



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

Drafting Number: LLS 11-0336
Prime Sponsor(s): Sen. Morse
 Rep. Waller

Date: March 8, 2011
Bill Status: Senate Judiciary
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TITLE: CONCERNING THE ESTABLISHMENT OF AN ALTERNATIVE BOND PROGRAM.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2011-2012: None.		
Local Government Impact: See Local Government section.		

Summary of Legislation

The bill permits chief judges of judicial districts with pretrial services programs to create and administer alternative bond programs. In such districts, the alternative bond program will join unsecured and secured bonds as options available to judges when authorizing the pretrial release of a defendant. Defendants released as part of an alternative bond program are required to post with the court up to 15 percent of the amount of the bond set by the court, or \$50, whichever is greater.

The pretrial services program may retain up to 50 percent of the moneys posted through the alternative bond program for 1) development and administration of pretrial treatment services for defendants; 2) costs of securing a defendant's appearance in court when the defendant fails to appear; or 3) any other costs that are reasonable and necessary for the program's administration. Defendants appearing in court pursuant to the terms and conditions of the alternative bond receive any remaining moneys at the conclusion of the defendant's case. If the defendant is convicted, the remaining moneys are first used to pay assessed fines, fees, costs, surcharges, and restitution.

Background

Under current law, most defendants qualify for release to supervision by a pretrial services program on either a secured or unsecured bond. There are ten pretrial services programs that are publicly funded, serving more than 70 percent of the state's population. The programs primarily are located along the Front Range, with the exceptions of Weld, Pueblo, and Mesa counties.

Pretrial services programs provide two primary functions. First, they assess defendants and provide information and recommendations to the court regarding a defendant's risk to public safety and the likelihood that he or she will appear in court. The court uses this information in setting the defendant's amount of bail and type of bond. Second, pretrial services programs provide community-based supervision to monitor defendants prior to trial through various methods, such as periodic visits with the defendant, drug testing, and substance abuse treatment. Failure to comply with the pretrial services conditions may result in the defendant being returned to jail while awaiting trial.

State Revenue

The bill may increase state revenue from the collection of fines and fees from defendants who post an alternative bond and are then convicted, and from the provision that permits pretrial services programs to retain up to 50 percent of posted bond amounts for the purposes stated above. Current law already provides a mechanism for the courts to deduct fines, fees, and restitution from defendants before returning bond moneys to defendants, and for retaining forfeited bonds. Revenues resulting from the alternative bond program, therefore, are expected to be minimal and have not been estimated.

State Expenditures

Establishment of alternative bond programs will increase workloads of chief judges and judicial district administrators. This increase is expected to be minimal and will be absorbed by the courts. Once established, alternative bond programs are not expected to increase courts' workloads.

Local Government Impact

Local governments that operate pretrial services programs and that establish alternative bond programs are subject to the same potential revenue increases identified above. Counties are required to provide courtrooms and office space for court personnel. Local government costs are not expected to increase in districts that establish alternative bond programs.

Departments Contacted

Judicial
Regulatory Agencies

Public Safety
Colorado Municipal League

Sheriffs
Colorado Counties