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FISCAL NOTE

Drafting Number: LLS 18-0247 **Date:** February 12, 2018
Prime Sponsors: Rep. Michaelson Jenet **Bill Status:** House Judiciary
 Sen. Crowder; Fields **Fiscal Analyst:** Jessika Shipley | 303-866-3528
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Bill Topic: COURT SYSTEM FOR REMOTE PARTICIPATION IN HEARINGS

Summary of Fiscal Impact:

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

The bill directs the Department of Public Safety, in consultation with the Judicial Department, to operate a telejustice program for county and district courts. It requires an ongoing expenditure impact for the Department of Public Safety beginning in FY 2018-19 and a one-time expenditure in the Department of Regulatory Agencies.

Appropriation Summary: The Department of Public Safety requires a General Fund appropriation of \$142,235 and 0.8 FTE for FY 2018-19. The Department of Regulatory Agencies requires a General Fund appropriation of \$7,480, \$4,480 of which will be reappropriated to OIT.

Fiscal Note Status: The fiscal note reflects the introduced bill, which was recommended by the County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee.

Table 1
State Fiscal Impacts Under HB 18-1131

		FY 2018-19	FY 2019-20
Expenditures	General Fund	\$149,745	\$82,575
	Centrally Appropriated	28,840	26,326
	Total	\$178,585	\$114,721
	Total FTE	0.8	1.0

Summary of Legislation

This bill requires the Division of Criminal Justice (DCJ) in the Colorado Department of Public Safety to consult with the Office of the State Court Administrator in the Judicial Branch to operate a telejustice program, which county and district courts are encouraged to use.

The program must implement a telephonic or internet-based networking software to allow county and district courts to conduct hearings and other judicial proceedings remotely. The program is required to provide a two-way audio and video connection that allows participants to see and communicate verbally with each other.

The bill provides a schedule for DCJ to follow in soliciting bids and contracting with a software vendor to create the telejustice program. The executive director of the Department of Public Safety is required, prior to July 1, 2019, to promulgate rules for the administration of the program.

The bill requires the Public Utilities Commission (PUC) in the Department of Regulatory Agencies to report to DCJ by November 1, 2018, as to the areas of the state that are relatively lacking in internet connectivity and infrastructure. The PUC may make recommendations regarding the implementation of the telejustice program. The DCJ, in consultation with the Office of the State Court Administrator, must consider the PUC report when selecting county and district courts to participate in the program.

Finally, the bill creates the Telejustice Program Cash Fund that will consist of money appropriated or transferred by the General Assembly. Subject to annual appropriations, DCJ may expend money from the fund for the operation of the program

Background

Transporting defendants and prisoners to and from judicial proceedings is costly for counties and the Department of Corrections. It can also be a risk to public safety. Additionally, court dockets around the state tend to be overly full, jeopardizing legal requirements for speedy trials.

State Expenditures

This bill will increase expenditures in the Department of Public Safety by at least \$142,235 and 0.8 FTE in FY 2018-19 and at least \$93,068 and 1.0 FTE in FY 2019-20. The PUC will have a one-time expenditure of \$7,480 in FY 2018-19. These costs are shown in Table 2 and explained further below.

**Table 2
Expenditures Under HB 18-1131**

	FY 2018-19	FY 2019-20
Department of Public Safety		
Personal Services	\$61,932	\$82,575
Operating Expenses and Capital Outlay Costs	5,463	950
Other Costs (Mileage, Lodging, Per Diem)	4,870	4,870
RFP Development Consultant	70,000	0
Centrally Appropriated Costs*	28,840	26,326
FTE – Personal Services	0.8	1.0
Department of Regulatory Agencies (PUC)		
Broadband Coverage Consultant	\$7,480	\$0
Total Cost	\$178,585	\$114,721
Total FTE	0.8	1.0

* Centrally appropriated costs are not included in the bill's appropriation.

Assumptions. Year 1 costs and FTE account for the state's annual pay date shift. The fiscal note assumes that the earliest start date for the DCJ analyst would be September 1, 2018, given the effective date of the bill. Additionally, some funds will need to be reappropriated to the Governor's Office of Information Technology (OIT) for their assistance in managing the request for proposal (RFP) process and the eventual selection of a software vendor. These costs have not been estimated and will be handled through the annual budget process.

Department of Public Safety. In order to accomplish the requirements of the bill, DCJ will hire an analyst to conduct a statewide needs assessment of current and potential telejustice programs, manage the RFP process, coordinate the rulemaking process, act as a liaison to assist jurisdictions with technical problems, ensure that the program's teleconferences include appropriate privacy and encryption measures, and manage the contract with the software vendor. The department expects to hire a third-party contractor to develop the specifications for the RFP at an estimated one-time cost of \$70,000.

Judicial Department. The bill requires the Office of the State Court Administrator in the Judicial Department to assist DCJ with the operation of the program. The fiscal note assumes that any consultations will require minimal time and can be accomplished through existing appropriations.

The Judicial Department started an audio/visual project approximately eight years ago that utilizes a contractor, Video Link, to allow courts to communicate with defendants in jails through video conferencing. This capability is available in courtrooms and jails in 42 counties around the state. Based upon the department's experience with these locations, it is estimated that outfitting another 25 locations (that do not currently have any audio/video capabilities) with the proper equipment and upgraded connectivity will cost at least \$1.7 million. Because the bill is silent about the hardware and broadband requirements of the program, this amount has not been included in the appropriation required for the bill, but is included here for informational purposes.

Public Utilities Commission. The bill requires the PUC to report to DCJ by November 1, 2018, as to the areas of the state that are relatively lacking in internet connectivity and infrastructure. This is not something the PUC currently does or has the capacity to do. As such, the commission will contract with a consultant, who will require support from OIT, to conduct a study and compile the report. Assuming the report will simply identify areas of the state that are relatively lacking in broadband coverage rather than going into detail about specific jails and courtrooms, the report can be completed in 40 hours of contract time (at an expected rate of \$75 per hour) and 40 hours of corresponding support from OIT (at a rate of \$112 per hour), for a total one-time cost of \$7,480.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$28,840 in FY 2018-19 and \$26,326 in FY 2019-20.

Local Government

The bill has the potential to both increase and decrease costs for counties. If they are responsible for outfitting jails and courtrooms with equipment for the telejustice program, it would lead to significant cost increases as discussed above in the section on the Judicial Department. Decreases would be realized by those counties participating in the program that did not have to use time and money to transport prisoners to judicial proceedings. An estimate of these cost changes cannot be made at this time.

Technical Note

The bill is silent about which entity will provide the hardware for the telejustice program. Given the requirements of the bill, it could be the Department of Public Safety, the Judicial Branch, or the counties. It was not possible, at the time this fiscal note was written, to determine which entity would be responsible.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 09, 2018, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2018-19, the Department of Public Safety requires a General Fund appropriation of \$142,265 and 0.8 FTE. The Department of Regulatory Agencies requires a General Fund appropriation of \$7,480, \$4,480 of which will be reappropriated to OIT.

State and Local Government Contacts

Corrections
Judicial
Sheriffs

Counties
Public Safety

Information Technology
Regulatory Agencies