

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 07-0296
Prime Sponsor(s): Rep. Weissmann

Date: February 5, 2007
Bill Status: House Judiciary
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TITLE: CONCERNING CAPITAL CRIMES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

| Fiscal Impact Summary | FY 2007-2008 | FY 2008-2009 |
|--|---------------------|---------------------|
| State Revenue | | |
| State Expenditures | | |
| General Fund | (\$99,315) | (\$132,794) |
| FTE Position Change | 3.0 FTE | 3.0 FTE |
| Effective Date: Upon the signature of the Governor. | | |
| Appropriation Summary for FY 2007-2008: See State Appropriations section. | | |
| Local Government Impact: Potential lower expenditures for district attorneys. | | |

Summary of Legislation

This bill repeals the death penalty as a sentencing option for Class 1 felonies. The bill also creates a Cold Case Unit within the Colorado Bureau of Investigation (CBI) to assist local law enforcement agencies in the investigation of homicides that have been open for more than one year.

State Expenditures

The bill creates additional expenditures for the CBI to fund the Cold Case Unit, but it reduces expenditures for other agencies because of the repeal of the death penalty. **The net result is a reduction in General Fund expenditures of \$99,315 in FY 2007-08.** The bill increases CBI expenditures by \$670,130 in FY 2007-08, and reduces expenditures in several other agencies by a total of \$769,445 in FY 2007-08.

Department of Public Safety, CBI. The bill will increase expenditures for the CBI by an estimated \$670,130 in FY 2007-08 and \$636,650 each year thereafter. The bill creates a new Cold Case Unit within the CBI to assist local law enforcement agencies in investigating homicide cases. The Cold Case Unit is expected to require 7.0 FTE to adequately analyze available evidence and research old homicide cases. The fiscal note assumes that the Cold Case Unit will devote resources to complete about 10 cases per year, plus provide assistance for a portion of other outstanding cases. Table 1 illustrates the additional costs created by the bill.

| Table 1 CBI Expenditures Under HB07-1094 | | |
|---|-------------------|-------------------|
| Cost Components | FY 2007-08 | FY 2008-09 |
| Personal Services | \$565,940 | \$567,650 |
| FTE | 7.0 | 7.0 |
| Operating Expenses | \$34,425 | \$34,425 |
| Capital Outlay (one-time cost) | \$35,190 | \$0 |
| Vehicle Lease | \$34,575 | \$34,575 |
| TOTAL | \$670,130 | \$636,650 |

Department of Law. The bill will reduce expenditures in the Department of Law by \$350,255 per year and 4.0 FTE. The Attorney General's Office currently funds four attorneys to prosecute capital crimes. Repealing the death penalty eliminates the need for these General Fund positions.

Judicial Branch, Office of the State Public Defender. The bill will reduce expenditures for the Public Defender's Office by an estimated \$199,000 annually. Over a ten-year period, the average cost to defend a death penalty case was \$83,000 per year. Approximately 2.4 cases were represented each year. Thus, the average annual savings are estimated to be \$199,000.

Judicial Branch, Alternate Defense Counsel (ADC). The bill will reduce expenditures for the Alternate Defense Counsel by an estimated \$220,190 annually. The ADC represents indigent defendants when the Public Defender's Office has a conflict of interest. The ADC contracts with attorneys and investigators to defend the cases it is assigned. In FY 2007-08, the ADC received a \$160,000 rate increase for defending death penalty cases. In addition, the ADC would save \$51,190 each year if death penalty cases were shifted to 1st degree murder cases.

Local Government Impact

Local governments are responsible for funding most of the costs associated with district attorney offices. Because death penalty cases require substantial resources to prosecute, local governments may realize some savings by eliminating death penalty cases. The amount of savings for local governments has not been estimated in the fiscal note.

State Appropriations

The bill will require the following General Fund appropriations in FY 2007-08:

Department of Public Safety, CBI: \$670,132 and 7.0 FTE;
Department of Law: (\$350,255) and (4.0) FTE;
Judicial Branch, State Public Defender: (\$199,000); and
Judicial Branch, Alternate Defense Counsel: (\$220,190).

Departments Contacted

Judicial Law Public Safety Corrections