



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 24-0140	Date:	February 14, 2024
Prime Sponsors:	Rep. Duran; Lynch Sen. Fields; Gardner	Bill Status:	House Judiciary
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Bill Topic: **CONSTITUTIONAL BAIL EXCEPTION FIRST DEGREE MURDER**

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The concurrent resolution refers a constitutional amendment to Colorado voters that, if approved, would make first degree murder an unbailable offense. The resolution increases election-related expenditures in FY 2024-25. If approved, the resolution may increase state and local workload.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced resolution.

Summary of Legislation

This concurrent resolution refers a constitutional amendment to Colorado voters that, if approved, would make an exception to the right to bail for first degree murder cases when proof is evident or presumption is great. The amendment would appear on the November 2024 ballot.

Background

The Colorado Supreme Court [ruled](#) in *People v. Smith* (2023) that the district court “abused its discretion when it treated the charge of first degree murder as a capital offense and then denied the defendant’s request for bail.” In the opinion of the court, a “capital offense” refers to offenses that authorizes the imposition of the death penalty, which the General Assembly repealed in [Senate Bill 20-100](#).

State Expenditures

This resolution will impact election-related costs and, if approved by voter, criminal justice-related costs, as described below.

Election expenditure impact—existing appropriations. This bill includes a referred measure that will appear before voters at the November 2024 general election. While no additional appropriation is required, certain election costs are incurred by the state when ballot measures are referred. These include reimbursing counties for increased election costs; publishing the text and title of the measure in newspapers across the state; and preparing and mailing the Blue Book.

Criminal justice costs. As discussed in the fiscal note for [House Bill 24-1225](#), which implements statutory changes in line with the constitutional changes in this resolution, workload in the trial courts and the independent judicial agencies that represent indigent offenders will increase to conduct more hearings to determine if proof is evident or the presumption is great in first degree murder cases. Due to the time-intensive nature of first-degree murder charges, and the assumption that hearings addressing bail in these cases will be infrequent, any workload increase is assumed to be minimal. These impacts are conditional upon voter approval of the referred measure created by this resolution.

Local Government

Similar to the state, if the referred measure is approved by voters, workload for district attorney offices will increase to attend longer hearings. The fiscal note assumes that any increase in workload will be minimal.

Effective Date

If approved by voters at the 2024 general election, this measure takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed.

State and Local Government Contacts

District Attorneys

Judicial

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).