

**FINAL
FISCAL NOTE**

Drafting Number: LLS 13-0813
Prime Sponsor(s): Rep. Pettersen
 Sen. King

Date: July 10, 2013
Bill Status: Signed into Law
Fiscal Analyst: Kerry White (303-866-3469)

TITLE: CONCERNING A REPEAL OF THE MANDATORY SENTENCING REQUIREMENT FOR VIOLATION OF BAIL BOND CONDITIONS FOR CERTAIN OFFENDERS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
Cash Funds		
Offender Services Fund		<\$5,000
State Expenditures		
General Fund		(\$62,448)
FTE Position Change		
Effective Date: The bill was signed into law by the Governor on May 28, 2013, took effect July 1, 2013, and applies to offenses committed on or after that date.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: Potential reduction. See Local Government Impact section.		

Summary of Legislation

Under current law, if a person fails to appear for court or knowingly violates the conditions of the bail bond, they are required to be incarcerated and are not eligible for probation or a suspended sentence. If the person was on bail for a felony offense, failure to appear or knowingly violating the conditions of the bail bond is a class 6 felony and requires a minimum of one year to be served consecutively to any other sentence. If the person was on bail for a misdemeanor offense, failure to appear or knowingly violating the conditions of the bail bond is a class 3 misdemeanor and requires a minimum of six months to be served consecutively to any other sentence.

This bill repeals the mandatory sentencing provisions for these crimes, but leaves the existing sentencing ranges. Exceptions are provided for instances when the person:

- fails to appear for a court proceeding with the intent to avoid prosecution or sentence;
- is convicted of committing a misdemeanor or felony criminal offense while on bond, or
- is on bond for a sex offense and is convicted of a bond violation.

State Revenue

Because the length of time required to adjudicate cases is about one year, no change in state revenue is anticipated for FY 2013-14. Beginning in FY 2014-15, the bill may increase state revenue from probation supervision fees, although less than \$5,000 in new revenue is expected per year. By removing the mandatory sentencing provisions for most persons who violate the conditions of a bond, this analysis assumes that the court will sentence these offenders to probation instead. Offenders on probation pay a probation supervision fee of \$50 per month, which is credited to the Offender Services Fund in the Judicial Branch. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined.

State Expenditures

Due to the length of adjudication, no change in state expenditures is expected in FY 2013-14. Beginning in FY 2014-15, workload in the Judicial Branch is increased and costs in the Department of Corrections (DOC) are decreased. As a result, this bill will decrease expenditures by \$62,448 in FY 2014-15.

Judicial Branch. By removing the mandatory sentencing provisions, the courts once again have the option to sentence a person who violates his or her bond conditions to probation or a suspended sentence. To the extent that more offenders are sentenced to probation, costs will increase. However, as there are only about 90 cases per year for this offense, no increase in appropriations is required.

Department of Corrections. In FY 2014-15, costs will be reduced by \$62,448. Based on the histories of the offenders received in FY 2011-12, this analysis assumes that about 15 percent or three fewer offenders will be sentenced to the DOC each year. Offenders placed in a private contract prison cost the state about \$57.03 per offender per day, including the current daily rate of \$52.69 and an estimated \$4.34 per offender per day for medical care provided by the DOC. The average length of stay for a class 6 felony is 12.6 months.

Local Government Impact

This bill is anticipated to reduce costs for local governments. Under the bill, judges will still have the option to require incarceration and that sentences be served consecutively for certain misdemeanants, but will no longer be required to do so. This analysis assumes that, similar to the state, a portion of misdemeanor offenders who violate bail conditions are currently sentenced to county jail for a mandatory minimum of six months that would otherwise have not been incarcerated. 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. However, to the extent that judges sentence misdemeanor offenders to probation, some or all of this savings may be offset by an increase in costs to supervise these offenders.

Departments Contacted

Corrections
Judicial

Counties
Local Affairs

District Attorneys