

CHAPTER 269

APPROPRIATIONS

SENATE BILL 95-182

BY SENATORS Lacy, Blickensderfer, and Rizzuto;
also REPRESENTATIVES Grampas, Owen, Romero, Hernandez, and Swenson.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE JUDICIAL DEPARTMENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part IX of section 2 of chapter 354, Session Laws of Colorado 1994, is amended to read:

SECTION 2. Appropriation.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART IX
JUDICIAL DEPARTMENT**

(1) SUPREME COURT

Personal Services	1,915,386	1,915,386				
		(38.0 FTE)				
Operating Expenses	49,393	29,443		19,950 ^a		
	67,443			38,000 ^a		
Grievance Committee ⁷⁵	2,092,000			1,747,634 ^b	344,366 ^c	
	(27.9 FTE)					
Continuing Legal Education ⁷⁵	245,000			220,000 ^b	25,000 ^d	
	(3.8 FTE)					
Law Examiner Board ⁷⁵	630,000			500,000 ^e	130,000 ^f	
	(8.5 FTE)					
Law Library	410,000			410,000 ^g		
				360,000 ^g	50,000 ^h	
				(1.0 FTE)		
	<u>5,341,779</u>					

^a This amount shall be from ~~copier machine receipts~~: FEES.

^b These amounts shall be from annual attorney registration fees and other fees. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^c This amount shall be from reserves in the Attorney Registration Fund.

^d This amount shall be from reserves in the Continuing Legal Education Fund.

^e This amount shall be from law examination application fees and other fees. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^f This amount shall be from reserves in the Law Examiner Board Fund.

^g This amount shall be from new attorney registration fees and appellate court filing fees. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^h THIS AMOUNT SHALL BE FROM THE LAW LIBRARY FUND. FOR PURPOSES OF COMPLYING WITH THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY ARTICLE X, SECTION 20 OF THE STATE CONSTITUTION, THESE MONEYS ARE INCLUDED FOR INFORMATIONAL PURPOSES AS THEY ARE CONTINUOUSLY APPROPRIATED BY A PERMANENT STATUTE OR CONSTITUTIONAL PROVISION.

(2) COURT OF APPEALS

Personal Services	3,990,496		3,990,496	
			(79.0 FTE)	
Operating Expenses	<u>71,197</u>		69,772	1,425 ^a
		4,061,693		

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(3) COURTS ADMINISTRATION							
(A) Administration ⁷⁶							
Personal Services	1,890,441		1,890,441				
			(37.7 FTE)				
Operating Expenses	214,380		214,380				
Americans with Disabilities							
Act Modifications	82,000				82,000 (T) ^a		
County Courthouse							
Furnishings ⁷⁷	<u>269,775</u>		269,775				
	2,456,596						

^a This amount shall be from savings elsewhere in the department.

(B) Administrative Special Purpose

Group Health and Life	4,168,787		3,840,224	159,602 ^a	168,961 (T) ^b
Short-term Disability	114,584		109,618	894 ^c	4,072 (T) ^b
Salary Survey and					
Anniversary Increases	3,313,517		3,122,918	68,193 ^a	122,406 (T) ^b

Workers' Compensation	1,080,553	1,064,131	3,613 ^c	12,809 (T) ^b
Legal Services	123,682	123,682		
Payment to Risk Management and Property Funds	222,960	219,838	531 ^c	2,591 (T) ^b
Leased Space	170,000	170,000		
Lease Purchase	94,561	94,561		
Administrative Purposes	286,655 311,655	286,655	25,000 ^h	
		(2.3 FTE)		
Judicial Conference	72,642	72,642		
Retired Judges	43,335	43,335		
Appellate Reports Publication	68,040	68,040		
Office of Dispute Resolution	320,437		320,437 ^g	
RESOLUTION ^{77a}	370,000		370,000 ^d	
			(4.3 FTE)	
Alimony and Support	690,304	394,600	270,000 ^e	25,704 ^f
Judicial Performance	26,283	15,183		11,100 ^g
Child Support Enforcement	17,604	17,604		
	10,813,944			
	10,888,507			

^a These amounts shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), C.R.S. and from fees collected by the

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		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

Office of Dispute Resolution pursuant to Section 13-22-305(3), C.R.S.

^b These amounts shall be from the Department of Human Services, Alcohol and Drug Abuse Division.

^c These amounts shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), C.R.S.

^d This amount shall be from fees collected by the Office of Dispute Resolution pursuant to Section 13-22-305(3), C.R.S.

^e This amount shall be from fees available pursuant to Section 13-32-101(1)(a.5)(I), C.R.S.

^f This amount shall be from reserves in the Alimony and Support Fund.

^g This amount shall be from donations collected by the Commission on Judicial Performance pursuant to Section 13-5.5-107, C.R.S.

^h THIS AMOUNT SHALL BE FROM FEES FOR JURY INSTRUCTION COMMITTEES.

(C) Judicial/Heritage Complex

Personal Services	336,590	336,590				
		(3.0 FTE)				
Operating Expenses	59,281	59,281				
	72,321	72,321				
Parking Lot						
Maintenance	<u>4,110</u>			4,110 ^a		
	399,981					
	413,021					

^a This amount shall be from parking receipts.

(D) Integrated Information Services ⁷⁶

(1) Administration

Personal Services 919,859

(16.0 FTE)

Operating Expenses ~~149,684~~

164,684

Purchase of Services

from Computer Center 971,649

Hardware/Software

Maintenance 495,369

~~2,536,561~~

2,536,561

2,551,561

15,000 ^a

^a THIS AMOUNT SHALL BE FROM FEES.

(2) Court Automation Plan ^{78, 79}

Personal Services 202,479

(5.0 FTE)

Contract Services 406,573

Lease Purchase

Payments 1,309,429

Installation/

Maintenance Expenses 520,798

2,439,279

2,439,279

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(3) Probation Automation Plan ⁷⁸							
Contract Services	49,326						
Lease Purchase							
Payments	862,531						
Installation/ Maintenance Expenses	<u>372,830</u>						
	1,284,687		1,284,687				
(4) Appellate Court Systems							
Lease Purchase							
Payments	40,987		40,987				
		19,972,035					
		20,074,638					
(4) TRIAL COURTS							
Personal Services ⁸⁰	51,950,584		51,950,584				
	51,912,857		51,912,857				
			(1,310.7 FTE)				
			(1,309.3 FTE)				
Operating Expenses	2,639,092		2,639,092				

	3,807,151		1,168,059 ^f	
Purchase of Microfilm				
Services	86,400	86,400		
Guardian Ad Litem	4,190,421	4,190,421		
	4,422,470	4,422,470		
Dependency and Neglect	2,951,645	2,951,645		
	3,129,674	3,129,674		
Mental Health	569,814	569,814		
	518,245	518,245		
Other Appointments	300,000	300,000		
	362,133	362,133		
Jury Costs	1,751,287	1,751,287		
	1,663,939	1,663,939		
Court Costs	5,123,800	5,123,800		
	4,766,706	4,766,706		
Office of Court				
Appointed Counsel	32,967	32,967		
		(1.0 FTE)		
Collections				
Investigators	810,897		810,897 ^a	
			(21.3 FTE)	
Involuntary				
Commitments	8,344			8,344 (T) ^b
Sex Offender Surcharge	7,529		7,529 ^c	
Victim Compensation	5,000,000		5,000,000 ^d	
Victim Assistance	5,500,000		5,500,000 ^e	

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		GENERAL FUND	GENERAL FUND \$ EXEMPT	CASH FUNDS	CASH FUNDS \$ EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<u>6,500,000</u>				6,500,000 ^e		
	80,922,780					
	83,029,312					

^a This amount shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), C.R.S.

^b This amount shall be from federal funds appropriated in the Department of Human Services, Alcohol and Drug Abuse Division, pursuant to Section 25-1-1112, C.R.S.

^c This amount shall be from the Sex Offender Surcharge Fund.

^d This amount shall be from the Crime Victim Compensation Fund. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^e This amount shall be from the Victims and Witnesses Assistance and Law Enforcement Fund. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^f THIS AMOUNT SHALL BE FROM FEES. FOR PURPOSES OF COMPLYING WITH THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY ARTICLE X, SECTION 20 OF THE STATE CONSTITUTION, \$748,360 OF THESE MONEYS ARE INCLUDED FOR INFORMATIONAL PURPOSES AS THEY ARE CONTINUOUSLY APPROPRIATED BY A PERMANENT STATUTE OR CONSTITUTIONAL PROVISION.

(5) PROBATION AND RELATED SERVICES ⁹

Personal Services ⁸⁰	22,212,561 22,162,438	22,212,561 22,162,438 (521.0 FTE) (519.3 FTE)		
Female Offender Program ⁸¹	133,408	133,408 (6.0 FTE)		
Operating Expenses Intensive Supervision	916,511	916,511		
Operating Expenses Drug Initiative	141,016	141,016		
Project	140,350	17,000 (M)	18,000 ^a	105,350 (T) ^b
Offender Services ⁸²	447,500 549,493		362,000 ^a	85,500 ^c 187,493 ^c
Electronic Monitoring/ Drug Testing	517,170	517,170		
Juvenile Residential Care	234,000	234,000		
Juvenile Education/ Vocational Services	480,000	480,000		
JUVENILE RESIDENTIAL AND AFTERCARE SERVICES Alcohol/Drug Driving	498,000	498,000		

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Safety Contract Collections	2,826,937					2,826,937 (T) ^d	
Investigators	138,290 157,540				138,290 ^e		
					(4.0 FTE)	19,250 (T) ^b	
Drug Offender Assessment	318,212				318,212 ^f		
					(8.0 FTE)		
		28,505,955 28,361,075					

^a These amounts shall be from the Offender Services Fund pursuant to Section 16-11-214(1), C.R.S.

^b ~~This amount~~ THESE AMOUNTS shall be from federal funds appropriated in the Department of Public Safety, Division of Criminal Justice.

^c ~~This amount~~ OF THIS AMOUNT, ~~\$85,000~~ \$85,500 shall be from reserves in the Offender Services Fund. FUND AND \$101,993(T) SHALL BE FROM FEDERAL FUNDS

APPROPRIATED IN THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE.

^d This amount shall be from the Department of Human Services, Alcohol and Drug Abuse Division pursuant to Section 42-4-1202(5), C.R.S.

^e This amount shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), C.R.S.

^f This amount shall be available pursuant to Section 18-19-103, C.R.S.

(6) PUBLIC DEFENDER ^{83, 83a}

Personal Services ⁸⁰	14,355,890	14,355,890	
	14,331,718	14,331,718	
		(289.7 FTE)	
		(288.9 FTE)	
Group Health and Life	542,508	542,508	
Short-term Disability	27,705	27,705	
Salary Survey and Anniversary Increases	579,933	579,933	
Workers' Compensation	92,669	92,669	
Operating Expenses	873,663	865,663	8,000 ^a
Purchases of Services from			
Computer Center	4,004	4,004	
Vehicle Lease Payments	33,828	33,828	
Leased Space/Utilities	800,148	800,148	
Automation Plan	232,825	232,825	
Contract Services	20,000	20,000	
Conflict of Interest ⁸⁴	5,933,314	5,933,314	
	6,467,979	6,467,979	
Public Defender			
Overload	819,248	819,248	
		(8.0 FTE)	
	<u>24,315,735</u>		
	24,826,228		

^a This amount shall be from training fees.

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\$	\$	\$	\$	\$	\$	\$
TOTALS PART IX						
(JUDICIAL)⁸	\$163,119,977	\$143,275,520		\$15,889,317	\$3,955,140 ⁷	
(JUDICIAL) ^{8,77a}	<u>\$165,712,775</u>	<u>\$143,471,403</u>		<u>\$18,114,989</u>	<u>\$4,126,383^a</u>	

^a Of this amount, ~~\$3,333,470~~ \$3,454,713 contains a (T) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

8 (Governor lined through this provision. See L. 94, p. 3071.)

9 Department of Corrections, Administration and Consolidated Services; Department of Human Services, Alcohol and Drug Abuse Division; Judicial Department, Probation and Related Services; and Department of Public Safety, Division of Criminal Justice, Community Corrections Program Contract Administration -- The Departments referenced are requested to submit a single report on the effectiveness of the funds spent in each program area on alcohol and drug abuse treatment for criminal offenders and other citizens. Such report should include information about the number of clients served and of these served, an estimate of those who are repeat users throughout the systems. The departments are requested to develop common outcome measures so that valid comparisons between the agency programs can be assessed. The Departments are also requested to continue to explore the possibility of a common identifier so that the programs could provide information as to those persons using services from more than one program. This report should be submitted to the Joint Budget Committee no later than November 1, 1994.

75 Judicial Department, Supreme Court, Grievance Committee; Continuing Legal Education; and Law Examiner Board -- These funds, fund balances and FTE are not subject to appropriation by the legislature, pursuant to Article VI, Section 21 of the Colorado Constitution, and are shown here for informational purposes.

76 Judicial Department, Courts Administration, Administration; and Integrated Information Services -- The Judicial Department is requested to revise its weighted caseload system for allocating FTE to adjust for the impact of automation. The Judicial Department is requested to report to the Joint Budget Committee on this matter by October 15, 1994.

77^a JUDICIAL DEPARTMENT, COURTS ADMINISTRATION, ADMINISTRATIVE SPECIAL PURPOSE, OFFICE OF DISPUTE RESOLUTION; AND TOTALS PART IX (JUDICIAL) -- THE JUDICIAL BRANCH IS REQUESTED TO PROVIDE, BY FEBRUARY 1 OF EACH FISCAL YEAR, A REPORT TO THE JOINT BUDGET COMMITTEE ON ANY PROPOSED FEE INCREASES.

77 Judicial Department, Courts Administration, Administration, County Courthouse Furnishings -- These funds shall be used to provide furnishings for those county projects involving remodeling and renovations of existing courthouses, and those projects involving the construction of new county courthouses. These funds shall not be used for the purposes of providing capital outlay for the regular replacement and modernization of Judicial Department equipment and furnishings. The Judicial Department is requested to submit to the Joint Budget Committee and the General Assembly a report detailing the Department's five-year plan for county courthouse furnishing projects, pursuant to Section 13-3-108(3), C.R.S., on or before each November 1.

78 Judicial Department, Courts Administration, Integrated Information Services, Court Automation Plan; and Probation Automation Plan

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-- The Judicial Department may transfer up to a maximum of ten percent of the installation/maintenance expenses appropriations into the contract services appropriations for both the court and probation automation plans.

- 79 Judicial Department, Courts Administration, Integrated Information Services, Court Automation Plan -- The Judicial Department is requested to explore the possibility of allowing court users access to court scheduling information through computer technology. The Judicial Department is encouraged to test such a program and to finance the program through on-line fees collected from the users. The Judicial Department is requested to report to the Joint Budget Committee on this matter by October 15, 1994.
- 80 Judicial Department, Trial Courts, Personal Services; Probation and Related Services, Personal Services; and Public Defender, Personal Services -- Included in these line items is funding for FTE associated with legislation enacted in the First Extraordinary Session of the Fifty-ninth General Assembly. It is the expectation of the General Assembly that if the caseload does not reach the anticipated levels, staff adjustments will be made through a negative supplemental appropriation in FY 1994-95.
- 81 Judicial Department, Probation and Related Services, Female Offender Program -- These funds shall be used to implement a female offender program to concentrate on reducing the number of females sentenced to prison. The Judicial Department is requested to report to the Joint Budget Committee by November 1, 1994, on the methods it will use to determine the success of the program. This report should include a program schedule, outcome measures, and determinants of success.
- 82 Judicial Department, Probation and Related Services, Offender Services -- These funds shall be used for the purposes of offender services such as: Domestic violence evaluation and monitoring, literacy programs, sex offender treatment, and specialized female offender programs. These funds shall not be used for the purposes of satisfying obligations incurred in the normal operations of the Division.
- 83 Judicial Department, Public Defender -- Up to 5 percent of the total Public Defender appropriation may be transferred between budgetary line items in the Public Defender's Office.
- 83a Judicial Department, Public Defender -- The Public Defender is requested to provide an annual report to the General Assembly on both the dollars and the FTE utilized by the office representing defendants who could be sentenced to death. Such report is requested by no later than January 15 of each year.
- 84 Judicial Department, Public Defender, Conflict of Interest -- These funds may be used for court appointed counsel only when there

is a genuine conflict of interest precluding representation by the Public Defender's Office. If a court appoints private counsel for other reasons, such costs shall be paid for from the Trial Courts' Other Appointments appropriation. The Public Defender may not use these funds to provide counsel to address caseload increases, but this restriction shall not apply to caseload increases arising from leave mandated by the federal Family and Medical Leave Act and from staffing problems related to death penalty litigation for the non-Denver metropolitan area offices.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 29, 1995