

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0247.01 Richard Sweetman x4333

HOUSE BILL 18-1131

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Crowder and Fields,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROGRAM TO FACILITATE CONDUCTING JUDICIAL**
102 **PROCEEDINGS VIA NETWORKING TECHNOLOGY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. The bill directs the division of criminal justice (division) within the department of public safety (department), in consultation with the office of the state court administrator, to operate a program that implements telephonic or internet-based networking software to let county courts and district courts

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 4, 2018

conduct judicial procedures with remote participants.

The bill sets forth a timeline by which the division shall first solicit requests for proposals from prospective software vendors and then select and contract with one or more software vendors for the purposes of the program.

The bill requires the executive director of the department to promulgate rules for the administration of the program.

The bill requires the public utilities commission (PUC) to report to the division on or before November 1, 2018, to:

- ! Identify areas of the state that are relatively lacking in internet connectivity and infrastructure; and
- ! Make any recommendations the PUC may have concerning the implementation of the program.

In implementing the program, the division shall consider the PUC's report and prioritize the implementation of the program in areas of the state that are relatively lacking in internet connectivity and infrastructure.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add 13-3-117** as
3 follows:

4 **13-3-117. Telejustice program created - purpose - rules - fund.**

5 (1) ON AND AFTER SEPTEMBER 1, 2019, THE [REDACTED] OFFICE OF THE STATE
6 COURT ADMINISTRATOR SHALL OPERATE A PROGRAM, REFERRED TO IN THIS
7 SECTION AS THE "TELEJUSTICE PROGRAM", THAT IMPLEMENTS TELEPHONIC
8 OR INTERNET-BASED NETWORKING SOFTWARE TO LET MUNICIPAL COURTS,
9 COUNTY COURTS, AND DISTRICT COURTS OF THE STATE CONDUCT
10 HEARINGS AND OTHER JUDICIAL PROCEDURES WITH REMOTE
11 PARTICIPANTS. THE TELEJUSTICE PROGRAM MUST PROVIDE A TWO-WAY
12 AUDIO AND VIDEO CONNECTION THAT ALLOWS PARTICIPANTS TO SEE AND
13 COMMUNICATE VERBALLY WITH EACH OTHER. THE PURPOSE OF THE
14 TELEJUSTICE PROGRAM IS TO ALLOW FOR DEFENDANTS TO APPEAR AT
15 CERTAIN COURT PROCEEDINGS VIA THE USE OF INTERACTIVE AUDIOVISUAL
16 DEVICES, SUBJECT TO THE PROVISIONS OF THE COLORADO CONSTITUTION

1 AND THE COLORADO RULES OF CRIMINAL PROCEDURE. IT IS PRESUMED
2 THAT THE PHYSICAL PRESENCE OF THE DEFENDANT IS REQUIRED AT ALL
3 COURT PROCEEDINGS EXCEPT IN THOSE LIMITED CIRCUMSTANCES WHEN
4 THE RIGHTS OF THE DEFENDANT AND THE FAIR ADMINISTRATION OF
5 JUSTICE WILL NOT BE COMPROMISED BY THE USE OF AN INTERACTIVE
6 AUDIOVISUAL DEVICE. ■ ■

7 (2) (a) THE TELEJUSTICE PROGRAM CASH FUND, REFERRED TO IN
8 THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE
9 TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL
10 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

11 (b) IN ACCORDANCE WITH SECTION 24-36-114 (1), THE STATE
12 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
13 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE GENERAL FUND.

14 (c) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND
15 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL
16 YEAR TO THE GENERAL FUND.

17 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
18 ASSEMBLY, THE STATE COURT ADMINISTRATOR MAY EXPEND MONEY FROM
19 THE FUND FOR THE PURPOSES DESCRIBED IN THIS SECTION. THE
20 MUNICIPALITIES OF EACH MUNICIPAL COURT, IF THEY CHOOSE TO
21 PARTICIPATE IN THE TELEJUSTICE PROGRAM AT THEIR DISCRETION, ARE
22 RESPONSIBLE FOR THE COSTS OF INSTALLING AND MAINTAINING SOFTWARE
23 AND EQUIPMENT COMPATIBLE WITH THE TELEPHONIC OR INTERNET-BASED
24 SOFTWARE USED BY THE COUNTY COURTS AND DISTRICT COURTS.

25 (3) (a) IN DETERMINING WHETHER A PROCEEDING IS ONE AT WHICH
26 THE USE OF AN INTERACTIVE AUDIOVISUAL DEVICE IS REASONABLE AND
27 APPROPRIATE IN LIGHT OF THE PRESUMPTION THAT THE DEFENDANT

1 SHOULD BE PHYSICALLY PRESENT AT COURT HEARINGS, THE COURT SHALL:

2 (I) COMPLY WITH ANY RELEVANT RULE OF CRIMINAL PROCEDURE
3 AND ANY CONSTITUTIONAL LIMITATIONS; AND

4 (II) ENSURE THAT DEFENSE COUNSEL HAS AN OPPORTUNITY TO BE
5 HEARD, IF THE DEFENDANT OBJECTS.

6 (b) IF AN INTERACTIVE AUDIOVISUAL DEVICE WILL BE USED, THE
7 COURT SHALL ALLOW COUNSEL SUFFICIENT OPPORTUNITY TO CONSULT
8 WITH THE DEFENDANT PRIOR TO ANY HEARING.

9 (4) NOTHING IN THIS SECTION REQUIRES THE DIVISION OF YOUTH
10 SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES TO UTILIZE THE
11 TELEJUSTICE PROGRAM. ■ ■ ■

12 **SECTION 2.** In Colorado Revised Statutes, 24-72-402, **amend**
13 (5)(ll) and (5)(mm); and **add** (5)(nn) as follows:

14 **24-75-402. Cash funds - limit on uncommitted reserves -**
15 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
16 any provision of this section to the contrary, the following cash funds are
17 excluded from the limitations specified in this section:

18 (ll) The technology advancement and emergency fund created in
19 section 24-37.5-115; ~~and~~

20 (mm) The division of youth services pilot program cash fund
21 created in section 19-2-203 (4); AND

22 (nn) THE TELEJUSTICE PROGRAM CASH FUND CREATED IN SECTION
23 13-3-117.

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2018 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.