



Legislative
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Nonpartisan Services for Colorado's Legislature

HB 18-1131

**REVISED
FISCAL NOTE**

(replaces fiscal note dated February 12, 2018)

Drafting Number: LLS 18-0247
Prime Sponsors: Rep. Michaelson Jenet
 Sen. Crowder; Fields
Date: March 14, 2018
Bill Status: House Appropriations
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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 Office of the State Court Administrator to operate a telejustice program for municipal, county, and district courts. It requires a one-time expenditure in the Department of Regulatory Agencies.

Appropriation Summary: In FY 2018-19, the Department of Regulatory Agencies requires an appropriation of \$3,000.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

**Table 1
State Fiscal Impacts Under HB 18-1131**

		FY 2018-19	FY 2019-20
Expenditures	General Fund	\$3,000	-
	Total	\$3,000	-

Summary of Legislation

This bill requires the Office of the State Court Administrator in the Judicial Department to operate a telejustice program, which municipal, county, and district courts are encouraged to use. The court retains complete discretion over the use of telejustice and must consider specific factors when determining whether a proceeding is one that requires the physical presence of the defendant.

The program must implement a telephonic or internet-based networking software to allow municipal, 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 requires the Public Utilities Commission (PUC) in the Department of Regulatory Agencies to report to Division of Criminal Justice (DCJ) by November 1, 2018, as to the areas of the state that are relatively lacking in internet connectivity and infrastructure. The PUC must make recommendations regarding the implementation of the telejustice 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, the Office of the State Court Administrator may expend money from the fund for the operation of the program. Municipalities that choose to participate in the program are responsible for the costs of installing and maintaining necessary software and equipment.

State Expenditures

Public Utilities Commission. The bill requires the PUC to report to the Office of the State Court Administrator 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 and work with Office of Information Technology (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) for a total one-time cost of \$3,000. The fiscal note assumes that OIT will take the lead on the report, which will increase OIT's workload, but can be accomplished within existing appropriations.

Judicial Department. The bill requires the Office of the State Court Administrator to operate the telejustice program. 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. Any expansion of the program is permissive and will be addressed through the regular budget process.

The bill will require some new hearings on the question of whether a proceeding is one in which the defendant does not need to appear in person; however, the Colorado Supreme Court has already defined when the defendant's presence is not required, when the defendant cannot be compelled to appear by video-conferencing, and what types of hearing for which the defendant must give written consent. Therefore, additional hearing time is expected to be minimal and will be accomplished within existing resources.

Local Government

The bill has the potential to both increase and decrease costs for counties and municipalities. If they choose to outfit jails and courtrooms with equipment for the telejustice program, it will lead to significant cost increases. 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.

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 Regulatory Agencies requires a General Fund appropriation of \$3,000.

State and Local Government Contacts

Counties
Judicial
Sheriffs

District Attorneys
Municipalities

Information Technology
Regulatory Agencies