



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

Drafting Number: LLS 06B-2053

Date: July 5, 2006

Prime Sponsor(s): Sen. Owen
 Rep. Hall

Bill Status: Senate SVMA

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TITLE: CONCERNING A PROHIBITION AGAINST BAIL BONDING AGENTS FURNISHING BAIL BONDS FOR DEFENDANTS WHO MAY BE ILLEGALLY PRESENT WITHIN THE UNITED STATES.

Fiscal Impact Summary	FY 2006/07	FY 2007/08
State Revenues		
Fines Collection Cash Fund	Less than \$5,000	Less than \$5,000
State Expenditures		
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: Upon signature of the Governor		
Appropriation Summary for FY 2006/07: None required		
Local Government Impact: Increased costs for local law enforcement agencies		

Summary of Legislation

The bill requires law enforcement agencies to determine the probable immigration status of a defendant before bail is set. Bail bond agents must confirm the defendant's probable immigration status through the law enforcement agency before posting a bond for the person. If the law enforcement agency determines that the defendant is probably not in the country legally, the bail bond agent may not provide the defendant bail. If the determination is not made until after a bail bond is executed, the bail bond agent must return all fees collected for the bond. A law enforcement agency shall determine a defendant's immigration status through notification from the United States government or acceptance of a valid driver's license, identification card, or document governed by the Colorado Verifiable Identity Document Act. A bail bonding agent who violates the provisions of the bill would be considered to have committed a class 3 misdemeanor.

State Revenues

The bill may increase state revenue from fines, although the increase is expected to be less than \$5,000 per year. Under Section 18-1.3-401, C.R.S., the fine penalty for a class 3 misdemeanor is \$50 to \$750. Unless otherwise provided by law, fine revenue is deposited in the state Fines Collection Cash Fund for annual appropriations to cover associated administrative and personnel

costs. All unexpended balances of the cash fund revert the state General Fund at the end of each fiscal year. Because the courts have the discretion of incarceration or imposing a fine, the impact to the cash fund and the General Fund cannot be determined.

Local Government Impact

The bill requires law enforcement agencies to determine the immigration status of a defendant before bail is set. This requirement may increase the amount of time that defendants are required to remain in jail, which would increase local costs. In addition, the effort required to determine a person's immigration status may affect local law enforcement agency costs, depending on the number of individuals who cannot provide the documentation required by the bill.

The bill establishes a new class 3 misdemeanor for bail bond agents who post bail for a defendant in violation of the bill, which could also increase local costs. The maximum penalty for a class 3 misdemeanor can include six months imprisonment in a county jail, subject to the discretion of the courts. 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 \$47.42 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

State Appropriations

No new state appropriations are required to implement the bill.

Departments Contacted

Judicial

Public Safety

Regulatory Agencies