



Fiscal note for HB13-1214 (Felony DUI)

Kerry White to: markwallerhd15

02/19/2013 06:55 PM

Hello Representative Waller,

Attached please find the fiscal note for HB13-1214. As we discussed last week, it is currently showing that everyone is going to prison, rather than the current practice of some people going to prison and some going to probation. I am aware that there is an amendment to fix this. Please be aware that by removing the language at issue (which I believe is currently L.002 in draft format), the bill still has a fairly sizeable fiscal impact of about \$15.5 million per year beginning in FY 2014-15. The costs shown for the first year wouldn't change (revenue would though, as discussed below). Based on looking at L.002 and our conversation, here is what I think the effect of that amendment would be for the out years:

- 75% of people would likely still go to probation as they currently do. Therefore there would not be a reduction in probation supervision fees, which is what is causing the bill to show a loss in revenue.
- I don't know what the current length of stay on probation is, but if the bill's requirements (which I believe are at least 2 years) are greater than current practice, there would be an increase in supervision revenue and probation costs.
- I think 25% of people would go to prison rather than jail and stay for the length of 1 year (which is what currently happens). So, that impact would be around \$14 million, rather than \$56 million.
- Workload for the courts will stay the same because those costs are driven by taking on Denver county cases AND by the fact that district courts are more expensive than county courts.
- I believe DOR's costs would remain the same, as would the Office of the State Public Defender.
- Revenue increases would drop somewhat from what I've shown in this fiscal note because (and I've said this), I haven't backed out the indigency or payment rates (as of this writing that is unknown, but I hope that we could get you a number as the bill moves on). However, you'd have a positive revenue impact because the issue with probation supervision fees is resolved (see bullet point #1)

I will deliver you an official pink fiscal note in the morning and of course, I can come to committee on Thursday and talk about these effects as well. In the meantime, if you want to talk or have questions before you get on the floor tomorrow, I should be in by 7:45 or you can also email/call me at your convenience.

Thanks,
Kerry

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HB13-1214.pdf