

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING APPOINTMENT OF LEGAL COUNSEL DURING PLEA NEGOTIATIONS FOR INDIGENT ADULT DEFENDANTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Prime Sponsors: Representative Kagan
Senator Steadman

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Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/29/13.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
None.	

Current Appropriations Clause in Bill

The bill includes a provision appropriating a total of \$3,795,400 General Fund and 37.9 FTE to the Judicial Branch for FY 2013-14. The components of this appropriation are detailed in the following table. The appropriation clause is effective September 1, 2013, unless a referendum petition is filed against the act. This allows the Judicial Branch to make capital outlay purchases prior to the new staff beginning work in January 2014.

FY 2013-14 General Fund Appropriations in H.B. 13-1210	
Description	Amount
Judicial Department (Courts and Probation)	
Trial Court Programs, Personal Services (0.8 FTE)	\$52,228
Trial Court Programs, Operating Expenses	2,138
Courts Administration, Courthouse Capital/ Infrastructure Maintenance	<u>30,125</u>
Subtotal: Judicial Department	84,491

FY 2013-14 General Fund Appropriations in H.B. 13-1210	
Description	Amount
Office of the State Public Defender (OSPD)	
Personal Services (37.1 FTE)	2,359,574
Short-term Disability	4,017
Health, Life, and Dental	295,099
S.B. 04-257 Amortization Equalization Disbursement (AED)	80,344
S.B. 06-235 Supplemental AED	74,001
Capital Outlay Expenses	419,037
Leased Space/ Utilities	389,893
Operating and Travel Expenses	79,566
Attorney Registration	<u>9,378</u>
Subtotal: OSPD	3,710,909
Total	\$3,795,400

Points to Consider

General Fund Impact

1. The Joint Budget Committee has proposed a budget package for FY 2013-14 based on the March 2013 Office of State Planning and Budgeting revenue forecast. The budget package allocates all but approximately \$9.0 million of General Fund revenues projected to be available. Pursuant to S.B. 13-236, this \$9.0 million General Fund will be transferred to the Colorado Water Conservation Board (CWCB) Construction Fund. This bill requires a General Fund appropriation of \$3,795,400 for FY 2013-14 and thus will reduce the transfer to the CWCB Construction Fund by that amount. For FY 2014-15, the bill is anticipated to require a General Fund appropriation of \$7,732,939.

Future Budget Processes

2. As described on pages two and three of the attached Fiscal Note, this bill is expected to increase the workload and expenditures of the Office of the Alternate Defense Counsel (OADC). However, it is not possible to determine the number of cases that will require OADC representation as a result of an OSPD conflict of interest. Thus, any such impact will need to be addressed through the annual budget process.

Local Fiscal Impact

3. As described on page four of the attached Fiscal Note, this bill is expected to significantly increase workloads in local district attorneys' offices and could result in some defendants spending more time in county jails awaiting trial while they apply for a public defender.