



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 18-0802 Date: February 7, 2018
Prime Sponsors: Rep. Lawrence Bill Status: House SVMA
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Bill Topic: JUDICIAL ADMIN AND BUDGET RECORDS SUBJECT TO CORA

- Summary of Fiscal Impact: State Revenue, State Expenditure (minimal), State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill makes administrative and budget records of the Judicial Department subject to the Colorado Open Records Act. The bill increases Judicial Department workload by a minimal amount on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill makes administrative and budget records of the Judicial Department subject to the Colorado Open Records Act (CORA) by including them in the definition of a public record.

Background

Under current law, CORA requires that state agencies allow the public to inspect documents and records, with certain exceptions. Under CORA, state agencies must produce a record for inspection within a reasonable period of time, which is usually three days. Statute defines public records to include all writings made, maintained, or kept by the state, any agency, institution, political subdivision of the state, local government-financed entity, or nonprofit corporation incorporated by a state supported higher education institution's governing board.

Currently, the Judicial Department is exempt from CORA. The Colorado Supreme Court adopted the Public Access to Administrative Records of the Judicial Branch rule in 2015, with modifications made in 2016. The rule is patterned after CORA with some exceptions. The rule allows access to certain types of records to be denied, such as allowing the inspection of e-mail addresses of employees, licensing and certification information, and individual signatures. It also prohibits the release of certain types of information that are specific to the Judicial Department, such as records that reveal a crime victim's confidential personal information, public service supervision files, juror records, search warrants that do not have a return of service, and individual responses to surveys conducted with respect to performance evaluations, among others. Under the rule, budgetary and other records are posted on the Judicial Department website.

## State Expenditures

The bill may increase workload for Judicial Department agencies by a minimal amount to determine whether a request for information falls under Judicial rule or CORA and to respond accordingly. This workload increase is minimal and does not require an increase in appropriations for any agency within the Judicial Department.

## Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

## State and Local Government Contacts

Information Technology

Judicial

Personnel