiring committee. This workload is assumed to be minimal. No change in appropriations is required.

Local Government

Similar to the state, to the extent hiring committees are established, district attorney staff workload will increase to participate on the committee. The fiscal note assumes this workload to be minimal.

Effective Date

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

State and Local Government Contacts

District Attorneys

Law

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).