

TABOR Impact

To the extent that any new convictions arise as a result of cases brought forward as a result of the bill and fine revenue increases, the amount required to be refunded under TABOR will increase. TABOR refunds are paid from the General Fund.

State Expenditures

Beginning in the current FY 2014-15, this bill could increase workload and costs for the Judicial Department to hear any claims of abuse of prosecutorial discretion related to police misconduct cases that resulted in serious bodily injury or death. In addition, if a judge rules that a prosecutor must move forward with the case, workload will increase. The fiscal note assumes that workload and cost increases for the trial courts are minimal and no increase in appropriations is required.

In addition, to the extent that any convictions result from new trials and a person is sentenced to a term of incarceration for a felony arising from causing serious bodily injury or death, costs for the Department of Corrections (DOC) may increase. For informational purposes, offenders placed in a private contract prison cost the state about \$60.46 per offender per day, including the current daily rate of \$55.08 and an estimated \$5.38 per offender per day for medical care provided by the DOC. No impact is expected in the first year because of the estimated time for criminal filing, trial, disposition, and sentencing. The fiscal note assumes that any costs in future years arising under HB15-1286 will be addressed through the annual budget process.

Local Government Impact

Under the bill, the court may require a prosecuting attorney to appear before the court and explain his or her rationale for not proceeding with a case. To the extent that this occurs, workload will increase. If, as a result of this appearance, the court orders that prosecuting attorney to proceed with the case, workload and costs will also increase.

To the extent that a court appoints a special prosecutor, costs will increase. As special prosecutor appointments are generally made from a pool of district attorneys, it is not possible to determine which judicial districts will be impacted. However, if a private attorney is appointed, the judicial district provides a daily fee proportional to the salary for a judicial officer in that district.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

District Attorneys

Judicial