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REVISED FISCAL NOTE

(replaces fiscal note dated January 30, 2019)

Drafting Number: LLS 19-0729 Date: February 25, 2019
Prime Sponsors: Sen. Lee; Gardner Bill Status: House Second Reading
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Bill Topic: INCREASING NUMBER OF DISTRICT COURT JUDGES

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

This bill increases the number of district court judges statewide by 15. This bill increases state and local government expenditures on an ongoing basis.

Appropriation Summary: For FY 2019-20, this bill requires a General Fund appropriation of \$7.4 million to the Judicial Department.

Fiscal Note Status: This fiscal note has been revised to reflect the reengrossed bill as amended by the House Appropriations Committee.

Table 1
State Fiscal Impacts Under SB 19-043

Table with 3 columns: Category, FY 2019-20, FY 2020-21. Rows include Revenue, Expenditures (General Fund, Total FTE), Transfers, and TABOR Refund.

Summary of Legislation

Subject to available appropriations, this bill increases the number of district court judges by a total of 15.0 district court judges in several districts as shown in Table 2. Of the additional 15 judges, 7 start on July 1, 2019, and 8 start on January 1, 2020. This bill also creates an outreach and education position in the Office of the State Court Administrator and requires the office to submit a report annually to the General Assembly on case management statistics by judicial district from the previous year.

**Table 2
District Court Judges Added by SB19-043**

District	Counties in the District	Judges Added by SB19-043	Total Judges in District with SB19-043
1st Judicial District	Gilpin, Jefferson	1.0	14.0
2nd Judicial District*	Denver	4.0	27.0
4th Judicial District*	El Paso, Teller	2.0	24.0
8th Judicial District*	Larimer, Jackson	1.0	9.0
10th Judicial District	Pueblo	1.0	8.0
13th Judicial District	Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma	1.0	5.0
17th Judicial District*	Adams, Bromfield	1.0	16.0
18th Judicial District*	Arapahoe, Douglas, Elbert Lincoln	1.0	24.0
19th Judicial District*	Weld	2.0	11.0
21st Judicial District	Mesa	1.0	6.0
Total		15.0 FTE	144.0 FTE

* Judges will start on January 1, 2020, in the 2nd (2 judges), 4th (1 judge), 8th (1 judge), 17th (1 judge), 18th (1 judge) and 19th (1 judge) judicial district.

State Expenditures

For FY 2019-20, this bill increases state General Fund expenditures by \$7.4 million, including \$6.1 million and 39.7 FTE in the Judicial Department and \$1.3 million and 14.0 FTE in the Office of the State Public Defender. For FY 2020-21 and thereafter, this bill increases state General Fund expenditures by \$8.3 million, including \$6.6 million and 61.0 FTE in the Judicial Department and \$1.7 million and 19.9 FTE in the Office of the State Public Defender. These impacts are discussed below. Costs are summarized in Table 3 and a full FTE breakdown for each agency is provided in Table 4.

**Table 3
Expenditures Under SB 19-043**

Cost Components	FY 2019-20	FY 2020-21
Judicial Department		
Personal Services	\$3,656,978	\$5,574,751
Operating Expenses and Capital Outlay Costs	\$428,888	\$145,060
Courtroom Furnishing	\$1,393,785	-
Centrally Appropriated Costs	\$591,103	\$905,414
FTE – Personal Services	39.7 FTE	61.0 FTE
Judicial Department (Subtotal)	\$6,070,754	\$6,625,225
Office of the State Public Defender		
Personal Services	\$847,159	\$1,196,136
Operating Expenses and Capital Outlay Costs	\$109,940	\$21,185
Centrally Appropriated Costs*	\$389,878	\$479,768
FTE – Personal Services	14.0 FTE	19.9 FTE
Office of the State Public Defender (Subtotal)	\$1,346,977	\$1,697,089
Total	\$7,417,731	\$8,322,314
Total FTE	53.7 FTE	80.9 FTE

**Table 4
Total Judicial and OSPD Staffing Requirements Under SB19-043 (FY 2020-21)**

District	Judges FTE	Judge Support Staff FTE	Public Defender FTE	Public Defender Support Staff FTE	Total FTE
Office of the State Court Administrator	-	1.0	-	-	1.0
1st Judicial District	1.0	3.0	-	-	4.0
2nd Judicial District	4.0	12.0	2.0	1.3	19.3
4th Judicial District	2.0	6.0	2.0	1.3	11.3
8th Judicial District	1.0	3.0	2.0	1.3	7.3
10th Judicial District	1.0	3.0	-	-	4.0
13th Judicial District	1.0	3.0	1.0	0.7	5.7
17th Judicial District	1.0	3.0	1.0	0.7	5.7
18th Judicial District	1.0	3.0	1.0	0.7	5.7
19th Judicial District	2.0	6.0	2.0	1.3	11.3
21st Judicial District	1.0	3.0	1.0	0.6	5.6
Total	15.0 FTE	46.0 FTE	12.0 FTE	7.9 FTE	80.9 FTE

Staffing impacts for FY 2019-20 are prorated for the General Fund paydate shift and are not reflected in Table 4.

Judicial Department. Each district court judge requires 3.0 FTE for support staff for a court clerk, law clerk, and court reporter. Therefore, by adding 15 district court judges this bill increases Judicial Department staffing by a total of 60 FTE including; 15 district court judges and 45 support staff as shown in Table 4. Costs in FY 2019-20 are prorated for the General Fund paydate shift and for a January 1, 2020 start date for 8.0 judges and 24.0 support FTE. Standard judge operating and capital outlay costs for judges are included for each of the 15 judges and includes law library materials, travel expenses, judge robe expenditures, and computer hardware and software. Costs are also included for courtroom furnishings for the judge chambers, law library, jury room, and conference room for each of the 15 judges. These costs are based on the Judicial Department common policy costs. Standard operating and capital outlay costs for state employees are included for each support staff FTE.

This bill also creates a position in the Office of the State Court Administrator to conduct outreach and provide educational resources and training to attorneys and law school students on the judgeship vacancy and application process. This position is required to report annually to the Chief Justice of the Supreme Court and the General Assembly from October 1, 2020 to 2031, at which time the position is repealed. The Judicial Department requires 1.0 FTE for this position and this fiscal note includes standard operating, capital outlay, and training costs, which are prorated in FY 2019-20, for the General Fund paydate shift.

Office of the State Public Defender. This bill increases the number of criminal court dockets that must be staffed by public defenders to ensure availability of counsel for indigent offenders. As a result, the Office of the State Public Defender requires a total of 12.0 Public Defenders and 7.9 support staff FTE including an investigator, legal assistant, and administrative assistant. Standard operating and capital outlay costs are included and costs in FY 2019-20 are prorated for the General Fund paydate shift and a January 1, 2020 start date for 5.0 Public Defender FTE and 3.4 support staff FTE. This is based on the expected docket assignments for the new judges, should additional public defender staffing be needed, this analysis assumes additional appropriations will be requested through the annual budget process.

Centrally appropriated costs. Pursuant to fiscal note and Joint Budget Committee policy centrally appropriated costs for bills involving more than 20 FTE are appropriated in the bill, rather than through the annual budget process. These costs, which include employee insurance and supplemental employee retirement payments for the Judicial Department and the Office of the State Public Defender, as well as leased space for the Office of the State Public Defender are estimated to total \$1.0 million in FY 2019-20 and \$1.4 million in FY 2020-21 as shown in Table 5.

**Table 5
Expenditures Under SB 19-043**

Cost Components	FY 2019-20	FY 2020-21
Judicial Department		
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$317,587	\$487,924
Supplemental Employee Retirement Payments	\$273,515	\$417,490
Judicial Department (Subtotal)	\$591,102	\$905,414
Office of the State Public Defender		
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$139,297	\$197,987
Supplemental Employee Retirement Payments	\$75,741	\$106,941
Leased Space	\$174,840	\$174,840
Office of the State Public Defender (Subtotal)	\$389,878	\$479,768
Total	\$980,980	\$1,385,182

Local Government

Beginning in FY 2019-20, this bill increases district attorney, court security, and court facility costs for counties as shown in Table 6 and described below. Some costs in the 2nd, 4th, 8th, 17th, 18th, and 19th judicial district will be prorated based on a judge start date of January 1, 2020.

**Table 6
County Costs by Judicial District Under SB 19-043**

District	Deputy District Attorneys	District Attorney Support Staff	Sheriff Deputies	Estimated court facility costs
1st Judicial District	-	-	1	\$644,000
2nd Judicial District	4	2	4	\$3,200,000
4th Judicial District	4	2	2	\$1,284,180
8th Judicial District	2	1	1	at least \$2,500,000
10th Judicial District	2	1	1	\$100,000
13th Judicial District	2	1	1	\$100,000
17th Judicial District	2	1	1	\$100,000
18th Judicial District	2	1	1	\$100,000
19th Judicial District	4	2	2	\$176,000
21st Judicial District	2	1	1	\$100,000
Total	24.0 FTE	12.0 FTE	15.0 FTE	at least \$8,304,180

District Attorneys. Generally, 2 district attorneys are required for each criminal court docket and it is assumed there will be 12 new criminal court dockets; therefore, this bill increases the number of deputy district attorneys required by 24 FTE. In addition, 1.0 FTE for support staff is needed for each additional criminal court docket. It is assumed that each district attorney will cost \$100,000 and that each support staff will cost \$70,000.

Sheriffs — Court Security. By adding 15 new judges, this bill increases county sheriff court security costs for one sheriff deputy to provide court security in the courtroom. Due to the need to have one deputy in each court, it is assumed each district will need 1.0 FTE for a sheriff deputy for each new judge to ensure proper courtroom coverage. It is assumed that each new deputy position will cost \$85,000.

Court facilities. The addition of 15 new district judges increases county court facility costs for courtroom building and remodeling, office space, staff relocations, and for other minor updates which include audio, video and other equipment, courtroom or office wiring, and security upgrades as shown in Table 6. Costs are projected to range from \$644,000 to \$3,200,000 for courtroom remodeling, office space, and staff relocations. Costs for minor upgrades are estimated between \$100,000 and \$178,000.

Effective Date

The bill takes effect July 1, 2019.

State Appropriations

For FY 2019-20, this bill requires and includes a General Fund appropriation of \$7,417,731 and an allocation of 53.7 FTE to the Judicial Department. Of this amount, \$6,070,754 and an allocation of 39.7 FTE should be appropriated to the trial courts and \$1,346,976 and an allocation of 14.0 FTE should be appropriated to the Office of the State Public Defender.

State and Local Government Contacts

Alternate Defense Counsel
Counties
Information Technology
Law
Office of Respondent Parents' Counsel
Public Defender

Child Protection Ombudsman
District Attorneys
Judicial
Local Affairs
Office of The Child's Representative
Sheriffs