

CHAPTER 291

APPROPRIATIONS

HOUSE BILL 12-1187

BY REPRESENTATIVE(S) Gerou, Becker, Levy, Labuda, Ryden;
also SENATOR(S) Hodge, Steadman, Lambert.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE JUDICIAL DEPARTMENT.

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

SECTION 1. Appropriation to the judicial department for the fiscal year beginning July 1, 2011. In Session Laws of Colorado 2011, section 2 of chapter 335, (SB 11-209), **amend** Part VIII as follows:

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.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART VIII JUDICIAL DEPARTMENT						
(1) SUPREME COURT/COURT OF APPEALS						
Appellate Court Programs ³³	11,595,223	10,260,577 (122.5 FTE)		1,334,646 ^a (17.5 FTE)		
Attorney Regulation	6,000,000			6,000,000 ^b (40.5 FTE)		
Continuing Legal Education	370,000			370,000 ^c (4.0 FTE)		
State Board of Law Examiners	900,000			900,000 ^d (8.2 FTE)		
Law Library	550,000			500,000 ^e (1.5 FTE)	50,000 ^f	
	<u>19,415,223</u>					

^a Of this amount, \$1,266,646 shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S., and \$68,000 shall be from various fees and other cost recoveries.

^b This amount shall be from annual attorney registration fees established by the Colorado Supreme Court pursuant to the Colorado Rules of Civil Procedure, Chapter 18, Rule 227 for the Attorney Regulation Committee, the Attorney Regulation Counsel, and the Presiding Disciplinary Judge established by the Colorado Rules of Civil Procedure, Chapter 20, Rules 251.2, 251.3, and 251.16. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's constitutional authority.

^c This amount shall be from annual attorney registration fees established by the Colorado Supreme Court pursuant to the Colorado Rules of Civil Procedure, Chapter 18, Rule 227 for the Board of Continuing Legal and Judicial Education established by the Colorado Rules of Civil Procedure, Chapter 20, Rule 260.3. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's constitutional authority.

^d This amount shall be from law examination application fees established by the Colorado Supreme Court pursuant to the Colorado Rules of Civil Procedure, Chapter 18, Rules 201.2 and 201.4. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's constitutional authority.

^e This amount shall be from appellate court filing fees and other fees credited to the Supreme Court Library Fund pursuant to Section 13-2-120, C.R.S. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's constitutional authority.

^f This amount shall be from moneys transferred from the Department of Law.

(2) COURTS ADMINISTRATION

(A) Administration and Technology

General Courts				
Administration	16,043,094	12,068,777	1,923,705 ^a	2,050,612^f
	16,185,094	11,910,777		2,350,612 ^b
		(168.4 FTE)	(20.0 FTE)	(2.0 FTE)
Information Technology				
Infrastructure	4,642,845	853,094	3,789,751^f	
	5,442,845		4,589,751 ^c	
Statewide Indirect Cost				
Assessment	143,285		140,111 ^d	3,174
Departmental Indirect Cost				
Assessment	1,907,327		1,907,327 ^d	
	<u>22,736,551</u>			
	23,678,551			

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

^a Of this amount, an estimated \$1,780,075 shall be from the Judicial Department Information Technology Cash Fund created in Section 13-32-114 (1), C.R.S., and an estimated \$143,630 shall be from various sources of cash funds.

^b Of this amount, an estimated \$1,907,327 shall be from departmental indirect cost recoveries, AN ESTIMATED \$300,000 SHALL BE FROM INDIRECT COST RECOVERIES RELATED TO FEDERAL GRANTS, and an estimated \$143,285 shall be from statewide indirect cost recoveries.

^c This amount shall be from the Judicial Department Information Technology Cash Fund created in Section 13-32-114 (1), C.R.S.

^d These amounts shall be from various fees and cost recoveries.

(B) Central Appropriations

Health, Life, and Dental	18,959,122	17,002,669	1,956,453 ^a
Short-term Disability	349,520	287,955	61,565 ^a
S.B. 04-257 Amortization Equalization Disbursement	5,368,501	4,410,863	957,638 ^a
S.B. 06-235 Supplemental Amortization Equalization Disbursement	4,259,422	3,497,156	762,266 ^a
Workers' Compensation	1,672,725	1,672,725	
Legal Services for 3,000 hours	227,130	227,130	
Purchase of Services from Computer Center	510,537	510,537	

Multiuse Network			
Payments	412,501	412,501	
Payment to Risk			
Management and Property			
Funds	232,018	232,018	
Vehicle Lease Payments	58,443	58,443	
	56,345	56,345	
Leased Space	1,285,765	1,114,285	171,480 ^b
Communication Services			
Payments	12,161	12,161	
Lease Purchase	119,878	119,878	
	<u>33,467,723</u>		
	33,465,625		

^a These amounts shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S., the State Commission on Judicial Performance Cash Fund created in Section 13-5.5-107 (1), C.R.S., the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., the Judicial Department Information Technology Cash Fund created in Section 13-32-114 (1), C.R.S., the Fines Collection Cash Fund created in Section 18-1.3-401 (1) (a) (III) (D), C.R.S., the Drug Offender Surcharge Fund created in Section 18-19-103 (4) (a), C.R.S., and the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301.3 (4) (a), C.R.S.

^b This amount shall be from employee parking fees.

(C) Centrally Administered Programs

Victim Assistance	16,375,000	16,375,000 ^a	
Victim Compensation	12,175,000	12,175,000 ^b	
Collections Investigators	5,179,351	4,281,810 ^c	897,541 ^d
		(83.2 FTE)	
Problem-solving Courts	2,343,417	1,561,293 ^c	782,124
		(21.7 FTE)	(11.0 FTE)

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Language Interpreters	3,671,284		3,384,784 (25.0 FTE)		286,500 ^f		
Courthouse Security	3,864,989				3,864,989 ^g (1.0 FTE)		
Courthouse Capital/ Infrastructure Maintenance	473,526				473,526 ^e		
Senior Judge Program	1,500,000		1,500,000				
Office of Judicial Performance Evaluation	920,955				920,955 ^h (2.0 FTE)		
Family Violence Justice Grants	675,000		458,430		216,570 ⁱ		
Family-friendly Court Program	375,000				375,000 ^j (0.5 FTE)		
Child Support Enforcement	90,900		30,904			59,996 ^k (1.0 FTE)	
	<u>47,644,422</u>						

^a This amount shall be from the Victims and Witnesses Assistance and Law Enforcement (VALE) Fund established in the office of the court administrator of each judicial district pursuant to Section 24-4.2-103 (1), C.R.S. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's constitutional authority.

^b This amount shall be from the Crime Victim Compensation Fund established in the office of the court administrator of each judicial district pursuant to Section 24-4.1-117 (1), C.R.S. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's constitutional authority.

^c Of this amount, an estimated \$2,800,000 shall be from the Judicial Collection Enhancement Fund created in Section 16-11-101.6 (2), C.R.S., an estimated \$1,200,000 shall be from the Fines Collection Cash Fund created in Section 18-1.3-401 (1) (a) (III) (D), C.R.S., and an estimated \$281,810 shall be from various fees and cost recoveries.

^d This amount shall be from local Victims and Witnesses Assistance and Law Enforcement (VALE) funds established pursuant to Section 24-4.2-103 (1), C.R.S., and transferred from the Trial Courts section.

^e These amounts shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S.

^f Of this amount, \$236,500 shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S., and \$50,000 shall be from various fees, cost recoveries, and grants.

^g This amount shall be from the Court Security Cash Fund created in Section 13-1-204 (1) (a), C.R.S.

^h This amount shall be from the State Commission on Judicial Performance Cash Fund created in Section 13-5.5-107 (1), C.R.S.

ⁱ This amount shall be from the Family Violence Justice Fund created in Section 14-4-107 (1), C.R.S.

^j This amount shall be from the Family-friendly Court Program Cash Fund created in Section 13-3-113 (6), C.R.S.

^k This amount shall be from federal funds transferred from the Department of Human Services.

(D) RALPH L. CARR COLORADO JUDICIAL CENTER

OPERATING EXPENSES	120,105	120,105 ^a
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^a THIS AMOUNT SHALL BE FROM THE JUSTICE CENTER CASH FUND CREATED IN SECTION 13-32-101 (7) (a), C.R.S.

103,848,696
104,908,703

(3) TRIAL COURTS

Trial Court Programs ³³	120,998,717	91,937,301 (1,429.8 FTE)	27,961,416 ^a (318.8 FTE)	1,100,000 ^b
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Court Costs, Jury Costs, and Court-appointed Counsel	15,594,352		15,109,352		485,000 ^c		
District Attorney Mandated Costs	2,198,494		2,073,494		125,000 ^c		
Federal Funds and Other Grants	2,900,000				975,000 ^c (3.0 FTE)	300,000 ^d (6.0 FTE)	1,625,000 (5.0 FTE)
		141,691,563					

^a Of this amount, an estimated \$25,286,416 shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S., an estimated \$2,600,000 shall be from various fees and other cost recoveries, an estimated \$65,000 shall be from the sale of jury pattern instructions, and an estimated \$10,000 shall be from the Water Adjudication Cash Fund created in Section 37-92-309 (4) (a), C.R.S.

^b This amount shall be from federal child support enforcement funds transferred from the Department of Human Services.

^c These amounts shall be from various fees, cost recoveries, and grants.

^d This amount shall be from federal funds transferred from the Department of Public Safety and the Department of Human Services.

(4) PROBATION AND RELATED SERVICES^{1a}

Probation Programs	74,873,947		64,273,680 (976.5 FTE)		10,600,267 ^a (153.9 FTE)		
Offender Treatment and Services	17,499,136				10,619,290 ^b	6,879,846 ^c	

S.B. 03-318 Community Treatment Funding	2,200,000	2,200,000		
H.B. 10-1352 Appropriation to Drug Offender Surcharge Fund	6,156,118	6,156,118		
S.B. 91-94 Juvenile Services	1,906,837		1,906,837 ^d	(25.0 FTE)
Day Reporting Services	393,078	393,078		
Victims Grants	650,000		650,000 ^e	(6.0 FTE)
Federal Funds and Other Grants	5,600,000		1,950,000 ^f	850,000 ^g
			(2.0 FTE)	(18.0 FTE)
	<u>109,279,116</u>			(13.0 FTE)

^a Of this amount, an estimated \$4,964,014 shall be from the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., an estimated \$4,795,414 shall be from the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301.3 (4) (a), C.R.S., an estimated \$702,114 shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4) (a), C.R.S., an estimated \$80,000 shall be from various fees and cost recoveries, and an estimated \$58,725 shall be from the Offender Identification Fund created in Section 24-33.5-415.6 (1), C.R.S.

^b Of this amount, an estimated \$9,097,255 shall be from the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., an estimated \$1,010,006 shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4) (a), C.R.S., an estimated \$302,029 shall be from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S., and an estimated \$210,000 shall be from various fees and cost recoveries.

^c Of this amount, \$6,100,000 shall be from General Fund moneys credited to the Drug Offender Surcharge Fund pursuant to Section 18-19-103 (3.5), C.R.S., and \$779,846 shall be from moneys in the Persistent Drunk Driver Cash Fund created in Section 42-3-303 (1), C.R.S., that are transferred from the Department of Human Services, Alcohol and Drug Abuse Division.

^d This amount shall be transferred from the Department of Human Services, Division of Youth Corrections.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(5) PUBLIC DEFENDER³⁴						
Personal Services ³³	43,087,357	43,087,357				
		(645.2 FTE)				
Health, Life, and Dental	4,555,942	4,555,942				
Short-term Disability	68,330	68,330				
S.B. 04-257 Amortization Equalization Disbursement	1,067,990	1,067,990				
S.B. 06-235 Supplemental Amortization Equalization Disbursement	852,431	852,431				
Operating Expenses	1,209,206	1,179,206		30,000 ^a		
Vehicle Lease Payments	59,783	59,783				
	78,636	78,636				
Capital Outlay	141,090	141,090				
Leased Space/Utilities	6,017,436	6,017,436				
Automation Plan	894,768	894,768				

^c Of this amount, an estimated \$425,000 shall be from grants from local Victims and Witnesses Assistance and Law Enforcement (VALE) Boards pursuant to Section 24-4.2-105 (2.5) (a) (II), C.R.S., transferred from the Trial Courts section, and an estimated \$225,000 shall be from state Victims Assistance and Law Enforcement Fund grants transferred from the Department of Public Safety, Division of Criminal Justice, pursuant to Section 24-33.5-506 (1) (b), C.R.S.

^f This amount shall be from various fees, cost recoveries, and grants.

^g This amount shall be from federal funds transferred from the Department of Public Safety, the Department of Human Services, and the Department of Education.

Contract Services	18,000	18,000	
Mandated Costs	3,649,464	3,649,464	
	3,884,183	3,884,183	
Grants	316,520		316,520 ^b
	<hr/>		(5.1 FTE)
		61,938,317	
		62,191,889	

^a This amount shall be from training fees.

^b This amount shall be from funding provided by local governments for professional services provided by the State Public Defender.

(6) ALTERNATE DEFENSE COUNSEL³⁵

Personal Services ³³	706,089	706,089	
		(7.5 FTE)	
Health, Life, and Dental	80,682	80,682	
Short-term Disability	1,089	1,089	
S.B. 04-257 Amortization			
Equalization Disbursement	17,026	17,026	
S.B. 06-235 Supplemental			
Amortization Equalization			
Disbursement	13,590	13,590	
Operating Expenses	67,030	67,030	
Leased Space	40,544	40,544	
	35,880	35,880	
Training and Conferences	40,000	20,000	20,000 ^a
Conflict of Interest			
Contracts	20,692,161	20,692,161	

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Mandated Costs	<u>1,589,848</u>		1,589,848				
		23,248,059					
		23,243,395					
<p>^a This amount shall be from training fees.</p>							
(7) OFFICE OF THE CHILD'S REPRESENTATIVE³⁶							
Personal Services ³³	1,910,890		1,910,890				
			(26.9 FTE)				
Health, Life, and Dental	167,808		167,808				
Short-term Disability	2,986		2,986				
S.B. 04-257 Amortization							
Equalization Disbursement	46,681		46,681				
S.B. 06-235 Supplemental							
Amortization Equalization							
Disbursement	37,260		37,260				
Operating Expenses	159,929		159,929				
Leased Space	150,380		150,380				
CASA Contracts	475,000		475,000				
Training	38,000		38,000				
Court Appointed Counsel ³⁷	16,531,560		16,531,560				

Mandated Costs	<u>26,228</u>	26,228
	19,546,722	

(8) INDEPENDENT ETHICS COMMISSION³⁸

Personal Services	129,827	129,827 (1.0 FTE)
Health, Life, and Dental	4,437	4,437
Short-term Disability	285	285
S.B. 04-257 Amortization Equalization Disbursement	4,458	4,458
S.B. 06-235 Supplemental Amortization Equalization Disbursement	3,558	3,558
Operating Expenses	15,807	15,807
Legal Services for 900 hours	<u>68,139</u>	68,139
	226,511	

TOTALS PART VIII

(JUDICIAL)	<u>\$479,194,207</u>	<u>\$344,850,999</u>	<u>\$114,388,078</u>	<u>\$14,744,832</u>	\$5,210,298
	<u>\$480,503,122</u>	<u>\$344,939,809</u>	<u>\$115,308,183</u>	<u>\$15,044,832</u>	

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

1a Department of Corrections, Management, Executive Director's Office Subprogram; Department of Human Services, Mental Health and Alcohol and Drug Abuse Services, Alcohol and Drug Abuse Division; and Division of Youth Corrections; Judicial Department, Probation and Related Services; and Department of Public Safety, Division of Criminal Justice; and Colorado Bureau of Investigation -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from the Drug Offender Surcharge Fund, the Offender Identification Fund, the Sex Offender Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the Alcohol and Drug Driving Safety Program Fund, among other programs.

33 Judicial Department, Supreme Court/Court of Appeals, Appellate Court Programs; Trial Courts, Trial Court Programs; Public Defender, Personal Services; Alternate Defense Counsel, Personal Services; Office of the Child's Representative, Personal Services -- In accordance with Section 13-30-104 (3), C.R.S., funding is provided for judicial compensation, as follows:

	<u>FY 2011-12 Salary</u>
Chief Justice, Supreme Court	\$142,708
Associate Justice, Supreme Court	139,660
Chief Judge, Court of Appeals	137,201
Associate Judge, Court of Appeals	134,128
District Court Judge, Denver Juvenile Court Judge, and Denver Probate Court Judge	128,598
County Court Judge	123,067

Funding is also provided in the Long Bill to maintain the salary of the Public Defender at the level of an associate judge of the Court Appeals, and to maintain the salaries of the Alternate Defense Counsel and the Executive Director of the Office of the Child's Representative at the level of a district court judge.

34 Judicial Department, Public Defender -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Public Defender appropriation may be transferred between line items in the Public Defender's Office.

- 35 Judicial Department, Alternate Defense Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Alternate Defense Counsel appropriation may be transferred between line items in the Alternate Defense Counsel's Office.
- 36 Judicial Department, Office of the Child's Representative -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Child's Representative's appropriation may be transferred between line items in the Office of the Child's Representative.
- 37 Judicial Department, Office of the Child's Representative, Court Appointed Counsel -- It is the intent of the General Assembly that the Office of the Child's Representative be authorized to utilize up to \$25,000 of this appropriation to fund a pilot program as authorized pursuant to Section 13-91-105 (1) (e), C.R.S., for the purpose of evaluating alternatives to the appointment of child and family investigators and child's legal representatives in domestic relations cases.
- 38 Judicial Department, Independent Ethics Commission -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 10.0 percent of the total Independent Ethics Commission appropriation may be transferred between line items in the Independent Ethics Commission.

SECTION 2. Appropriation to the judicial department for the fiscal year beginning July 1, 2011. In Session Laws of Colorado 2011, section 6 of chapter 193, (HB 11-1300), **amend** (1) and (2) as follows:

Section 6. **Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, courts administration, centrally administered programs, for courthouse capital/ infrastructure maintenance, for the fiscal year beginning July 1, 2011, the sum of ~~sixty-two thousand five hundred twenty-nine dollars (\$62,529)~~ TEN THOUSAND DOLLARS (\$10,000), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, trial courts, trial court programs, for personal services and operating expenditures, for the fiscal year beginning July 1, 2011, the sum of ~~five hundred ninety thousand four hundred seventy-one dollars (\$590,471)~~ ONE HUNDRED FORTY THOUSAND FOUR HUNDRED SEVENTY-ONE DOLLARS (\$140,471) and ~~6.0~~ 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. 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: February 23, 2012