



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 25-041: COMPETENCY IN CRIM JUSTICE SYSTEM SERVICES & BAIL

Prime Sponsors:

Sen. Michaelson Jenet; Amabile
Rep. Bradfield; English

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Fiscal note status: The fiscal note reflects the introduced bill, which was recommended by the Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems.

Summary Information

Overview. This bill clarifies what courts must consider when setting bail for defendants declared incompetent to proceed and allows defendants to receive inpatient services from the Colorado Department of Human Services for additional time after charges are dropped.

Types of impacts. The bill is projected to affect the following areas:

- State Expenditures

Appropriations. For FY 2025-26, the bill requires an appropriation of at least \$94,349 to the Department of Local Affairs.

**Table 1
State Fiscal Impacts**

Type of Impact ¹	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	at least \$94,349	at least \$16,039
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

¹ Table 1 shows only the required expenditures under the bill. See Tables 2 and 2B for more detail on permitted Department of Human Services expenditures under the bill.

Summary of Legislation

The bill clarifies what courts must consider when setting bail for a defendant declared incompetent to proceed and allows the defendant to receive inpatient services from the Colorado Department of Human Services (CDHS) for additional time after charges are dropped.

Bond Setting

Under current law, when a defendant is declared incompetent to proceed, but there is substantial probability the defendant may be restored to competency, the court must hold a bond hearing within seven days if the defendant is being held for a misdemeanor, petty offense, or traffic offense. The bill clarifies that a court must ensure a defendant's right to bail is not interrupted due to a competency evaluation. If the court denies release through a personal recognizance bond, the court must notify the CDHS of the reasons using a newly required form.

Competency Services

If criminal charges are dropped against a defendant receiving inpatient services from the CDHS, the bill allows the defendant to receive inpatient services for an additional 90 days. The bill also allows but does not require the CDHS to enter into agreements with organizations to provide permanent supportive housing for persons whose charges are dismissed or who completed the Bridges Program. The department must collect data on the individuals who receive housing and share the information with the Department of Local Affairs (DOLA). Finally, the bill also requires the Bridges Program to share information with the CDHS.

State Expenditures

The bill increases state expenditures in DOLA by at least \$94,000 in FY 2025-26 and \$16,000 in FY 2026-27, paid from the General Fund. Additionally, CDHS may have expenditures of about \$106,000 in FY 2025-26 and \$125,000 in FY 2026-27 and ongoing to administer housing contracts, paid from the General Fund. The bill will also increase workload in the Bridges Program and the Judicial Department.

Table 2
State Expenditures
All Departments

Department	Budget Year FY 2025-26	Out Year FY 2026-27
Department of Local Affairs	at least \$94,349	at least \$16,039
Department of Human Services (permissive)	\$106,197	\$124,409
Total Costs	\$200,546	\$140,448

Department of Local Affairs

Expenditures in DOLA will increase by at least \$94,000 in FY 2025-26 and \$16,000 in FY 2026-27 to develop and maintain a cloud-based software to share data between the CDHS and DOLA. This allows for the secure transfer of potentially sensitive data between agencies. Costs in FY 2025-26 assume 11 weeks of development, testing, and support for the software. In addition, the fiscal note assumes that because the bill only requires CDHS to share data with DOLA, that DOLA will take a passive role in administering the bill. However, if it is expected that DOLA will consult with the CDHS, DOLA will require an additional \$25,000 and 0.3 FTE.

**Table 2A
State Expenditures
Department of Local Affairs**

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Computer Programming	at least \$94,349	at least \$16,039
Total Costs	\$94,349	\$16,039

Department of Human Services

Starting in FY 2025-26, if CDHS is to administer more contracts for housing services, the Office of Civil and Forensic Mental Health requires 1.0 FTE to liaise with other state agencies, find and work with new vendors, and to oversee the various contracts. This would increase expenditures by \$106,000 in FY 2025-26 and \$124,000 in FY 2026-27, assuming that the CDHS will utilize existing grant funding for contracted services. Because the bill is permissive, these costs are at the discretion of the General Assembly.

**Table 2B
State Expenditures
Department of Human Services
(permitted, but not required, by the bill)**

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Personal Services	\$80,969	\$101,211
Operating Expenses	\$1,024	\$1,280
Capital Outlay Costs	\$6,670	\$0
Centrally Appropriated Costs	\$17,534	\$21,918
Total Costs	\$106,197	\$124,409
Total FTE	0.8 FTE	1.0 FTE

Bridges of Colorado Program

Starting in FY 2025-26, workload to the Bridges Program in the Judicial Department will increase to provide any required data to the CDHS. This work can be accomplished within existing resources.

Judicial Department

Workload in the trial courts will increase to develop a new form and to take additional considerations when setting bail. Because judges already consider a variety of factors when setting bail, and because it is expected that the additional form will not cause significantly more workload to courtroom staff, this work can be accomplished within existing resources.

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 and supplemental employee retirement payments, are shown in the expenditure tables above.

Effective Date

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

State Appropriations

For FY 2025-26, the bill requires a General Fund appropriation of \$94,349 to the Department of Local Affairs, which is fully reappropriated to the Office of Information Technology.

A FY 2025-26 appropriation of \$88,663 to the Department of Human Services, and 0.8 FTE, is required to enter into additional contracts and oversee organizations offering supportive housing. As described in the State Expenditures section, this appropriation is permitted but not required by the bill and is at the discretion of the General Assembly.

State and Local Government Contacts

Behavioral Health Administration

Information Technology

Bridges

Judicial

District Attorneys

Local Affairs

Human Services

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](#).