



*Colorado Legislative Council Staff Fiscal Note*  
**STATE and LOCAL  
 FISCAL IMPACT**

**Drafting Number:** LLS 11-1009  
**Prime Sponsor(s):** Sen. Giron  
 Rep. Barker

**Date:** May 3, 2011  
**Bill Status:** Senate Transportation  
**Fiscal Analyst:** Jonathan Senft (303-866-3523)

**TITLE:** CONCERNING ELIMINATING THE REQUIREMENT THAT A DEFENDANT EXECUTE A PROMISE TO APPEAR IN COURT IN ORDER TO SECURE HIS OR HER RELEASE FOLLOWING THE ISSUANCE OF A NOTICE FOR A TRAFFIC VIOLATION.

<b>Fiscal Impact Summary</b>	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
<b>State Revenue</b> Cash Funds Fines Collected Cash Fund	See State Revenue section.	
<b>State Expenditures</b> Cash Funds Highway Users Tax Fund	\$1.2 million	\$1.35 million
<b>FTE Position Change</b>	18.0 FTE	18.0 FTE
<b>Effective Date:</b> August 10, 2011, if the General Assembly adjourns on May 11, 2011, as scheduled, and no referendum petition is filed.		
<b>Appropriation Summary for FY 2011-2012:</b> See State Appropriations section.		
<b>Local Government Impact:</b> See Local Government section.		

**Summary of Legislation**

This bill eliminates the option of certain traffic offenders to execute a promise to appear in court, including out-of-state drivers. It also eliminates the requirement for peace officers to sign a complaint. Instead, an office may indicate his or her name and badge number on the citation.

**State Revenue**

The bill may increase revenue to the Fines Collected Cash Fund as it eliminates the option to promise to appear in court, and instead requires peace officers to either take a defendant to court or to a mailbox to pay a fine. This change increases the potential for immediate action by the defendant to pay the traffic fine. The bill eliminates the ability for a defendant to take no action, and abscond from payment. Any resulting increase in fine revenue is contingent on a number of factors, including the defendant's ability to pay at the moment of citation, and therefore cannot be estimated.

## State Expenditures

**This bill will increase state expenditures by \$1.2 million and 18.0 FTE in FY 2011-12 and by \$1.35 million and 18.0 FTE in FY 2012-2013.** The bill eliminates the option for out-of-state defendants to execute a promise to appear in court, thereby compelling all such defendants to pay fines on-the-spot, or immediately appear in court to contest the charges. This change will significantly increase the workload of peace officers, who must now escort the defendant to the court or to a mailbox, including associated time needed to obtain a form of payment. In FY 2009-10, the Colorado State Patrol issued over 71,000 citations to out-of-state drivers. These activities are expected to add an additional 1 hour per stop, resulting in an additional 18 FTE, and associated law enforcement costs to maintain the current level of enforcement.

## Expenditures Not Included

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. The centrally appropriated costs subject to this policy are summarized in Table 1.

<b>Table 1. Expenditures Not Included Under SB11-246*</b>		
<b>Cost Components</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$127,800	\$127,800
Supplemental Employee Retirement Payments	45,454	53,554
<b>TOTAL</b>	<b>\$173,254</b>	<b>\$181,354</b>

*\*More information is available at: <http://colorado.gov/fiscalnotes>*

## Local Government Impact

Similar to the state, local law enforcement agencies will experience an increase in staff time and resources in order to escort defendants to a mailbox or to court. The bill eliminates the option for out-of-state defendants to execute a promise to appear in court, thereby compelling all such defendants to pay fines on-the-spot, or immediately go to court to contest the charges. Because statistics are not readily available regarding the number of citations issued by local law enforcement to out-of-state defendants, the exact increase on local law enforcement staff time is indeterminate.

Also, the bill may increase costs to local government by eliminating the option for defendants to promise to appear. Instead the bill requires peace officers to either take a defendant to court or to a mailbox to pay a fine, which has the potential for immediate action by the defendant. It eliminates the ability of a defendant to take no action, and abscond from payment. The increase in revenue cannot be estimated at this time.

**State Appropriations**

For FY 2011-2012, this bill requires an appropriation of \$1.2 million from the Highway Users Tax Fund to the Department of Public Safety and 18 FTE.

**Departmental Differences**

This fiscal note concurs with the Department of Public Safety in its assessment that the process of escorting the defendant to a mailbox or court will require an increase in Colorado State Patrol staff resources. However, the department asserts that the increase will require an additional 2 hours per defendant. This fiscal note is written on the assumption that such an escort, and associated administration, would require approximately 1 hour additional staff time, on average. A 2-hour process would cost \$2.4 million and require 36.0 FTE.

**Departments Contacted**

Judicial

Law

Local Affairs

Public Safety