

**STATE
FISCAL IMPACT**

Drafting Number: LLS 14-1072
Prime Sponsor(s): Sen. Ulibarri
 Rep. Lee

Date: April 24, 2014
Bill Status: Senate Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

SHORT TITLE: CLEAN-UP BAIL BOND STATUTES

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	Minimal workload reduction.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

This bill makes a number of changes and clarifications to current statutes concerning bail bonds. Specifically, the bill:

- clarifies that the court or a person designed by the court may set a defendant's bond;
- allows a defendant to decide the method for satisfying the financial conditions of release, unless the court makes specific and individualized findings on the record that a certain method is reasonable and necessary to ensure his or her appearance in court or public safety;
- adds stalking crimes to the list of cases that require that the defendant acknowledge a protection order as an additional condition of bond;
- clarifies that pretrial risk assessments may only be used for assessing pretrial risk; and
- clarifies that a defendant may only file on written motion for relief from a monetary condition of bond once during the case, but that the motion may be filed at any time while the case is pending.

Background

In 2013, the General Assembly adopted House Bill 13-1236, which made a number of changes to the statutes concerning bail bonds. Specifically, that bill required the courts to emphasize individualized, empirical decisions when setting bonds and the conditions of release, and to presume that all persons in custody who are eligible for bond are eligible for the least restrictive bond conditions. The bill provided a process for the reconsideration of bond conditions in certain circumstances, added several sexual assault offenses to the list of serious offenses that may be grounds for denying bail, and encouraged the chief judge of each district and counties to establish and use pretrial services programs.

State Expenditures

This bill reduces workload for the courts by a minimal amount. First, the bill allows a defendant to decide the method for satisfying the financial conditions of release, unless the court makes specific and individualized findings on the record. Second, the bill clarifies that a defendant may only file one written motion for relief from a monetary condition of a bond. The fiscal note assumes that any time savings from these provisions is limited and no adjustment in appropriations is required.

Effective Date

The bill takes effect July 1, 2014.

State and Local Government Contacts

Counties
Municipalities

District Attorneys
Sheriffs

Judicial