

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.

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:

15 (a) ELIMINATE THE TIME AND EXPENSE OF TRANSPORTING
16 DEFENDANTS AND PRISONERS HELD IN JAILS, PRISONS, AND MENTAL

1 HEALTH FACILITIES TO AND FROM PROCEEDINGS AT WHICH THEIR PHYSICAL
2 PRESENCE IS NOT REQUIRED;

3 (b) FACILITATE JUDICIAL PROCEEDINGS IN DISTRICTS AND
4 MUNICIPALITIES WHERE COURT DOCKETS ARE OVERLY FULL; AND

5 (c) ALLOW EXPERT WITNESSES TO TESTIFY. ■ ■

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

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

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

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

24 (3) MUNICIPAL COURTS, COUNTY COURTS, AND DISTRICT COURTS
25 ARE ENCOURAGED TO AVAIL THEMSELVES OF THE TELEJUSTICE PROGRAM
26 FOR PROCEEDINGS AT WHICH THE PHYSICAL PRESENCE OF A DEFENDANT OR
27 A PRISONER IS NOT REQUIRED. HOWEVER, THE COURT RETAINS COMPLETE

1 DISCRETION OVER THE USE OF TECHNOLOGY DESCRIBED IN THIS SECTION,
2 SUBJECT TO CONSTITUTIONAL LIMITATIONS AND ANY RULES
3 PROMULGATED BY THE COLORADO SUPREME COURT.

4 (4) FOR THE PURPOSE OF THIS SECTION, IN DETERMINING WHETHER
5 THE PROCEEDING IS ONE AT WHICH THE PHYSICAL PRESENCE OF THE
6 DEFENDANT OR PRISONER IS NOT REQUIRED, THE COURT SHALL GIVE
7 DEFENDANT'S COUNSEL AN OPPORTUNITY TO BE HEARD. FURTHER, IF THE
8 DEFENDANT'S PHYSICAL PRESENCE IS DETERMINED NOT TO BE REQUIRED,
9 THE COURT SHALL ALLOW COUNSEL THE OPPORTUNITY TO CONSULT WITH
10 THE DEFENDANT CONFIDENTIALLY BEFORE THE HEARING.

11 (5) NOTHING IN THIS SECTION REQUIRES THE DIVISION OF YOUTH
12 SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES TO UTILIZE THE
13 TELEJUSTICE PROGRAM.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 13-1-138 as
15 follows:

16 **13-1-138. Telejustice program encouraged.** TO HELP JAILS,
17 PRISONS, AND MENTAL HEALTH FACILITIES ELIMINATE THE TIME AND
18 EXPENSE OF TRANSPORTING DEFENDANTS AND PRISONERS TO AND FROM
19 PROCEEDINGS AT WHICH THEIR PHYSICAL PRESENCE IS NOT REQUIRED, TO
20 FACILITATE JUDICIAL PROCEEDINGS IN DISTRICTS AND MUNICIPALITIES
21 WHERE COURT DOCKETS ARE OVERLY FULL, AND TO ALLOW EXPERT
22 WITNESSES TO TESTIFY, EACH MUNICIPAL COURT, EACH COUNTY COURT,
23 AND EACH DISTRICT COURT IN THE STATE IS ENCOURAGED TO UTILIZE THE
24 TELEJUSTICE PROGRAM ESTABLISHED WITHIN THE OFFICE OF THE STATE
25 COURT ADMINISTRATOR PURSUANT TO SECTION 13-3-117.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 40-2-130 as
27 follows:

1 **40-2-130. Report to the state court administrator - repeal.**

2 (1) FOR THE PURPOSES OF SECTION 13-3-117, ON OR BEFORE NOVEMBER
3 1, 2018, THE COMMISSION SHALL REPORT TO THE OFFICE OF THE STATE
4 COURT ADMINISTRATOR. THE REPORT MUST:

5 (a) IDENTIFY AREAS OF THE STATE THAT ARE RELATIVELY LACKING
6 IN INTERNET CONNECTIVITY AND INFRASTRUCTURE; AND

7 (b) MAKE ANY RECOMMENDATIONS THE COMMISSION MAY HAVE
8 CONCERNING THE IMPLEMENTATION OF THE PROGRAM DESCRIBED IN
9 SECTION 13-3-117.

10 (2) THIS SECTION IS REPEALED, EFFECTIVE NOVEMBER 1, 2019.

11 **SECTION 4.** In Colorado Revised Statutes, 24-72-402, **amend**
12 (5)(ll) and (5)(mm); and **add** (5)(nn) as follows:

13 **24-75-402. Cash funds - limit on uncommitted reserves -**
14 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
15 any provision of this section to the contrary, the following cash funds are
16 excluded from the limitations specified in this section:

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

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

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

23 **SECTION 5. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

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