

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING CHANGES TO STATUTORY PROVISIONS RELATED TO CRIMINAL PROCEEDINGS.

Prime Sponsors: Representative Gardner B.  
Senator Carroll

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**Summary of Amendments Made to the Bill After the 03/05/12 Legislative Council Staff Fiscal Note Was Prepared (Amended by the House Judiciary Committee 03/08/12)**

The House Judiciary Committee Report: (1) eliminates Section 4 from the bill, which would have expanded the information to be included in the Judicial Department’s annual report concerning pretrial services programs; and (2) allows, rather than requires, a surety to consent to the continuation of a bond after the defendant pleads guilty. These two provisions were anticipated to result in a minimal cost increase and a minimal cost decrease, respectively, for the Judicial Department. Thus, **these amendments do not affect the fiscal impact of the bill as it is quantified in the Legislative Council Staff Fiscal Note.** Legislative Council Staff agree with this assessment.

**JBC Staff Concurrence with Legislative Council Staff Fiscal Note**

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

**Amendments/Appropriation Status**

The bill does not currently include an appropriation clause, and the Legislative Council Staff Fiscal Note indicates that an appropriation clause is not required for FY 2012-13. However, if the General Assembly intends for the Judicial Department to begin reimbursing law enforcement agencies for returning probationers to Colorado in the first six months of 2013, an appropriation clause is required.

Specifically, the bill requires a probationer who applies to transfer his or her probation to another state to pay a \$100 filing fee, which will be deposited in the new Interstate Compact Probation Transfer Cash Fund. This fund is subject to annual appropriation by the General Assembly to the Judicial Department for the direct and indirect costs of returning probationers to Colorado, beginning January 1, 2013. On or after January 1, 2013, a law enforcement agency may submit to the State Court Administrator a request to be reimbursed for the costs of returning a probationer to Colorado.

Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$93,750 cash funds from the Interstate Compact Probation Transfer Cash Fund to the Judicial Department for FY 2012-13; this amount is equal to one-half of the anticipated annual revenues to the fund.

**Bill Sponsor Amendments**

Staff is not aware of any sponsor amendments to be offered.

**Points to Consider**

As discussed above, the bill allows a law enforcement agency to submit a reimbursement request to the State Court Administrator for the costs of returning a probationer to Colorado. This is a new process, and the annual cost of these reimbursements has not been quantified. The State Court Administrator is required, "to the extent that funds are available," to reimburse reasonable costs incurred for the return of the probationer. Is it the intent of the General Assembly that such reimbursements be limited to funds that are available *in the Interstate Compact Probation Transfer Cash Fund*, or does the General Assembly intend to allow General Fund moneys to be appropriated for this purpose should cash fund revenues be insufficient?