



**Colorado
Legislative
Council
Staff**

Bill 11

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 18-0307
Prime Sponsor(s):

Date: October 31, 2017
Bill Status: Sentencing in the Criminal Justice System Interim Study Committee Bill Request

Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: EXTRAORDINARY MITIGATING CIRCUMSTANCES

Fiscal Impact Summary	FY 2018-2019	FY 2019-2020
State Revenue		
State Expenditures General Fund	Potential workload increase and expenditure decrease.	
Appropriation Required: None.		
Future Year Impacts: Ongoing potential workload increase and expenditure decrease.		

Summary of Legislation

Requested by the Sentencing in the Criminal Justice System Interim Study Committee, this bill clarifies the application of extraordinary mitigating circumstances in criminal sentencing. Under current law, a court may impose a sentence of incarceration to the Department of Corrections (DOC) for as low as one half of the presumptive range for that level of felony offense if it finds extraordinary mitigating circumstances exist. Bill 11 requires a finding that extraordinary mitigating circumstances exist if the court determines that a sentence in the presumptive range would result in substantial injustice to the defendant and is not necessary for the protection of the public.

State Expenditures

Beginning in FY 2018-19, this bill increases workload and may reduce General Fund costs for the Department of Corrections.

Judicial Department. By expanding judicial discretion in sentencing in certain circumstances, the bill increases workload for the trial courts if additional findings are required. To the extent that this occurs, workload for the trial courts and for offices that provide representation to indigent offenders (Office of the State Public Defender and Office of the Alternate Defense Counsel) will be increased. Because these cases are rare, the fiscal note assumes no changes in appropriations are required for any agency of the Judicial Department.

Department of Corrections. To the extent that this bill results in shorter sentences to prison, future General Fund costs in the DOC will be reduced. For informational purposes, it currently costs the DOC about \$22,000 per year to house an offender in a private prison and about \$38,000 in a state-operated prison. The fiscal note assumes that any reductions in appropriations as a result of the bill will be addressed through the annual budget process.

Local Government Impact

Similar to the state, if enhanced judicial discretion results in the need for additional or longer hearings to make findings concerning mitigating factors, workload for district attorneys will increase. This analysis assumes any such increases in workload are minimal.

Effective Date

The bill takes effect July 1, 2018, and applies to offenses committed on or after this date.

State and Local Government Contacts

Judicial
Corrections

District Attorneys
Information Technology