

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING CAPITAL CRIMES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Prime Sponsors: Representative Weissmann
Senator Carroll M.

JBC Analyst: Carolyn Kampman
Phone: 303-866-2061
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Summary of Amendments Made to the Bill After the 03/31/09 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

XXX **Concurs** **Does Not Concur** **Updated Analysis**

Amendments/Appropriation Status

The bill currently includes an appropriation clause that was added by the House Judiciary Committee. Based on some technical errors in this appropriation clause and the Legislative Council Staff Revised Fiscal Note, staff has prepared amendment **J.002** (attached) to replace this appropriations clause with a provision that makes the following appropriations and adjustments:

FY 2009-10 Appropriations and Adjustments in J.002			
Purpose	FTE	Amount	Fund Source
<i>Judicial Department:</i>			
Trial Courts		(\$32,950)	General Fund
Public Defender		(275,548)	General Fund
Alternate Defense Counsel		(582,758)	General Fund
Subtotal	0.0	(891,256)	General Fund
<i>Department of Law:</i>			
Homicide Investigation Assistance Unit	(2.0)	(145,516)	General Fund
<i>Department of Public Safety:</i>			
Colorado Bureau of Investigation, Cold Case Homicide Team	8.0	833,376	General Fund
Totals	6.0	(\$203,396)	Total General Fund Appropriations

As indicated on page four of the Legislative Council Staff Revised Fiscal Note dated March 31, 2009, the bill declares the intent of the General Assembly to use the savings generated by the repeal of the death penalty to increase funding for the Cold Case Homicide Team. However, there is no statutory provision in the bill mandating an appropriation to the Department of Public Safety for this purpose. Thus, the Committee can choose whether to include subsection (1) of J.002. If this subsection is excluded, General Fund appropriations would be reduced by a total of \$1,036,772.

Bill Sponsor Amendments

Sponsor amendment **J.001** (attached) would replace the appropriations clause added by the Judiciary Committee with a provision that makes the following appropriations and adjustments:

FY 2009-10 Appropriations and Adjustments in Sponsor Amendment J.001			
Purpose	FTE	Amount	Fund Source
<i>Judicial Department:</i>			
Trial Courts		(\$32,000)	General Fund
Public Defender		(1,000,000)	General Fund
Alternate Defense Counsel		(582,000)	General Fund
Subtotal	0.0	(1,614,000)	General Fund
<i>Department of Law:</i>			
Homicide Investigation Assistance Unit	0.0	(100,000)	General Fund
<i>Department of Public Safety:</i>			
Colorado Bureau of Investigation, Cold Case Homicide Team	8.0	833,376	General Fund
Totals	8.0	(\$880,624)	Total General Fund Appropriations

The Committee should adopt J.001 or J.002, but not both.

Points to Consider

None.