



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

Drafting Number: LLS 12-0226
Prime Sponsor(s): Rep. Hamner
 Sen. Schwartz

Date: February 6, 2012
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

TITLE: CONCERNING THE CRIME OF STALKING.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures	Increase - see State Expenditures section.	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2012-2013: None required.		
Local Government Impact: Increase - see Local Government Impact section.		

Summary of Legislation

This bill modifies the manner in which law enforcement agencies and the courts respond to charges of the crime of stalking. Specifically, the bill:

- prohibits the issuance of a summons in lieu of an arrest for a charge of stalking;
- requires the court to issue a protection order when bail is fixed, with the order's terms and the defendant's acknowledgment stated on the record;
- requires that sentences imposed for stalking that occur in connection with a violation of a court order, including a protection order, be served consecutively; and
- allows a defendant or prosecuting attorney to request a hearing to modify terms of a protection order issued in a stalking case.

State Expenditures

This bill will increase workload for the Judicial Department by a minimal amount. First, the bill does allow the defendant or prosecuting attorney to request a hearing to modify the terms of a protection order. Second, by requiring an arrest in lieu of a summons for persons suspected of stalking, additional bond hearings may be held. However, based on recent filings, it is assumed that in the majority of cases, defendants are already subject to a requirement to hold a bond hearing. Therefore, the fiscal note assumes any increase in workload for the Judicial Department is minimal and can be addressed within existing appropriations.

Local Government Impact

This bill may increase expenditures for local governments in two ways. First, by requiring that sentences imposed for stalking that occur in connection with a violation of a court order be served consecutively, offenders will increase their length of stay in county jail. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$50.44 to house state inmates. It is assumed that the impact of this bill will be minimal. Second, the bill requires law enforcement agencies investigating the crime of stalking to arrest a suspect rather than issue a summons. To the extent that this occurs, workload will increase to arrest and process suspects by a minimal amount.

Departments Contacted

Corrections

Judicial