

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



**FY 2013-14 STAFF BUDGET BRIEFING
JUDICIAL BRANCH**

**JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision**

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JUDICIAL BRANCH

Branch Overview

The Colorado Constitution vests the judicial power of the State in the Judicial Branch, which consists of the Colorado Supreme Court, the Court of Appeals, district courts, the Denver probate and juvenile courts, county courts, and municipal courts. With two exceptions, the State provides funding for staff, operating expenses, and furnishings for these courts. For municipal courts and Denver’s county court, these operational costs are funded by their respective local governments. In addition, all counties are required to provide and maintain adequate court facilities for their respective district and county courts.

In addition to funding for court operations, the State provides funding for probation services. These services, which are administered by state employees in each judicial district, include: supervising juvenile and adult offenders who are sentenced to probation, preparing presentence investigation reports for the courts, and providing victim notification and assistance.

The justices of the Supreme Court select a Chief Justice to serve as the executive head of the Branch, and appoint a State Court Administrator to oversee administrative functions and provide technical and administrative support to judicial districts.

The Judicial Branch also includes four independent agencies. The Office of the State Public Defender (OSPD) and the Office of Alternate Defense Counsel (OADC) provide legal representation for indigent criminal defendants. These cases are first assigned to the OSPD, and then referred to the OADC if the OSPD has an ethical conflict of interest. The Office of the Child’s Representative provides legal services to children entitled to legal representation at state expense. Finally, the Independent Ethics Commission hears complaints and issues findings and advisory opinions on ethics-related matters that arise concerning public officers, members of the General Assembly, local government officials, or government employees.

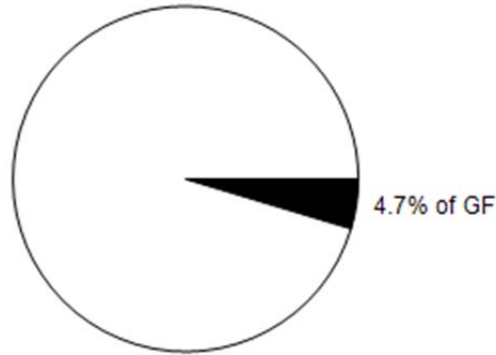
Branch Budget: Recent Appropriations

Funding Source	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14 *
General Fund	\$327,054,402	\$338,455,642	\$352,087,442	\$375,951,634
Cash Funds	108,141,846	114,437,763	132,827,681	135,773,641
Reappropriated Funds	8,572,957	15,599,598	19,113,030	25,857,379
Federal Funds	<u>6,814,742</u>	<u>5,210,298</u>	<u>4,425,000</u>	<u>4,432,854</u>
Total Funds	\$450,583,947	\$473,703,301	\$508,453,153	\$542,015,508
Full Time Equiv. Staff	4,047.4	4,174.7	4,267.6	4,295.3

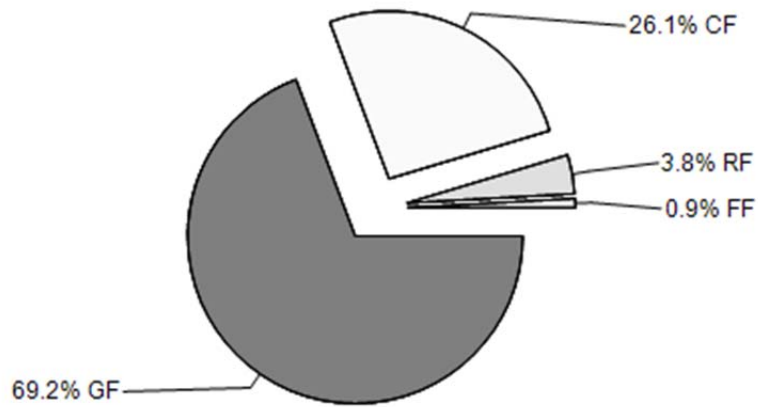
*Requested appropriation.

Branch Budget: Graphic Overview

**Department's Share of Statewide
General Fund**

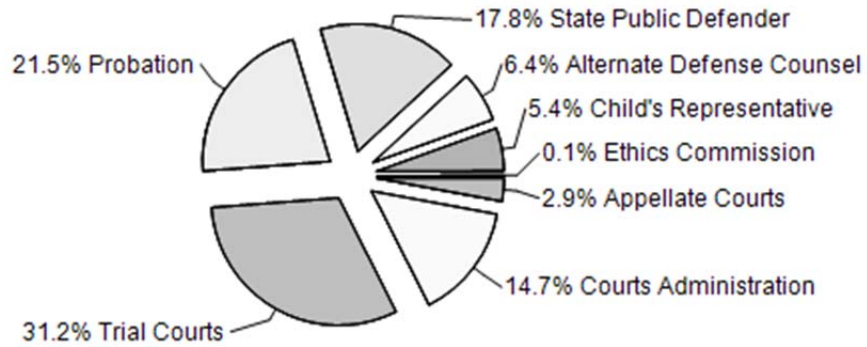


Department Funding Sources

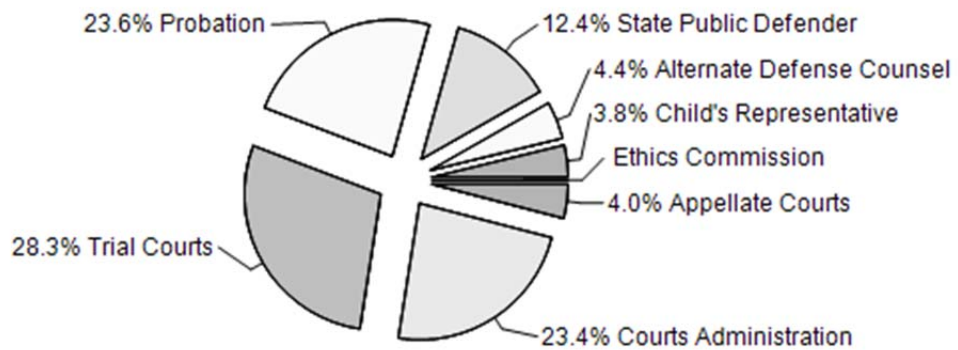


All charts are based on the FY 2012-13 appropriation

Distribution of General Fund by Division



Distribution of Total Funds by Division



All charts are based on the FY 2012-13 appropriation

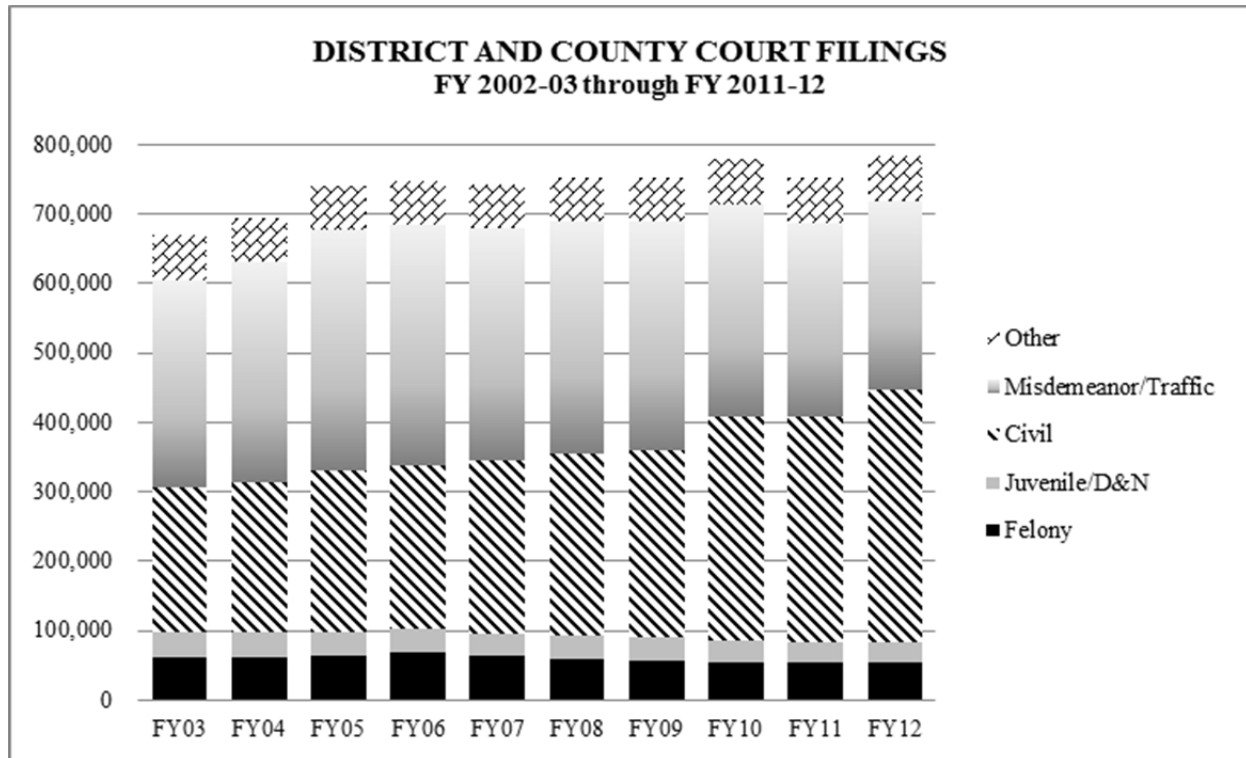
General Factors Driving the Budget

The FY 2013-14 request for the Branch consists of 69.4 percent General Fund, 25.0 percent cash funds, 4.8 percent reappropriated funds, and 0.8 percent federal funds. Cash funds primarily include: various docket fees and surcharges that support court operations; fees paid by individuals sentenced to probation; and attorney licensing fees that are used by the Supreme Court to regulate the practice of law in Colorado.

The main factor driving the budget for the Judicial Department is caseload. Judges, probation officers, attorneys, and support staff can only manage a certain number of cases each year. As the caseload grows, so does the need for resources if the Branch is to continue fulfilling its constitutional and statutory duties in a timely and professional manner. Caseloads are generally driven by population changes, changes in the state's economic climate (which can affect both the crime rate and the proportion of clients eligible for state-funded legal representation), and changes in state laws and sentencing provisions. Workload is also impacted by the types of cases filed, as some cases require more time and resources than others.

Case Filings and the Need for Court Staff

In FY 2011-12, approximately 788,000 cases were filed in the state court system, including 493,000 (63 percent) in county courts, 290,000 (37 percent) in district courts, 2,700 in the Court of Appeals, and 1,500 in the Supreme Court. The graph below depicts the number of cases filed annually in county and district courts (called "trial courts") since FY 2002-03, by case type.



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The total number of trial court case filings has increased by 23.2 percent over the last ten years, with a compound annual growth rate of 2.1 percent. The most significant increase has occurred in civil cases, and in particular cases concerning tax liens and foreclosures. Civil cases now account for 46 percent of all cases filed in trial courts. While some civil cases can require a significant amount of judge and staff time, the majority do not. Fortunately, filings of some of the case types that do have a significant workload impact – felony criminal, dependency and neglect (D&N), and juvenile delinquency cases – have been declining over the last several years.

In response to these caseload increases, the General Assembly periodically passes legislation to increase the number of judges within the state court system. Most recently, H.B. 07-1054 added 43 judges for the court of appeals, district courts, and county courts. The addition of 43 judges required funding for the judges, the associated court support staff, and additional staff required by the Office of the State Public Defender and the Department of Law. This legislation was thus estimated to require a total increase of 307.2 FTE over a three-year period. While these additional judgeships were not filled as quickly as anticipated due to the economic downturn, all of the judgeships were filled as of July 1, 2012.

Caseload Impacts Unique to Independent Agencies

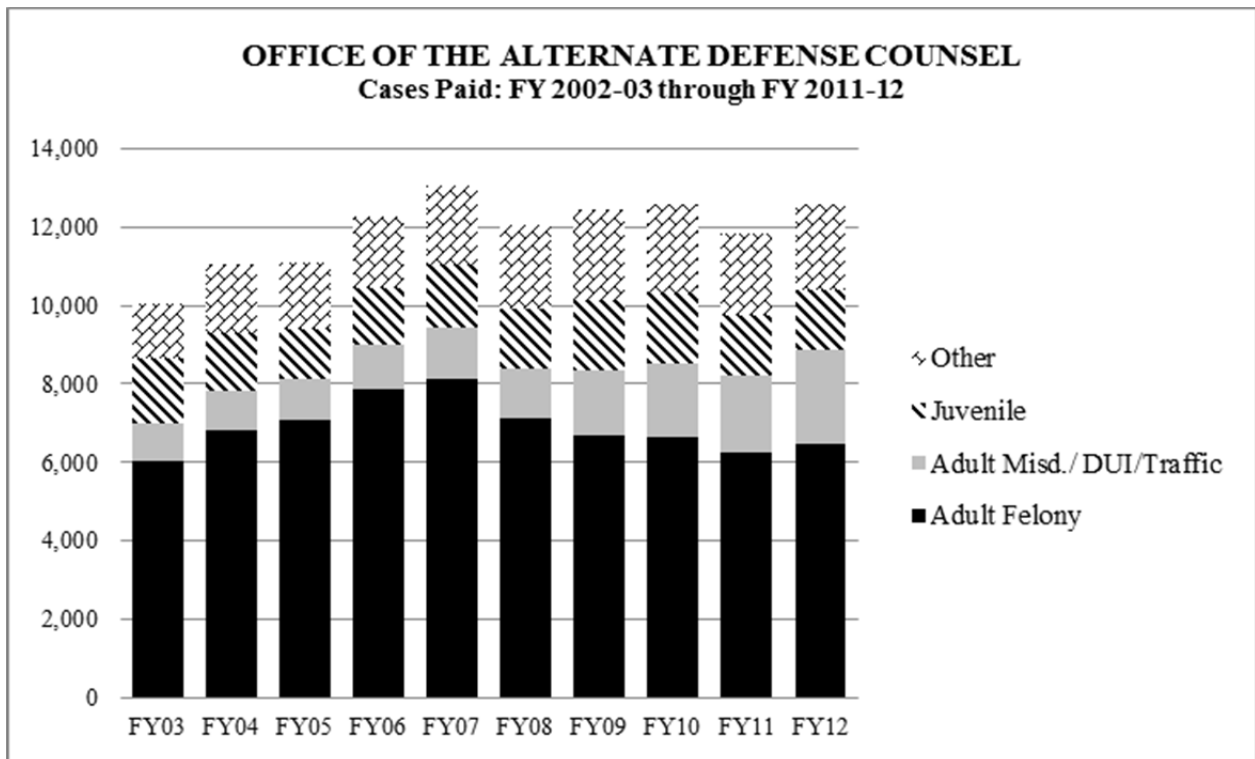
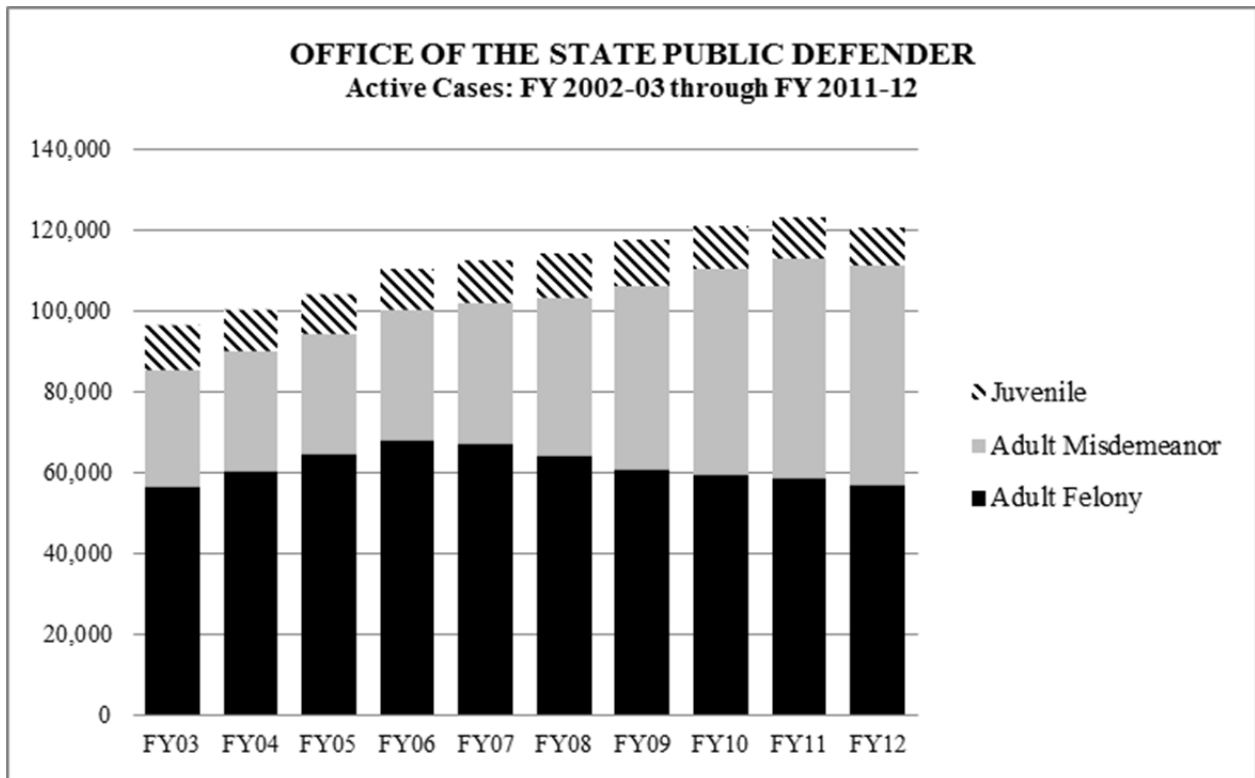
The three independent agencies that provide legal representation are affected in different ways by changes in the number of cases filed, based on the clients they are charged with representing. Each agency is discussed below.

The *Office of the State Public Defender (OSPD)* represents criminal defendants who have inadequate resources to pay for their own defense. The OSPD's caseload is affected by the number and types of cases filed, as well as the proportion of clients who are eligible for state-funded representation. As in the court system, more complicated cases consume more resources than simpler cases: felonies require more time than misdemeanors, and homicides require more time than assaults or robberies. Thus, the number of felony cases is the primary factor driving OSPD staffing needs.

As illustrated in the graph at the top of the following page, the total number of cases requiring public defender involvement has increased since FY 2002-03, reaching 120,498 active cases in FY 2011-12. Fortunately, the number of adult felony cases has declined annually since FY 2005-06, partly mitigating the workload impact of a growing number of misdemeanor cases.

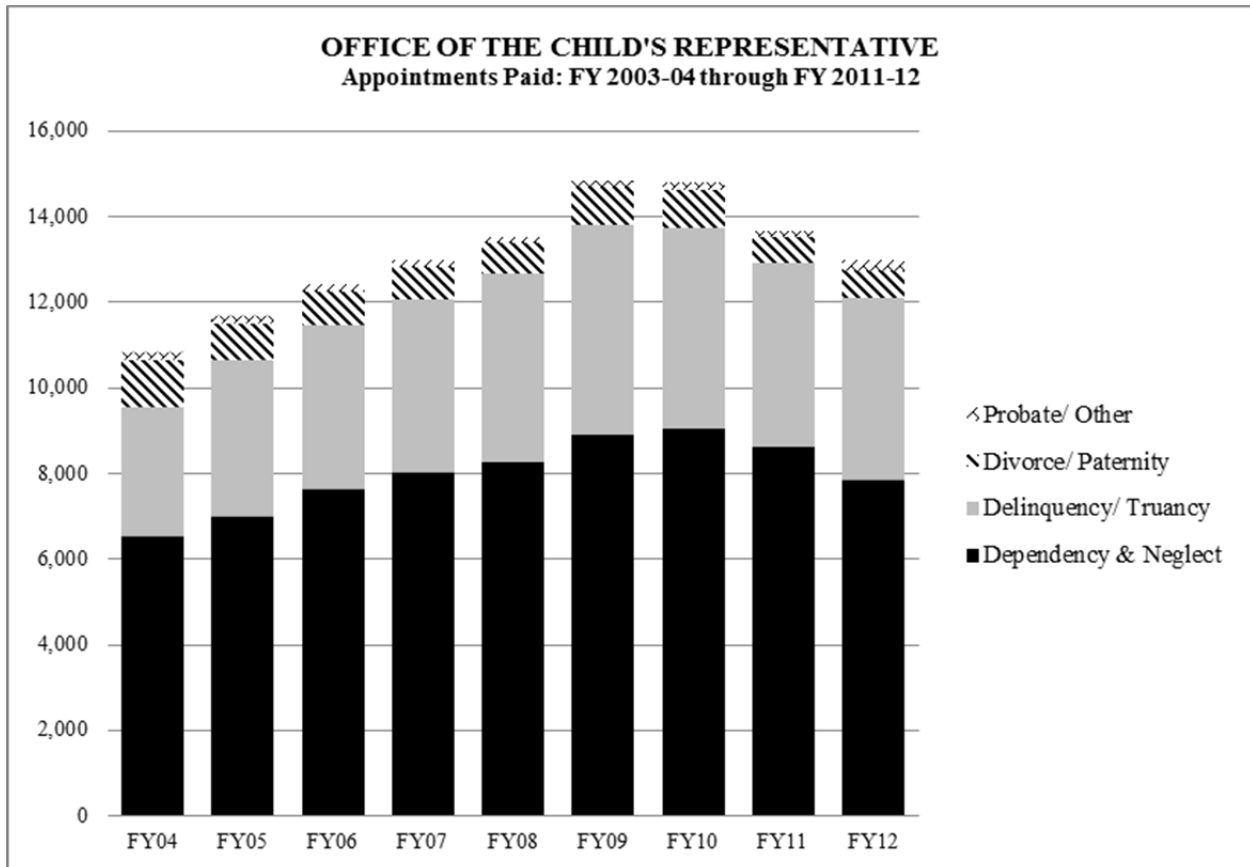
The *Office of the Alternate Defense Counsel (OADC)* contracts with private attorneys to represent indigent defendants in cases where the OSPD has an ethical conflict of interest in providing legal representation. Similar to the OSPD, certain types of cases (*e.g.*, death penalty cases) are more expensive than others; these cases require more hours of attorney time and a higher hourly rate. As illustrated in the graph at the bottom of the following page, the OADC's overall caseload is more variable than that of the OSPD. The OADC paid for legal representation in 12,585 cases in FY 2011-12. Similar to the OSPD, the number of felony cases has declined in recent years, mitigating OADC expenditures.

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The *Office of the Child's Representative (OCR)* is responsible for providing legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters. The OCR paid for legal representation in 12,987 court appointments in FY 2011-12. The OCR's expenditures are primarily driven by the number of cases involving abuse or neglect, as these account for the most court appointments and require the most attorney time (other than probate cases). As illustrated in the graph below, the overall number of appointments paid has declined in each of the last three years.



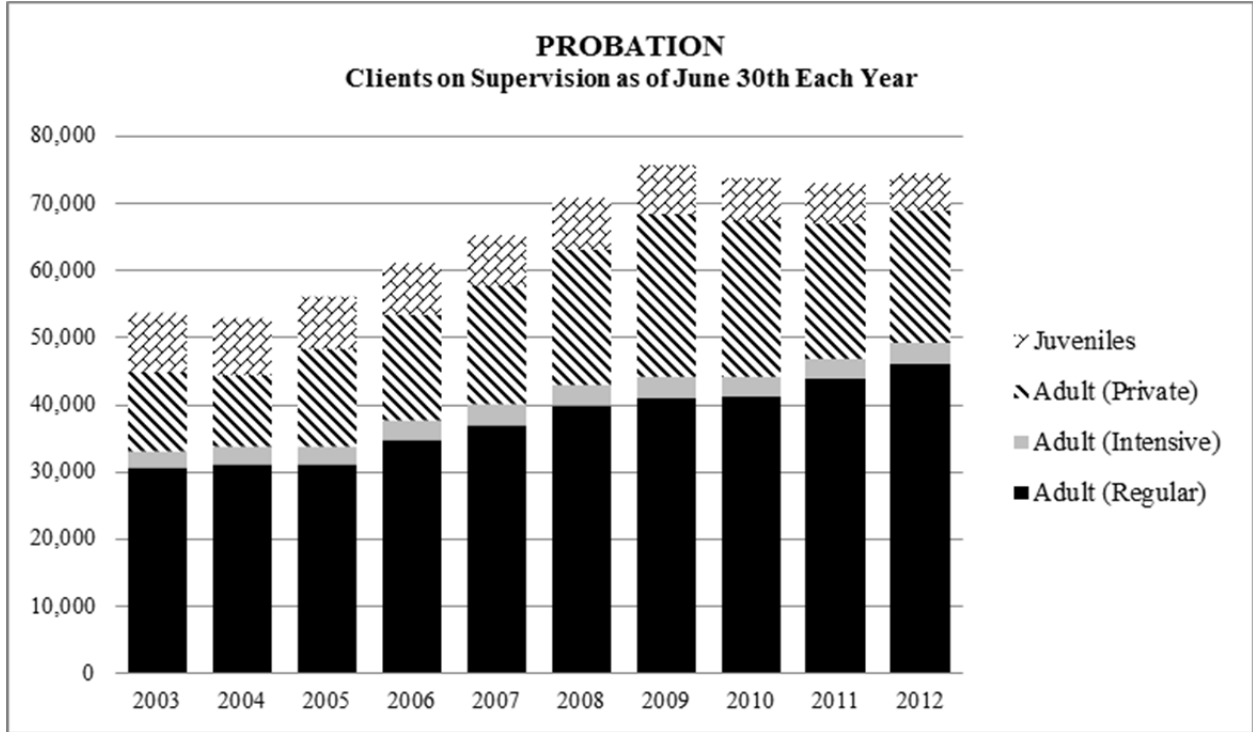
Probation and Related Services Caseload

Individuals sentenced to probation, as an alternative to incarceration, remain under the supervision of the court. Failure to meet the terms of probation set forth in the court's sentencing order may result in incarceration. Managed by the chief probation officer in each judicial district, approximately 1,200 employees prepare assessments, provide pre-sentence investigation services to the courts, and supervise offenders sentenced to probation. Supervision services are provided based on each offender's risk of re-offending.

Funding for probation services is primarily driven by the number and types of offenders sentenced to probation and statutory requirements concerning the length of required supervision. The number of offenders sentenced to probation increased significantly from 2004 to 2009, and has since stabilized. However, the number of adult offenders who are supervised by state staff (rather than private probation providers) has increased steadily since 2005. The graph on the

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following page depicts changes in the numbers of adults and juveniles on supervision since 2003. Overall, the number of juvenile and adult offenders who are supervised by state staff increased from 41,728 in June 2003 to 54,615 in June 2012 (nearly 31 percent). As this number grows, so does the need for probation officers and support staff to adequately supervise offenders.



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Summary: FY 2012-13 Appropriation & FY 2013-14 Request

	Judicial Branch					
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2012-13 Appropriation:						
HB 12-1335 (Long Bill)	\$502,529,529	\$352,071,327	\$129,120,172	\$16,913,030	\$4,425,000	4,266.6
Other legislation	<u>5,923,624</u>	<u>16,115</u>	<u>3,707,509</u>	<u>2,200,000</u>	<u>0</u>	<u>1.0</u>
TOTAL	\$508,453,153	\$352,087,442	\$132,827,681	\$19,113,030	\$4,425,000	4,267.6
FY 2013-14 Requested Appropriation:						
FY 2012-13 Appropriation	\$508,453,153	\$352,087,442	\$132,827,681	\$19,113,030	\$4,425,000	4,267.6
JUD R-2: Procedural fairness and leadership education	517,500		517,500	0	0	0.0
JUD R-3: Legal FTE	181,703	181,703	0	0	0	1.6
JUD R-4: Self-represented litigant coordinators	705,489		705,489	0	0	10.0
JUD R-5: Court appointed professionals coordinator	91,456	91,456	0	0	0	1.0
JUD R-6: Problem-solving court coordinators	451,133		451,133	0	0	5.0
JUD R-7: Implementation of evidence-based practices	291,447	291,447	0	0	0	3.0
JUD R-8: Courthouse capital and infrastructure maintenance	3,848,500		3,848,500	0	0	0.0
OSPD R-1: Attorney pay parity	5,777,182	5,777,182	0	0	0	0.0
OSPD R-2: Operating shortfalls	1,160,693	1,160,693	0	0	0	0.0
OADC R-1: Legal resource and technology coordinator	0	0	0	0	0	0.9
Employee benefits/common changes	15,889,452	13,844,612	2,254,345	(217,359)	7,854	0.0
Annualize prior year legislation	3,837,688	1,874,841	123,750	1,839,097	0	0.0
Relocation to Carr Center	3,430,832	431,701	(2,123,480)	5,122,611	0	0.0
DA Mandated costs	67,932	47,932	20,000	0	0	0.0
Annualize prior year budget actions	(2,687,606)	164,515	(2,852,121)	0	0	6.2
Other adjustments	(1,046)	(1,890)	844	0	0	0.0
SUBTOTAL	\$542,015,508	375,951,634	\$135,773,641	\$25,857,379	\$4,432,854	4,295.3
Increase/(Decrease)	\$33,562,355	\$23,864,192	\$2,945,960	\$6,744,349	\$7,854	27.7
Percentage Change	6.6%	6.8%	2.2%	35.3%	0.2%	0.6%
<i>Informational item:</i>						
JUD R-1: District judges and staff	<u>892,951</u>	<u>0</u>	<u>892,951</u>	<u>0</u>	<u>0</u>	<u>8.0</u>
TOTAL	\$542,908,459	375,951,634	\$136,666,592	\$25,857,379	\$4,432,854	4,303.3
Increase/(Decrease)	\$34,455,306	\$23,864,192	\$3,838,911	\$6,744,349	\$7,854	35.7
Percentage Change	6.8%	6.8%	2.9%	35.3%	0.2%	0.8%

NOTE: The descriptions of prioritized requested changes in the above table indicate the source of the request: "JUD" indicates a request submitted by the Chief Justice concerning courts or probation programs; "OSPD" indicates a request submitted by the Office of the State Public Defender; and "OADC" indicates a request submitted by the Office of the Alternate Defense Counsel, "OCR" indicates a request submitted by the Office of the Child's Representative, and "IEC" indicates a request submitted by the Independent Ethics Commission.

Description of Requested Changes

JUD R-2: Procedural fairness and leadership education: The request includes \$517,500 cash funds from the Judicial Stabilization Cash Fund to provide training and technical assistance on procedural fairness to judges, district administrators, chief probation officers, and senior staff in the State Court Administrator's Office.

JUD R-3: Legal FTE: The request includes \$181,703 General Fund to expand the legal staff within the State Court Administrator's Office from 3.9 FTE to 5.5 FTE to address increased demands for legal services related to contracts, grants, forms, and policies.

JUD R-4: Self-represented litigant coordinators: The request includes \$705,489 cash funds from the Judicial Stabilization Cash Fund to expand a statewide network of services to assist self-represented parties in court cases. The requested funding would expand the staff in judicial districts who coordinate and provide these services from 12.0 FTE to 22.0 FTE.

JUD R-5: Court appointed professionals coordinator: The request includes \$91,456 General Fund to add a staff position dedicated to administering the Respondent Parents' Counsel Program and to improve the quality of advocacy for respondent parents in dependency and neglect cases.

JUD R-6: Problem-solving court coordinators: The request includes \$451,133 cash funds from the Judicial Stabilization Cash Fund to add a total of 5.0 FTE Problem-solving Court Coordinators, including: (1) 3.5 FTE to work in existing family dependency treatment courts; and (2) 1.5 FTE to work in veterans' trauma courts that do not have permanent funding for a coordinator.

JUD R-7: Implementation of evidence-based practices: The request includes \$291,447 General Fund to expand the Division of Probation Services' education unit by 3.0 FTE. These staff will provide training and technical assistance to 1,128 probation staff statewide, supporting the implementation of several evidence-based/promising programs and practices.

JUD R-8: Courthouse capital and infrastructure maintenance: The request includes \$3,848,500 cash funds from the Judicial Stabilization Cash Fund to address required infrastructure and courthouse furnishing needs.

OSPD R-1: Attorney pay parity: The request includes \$5,777,182 General Fund to increase OSPD attorney salaries to a competitive level with Colorado public sector attorney compensation practices as of FY 2011-12. This amount is requested in addition to the amount requested for salary increases pursuant to the statewide common policy, which is intended to cover market pay adjustments subsequent to FY 2011-12 pay rates.

OSPD R-2: Operating shortfalls: The request includes \$1,160,693 General Fund to address ongoing funding shortfalls in operational appropriations, including: information technology asset maintenance, mandated costs, operating and travel expenses, and legal services related to client grievance claims.

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OADC R-1: Legal resource and technology coordinator: The OADC proposes adding a full-time Legal Resource and Technology Coordinator to maintain and administer its centralized system of legal resources and technology for its contractors. The funding for this position would be fully offset by additional savings achieved in the "Conflict of Interest Contracts" line item. Thus, the overall request simply reflects an increase of 0.9 FTE for FY 2013-14.

Employee benefits/common changes: The request includes an increase of \$15,889,452 total funds, including \$13,844,612 General Fund. Of the total requested increase, \$15,636,372 relates to employee benefits and \$253,080 relates to other statewide common policy adjustments.

Annualize prior year legislation: The request includes an increase of \$3,837,688 total funds to reflect the FY 2013-14 impact of legislation that was passed in previous legislative sessions, including the following acts:

- H.B. 12-1310 (Criminal proceedings omnibus changes): increase of \$3,776,647 total funds, including \$1,843,800 General Fund
- S.B. 08-054 (Judicial performance evaluations): increase of \$30,000 cash funds
- H.B. 07-1054 (Increase number of court judges): increase of \$31,041 General Fund

Relocation to Carr Center: The request includes an increase of \$3,430,832 total funds (including \$431,701 General Fund) related to various state agencies' upcoming relocation to the new Ralph L. Carr Colorado Judicial Center. Overall, this request includes the following components:

- An increase of \$3,170,611 to reflect the first full year of Carr Center operations, including a \$1,025,000 increase in the amount appropriated for future controlled maintenance expenses;
- An increase of \$431,701 General Fund to cover the increase in Judicial Branch agencies' leased space and security expenses;
- A decrease of \$171,480 cash funds to discontinue reflecting Judicial employee parking fee revenues.

The total requested appropriations for Carr Center operations for FY 2013-14 (\$7,312,220) reflect a change in fund sources. For FY 2012-13, the Justice Center Cash Fund is supporting the full operational costs of the Carr Center (totaling \$4,141,609). Beginning in FY 2013-14, tenant's lease payments will cover each tenant's relative share of operational expenses. The amount requested from reappropriated funds (\$5,122,611) includes \$3,066,487 that will be transferred from the Department of Law to cover its share of leased space and security expenses, and \$2,056,124 that will be transferred from the Judicial Branch's leased space appropriation for its share of such expenses. The requested cash funds appropriation for FY 2013-14 (\$2,189,609) reflects the share of facility expenses attributed to the courthouse side of the Carr Center. *For further information about this budget request, see the related briefing issue following this section.*

DA Mandated costs: The request includes an increase of \$67,932 total funds (including \$47,932 General Fund) to provide a 3.0 percent increase in state funding to reimburse district attorneys for costs incurred for prosecution of state matters.

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Annualize prior year budget actions: The request includes a decrease of \$2,687,606 total funds and an increase of 6.2 FTE to reflect the FY 2013-14 impact of the following eight prior year budget decisions:

FY 2012-13 budget actions

- JUD R-2: Protective Proceedings (decrease of \$130,593 cash funds)
- JUD R-3: Pro Se Case Managers (decrease of \$56,436 cash funds)
- JUD R-4: Supervision of Sex Offenders on Probation (decrease of \$89,357 cash funds)
- JUD R-5: Hardware Improvements for E-File (decrease of \$860,000 cash funds)
- JUD R-6: Judicial Education and Training (decrease of \$125,000 cash funds)
- JUD R-8: Courthouse Furnishings (decrease of \$1,378,000 cash funds)
- OSPD R-3: Refinance for Denver Sobriety Court (increase of \$66,255 total funds and 2.2 FTE)

FY 2010-11 budget action

- JUD R-1: Implement Public Access System and Develop E-Filing System (decrease of \$114,475 cash funds and increase of 4.0 FTE)

Other adjustments: The request includes two other adjustments resulting in a decrease of \$1,046 total funds, including: a decrease of \$1,890 General Fund for the OSPD's expenses related to attorney registration fees; and an increase of \$844 cash funds for the Courthouse Security grant program (which is administered by the State Court Administrator's Office).

Informational item: JUD R-1: District judges and staff: The Judicial Branch is seeking legislation to authorize two additional district court judgeships and appropriate \$892,951 cash funds from the Judicial Stabilization Fund to support the two judgeships and the associated support staff. The two judgeships would be added to the two judicial districts with the lowest staffing levels in Colorado:

- *5th Judicial District (including Clear Creek, Eagle, Lake, and Summit counties):* This district currently has the lowest staffing level among district courts in Colorado – just under 70 percent of full staffing. An additional 2.25 FTE judges would bring this district to full staffing; the Branch proposes adding one judge in FY 2013-14. Of the five existing district court judges (including the Chief Judge), two are assigned to Eagle county locations, two to Summit county, and one to Clear Creek; judges travel to Lake county when necessary. Due to significant population growth in Eagle county, judges assigned to Summit and Clear Creek often travel to Eagle to help with overflow cases there. If approved and funded, the district will place the new judge in Eagle county. While this district has been able to maintain timely case processing, more than one-third of respondents to a recent survey indicate that the judge in the case "did not listen to their side of the story".
- *9th Judicial District (including Garfield and Rio Blanco counties):* This district currently has the second lowest staffing level among district courts in Colorado – approximately 73 percent of full staffing. This district is also the water court for Water Division Five. An Additional 1.75 FTE judges would bring this district to full staffing; the Branch proposes

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adding one judge in FY 2013-14. This district currently has four district court judges (including the Chief Judge). While 95 percent of respondents to a recent survey indicate that the judge in the case "listened to their side of the story", this district is only meeting timely case processing goals for two of seven case types.

The Branch included this request as part of its FY 2013-14 budget request for informational purposes. Pursuant to the deadline schedule for the 2013 General Assembly, any bill that increases the number of judges must be adopted by both houses by Friday, March 8, 2013. Further, pursuant to Article VI, Section 10 of the Colorado Constitution, such a bill would require two-thirds majority to pass in each house.

Issue: Ralph L. Carr Colorado Judicial Center

Judicial Branch agencies and the Department of Law will relocate to the new Judicial Center over the next few months, and their respective FY 2013-14 budget requests include increases to cover the additional leased space and operational costs.

SUMMARY:

- Senate Bill 08-206 authorized the construction of a new Colorado history museum as well as a new state justice center. The act authorized the State to enter into lease-purchase agreements for the development and construction of both facilities; these agreements will be paid off using moneys from the State Historical Fund, civil filing fee revenues, and lease payments received from tenants of the justice center office building.
- Both project development costs and annual debt service payments are significantly lower than the amounts authorized by S.B. 08-206. In addition, the project now includes a 325-space parking garage that was paid for with a portion of project savings and will generate revenue to help make debt service payments.
- The justice center portion of the project was intended to: address a lack of adequate space and a lack of adequate safety and security measures; allow the State to avoid addressing \$17 million in deferred maintenance needs; avoid ongoing and escalating payments for privately owned leased space; and achieve greater programmatic efficiencies and decreased operating costs by consolidating justice-related state agencies.
- The museum (now known as "History Center Colorado") opened to the public in April 2012. Those state agencies that will be relocating to the justice center (now known as the "Ralph L. Carr Colorado Judicial Center") are scheduled to move in to the facility from December 2012 through April 2013.
- The FY 2013-14 budget requests from the Judicial Branch and the Department of Law include increases of \$0.4 million and \$1.6 million, respectively, for the additional leased space and security expenses related to the new facility. In addition, the Judicial Branch has requested a \$3.2 million increase in its spending authority from lease payment and civil filing fee revenues to cover a full 12 months of facility operations and to increase the amount appropriated for future controlled maintenance expenses.

RECOMMENDATION:

Staff recommends that the Committee ask the State Court Administrator's Office to provide an update on two important issues associated with the new facility: (1) the status of the lease agreements with the various state agencies that will be moving into the facility; and (2) the status of efforts to find tenants for the portion of the office building that will not be occupied by justice-related state agencies.

DISCUSSION:

Project Background Information

The Judicial Branch and the Colorado History Museum previously shared the "Judicial Heritage Complex" (bordered by 13th and 14th Avenues, Broadway, and Lincoln Street), which was constructed in 1977. A number of studies were conducted concerning the facility needs for both entities. In November 2005, the Urban Land Institute (ULI) was engaged to conduct a review of all previous studies and render an independent conclusion. The ULI concluded that the Complex did not function adequately or provide adequate space for either entity, the programmatic site needs of each operation oppose one another in many ways, the unique site design of the Complex lent itself to a high level of vulnerability, and the Judicial Building had a number of life, health, safety, and accessibility issues that affected the operation of the courts. The ULI recommended that the judicial facilities be expanded and remain on the Complex site, and the Museum be moved to a new site.

In July 2006, the Judicial Department and the Colorado Historical Society contracted with Trammell Crow Company and a team of consultants for management services related to their facility needs, including: feasibility studies, site procurement, financing alternatives, space programs, design and renovation or new construction management services as required, and move management. In December 2006, Trammell Crow submitted a report concerning the feasibility of constructing a new state justice center on the site of the Complex, and procuring a new site and building for the Museum. The feasibility study estimated total development costs of \$385.1 million, including \$112.2 million for a 241,000 GSF museum and \$272.9 million for a 560,000 GSF state justice center. These estimates assumed that the Museum would be relocated to a new site, the Supreme Court and the Court of Appeals would be relocated to an interim leased space for 28 months, and the existing judicial and museum buildings would be demolished. The feasibility report recommended financing the projects through a series of certificates of participation (COPs).

Senate Bill 08-206

Senate Bill 08-206 (Shaffer; Penry/ T. Carroll; Marostica) authorized the construction of a new Colorado history museum using moneys in the State Historical Fund and \$25 million transferred from the Judicial Branch. The act authorized the Judicial Branch to increase various civil filing fees to help fund the consolidation of all justice-related state agencies into a single facility at the Judicial Heritage Complex site. The act's legislative declaration stated that the new state justice center shall initially include the following agencies:

- Colorado Supreme Court and the Supreme Court Law Library (currently located in leased space in the Denver Post building at 101 W. Colfax)
- Colorado Court of Appeals (also located at 101 W. Colfax)
- Judicial Department administrative offices (also located at 101 W. Colfax)
- Office of the State Public Defender (central administrative and appellate offices are currently located in leased space at 1290 Broadway)
- Office of the Alternate Defense Counsel (located in leased space at 1580 Logan Street)
- Office of the Child's Representative (also leasing space at 1580 Logan Street)

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- Department of Law (currently leasing space within the Capitol Complex at 1525 Sherman Street; also rents private storage space)

The project is to address both the lack of adequate space and the lack of adequate safety and security measures in the current buildings. The project is also expected to benefit the State financially by allowing the State to avoid addressing \$17 million in deferred maintenance needs at the Judicial Heritage Complex, avoid ongoing and escalating payments for privately owned leased space, and achieving greater programmatic efficiencies and decreased operating costs.

The act authorized the State to enter into lease-purchase agreements for the development and construction of a new museum (now known as “History Center Colorado”) and a state justice center (now known as the "Ralph L. Carr Colorado Judicial Center"). The total principal component of the lease-purchase agreements concerning the History Center may not exceed \$85 million¹, the annual rental and lease-purchase payments may not exceed \$4,998,000, and the term may not exceed 37 years. The General Assembly is required to make annual appropriations from the State Historical Fund (beginning in FY 2011-12) as long as payments are due. With respect to the Judicial Center, the principal component of the lease-purchase agreements may not exceed \$275 million¹, the annual rental and lease-purchase payments may not exceed \$19,000,000, and the term may not exceed 38 years.

Revenues from various filing fees and any lease payments received from state agencies occupying the Judicial Center are to be credited to the newly created Justice Center Cash Fund. Moneys in the Fund are subject to annual appropriation for expenses related to the design, construction, maintenance, operation, and interim accommodations for the Judicial Center. The act required the Judicial Branch to transfer a total of \$25 million from the Justice Center Cash Fund to the newly created State Museum Cash Fund to compensate the State Historical Society for the land on which the Colorado history museum resided.

Beginning in FY 2014-15, the act requires the Executive Director of the Department of Personnel and Administration to calculate the net savings to the State by locating the Department of Law and any other executive branch agency in the Judicial Center, and requires the General Assembly to appropriate from the General Fund to the Justice Center Cash Fund the amount of net savings to repay any lease-purchase obligations.

Project Development and Financing

Staff from the State Court Administrator's Office (SCAO) provided updated information concerning the total development costs of the History Center and Judicial Center projects (excluding the cost of financing):

History Center	\$110,640,000
Judicial Center	<u>257,688,970</u>
Total	\$368,328,970

¹ The lease-purchase amounts exclude "reasonable and necessary administrative, monitoring, and closing costs and interest".

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Total development costs are \$16.8 million lower than the total \$385.1 million authorized by S.B. 08-206.

Project financing was secured in July 2009 through a single issuance for both projects totaling \$338.8 million. This issuance included two components: \$39.0 million in traditional tax-exempt COPs; and \$299.8 million in taxable "Build America" COPs, a new financing mechanism made available through the federal American Recovery and Reinvestment Act. Build America COPs offer lower costs to public entities because the federal government subsidizes 35 percent of the interest paid on the project. The net effective annual interest rate on these COPs is 4.24 percent, resulting in debt payments of \$19 million per year for 33 years (September 2012 through September 2045)².

These annually appropriated debt service payments are significantly lower than originally anticipated. Senate Bill 08-206 capped combined project debt service payments at \$24.0 million per year for terms not exceeding 37 years for the History Center and 38 years for the Judicial Center. Overall, the project financing will cost nearly \$215 million less than the total debt service costs anticipated when S.B. 08-206 was passed. During the term of the COPs, the new facilities will be owned by a newly formed non-profit called CHS/CJC Building, Inc. Upon full repayment, ownership of the facilities will revert to the State.

Parking Garage

In addition to the lower than anticipated project development and financing costs, the project also now includes a 325-space parking garage that was constructed directly north of the History Center (and directly south of the ING Financial Services building). The parking garage was completed in September 2011, and it supplements the limited number of parking spaces that will be available under the Judicial Center itself. The garage was paid for with a portion of project savings, and it will generate revenue to help make debt service payments.

This public/private partnership requires that 84 parking spots in the new garage remain available to ING building tenants to replace surface parking that was available prior to the construction of the new garage. The remaining spots are currently open to the public. Public parking revenues are first used to cover garage operating and maintenance expenses, and remaining revenues are allocated as follows: 25 percent is allocated to the ING building owner; and 75 percent is used to repay the State's lease-purchase obligations. Once the Judicial Center is occupied, non-ING parking spots will be made available to state employees; employees will pay the same rate that is charged for the state employee parking garage directly east of the Judicial Center³. Any excess revenues generated from state employees will be used to repay lease-purchase obligations. These state employee spaces will be made available to the public after 6:00 pm on weekdays and on weekends.

² The capital construction section of the FY 2012-13 Long Bill includes two appropriations for these lease purchase agreements: \$3,042,094 for History Colorado, and \$15,916,329 for the Judicial Center.

³ Please note that the Attorney General, justices, and judges will have access to free parking under the Judicial Center.

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Relocation Schedule

The History Center opened to the public last April, and the Judicial Center is scheduled to be completed and ready for occupancy by mid-December, 2012. The Judicial Center consists of: (1) a courthouse with courtrooms for the Supreme Court and the Appellate Court, the Supreme Court Law Library, an interactive learning center, and 75 below grade parking spaces; and (2) a 12-story office building with a conference center, moot courtroom, and data center (for server equipment). A corridor connects the courthouse and office building.

The Supreme Court Law Library will continue to provide services to court staff, the larger legal community, and the public. In addition, staffs from the Law Library and the Department of Law have been working together over the last couple of years to consolidate their print and electronic resources. The two agencies recently entered into a joint contract with LexisNexis for online legal resources. This cooperative effort has created efficiencies for both agencies and it will improve services to the legal community at large.

The justices, judges, and staff for the Supreme Court and the Court of Appeals are scheduled to move into the courthouse section of the Judicial Center on Monday, December 17, 2012. It is anticipated that the Supreme Court and the Court of Appeals will begin hearing oral arguments in the Judicial Center on January 22, 2013. The Law Library is anticipated to be open to the public on December 19, 2012, followed by the interactive learning center in April 2013. The move-in schedule for the office building is as follows:

- State Court Administrator's Office (floors 11 and 12): Monday, December 17, 2012
- State Internet Portal Authority (floor 11): Friday, December 21, 2012
- Department of Law (floors 6 through 10): Tuesday, January 22, 2013
- Attorney Regulation (floor 5): Monday, January 28, 2013
- Office of the State Public Defender (floors 3 and 4): Monday, March 18, 2013
- Office of the Alternate Defense Counsel (floor 3): Monday, March 18, 2013
- Office of the Child's Representative (floor 3): Monday, March 18, 2013
- Serve Colorado (floor 2): Monday, April 1, 2013

Impact on FY 2012-13 Budget

As indicated above, all of the justice-related state agencies will relocate to the Judicial Center prior to the end of FY 2012-13. These agencies have existing leases that extend to or beyond June 30, 2013. Thus, for the FY 2012-13 budget year, the leased space appropriations for these agencies are based on a full 12 months of lease payments. State agencies that relocate to the Judicial Center will not be required to make a related lease payment until July of 2013. In addition, the costs of relocating these state agencies were included as part of the overall project costs. However, it is possible that some agencies may incur other move-related expenses for items such as furniture or equipment. Staff will work with the affected agencies to determine whether any leased space appropriations for FY 2012-13 can and should be reduced.

The FY 2012-13 Long Bill includes a new subsection within the Judicial Branch budget which provides cash funds spending authority from the Justice Center Cash Fund to support operations of the Judicial Center upon construction completion. This subsection of the Long Bill provides a total of \$4,141,609 cash funds spending authority, including the following five components:

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- Contract Services (\$2,072,700). The SCAO has or will be entering into several contracts with outside vendors related to building operations. The largest contract (\$887,000) is for Cushman Wakefield to act as the management company, providing contract engineering staff and first floor reception services in the office tower, and for related administrative costs. The SCAO also anticipated contract services totaling \$985,000 for various services, including custodial, building and grounds maintenance and supplies, and the copy center. Finally, this amount includes \$200,700 for Standard Parking to operate and maintain the parking garage.
- Colorado State Patrol Services (\$559,693). Annual appropriations to the SCAO and the Department of Law are used to pay the Colorado State Patrol for building security services. The proposed security for the new Judicial Center, based on estimates provided by the Colorado State Patrol, includes a total of 15.0 FTE (11.0 FTE security officers, 3.0 FTE troopers, and 1.0 FTE supervisor). This represents an increase of 10.0 FTE above the 5.0 FTE currently funded by the two agencies. This coverage will provide for weapons screening at two public entrances during business hours (each of the magnetometers will be staffed by two security guards and one trooper for ten hours daily), 24-hour roving coverage, and the staffing of an information/security desk. For FY 2012-13, the Department of Law is continuing to pay for security in its current building. This appropriation covers the additional costs that the SCAO will incur for the latter part of FY 2012-13.
- Utilities (\$270,000). SCAO estimates that electricity, gas, water, and sewer expenditures for the Judicial Center will require \$270,000 in FY 2012-13, based on professional standards and costs of similarly-sized buildings in the Denver metropolitan area.
- Facility Staff (\$239,216 and 2.0 FTE). The SCAO will be responsible for all operations of the Judicial Center. This appropriation supports 2.0 FTE to manage and oversee the operational and engineering aspects of the facility: (1) a Building Manager, who is responsible for handling all tenant inquiries, coordinating maintenance work, monitoring the performance of all third party vendor contracts, and overseeing the shared services within the Judicial Center (*e.g.*, copy center, mail room, food services, and conference/training facility); and (2) a Building Engineer, who is responsible for the supervision of engineering operations (including mechanical, electrical, plumbing, and life/safety equipment and systems), as well as all inspections and licensing matters.
- Controlled Maintenance (\$1,000,000). Senate Bill 08-206 envisioned that the ongoing maintenance costs for the Judicial Center would be covered by court fees, lease payments, and parking fees. Consistent with this intent, this appropriation sets aside moneys for future controlled maintenance needs.

Impact on FY 2013-14 Budget

As anticipated, the budget requests submitted by the Judicial Branch and Department of Law reflect appropriation changes related to their relocation to the Judicial Center. First, the SCAO has requested an increase of \$3,170,611 in its spending authority from lease payment and civil filing fee revenue to cover a full 12 months of facility operations and to increase the amount appropriated for future controlled maintenance expenses. Second, the table on the following page details leased space-related funding changes requested by each agency, by fund source.

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Funding Changes Related to Judicial Center Leased Space				
	FY 2012-13 Appropriation	FY 2013-14 Request	Annual Change	
			\$	%
Department of Law:				
Leased Space	<u>\$1,273,320</u>	<u>\$2,926,487</u>	<u>\$1,653,167</u>	129.8%
General Fund	335,366	767,179	431,813	128.8%
Cash Funds	132,620	353,185	220,565	166.3%
Reappropriated Funds	766,375	1,718,514	952,139	124.2%
Federal Funds	38,959	87,609	48,650	124.9%
Security Services	<u>140,489</u>	<u>140,000</u>	<u>(489)</u>	-0.3%
General Fund	37,180	36,702	(478)	-1.3%
Cash Funds	14,704	16,896	2,192	14.9%
Reappropriated Funds	84,287	82,211	(2,076)	-2.5%
Federal Funds	4,318	4,191	(127)	-2.9%
Total: Lawa/	<u>\$1,413,809</u>	<u>\$3,066,487</u>	<u>\$1,652,678</u>	116.9%
General Fund	372,546	803,881	431,335	115.8%
Cash Funds	147,324	370,081	222,757	151.2%
Reappropriated Funds	850,662	1,800,725	950,063	111.7%
Federal Funds	43,277	91,800	48,523	112.1%
Judicial Branch:				
Courts Administration	<u>\$1,323,343</u>	<u>\$2,056,124</u>	<u>\$732,781</u>	55.4%
General Fund	1,151,863	2,056,124	904,261	78.5%
Cash Funds	171,480	0	(171,480)	-100.0%
OSPD b/				
General Fund	391,830	0	(391,830)	-100.0%
OADC				
General Fund	35,880	0	(35,880)	-100.0%
OCR b/				
General Fund	44,850	0	(44,850)	-100.0%
Total: Judicial	<u>\$1,795,903</u>	<u>\$2,056,124</u>	<u>\$260,221</u>	14.5%
General Fund	1,624,423	2,056,124	431,701	26.6%
Cash Funds	171,480	0	(171,480)	-100.0%
Grand Total	<u>\$3,209,712</u>	<u>\$5,122,611</u>	<u>\$1,912,899</u>	59.6%
General Fund	1,996,969	2,860,005	863,036	43.2%
Cash Funds	318,804	370,081	51,277	16.1%
Reappropriated Funds	850,662	1,800,725	950,063	111.7%
Federal Funds	43,277	91,800	48,523	112.1%

a/ Please note that the sources of funds reflected for FY 2013-14 include adjustments related to other budget initiatives (R-3 and R-4).

b/ Both the OSPD and OCR leased space appropriations include funding for offices that will not be relocating to the Judicial Center. For purposes of this table, only those amounts related to the Judicial Center are reflected.

The Department of Law will maintain separate appropriations for its share of Judicial Center leased space and security expenses, and it has requested a total of \$3,066,487 for this purpose. The Judicial Branch budget reflects a structural change that staff suggested for its consideration

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last year. Specifically, rather than appropriating General Fund to each of the independent agencies for its share of Judicial Center leased space expenses, the Branch proposes that these amounts be consolidated into a single line item appropriation in the Courts Administration section of the budget. This format is similar to other centrally appropriated line items that are unrelated to personal services expenditures, including: Workers' Compensation, Purchase of Services from Computer Center, Multiuse Network Payments, Payment to Risk Management and Property Funds, and COFRS Modernization. This format change results in a shift of \$472,560 General Fund from the independent agencies to the Courts Administration section. The Judicial Branch has requested a total of \$2,056,124 for the share of Judicial Center leased space and security expenses that are attributed to the State Court Administrator's Office, OSPD, OADC, OCR, and the Independent Ethics Commission (IEC).

The table on the next page provides a summary of the leased space and associated expenditures for each Judicial Center tenant. Not surprisingly, the Department of Law's staff of over 400 FTE will occupy about 47 percent of the rentable space in the office building. The SCAO and the independent agencies will occupy about one-third of the space, 12 percent of the space will be occupied by other justice-related agencies (*i.e.*, attorney regulation, judicial discipline, and the Office of Judicial Performance Evaluation), and the remaining eight percent of space will be leased to other tenants. A total of 27,215 square feet currently remains available.

For each state agency that currently receives a Long Bill appropriation for leased space, the table compares its current leased space to its space in the Judicial Center. In order to provide a meaningful comparison of square footage, staff has utilized an estimate of the "usable" square footage for each tenant in the Judicial Center. The Department of Law and each of the independent agencies will have more space in the Judicial Center compared to their current locations. This space will address the current lack of adequate space for these agencies, and it will allow space for future staff growth. In addition, the new space will better serve the current business requirements of these agencies. For example, the Department of Law will have lockable conference rooms available for teams that are involved in active litigation. All tenants are expected to benefit from the copy center, the conference center, the moot courtroom, and the proximity to the courthouse and law library.

Future Considerations

Senate Bill 08-206 anticipated annual rent increases of 1.8 percent per year, with the goal of paying off the COPs as quickly as possible. Current projections show both the History Center and the Judicial Center being paid off nine years early (FY 3035-36). These projections assume that the office building will be fully occupied and leased in FY 2013-14, and lease rates will increase annually as anticipated under S.B. 08-206. However, the General Assembly will make annual decisions about any change in lease rates, which will affect how quickly the COPs are paid off. Finally, please note that many years in the future, after the debt service is paid off, lease payments should only be required to fund ongoing maintenance and operational expenses. At that time, lease payments should decrease and the General Assembly could choose to eliminate or redirect the court fees that were authorized by S.B. 08-206.

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Estimates of State Agency Leased Space Changes Related to the Judicial Center									
	FY 2012-13 (Existing Leased Space)			FY 2013-14 (Judicial Center)				Annual Change	
	Usable SF		Cost b/	Usable SF c/	Rentable SF c/	Cost per		Usable SF	Cost
	Usable SF a/	b/				Rentable SF d/	Cost		
Judicial Branch									
<i>State Court Administrator's Office (includes IEC space)</i>									
Offices (currently at 101 W. Colfax Avenue)	48,481.0	\$17.37	\$842,323	49,631.9	76,178.5	\$14.41	\$1,097,732		
Training center (Grandview)	8,266.0	\$21.50	177,719						
Storage	300.0	\$8.00	2,400	1,293.0	1,293.0	\$8.00	10,344		
<i>Appellate Court staff</i>	6,471.0	\$20.00	129,420						
Subtotal	63,518.0	\$18.13	1,151,862	50,924.9	77,471.5	\$14.30	1,108,076	(12,593.1)	(43,786)
<i>Office of the State Public Defender:</i>									
Offices (currently at 1290 Broadway)	21,018.0	\$21.94	461,214	36,476.2	55,043.8	\$14.41	793,182		
Storage				639.4	639.4	\$8.00	5,112		
Subtotal	21,018.0	\$21.94	461,214	37,115.6	55,683.2	\$14.34	798,294	16,097.6	337,080
<i>Office of the Alternate Defense Counsel:</i>									
Offices (currently at 1580 Logan)	1,993.0	\$18.00	35,880	3,226.6	4,864.7	\$14.41	70,101		
Storage				124.0	124.0	\$8.00	992		
Subtotal	1,993.0	\$18.00	35,880	3,350.6	4,988.7	\$14.25	71,093	1,357.6	35,213
<i>Office of the Child's Representative:</i>									
Offices (currently at 1580 Logan)	2,300.0	\$19.50	44,850	3,674.0	5,539.4	\$14.41	79,822		
Storage				137.0	137.0	\$8.00	1,096		
Subtotal	2,300.0	\$19.50	44,850	3,811.0	5,676.4	\$14.26	80,918	1,511.0	36,068
<i>Independent Ethics Commission</i>									
	Included with SCAO above			217.6	334.0	\$14.41	4,813	217.6	4,813
Total: Select Judicial Branch Agencies									
	88,829.0	\$19.07	1,693,806	95,419.6	144,153.8	\$14.31	2,063,194	6,590.6	369,388
Department of Law:									
Offices (currently at 1525 Sherman)	101,685.0	\$12.52	1,273,320	133,835.8	200,017.5	\$14.41	2,882,252		
Storage	3,286.0	\$8.46	27,789	5,529.2	5,529.2	\$8.00	44,232		
Total: Department of Law	104,971.0	\$12.39	1,301,109	139,365.1	205,546.7	\$14.24	2,926,484	34,394.1	1,625,375
Other Judicial Center Tenants									
Attorney Regulation					51,046.5	\$14.41	735,580		
Judicial Discipline					334.0	\$14.41	4,813		
Office of Judicial Performance Evaluation					668.0	\$14.41	9,626		
State Internet Portal Authority (SIPA) Offices					6,012.8	\$14.41	86,644		
Other tenants - Office space					27,215.2	\$14.41	392,170		
Total: Other Tenants					85,276.5	\$14.41	1,228,833		
Total for Judicial Center Office Building									
					434,977.0	\$14.30	\$6,218,511		

a/ The square footage for existing leased space generally reflects "usable" square footage, and excludes common areas such as a lobby, conference rooms, etc.

b/ Expenditures and cost per square footage for FY 2012-13 is based on the data that was utilized for the FY 2012-13 Long Bill appropriations. In some instances, the actual lease rates paid may differ.

c/ Carr Center lease rates are based on "rentable area", which includes common areas within each tenant's leased floor space (e.g., hallways and elevator areas) as well as shared spaces on the main floor of the office building (e.g., lobby, conference and training rooms, copy center, mail room, etc.).

d/ The plan for S.B. 08-206 assumed leased space rates of \$17.88/SF. Due to lower financing costs, these rates are now estimated at \$14.41/SF for FY 2013-14.

e/ Some staff attorneys for the Appellate Court are currently located at The Chancery due to space constraints. These staff will be located in the courthouse of the Carr Center.

**RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S
STRATEGIC PLAN:**

This briefing issue concerns the implementation of 2006 legislation, the completion of a large capital construction project, and related funding decisions that the Joint Budget Committee will consider during the 2013 legislative session. This issue relates to Goal #1b of the Judicial Department's Strategic Plan (concerning the courts and probation): "Maintain safety in all court and probation facilities."

Issue: Substance Abuse Treatment Funding for Offenders

The Correctional Treatment Board has submitted its first annual offender substance abuse treatment funding plan as required by H.B. 12-1310. The plan includes the minimum statutorily required level of General Fund support for such services (\$11.7 million), and proposes allocating the required \$1.8 million increase in state funding to expand and enhance funding for treatment of offenders in jail and in community corrections.

SUMMARY:

- The General Assembly has passed three bills in the last decade which have reduced state expenditures associated with incarcerating drug offenders, and reinvested the resulting savings to increase the availability of substance abuse treatment for drug offenders.
- House Bill 12-1310 consolidated the major sources of state funding for offender substance abuse treatment, and consolidated the associated oversight boards into a single Correctional Treatment Board. This board is charged with assessing the availability and effectiveness of adult and juvenile offender substance abuse services statewide.
- As required by H.B. 12-1310, the Correctional Treatment Board has submitted its first annual treatment funding plan as part of the Judicial Branch budget request. The Joint Budget Committee, as part of its proposed FY 2013-14 Long Bill, will make recommendations to the General Assembly concerning: (a) the level of General Fund support for offender substance abuse services; and (b) the allocation of offender substance abuse services funding among four state agencies.

RECOMMENDATION:

Staff recommends that the Committee approve the funding plan proposed by the Correctional Treatment Board for FY 2013-14, which includes the minimum statutorily required level of General Fund support for offender substance abuse services. If the Committee is considering appropriating a greater amount of General Fund than proposed, or if the Committee is considering recommending a different allocation of funding among state agencies, it should discuss potential funding options with representatives of the Correctional Treatment Board during the Judicial Branch hearing.

DISCUSSION:

Over the past decade, the General Assembly has made changes to offenses related to the use and possession of controlled substances. To the extent that these changes reduce the number of offenders who are incarcerated, or the length of time that offenders are incarcerated, these statutory changes have reduced state expenditures. The General Assembly has reinvested the resulting savings to increase the availability of substance abuse treatment for offenders. Three of these bills are described below, followed by a description of the amount and allocation of moneys that have been made available for substance abuse treatment services to date.

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Senate Bill 03-318

Senate Bill 03-318 (Gordon/Hefley) reduced the penalties for use and possession of certain controlled substances, and expanded the types of drug offenders who could be eligible for probation. This act contained a provision that would have revoked those sentencing changes unless at least \$2.2 million in estimated cost-avoidance was achieved. Since FY 2007-08, the General Assembly has annually appropriated \$2.2 million General Fund for community-based substance abuse services as required by this act.

Prior to FY 2012-13, the Inter-agency Task Force on Treatment (ITFT) annually allocated the \$2.2 million across judicial districts using a formula based on drug offense filings and population. Local drug offender treatment boards in each judicial district⁴ distributed these moneys to local drug treatment programs. Each local board was required to submit information annually to the ITFT and the Judiciary Committees concerning expenditures. Any unexpended funds were credited to the Drug Offender Treatment Fund, which was created through S.B. 03-318.

House Bill 10-1352

House Bill 10-1352 (Waller/Steadman and Mitchell) made a number of changes to offenses related to controlled substances. The act directed the General Assembly to annually appropriate the General Fund savings generated by the act to the Drug Offender Surcharge Fund, and required that such moneys be allocated to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment, and who are on diversion, on probation, on parole, in community corrections, or in jail.

While H.B. 10-1352 was anticipated to increase expenditures for some state agencies⁵, the overall savings that were anticipated to result from the passage of H.B. 10-1352 were primarily based on a projected reduction in the number of persons incarcerated by the Department of Corrections (DOC). The following table summarizes the anticipated annual savings to DOC, as estimated by Legislative Council Staff.

H.B. 10-1352: Estimated Five-Year Impact to Correctional Facilities			
Fiscal Year	Bed Impact	Operating Expenses	Annual Change
2010-11	(108.6)	(\$1,523,589)	(\$1,523,589)
2011-12	(217.1)	(6,215,070)	(4,691,481)
2012-13	(477.8)	(13,649,159)	(7,434,089)
2013-14	(580.2)	(16,576,581)	(2,927,422)
2014-15	(588.9)	(16,825,665)	(249,084)

While the fiscal note for the bill included an estimate of the savings that would result from H.B. 10-1352, the act stated that the annual General Fund appropriation related to such savings shall

⁴ These local boards consisted of the District Attorney (or a designee), the Chief Public Defender (or a designee), and a probation officer chosen by the Chief Judge.

⁵ The estimated fiscal impact of H.B. 10-1352 to three state agencies other than the DOC included: a reduction of \$264,453 for the Office of the State Public Defender; an increase of \$283,563 for probation; and an increase of \$39,842 for the Department of Public Safety.

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be made after consideration of a report prepared by the Division of Criminal Justice (DCJ) concerning the amount of fiscal savings actually generated by H.B. 10-1352 in the previous fiscal year.

As required by H.B. 10-1352, the DCJ submitted a report on January 15, 2012, which analyzed the savings realized in the first 12 months after enactment of H.B. 10-1352 (August 2010 to July 2011), based on comparing the cost of offenders sentenced in the initial 12 month period after the act's enactment to the cost of offenders in the 12 months prior. The report indicated that during this initial 12 month period, the bill reduced state expenditures by \$854,533; if jail sentences are included, the savings increased to \$952,387. The estimated state savings were \$669,056 (44 percent) lower than the fiscal note estimates for FY 2010-11. In addition to noting the limited time that had passed since the bill was enacted, the report included several cautions indicating the challenge of calculating savings related to a criminal sentencing bill:

- It is not possible to track offender movements in the criminal justice system with precision, so these results should be viewed with caution.
- Sentencing is influenced by a variety of factors such as aggravating and mitigating circumstances, criminal history, and plea bargaining. The cost differences observed may not be due entirely to reductions in crime classifications.
- House Bill 10-1352 reduced crime classifications for certain felony and misdemeanor crimes, but sentence ranges overlap across some crime classifications (*e.g.*, the presumptive range for an F-6 is 12 to 18 months; the range for an F-5 is 12 to 36 months).
- Sentences imposed are driven by the most serious crime, among other factors, and the most serious crime is designated by crime classification. As H.B. 10-1352 reduced crime classifications, the frequency in which a H.B. 10-1352 crime is the most serious crime is likely reduced.
- Offenders are often charged with multiple crimes, may have cases in multiple jurisdictions, and may receive concurrent or consecutive sentences. Consequently, tracking offender sentence placements precisely for costing purposes is not possible.
- Despite improvements in records management systems, data errors or omissions likely remain.

While subsequent DCJ reports may have included information that would be helpful to the General Assembly in determining the amount of General Fund to appropriate to the Drug Offender Surcharge Fund each year, it is unlikely that the report would have provided enough data to clearly determine the actual DOC savings that annually result from H.B. 10-1352.

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Since FY 2010-11, the General Assembly has appropriated a total of \$15.4 million General Fund to be credited to the Drug Offender Surcharge Fund:

FY 2010-11:	\$1,068,196
FY 2011-12:	6,656,118
FY 2012-13:	<u>7,656,200</u>
Total to Date	\$15,380,514

These General Fund appropriations are included in the Judicial Department's budget, along with a corresponding amount of spending authority from the Drug Offender Surcharge Fund to allow the Department to use these moneys to provide treatment services to offenders on probation, and to transfer a portion of the moneys to other state agencies for the provision of services to offenders in other settings.

For example, for FY 2011-12, of the \$6,656,118 General Fund moneys that were credited to the Drug Offender Surcharge Fund, a total of \$4.1 million was transferred to other agencies, including: \$1.4 million to the DOC for the provision of treatment services to offenders on parole; \$1.25 million to the Department of Public Safety for the provision of treatment services to offenders in community corrections; and \$1.45 million to the Department of Human Services for the provision of treatment services to offenders in local jails. The annual appropriations to these three state agencies include the authorization to spend the moneys that are transferred from the Judicial Branch.

Please note that the above \$15.4 million has been reflected twice within the Judicial Branch budget (once as General Fund and a second time as reappropriated funds from the Drug Offender Surcharge Fund), and a portion of these moneys have been reflected a third time in the other three agencies' budgets (again as reappropriated funds). While this structure is transparent and allows one to easily identify the total amount of funding devoted to offender substance abuse treatment, it does tend to overstate annual funding increases within the Judicial Branch and the state as a whole if one does not exclude reappropriated amounts.

House Bill 12-1310

House Bill 12-1310 (Gardner B./Carroll) was passed on the last day of the 2012 Session. As introduced, this bill addressed several areas of statute governing criminal proceedings. When the Senate considered this bill on third reading, four substantive amendments were adopted, and the bill passed unanimously. These substantive amendments essentially incorporated provisions from four Senate bills into H.B. 12-1310:

- S.B. 12-028, concerning aggravated juvenile offenders adjudicated for murder;
- S.B. 12-104 concerning consolidation of drug treatment funding;
- S.B. 12-116, concerning penalties associated with cathinones; and
- S.B. 12-163, concerning changes to improve outcomes for persons convicted of certain crimes related to controlled substances.

The House subsequently concurred with Senate amendments and repassed the bill.

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This briefing issue concerns the provisions that were originally considered through S.B. 12-104 (Steadman/DelGrosso), related to the consolidation of drug treatment funding. These provisions consolidate the major state funding sources for substance abuse treatment, including the Drug Offender Surcharge Fund and the Drug Offender Treatment Fund, into a newly created Correctional Treatment Cash Fund (CTCF). These provisions replace the State Drug Offender Treatment Board and the Interagency Task Force on Treatment with the newly created Correctional Treatment Board, and expand the membership requirements for each judicial district's drug offender treatment board. The Correctional Treatment Board is required to prepare an annual treatment funding plan that the Judicial Department will include in its annual presentation to the Joint Budget Committee.

House Bill 12-1310 continues to require the General Assembly to annually appropriate at least \$2,200,000 General Fund related to the estimated savings that resulted from the enactment of S.B. 03-318⁶. In addition, H.B. 12-1310 continues to require the General Assembly to annually appropriate a certain amount of General Fund related to the estimated savings that resulted from the enactment of H.B. 10-1352. The act eliminated the requirement for DCJ to submit an annual report concerning H.B. 10-1352 savings. Instead, the act requires an annual appropriation of at least \$9.5 million General Fund for this purpose, beginning in FY 2013-14. Thus, the General Assembly is required to appropriate at least \$11.7 million General Fund annually to the CTCF, beginning in FY 2013-14. The Judicial Branch budget request for FY 2013-14 includes \$11,700,000 General Fund for this purpose, consistent with the act.

The CTCF thus consists of annual General Fund appropriations to the CTCF, drug offender surcharge revenues, and interest income. Moneys from the CTCF may be used for the following purposes:

- Alcohol and drug screening, assessment, and evaluation;
- Alcohol and drug testing;
- Substance abuse education and training;
- An annual statewide conference regarding substance abuse treatment;
- Treatment for assessed substance abuse and co-occurring disorders;
- Recovery support services; and
- Administrative support to the Correctional Treatment Board.

Moneys from the CTCF may be used to serve adults and juveniles who are:

- serving a diversion sentence;
- serving a probation sentence (including Denver county);
- on parole;
- sentenced or transitioned to a community corrections program; or
- serving a sentence in a county jail, on a work-release program supervised by the county jail, or receiving after-care treatment following release from jail if the offender participated in a jail treatment program.

⁶ See Section 18-19-103 (3.5) (b) and (4) (a), C.R.S.

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Correctional Treatment Board Funding Plan for FY 2013-14

The Correctional Treatment Board consists of the following seven members, consistent with statutory representation requirements⁷:

Correctional Treatment Board Membership		
Statutory Representation	Name	Position
Department of Corrections	Kelly Messamore	Assistant Director, Division of Adult Parole, Community Corrections, and YOS
Division of Probation Services, Judicial Branch	Eric Philp	Director, Division of Probation Services
Department of Public Safety	Jeanne Smith	Director, Division of Criminal Justice
Department of Human Services	Marc Condojani, Board Co-Chairman	Director Community Treatment & Recovery, Division of Behavioral Health
State Public Defender	Brian Connors	Chief Deputy, Office of the State Public Defender
District Attorneys	Rod Fouracre, Board Co-Chairman	District Attorney, 16th Judicial District (Bent, Crowley, and Otero counties)
County Sheriffs	David Walcher	Undersheriff, Arapahoe County Sheriff's Office

The Board's responsibilities include:

- Working with local drug treatment boards to identify judicial district-specific treatment and programmatic needs;
- Reviewing existing treatment services and their effectiveness;
- Identifying funding and programmatic barriers to effective treatment; and
- Developing a comprehensive annual funding plan that meets the identified statewide needs and effectively treats substance abuse offenders in Colorado.

Since H.B. 12-1310 was signed by the Governor in June, the Board has met monthly, hired its authorized administrative support position (housed within and funded through the State Court Administrator's Office' Division of Probation Services), and developed a preliminary survey for the local drug treatment boards in an effort to start collecting input on local needs and priorities. The Board notes that the survey results should be considered "very preliminary" and incomplete, as many of the local boards were not yet fully established and were not able to meet enough to sufficiently develop a full needs assessment. The primary identified needs generated from the local boards included:

- Expanded and enhanced treatment in local jails;
- Intensive residential treatment;
- Residential dual diagnosis treatment; and
- Drug court treatment.

In October, the Board met to review the preliminary input from the local boards, receive updates on the current and expected state funding for substance abuse treatment, and develop a funding

⁷ See Section 18-19-103 (5) (b), C.R.S.

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plan for FY 2013-14. The Board reviewed the three funding sources that have been consolidated into the CTCT, and how these funds are currently allocated and spent.

- *Drug Offender Surcharge Fee Revenue* is from a surcharge assessed on offenders based on the class of criminal drug conviction. This surcharge currently supports: (1) drug and alcohol treatment for inmates (DOC); (2) treatment and detoxification contracts and the Short-term Intensive Residential Remediation and Treatment (STIRRT) program (Human Services); (3) treatment services for offenders on probation and probation personnel (Judicial); and (4) community corrections placements and administrative services (Public Safety).
- To date, *S.B. 03-318 Funding* has been allocated to local boards for community-based substance abuse treatment. For FY 2013-14, \$1.98 million of this funding will support Drug Court treatment, and the balance of funding will support the annual Best Practices/Drug Court Conference. This conference brings together representatives from all 22 judicial districts and all criminal justice agencies for training, education, and planning purposes.
- *H.B. 10-1352 Funding* supports statewide community-based substance abuse and co-occurring treatment in an effort to reduce drug usage and related crimes. This money is currently appropriated to treat offenders on parole (Corrections), on probation and diversion (Judicial), and in community corrections (Public Safety), but is also used to fund local jail-based offender treatment (Human Services).

The following table details the allocation of the above three funding sources among agencies for FY 2012-13, as well as the proposed allocation for FY 2013-14. The Board proposes that existing allocations remain intact, and the additional \$1.8 million be used to expand and enhance jail-based treatment and to increase funding for community corrections. The Board states: "Without really having an opportunity to seriously assess the use and impact of current funding, the Board was hesitant to make changes that might negatively impact the delivery of substance abuse treatment and services." The Board plans to spend the next year reviewing all programs supported by CTCF moneys in an effort to ensure maximum efficiency and positive outcomes.

Correctional Treatment Cash Fund Funding Plan					
Funding Source	Corrections	Human Services	Judicial	Public Safety	Total
Drug offender surcharge revenue	\$1,245,127	\$1,270,616	\$1,794,118	\$1,098,016	\$5,407,877
General Fund appropriation related to S.B. 03-318	0	0	2,200,000	0	2,200,000
General Fund appropriation related to H.B. 10-1352	<u>1,757,100</u>	<u>1,819,900</u>	<u>2,510,450</u>	<u>1,568,750</u>	<u>7,656,200</u>
Subtotal: FY 2012-13 allocation per H.B. 12-1310	3,002,227	3,090,516	6,504,568	2,666,766	15,264,077
Proposed increase for FY 2013-14	0	1,200,000	0	250,000	1,450,000
Unallocated portion of proposed increase - reserve/cash fund revenue shortage	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>350,000</u>
Proposed FY 2013-14 allocation	\$3,002,227	\$4,290,516	\$6,504,568	\$2,916,766	\$17,064,077

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Please note that drug offender surcharge revenues currently fall short of authorized spending authority. Thus, the Board has agreed to a 10 percent restriction on its cash appropriations in FY 2012-13, and the Board is proposing to initially set aside \$350,000 of the planned increase in General Fund revenues to the CTCF in FY 2013-14.

The Board is committed to working in strong partnership with local treatment boards and has identified the issues of intensive residential treatment and residential dual diagnosis services as two of its top priorities. There are many barriers to implementing these services statewide, but discussions across state agencies and with community organizations and public policy boards have begun. Additionally, the Board will be working with the statewide Drug Court Coordinator (within the Judicial Branch) to develop clear funding guidelines and expectations for effective Drug Court operations. Finally, the Board plans to reach out to local treatment boards over the next year to develop strong relationships, to create a common vision for a comprehensive statewide substance abuse policy and treatment implementation plan.

RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S STRATEGIC PLAN:

This briefing issue concerns the implementation of 2012 legislation and related funding decisions that the Joint Budget Committee will consider during the 2013 legislative session. This issue relates to Principle #4 of the Judicial Department's Strategic Plan (concerning the courts and probation): "Implement quality assessments and community supervision of adult and juvenile probationers to demonstrably enhance public safety and respect victim rights.

Issue: Implementation of An In-house E-Filing System

In July 2010 the Department successfully implemented an in-house public access system, and the Department is scheduled to complete statewide implementation of an in-house e-filing system on January 1, 2013. Both systems have been developed without General Fund support, and ongoing operations are and will be entirely supported by user fees. These projects have also allowed the General Assembly to reduce annual General Fund support for the Department's information technology infrastructure by \$1.0 million.

SUMMARY:

- In July 2010, the Department successfully implemented an in-house public access system, called Colorado State Courts Data Access (CSCDA). Like the predecessor vendor-based public access system, user fees support the ongoing operating costs of CSCDA and a portion of the Department's underlying information technology infrastructure. This project allowed the General Assembly to reduce annual General Fund support for the Department's infrastructure by \$1.0 million. In addition, a portion of CSCDA fee revenue has supported the development of an in-house e-filing system, called Integrated Colorado Courts E-filing System (ICCES).
- Following the successful implementation of CSCDA, the Department focused its efforts on developing ICCES. The Department's contract for the existing vendor-operated e-filing system expires on December 31, 2012. The Department has developed ICCES modules for small claims cases, as well as all case types for which e-filing services are currently available, including civil, water, probate, and domestic relations cases that involve counsel.
- In early October 2012, the Department began piloting ICCES in the 14th judicial district, and has since expanded to the 20th and 17th judicial districts. The Department will add the 8th judicial district later this month, and complete statewide rollout on January 1, 2013. Like the existing vendor-based e-filing system, user fees will support the ongoing operating costs of ICCES and a portion of the Department's underlying information technology infrastructure.
- The Department's budget request for FY 2013-14 reflects a net reduction in cash funds appropriations for ICCES, largely due to the elimination of one-time hardware expenses. The Department is requesting, however, additional funding and staff to support ICCES users and ensure successful statewide system implementation.

DISCUSSION:

Background Information - Development of Major IT Systems

Three critical information technology systems have been developed since the late 1990's. One system was developed in-house, and the other two were developed by outside vendors.

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1. In 1997 the Department deployed a unified, *statewide court and probation case management system* called ICON (Integrated Colorado On-line Network). The Department is in the process of developing a replacement case management system called jPOD (Judicial Paper On Demand), which will support the new E-filing system, discussed below. The jPOD system has been implemented in the Colorado Supreme Court and the Court of Appeals, and is being deployed incrementally as the new E-filing system is piloted. The Department will continue to develop jPOD for other case types once the E-Filing system is implemented statewide.
2. To efficiently respond to requests from government agencies, background search companies, the public, and media for court and probation data, the Department issued a request for proposal (RFP) for vendor-based solution. The resulting *web-based public access system*, called CoCourts, went live in November 2000. This system provided access to all non-protected court case data (but not to the associated documents). All judicial officers and Department staff, as well as approved governmental entities, were provided free access to the system; all other users paid an access fee. A second RFP was issued and awarded to LexisNexis/CourtLink in August 2005; this contract expired in June 2010.

The vendor-operated public access system was supported by user fees collected by the vendor. In addition, beginning in FY 2003-04, the Department required the vendor to collect a cost recovery fee on the Department's behalf. The Department used this fee revenue to cover the direct and indirect costs of hardware replacement and other expenses required to maintain the equipment and network connections necessary for the use of the Department's computer information systems by the public and other agencies.

In July 2010, the Department successfully replaced the vendor-based system with an in-house public access system. This new system is discussed further below.

3. To address the high costs of receiving, retrieving, copying, and mailing court documents, the Department issued an RFP for vendor-based electronic document management system. The resulting *e-filing system* was piloted in July 2000 and implemented statewide in district courts by February 2001, in county courts (for limited case types) in early 2007, in the Court of Appeals in July 2008, and most recently in the Supreme Court. The Department indicates that Colorado has the only statewide e-filing system that is fully integrated with its case management system. This system has made it easier and cheaper for attorneys to file cases, increased the speed and reliability of retrieving documents, reduced the time required to distribute court orders, and reduced court staff workload.

The vendor-operated e-filing system is supported by user fees paid directly to the vendor. Similar to the public access system, since FY 2003-04 the Department has required the vendor to also collect a cost recovery fee on the Department's behalf. The current contract with LexisNexis expires in December 2012.

Background Information - Proposal to Bring Two Systems In-house

In April 2008, the Joint Budget Committee requested that the Judicial Department study the feasibility of providing its public access and e-filing systems in-house. The Department

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conducted the study and recommended that it be authorized to develop and deploy both systems. To minimize risks, the Department recommended that it be authorized to develop and implement the public access system first using existing cost recovery fee revenues and a portion of the Department's IT Cash Fund balance. Subsequently, the Department would develop the e-filing system using existing cost recovery fee revenues as well as fee revenue related to the new public access system. The Department's proposed development would thus not require any General Fund moneys, and the Department anticipated that once both systems were implemented, the General Assembly could consider using revenues generated through both systems to reduce user fees, continue to improve information technology supporting the state court system, or reduce Department General Fund expenditures related to information technology.

In December 2008, the Joint Budget Committee voted to direct the Department to move ahead with plans to develop both systems. The General Assembly actions related to funding these projects are as follows:

- In early 2009, the Committee recommended and the General Assembly approved an appropriation of \$722,296 cash funds and 1.8 FTE (5.0 FTE for a portion of the fiscal year) to allow the Department to begin developing these two systems.
- The Committee recommended continued funding for both systems for FY 2009-10 totaling \$2,594,733 cash funds and 15.0 FTE. However, the General Assembly eliminated this funding from the FY 2009-10 Long Bill.
- In early 2010 the Committee recommended and the General Assembly approved an appropriation of \$72,245 cash funds and 1.0 FTE (4.0 FTE for a portion of the fiscal year) to proceed with the projects in late FY 2009-10, as well as a \$1,000,000 reduction in annual General Fund support for the Department's information technology infrastructure.
- For FY 2010-11, the General Assembly increased funding by \$2,594,733 cash funds and 17.0 FTE for both projects.
- For FY 2011-12, the General Assembly reduced funding by \$15,369 cash funds and added 1.0 FTE for the projects.
- The General Assembly appropriated a total of \$1,660,000 cash funds, to be spent in late FY 2011-12 and early FY 2012-13, to replace four servers and three storage controller units in advance of the statewide rollout of ICCES and the Department's relocation to the new Judicial Center.
- For FY 2012-13, the General Assembly increased funding for the ICCES project by \$697,308 cash funds and 4.0 FTE.

Implementation of In-house Public Access System

Despite the funding delays related to the project, the Department successfully implemented the in-house public access system, called Colorado State Courts Data Access (CSCDA), on July 1, 2010. The system went live to the public through two vendors: Acxiom and Background Information Services. The revenue that is generated through CSCDA is used for ongoing operating costs related to CSCDA, for a portion of the hardware and software needed to support the courts and probation statewide, and it is supporting the development of an in-house e-filing system, called Integrated Colorado Courts E-filing System (ICCES).

Development and Implementation of E-filing System

Following the successful implementation of CSCDA, the Department focused its efforts on developing ICCES. The Department established an advisory committee to support and inform system development, and the Department created a website to allow advisory committee members and other interested parties to access information related to system development (*e.g.*, meeting minutes, technical information, and project milestones). The Department also entered into a memorandum of understanding with the Denver County Court to co-develop an e-filing front-end program, thereby ensuring that the format and cost of the e-filing system will be consistent for all county courts. [It is staff's understanding that Denver's county court has elected to remain with LexisNexis for now, but is monitoring the implementation of ICCES and will likely join ICCES in the future.]

The Department began system development with a module for small claims cases. This module is designed to walk the user through a step-by-step process, rather than simply providing a form to be filled out. This is the first program to provide self-represented litigants electronic access to Colorado courts. This module also reduces the workload for court staff by eliminating the need for data entry from claimant forms. The Department began piloting this module in two judicial districts (the 1st and 17th) in April 2011. Based on feedback from the pilot districts, the Department has modified and improved the module and will make it available to other districts as the full system is rolled out.

The Department's contract with LexisNexis to make electronic filing services available for certain types of cases expires December 31, 2012. For the last 18 months, in order to ensure a successful transition for current system users, the Department has focused its work on developing modules for all case for which services are currently offered, including the following:

- Court of Appeals: General civil cases, agency cases, probate cases, and domestic relations cases that involve counsel
- District Court: General jurisdiction civil cases, domestic relations cases that involve counsel, probate cases, and water cases
- County Court: Civil suits asking for money damages, and forcible entry and detainer case types filed pursuant to Section 13-40-101 et seq., C.R.S.

On October 1, 2012, the Department began piloting all of the above modules in the 14th judicial district (Grand, Moffat, and Routt counties). The Department has subsequently expanded the pilot to include the 20th (Boulder county) and 17th (Adams and Broomfield counties) judicial districts, and will add the 8th (Jackson and Larimer counties) judicial district later this month. The pilot has involved district and county courts of varying sizes.

The ICCES system brings numerous enhancements to electronic filing, and it differs in some respects from the current system. To prepare for statewide rollout of the system, the Department has been offering training for attorneys and collection agencies throughout the state. This training is offered in a variety of formats including live training sessions throughout the state, webinars, a YouTube video, and an on-line training manual. More than 5,000 organizations have registered for training sessions. Starting January 1, 2013, all electronic filing for civil cases in

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county and district courts, in the Colorado Court of Appeals, and in the Colorado Supreme Court will be made through ICCES.

Once the existing ICCES case modules are successfully implemented statewide, the Department plans to proceed with development of modules for the other case types for which e-filing is not currently available, including: criminal, juvenile, mental health, and pro se domestic relations cases. Given the number of state agencies and state-paid attorneys that are involved in criminal and juvenile cases, this expansion of the e-filing system has the potential to significantly reduce related labor and operational costs throughout the criminal justice system.

Independent Verification and Validation Review

In July 2012, the State Auditor's Office released a report concerning an independent verification and validation review conducted by Wyant Data Systems, Inc. This report covered the Judicial Department's jPOD and ICCES development projects. The report concluded that the Department faces a "low to medium" risk of failure for the ICCES/jPOD development projects. The report included recommendations related to the following:

- Taking steps to comply with state cyber security policies;
- Strengthening project management practices;
- Taking actions to ensure a smooth transition to enterprise-level application support for ICCES/jPOD;
- Implementing a strong quality control assurance program;
- Reevaluating and reassessing the Department's capacity planning and infrastructure performance based on the projected utilization and capacity needs of ICCES/jPOD; and
- Ensuring that project costs are appropriately capitalized as required by established accounting principles.

The Department committed to implementing several of the recommendations by October 2012, including those related to the user support that will be required when ICCES/jPOD is implemented statewide, reevaluating system capacity planning and infrastructure performance, and properly capitalizing project costs. The remaining recommendations will not be addressed until after the first phase of the ICCES and jPOD projects are live and stable. In addition, the Department may require additional resources to address the recommendations related to conducting periodic vulnerability, threat, and risk assessments.

Related Budget Requests for FY 2012-13 and FY 2013-14

The Department's budget request for FY 2013-14 reflects a net reduction of \$974,475 cash funds related to the ICCES project. This includes the elimination of \$1,314,260 cash funds, including \$860,000 that was provided in FY 2012-13 to complete the replacement of four servers and three storage controller units, and \$454,260 that was provided for other hardware and software related to project development. These reductions are offset by an increase of \$339,785 to add 4.0 FTE to provide user support and technical assistance. It is possible that the Department will also submit a supplemental request next month to add these additional staff in FY 2012-13 to support the statewide rollout of ICCES.

**RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S
STRATEGIC PLAN:**

This briefing issue concerns the completion of two information technology projects that were first funded in FY 2008-09. This issue relates to Goal #5b of the Judicial Department's Strategic Plan (concerning the courts and probation): "Employ new and enhanced technology solutions for managing judicial business."

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Appendix A: Number Pages

	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
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JUDICIAL DEPARTMENT
Michael Bender, Chief Justice

(1) SUPREME COURT/COURT OF APPEALS

This section provides funding for the Colorado Supreme Court and the Colorado Court of Appeals. The primary functions of the Supreme Court include: general supervisory control of lower courts; appellate review of lower court judgments; original jurisdiction for certain constitutional and other cases; rule-making for the state court system; and overseeing the regulation of attorneys and the practice of law. The Court of Appeals is generally the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations, and probate matters. The Court of Appeals also has initial jurisdiction to review actions and decisions of several state agencies, boards, and commissions. Cash fund sources primarily include annual attorney registration fees, law examination application fees, appellate court filing fees, and various docket fees that are credited to the Judicial Stabilization Cash Fund. Reappropriated funds are funds transferred from the Department of Law.

Appellate Court Programs	<u>11,093,005</u>	<u>11,242,794</u>	<u>11,575,352</u>	<u>11,581,239</u>
FTE	134.5	138.4	140.0	140.0
General Fund	10,045,031	9,930,498	10,242,962	10,248,849
Cash Funds	1,047,974	1,312,296	1,332,390	1,332,390
Attorney Regulation	<u>6,950,882</u>	<u>8,391,213</u>	<u>7,000,000</u>	<u>7,000,000</u>
FTE	55.8	56.0	56.0	56.0
Cash Funds	6,950,882	8,391,213	7,000,000	7,000,000
Continuing Legal Education	<u>409,651</u>	<u>295,988</u>	<u>410,000</u>	<u>410,000</u>
FTE	3.1	4.0	4.0	4.0
Cash Funds	409,651	295,988	410,000	410,000
State Board of Law Examiners	<u>1,048,817</u>	<u>1,046,155</u>	<u>1,050,000</u>	<u>1,050,000</u>
FTE	6.3	7.0	7.0	7.0
Cash Funds	1,048,817	1,046,155	1,050,000	1,050,000

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Law Library	<u>390,729</u>	<u>439,526</u>	<u>500,000</u>	<u>500,000</u>	
FTE	1.5	1.5	1.5	1.5	
Cash Funds	380,628	392,562	500,000	500,000	
Reappropriated Funds	10,101	46,964	0	0	
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>0</u>	<u>148,025</u>	
Cash Funds	0	0	0	148,025	
TOTAL - (1) Supreme Court/Court of Appeals	19,893,084	21,415,676	20,535,352	20,689,264	0.7%
FTE	<u>201.2</u>	<u>206.9</u>	<u>208.5</u>	<u>208.5</u>	<u>0.0%</u>
General Fund	10,045,031	9,930,498	10,242,962	10,248,849	0.1%
Cash Funds	9,837,952	11,438,214	10,292,390	10,440,415	1.4%
Reappropriated Funds	10,101	46,964	0	0	0.0%

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
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(2) COURTS ADMINISTRATION

The Justices of the Supreme Court appoint a State Court Administrator to oversee administrative functions of the Branch. The State Court Administrator and his staff provide leadership and technical and administrative support for judicial district staff. This section includes funding for: the State Court Administrator and his staff; information technology staff and infrastructure for courts and probation programs; employee benefits for all court and probation staff; multiple programs that are administrated centrally rather than at the judicial district level; and operations of the Ralph L. Carr Colorado Judicial Center.

(A) Administration and Technology

This subsection includes funding and staff associated with central administration of the State's judicial system, including budgeting, research, information technology systems and support, training, and technical assistance. Cash fund sources include the Judicial Department Information Technology Cash Fund and various fees and cost recoveries. Reappropriated funds include statewide and departmental indirect recoveries and funds transferred from other state agencies.

General Courts Administration	<u>14,909,634</u>	<u>15,463,633</u>	<u>16,170,926</u>	<u>17,018,468</u>
FTE	178.3	174.7	196.4	206.0
General Fund	12,292,978	11,751,693	11,438,402	12,166,944
Cash Funds	1,249,708	1,364,502	2,518,836	2,858,621
Reappropriated Funds	1,366,948	2,347,438	2,213,688	1,992,903
Information Technology Infrastructure	<u>4,395,921</u>	<u>4,870,341</u>	<u>5,952,101</u>	<u>4,637,841</u>
General Fund	529,869	853,094	403,094	403,094
Cash Funds	3,866,052	4,017,247	5,549,007	4,234,747
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>0</u>	<u>587,298</u>
Cash Funds	0	0	0	576,018
Reappropriated Funds	0	0	0	3,426
Federal Funds	0	0	0	7,854
Statewide Indirect Cost Assessment	<u>113,511</u>	<u>140,112</u>	<u>110,175</u>	<u>0</u>
Cash Funds	113,511	140,112	110,175	0
Federal Funds	0	0	0	0

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Departmental Indirect Cost Assessment	<u>1,253,437</u>	<u>1,907,327</u>	<u>1,870,435</u>	<u>0</u>	
Cash Funds	1,253,437	1,907,327	1,870,435	0	
SUBTOTAL - (A) Administration and Technology	20,672,503	22,381,413	24,103,637	22,243,607	(7.7%)
<i>FTE</i>	<u>178.3</u>	<u>174.7</u>	<u>196.4</u>	<u>206.0</u>	<u>4.9%</u>
General Fund	12,822,847	12,604,787	11,841,496	12,570,038	6.2%
Cash Funds	6,482,708	7,429,188	10,048,453	7,669,386	(23.7%)
Reappropriated Funds	1,366,948	2,347,438	2,213,688	1,996,329	(9.8%)
Federal Funds	0	0	0	7,854	0.0%

(B) Central Appropriations

This subsection includes centrally appropriated line items (which generally exclude funding associated with the four independent agencies). Cash fund sources include: the Judicial Stabilization Cash Fund, the State Commission on Judicial Performance Cash Fund, the Offender Services Fund, the Judicial Department Information Technology Cash Fund, the Fines Collection Cash Fund, the Drug Offender Surcharge Fund (which is replaced by the Correctional Treatment Cash Fund in FY 2012-13), the Alcohol and Drug Driving Safety Program Fund, and employee parking fees.

Health, Life, and Dental	<u>18,067,765</u>	<u>17,280,323</u>	<u>23,150,190</u>	<u>24,880,322</u>
General Fund	16,365,672	17,002,669	21,290,385	22,827,582
Cash Funds	1,702,093	277,654	1,859,805	2,052,740
Short-term Disability	<u>297,235</u>	<u>291,983</u>	<u>349,969</u>	<u>290,147</u>
General Fund	264,809	287,955	288,404	210,188
Cash Funds	32,426	4,028	61,565	79,959
S.B. 04-257 Amortization Equalization Disbursement	<u>4,526,674</u>	<u>4,465,219</u>	<u>5,588,172</u>	<u>6,840,646</u>
General Fund	4,043,325	4,410,863	4,454,618	5,231,786
Cash Funds	483,349	54,356	1,133,554	1,608,860

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S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>3,252,810</u>	<u>3,541,237</u>	<u>4,628,957</u>	<u>6,013,036</u>	
General Fund	2,918,597	3,497,156	3,680,446	4,560,592	
Cash Funds	334,213	44,081	948,511	1,452,444	
Salary Survey	<u>0</u>	<u>0</u>	<u>1,352,600</u>	<u>5,278,717</u>	
General Fund	0	0	309,680	4,456,246	
Cash Funds	0	0	1,042,920	822,471	
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,824,990</u>	
General Fund	0	0	0	3,210,560	
Cash Funds	0	0	0	614,430	
Workers' Compensation	<u>1,647,138</u>	<u>1,672,725</u>	<u>1,712,924</u>	<u>1,327,166</u>	
General Fund	1,647,138	1,672,725	1,712,924	1,327,166	
Legal Services	<u>85,966</u>	<u>122,183</u>	<u>170,259</u>	<u>170,259</u>	
General Fund	85,966	122,183	170,259	170,259	
Purchase of Services from Computer Center	<u>295,960</u>	<u>510,540</u>	<u>753,476</u>	<u>675,463</u>	
General Fund	295,960	510,540	753,476	675,463	
Multiuse Network Payments	<u>270,664</u>	<u>412,501</u>	<u>575,849</u>	<u>1,185,276</u>	
General Fund	270,664	412,501	575,849	1,185,276	
Payment to Risk Management and Property Funds	<u>65,718</u>	<u>232,018</u>	<u>239,318</u>	<u>614,750</u>	
General Fund	65,718	232,018	239,318	614,750	

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Vehicle Lease Payments	<u>59,044</u>	<u>56,364</u>	<u>72,221</u>	<u>93,439</u>	
General Fund	59,044	56,364	72,221	93,439	
Leased Space	<u>1,262,204</u>	<u>1,241,841</u>	<u>1,323,343</u>	<u>0</u>	
General Fund	1,129,939	1,110,576	1,151,863	0	
Cash Funds	132,265	131,265	171,480	0	
Communication Services Payments	<u>11,377</u>	<u>12,161</u>	<u>24,725</u>	<u>16,703</u>	
General Fund	11,377	12,161	24,725	16,703	
COFRS Modernization	<u>0</u>	<u>0</u>	<u>1,056,857</u>	<u>1,056,857</u>	
General Fund	0	0	1,056,857	1,056,857	
Lease Purchase	<u>119,878</u>	<u>119,878</u>	<u>119,878</u>	<u>119,878</u>	
General Fund	119,878	119,878	119,878	119,878	
SUBTOTAL - (B) Central Appropriations	29,962,433	29,958,973	41,118,738	52,387,649	27.4%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	27,278,087	29,447,589	35,900,903	45,756,745	27.5%
Cash Funds	2,684,346	511,384	5,217,835	6,630,904	27.1%

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(C) Centrally Administered Programs

This subsection includes funding and staff associated with specific functions, grant programs, and distributions that are administered by the State Court Administrator's Office. Cash fund sources include the Victims and Witnesses and Law Enforcement Fund, the Crime Victim Compensation Fund, the Judicial Collections Enhancement Fund, the Fines Collection Cash Fund, the Judicial Stabilization Cash Fund, the Court Security Cash Fund, the State Commission on Judicial Performance Cash Fund, the Family Violence Justice Fund, the Family-friendly Court Program Cash Fund, and various fees, cost recoveries, and grants. Reappropriated funds include Victims and Witnesses Assistance and Law Enforcement funds transferred from the Trial Courts section, and federal funds transferred from the Department of Human Services.

Victim Assistance	<u>16,159,199</u>	<u>16,718,575</u>	<u>16,375,000</u>	<u>16,375,000</u>
Cash Funds	16,159,199	16,718,575	16,375,000	16,375,000
Victim Compensation	<u>13,123,438</u>	<u>12,346,894</u>	<u>12,175,000</u>	<u>12,175,000</u>
Cash Funds	13,123,438	12,346,894	12,175,000	12,175,000
Collections Investigators	<u>4,960,725</u>	<u>4,923,061</u>	<u>5,157,739</u>	<u>5,157,739</u>
FTE	70.5	72.4	83.2	83.2
Cash Funds	4,187,416	4,174,147	4,260,198	4,260,198
Reappropriated Funds	773,309	748,914	897,541	897,541
Problem-solving Courts	<u>2,145,296</u>	<u>2,296,638</u>	<u>2,335,970</u>	<u>2,739,133</u>
FTE	32.2	29.3	32.7	37.7
General Fund	0	0	0	0
Cash Funds	1,115,633	1,527,389	2,335,970	2,739,133
Federal Funds	1,029,663	769,249	0	0
Language Interpreters	<u>3,245,920</u>	<u>3,611,448</u>	<u>3,662,739</u>	<u>3,662,739</u>
FTE	22.7	24.1	25.0	25.0
General Fund	3,218,320	3,347,318	3,376,239	3,376,239
Cash Funds	27,600	264,130	286,500	286,500

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Courthouse Security	<u>2,966,235</u>	<u>3,016,168</u>	<u>3,864,989</u>	<u>3,865,833</u>	
FTE	1.0	1.0	1.0	1.0	
Cash Funds	2,966,235	3,016,168	3,864,989	3,865,833	
Courthouse Capital/ Infrastructure Maintenance	<u>2,432,067</u>	<u>616,932</u>	<u>1,659,089</u>	<u>3,945,382</u>	
General Fund	80,791	143,406	0	26,337	
Cash Funds	2,351,276	473,526	1,654,386	3,919,045	
Reappropriated Funds	0	0	4,703	0	
Senior Judge Program	<u>1,592,873</u>	<u>1,348,530</u>	<u>1,500,000</u>	<u>1,500,000</u>	
General Fund	1,592,873	1,348,530	0	0	
Cash Funds	0	0	1,500,000	1,500,000	
Judicial Education and Training	<u>0</u>	<u>0</u>	<u>1,069,536</u>	<u>1,462,036</u>	
FTE	0.0	0.0	2.0	2.0	
Cash Funds	0	0	1,069,536	1,462,036	
Office of Judicial Performance Evaluation	<u>705,806</u>	<u>646,674</u>	<u>890,955</u>	<u>920,955</u>	
FTE	2.0	2.0	2.0	2.0	
Cash Funds	705,806	646,674	890,955	920,955	
Family Violence Justice Grants	<u>870,934</u>	<u>675,000</u>	<u>628,430</u>	<u>628,430</u>	
General Fund	750,000	458,430	458,430	458,430	
Cash Funds	120,934	216,570	170,000	170,000	
Family-friendly Court Program	<u>249,549</u>	<u>244,139</u>	<u>375,000</u>	<u>375,000</u>	
FTE	0.5	0.5	0.5	0.5	
Cash Funds	249,549	244,139	375,000	375,000	

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Child Support Enforcement	<u>81,126</u>	<u>80,282</u>	<u>90,900</u>	<u>90,900</u>	
FTE	1.0	1.0	1.0	1.0	
General Fund	27,633	27,287	30,904	30,904	
Reappropriated Funds	53,493	52,995	59,996	59,996	
SUBTOTAL - (C) Centrally Administered Programs	48,533,168	46,524,341	49,785,347	52,898,147	6.3%
FTE	<u>129.9</u>	<u>130.3</u>	<u>147.4</u>	<u>152.4</u>	<u>3.4%</u>
General Fund	5,669,617	5,324,971	3,865,573	3,891,910	0.7%
Cash Funds	41,007,086	39,628,212	44,957,534	48,048,700	6.9%
Reappropriated Funds	826,802	801,909	962,240	957,537	(0.5%)
Federal Funds	1,029,663	769,249	0	0	0.0%

(D) Ralph L. Carr Colorado Judicial Center

This subsection includes appropriations related to the operations of the Ralph L. Carr Colorado Judicial Center. For FY 2013-14, the Department is also proposing moving various Leased Space appropriations for Judicial agencies that are Carr Center tenants to this subsection. Funding supports: various contractual services (including engineering, custodial, and maintenance services; parking garage operations and maintenance; and copy center operations); the purchase of security services from the Colorado State Patrol; utilities; operational and engineering facility staff; and an annual appropriation for future facility controlled maintenance needs. Cash funds are from the Justice Center Cash Fund. Reappropriated funds are transferred from the Department of Law and any other state agencies that rent space in the Carr Center.

Personal Services	<u>0</u>	<u>0</u>	<u>994,549</u>	<u>1,260,986</u>
FTE	0.0	0.0	2.0	2.0
Cash Funds	0	0	994,549	377,596
Reappropriated Funds	0	0	0	883,390
Operating Expenses	<u>0</u>	<u>0</u>	<u>2,147,060</u>	<u>4,026,234</u>
Cash Funds	0	0	2,147,060	1,205,636
Reappropriated Funds	0	0	0	2,820,598

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Controlled Maintenance	<u>0</u>	<u>0</u>	<u>1,000,000</u>	<u>2,025,000</u>	
Cash Funds	0	0	1,000,000	606,377	
Reappropriated Funds	0	0	0	1,418,623	
Leased Space	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,056,124</u>	
General Fund	0	0	0	2,056,124	
SUBTOTAL - (D) Ralph L. Carr Colorado Judicial Center					
	0	0	4,141,609	9,368,344	126.2%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>2.0</u>	<u>2.0</u>	<u>0.0%</u>
General Fund	0	0	0	2,056,124	0.0%
Cash Funds	0	0	4,141,609	2,189,609	(47.1%)
Reappropriated Funds	0	0	0	5,122,611	0.0%
TOTAL - (2) Courts Administration					
	99,168,104	98,864,727	119,149,331	136,897,747	14.9%
<i>FTE</i>	<u>308.2</u>	<u>305.0</u>	<u>345.8</u>	<u>360.4</u>	<u>4.2%</u>
General Fund	45,770,551	47,377,347	51,607,972	64,274,817	24.5%
Cash Funds	50,174,140	47,568,784	64,365,431	64,538,599	0.3%
Reappropriated Funds	2,193,750	3,149,347	3,175,928	8,076,477	154.3%
Federal Funds	1,029,663	769,249	0	7,854	0.0%

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(3) TRIAL COURTS

This section provides funding for the state trial courts, which consist of district courts in 22 judicial districts, water courts, and county courts. District courts: preside over felony criminal matters, civil claims, juvenile matters, and probate, mental health, and divorce proceedings; handle appeals from municipal and county courts; and review decisions of administrative boards and agencies. Water courts have exclusive jurisdiction over cases involving the determination of water rights and the use and administration of water. County courts: handle civil actions involving no more than \$15,000, misdemeanor cases, civil and criminal traffic infractions, and felony complaints; issue search warrants and protection orders in cases involving domestic violence; and hear municipal court appeals. Cash fund sources include the Judicial Stabilization Cash Fund, various court fees and cost recoveries, and the sale of jury pattern instructions. Reappropriated funds reflect federal funds transferred from the Departments of Public Safety and Human Services.

Trial Court Programs	<u>114,677,763</u>	<u>117,944,999</u>	<u>123,249,518</u>	<u>124,921,437</u>
FTE	1,615.2	1,663.1	1,794.1	1,804.1
General Fund	90,070,969	89,919,517	92,758,394	92,763,540
Cash Funds	23,572,951	26,988,570	29,391,124	31,057,897
Reappropriated Funds	1,033,843	1,036,912	1,100,000	1,100,000
Court Costs, Jury Costs, and Court-appointed Counsel	<u>15,472,347</u>	<u>15,181,493</u>	<u>15,594,352</u>	<u>15,594,352</u>
General Fund	15,319,142	14,696,493	15,109,352	15,109,352
Cash Funds	153,205	485,000	485,000	485,000
District Attorney Mandated Costs	<u>2,130,507</u>	<u>2,186,883</u>	<u>2,264,449</u>	<u>2,332,381</u>
General Fund	2,005,507	2,061,883	2,124,449	2,172,381
Cash Funds	125,000	125,000	140,000	160,000
Federal Funds and Other Grants	<u>1,506,856</u>	<u>1,628,307</u>	<u>2,900,000</u>	<u>2,900,000</u>
FTE	14.0	14.0	14.0	14.0
Cash Funds	366,130	230,321	975,000	975,000
Reappropriated Funds	116,080	110,819	300,000	300,000
Federal Funds	1,024,646	1,287,167	1,625,000	1,625,000

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TOTAL - (3) Trial Courts	133,787,473	136,941,682	144,008,319	145,748,170	1.2%
<i>FTE</i>	<u>1,629.2</u>	<u>1,677.1</u>	<u>1,808.1</u>	<u>1,818.1</u>	<u>0.6%</u>
General Fund	107,395,618	106,677,893	109,992,195	110,045,273	0.0%
Cash Funds	24,217,286	27,828,891	30,991,124	32,677,897	5.4%
Reappropriated Funds	1,149,923	1,147,731	1,400,000	1,400,000	0.0%
Federal Funds	1,024,646	1,287,167	1,625,000	1,625,000	0.0%

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
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(4) PROBATION AND RELATED SERVICES

This section provides funding for: the supervision of offenders sentenced to probation; the preparation of presentence investigation reports for the courts; victim notification and assistance; and community outreach programs. Cash funds are from fees paid by offenders for supervision, treatment, and restitution, as well as various cost recoveries. Reappropriated funds include: spending authority for General Fund moneys that are appropriated to the Correctional Treatment Cash Fund; Victims and Witnesses Assistance and Law Enforcement funds transferred from the Trial Courts section; and funds transferred from other Departments.

Probation Programs	<u>68,406,169</u>	<u>72,859,600</u>	<u>74,931,974</u>	<u>75,932,735</u>	
FTE	1,044.8	1,082.2	1,149.4	1,149.4	
General Fund	61,838,774	62,580,677	65,082,409	65,381,056	
Cash Funds	6,567,395	10,278,923	9,849,565	10,551,679	
Offender Treatment and Services	<u>9,989,786</u>	<u>13,372,184</u>	<u>11,056,327</u>	<u>27,284,311</u>	
General Fund	0	0	667,197	667,197	
Cash Funds	9,603,829	6,637,774	9,609,284	14,233,049	
Reappropriated Funds	385,957	6,734,410	779,846	12,384,065	
Services and Activities Authorized by Section 18-19-103 (5) (c) and (d), C.R.S.	<u>0</u>	<u>0</u>	<u>15,168,296</u>	<u>0</u>	
Cash Funds	0	0	5,407,877	0	
Reappropriated Funds	0	0	9,760,419	0	
Day Reporting Services	<u>206,041</u>	<u>289,291</u>	<u>0</u>	<u>0</u>	
General Fund	206,041	289,291	0	0	
Appropriation to the Correctional Treatment Cash Fund	<u>0</u>	<u>0</u>	<u>9,856,200</u>	<u>11,700,000</u>	
General Fund	0	0	9,856,200	11,700,000	

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H.B. 10-1352 Appropriation to Drug Offender Surcharge Fund	<u>1,068,196</u>	<u>6,656,118</u>	<u>0</u>	<u>0</u>	
General Fund	1,068,196	6,656,118	0	0	
S.B. 03-318 Community Treatment Funding	<u>2,200,000</u>	<u>2,200,000</u>	<u>0</u>	<u>0</u>	
General Fund	2,200,000	2,200,000	0	0	
S.B. 91-94 Juvenile Services	<u>1,603,089</u>	<u>1,502,621</u>	<u>2,496,837</u>	<u>2,496,837</u>	
FTE	15.1	13.0	25.0	25.0	
Reappropriated Funds	1,603,089	1,502,621	2,496,837	2,496,837	
Reimbursements to Law Enforcement Agencies for the Costs of Returning a Probationer	<u>0</u>	<u>0</u>	<u>93,750</u>	<u>187,500</u>	
Cash Funds	0	0	93,750	187,500	
Victims Grants	<u>434,635</u>	<u>407,381</u>	<u>650,000</u>	<u>650,000</u>	
FTE	6.0	6.0	6.0	6.0	
Reappropriated Funds	434,635	407,381	650,000	650,000	
Federal Funds and Other Grants	<u>4,973,611</u>	<u>5,551,863</u>	<u>5,600,000</u>	<u>5,600,000</u>	
FTE	33.0	33.0	33.0	33.0	
Cash Funds	946,292	1,098,754	1,950,000	1,950,000	
Reappropriated Funds	1,152,461	3,167,111	850,000	850,000	
Federal Funds	2,874,858	1,285,998	2,800,000	2,800,000	
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,024,502</u>	
Cash Funds	0	0	0	1,024,502	

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TOTAL - (4) Probation and Related Services	88,881,527	102,839,058	119,853,384	124,875,885	4.2%
<i>FTE</i>	<u>1,098.9</u>	<u>1,134.2</u>	<u>1,213.4</u>	<u>1,213.4</u>	<u>0.0%</u>
General Fund	65,313,011	71,726,086	75,605,806	77,748,253	2.8%
Cash Funds	17,117,516	18,015,451	26,910,476	27,946,730	3.9%
Reappropriated Funds	3,576,142	11,811,523	14,537,102	16,380,902	12.7%
Federal Funds	2,874,858	1,285,998	2,800,000	2,800,000	0.0%

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(5) OFFICE OF THE STATE PUBLIC DEFENDER

This independent agency provides legal counsel for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. Cash funds consist of training fees paid by private attorneys and grants. Reappropriated funds are federal funds transferred from the Department of Public Safety.

Personal Services	<u>38,108,913</u>	<u>41,604,756</u>	<u>43,519,793</u>	<u>43,760,551</u>	
FTE	560.7	612.7	652.8	656.6	
General Fund	38,108,913	41,604,756	43,519,793	43,760,551	
Health, Life, and Dental	<u>4,046,851</u>	<u>4,555,942</u>	<u>4,323,337</u>	<u>4,687,048</u>	
General Fund	4,046,851	4,555,942	4,323,337	4,687,048	
Short-term Disability	<u>57,220</u>	<u>68,330</u>	<u>68,710</u>	<u>86,037</u>	
General Fund	57,220	68,330	68,710	86,037	
S.B. 04-257 Amortization Equalization Disbursement	<u>873,686</u>	<u>1,067,990</u>	<u>1,239,073</u>	<u>1,630,152</u>	
General Fund	873,686	1,067,990	1,239,073	1,630,152	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>630,654</u>	<u>852,431</u>	<u>1,059,806</u>	<u>1,471,664</u>	
General Fund	630,654	852,431	1,059,806	1,471,664	
Salary Survey	<u>0</u>	<u>0</u>	<u>0</u>	<u>6,090,358</u>	
General Fund	0	0	0	6,090,358	
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>710,852</u>	
General Fund	0	0	0	710,852	

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Vehicle Lease Payments	<u>52,632</u>	<u>55,789</u>	<u>165,706</u>	<u>120,407</u>	
General Fund	52,632	55,789	165,706	120,407	
Capital Outlay	<u>233,910</u>	<u>141,090</u>	<u>51,733</u>	<u>0</u>	
General Fund	233,910	141,090	51,733	0	
Operating Expenses	<u>1,147,956</u>	<u>1,422,866</u>	<u>1,331,367</u>	<u>1,513,339</u>	
General Fund	1,126,981	1,404,206	1,301,367	1,483,339	
Cash Funds	20,975	18,660	30,000	30,000	
Leased Space/Utilities	<u>5,895,388</u>	<u>5,431,080</u>	<u>6,122,344</u>	<u>5,730,514</u>	
General Fund	5,895,388	5,431,080	6,122,344	5,730,514	
Automation Plan	<u>1,891,335</u>	<u>1,336,920</u>	<u>894,768</u>	<u>1,416,920</u>	
General Fund	1,891,335	1,336,920	894,768	1,416,920	
Attorney Registration	<u>0</u>	<u>0</u>	<u>100,935</u>	<u>99,045</u>	
General Fund	0	0	100,935	99,045	
Contract Services	<u>18,000</u>	<u>18,000</u>	<u>18,000</u>	<u>49,395</u>	
General Fund	18,000	18,000	18,000	49,395	
Mandated Costs	<u>3,516,379</u>	<u>3,758,632</u>	<u>3,884,183</u>	<u>4,315,888</u>	
General Fund	3,516,379	3,758,632	3,884,183	4,315,888	
Grants	<u>99,132</u>	<u>230,011</u>	<u>218,260</u>	<u>120,000</u>	
FTE	2.0	3.5	3.6	2.0	
Cash Funds	99,132	230,011	218,260	120,000	

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
TOTAL - (5) Office of the State Public Defender	56,572,056	60,543,837	62,998,015	71,802,170	14.0%
<i>FTE</i>	<u>562.7</u>	<u>616.2</u>	<u>656.4</u>	<u>658.6</u>	<u>0.3%</u>
General Fund	56,451,949	60,295,166	62,749,755	71,652,170	14.2%
Cash Funds	120,107	248,671	248,260	150,000	(39.6%)

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
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(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL

This independent agency provides legal representation for indigent defendants in cases where the State Public Defender is precluded from doing so because of an ethical conflict of interest. Cash funds are received from private attorneys and investigators for training.

Personal Services	<u>690,609</u>	<u>694,474</u>	<u>706,089</u>	<u>805,233</u>	
FTE	7.5	7.5	7.5	8.4	
General Fund	690,609	694,474	706,089	805,233	
Health, Life, and Dental	<u>72,791</u>	<u>80,525</u>	<u>92,641</u>	<u>99,617</u>	
General Fund	72,791	80,525	92,641	99,617	
Short-term Disability	<u>1,029</u>	<u>1,103</u>	<u>1,089</u>	<u>1,393</u>	
General Fund	1,029	1,103	1,089	1,393	
S.B. 04-257 Amortization Equalization Disbursement	<u>13,727</u>	<u>16,364</u>	<u>19,488</u>	<u>26,155</u>	
General Fund	13,727	16,364	19,488	26,155	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>9,909</u>	<u>13,062</u>	<u>16,667</u>	<u>23,525</u>	
General Fund	9,909	13,062	16,667	23,525	
Salary Survey	<u>0</u>	<u>0</u>	<u>0</u>	<u>9,613</u>	
General Fund	0	0	0	9,613	
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>10,417</u>	
General Fund	0	0	0	10,417	
Operating Expenses	<u>68,844</u>	<u>71,316</u>	<u>67,030</u>	<u>69,210</u>	
General Fund	68,844	71,316	67,030	69,210	

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Leased Space	<u>36,577</u>	<u>32,345</u>	<u>35,880</u>	<u>0</u>	
General Fund	36,577	32,345	35,880	0	
Training and Conferences	<u>41,000</u>	<u>40,367</u>	<u>40,000</u>	<u>40,000</u>	
General Fund	21,000	20,367	20,000	20,000	
Cash Funds	20,000	20,000	20,000	20,000	
Conflict of Interest Contracts	<u>18,132,047</u>	<u>19,767,979</u>	<u>20,001,448</u>	<u>19,889,515</u>	
General Fund	18,132,047	19,767,979	20,001,448	19,889,515	
Mandated Costs	<u>1,429,874</u>	<u>1,469,944</u>	<u>1,580,114</u>	<u>1,580,114</u>	
General Fund	1,429,874	1,469,944	1,580,114	1,580,114	
TOTAL - (6) Office of the Alternate Defense Counsel	20,496,407	22,187,479	22,560,446	22,554,792	(0.0%)
<i>FTE</i>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>8.4</u>	<u>12.0%</u>
General Fund	20,476,407	22,167,479	22,540,446	22,534,792	(0.0%)
Cash Funds	20,000	20,000	20,000	20,000	0.0%

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
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(7) OFFICE OF THE CHILD'S REPRESENTATIVE

This independent agency provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters.

Personal Services	<u>1,806,800</u>	<u>1,910,877</u>	<u>1,902,541</u>	<u>1,902,541</u>	
FTE	26.4	26.1	26.9	26.9	
General Fund	1,806,800	1,910,877	1,902,541	1,902,541	
Health, Life, and Dental	<u>130,716</u>	<u>140,661</u>	<u>192,401</u>	<u>263,651</u>	
General Fund	130,716	140,661	192,401	263,651	
Short-term Disability	<u>2,685</u>	<u>2,804</u>	<u>2,986</u>	<u>3,340</u>	
General Fund	2,685	2,804	2,986	3,340	
S.B. 04-257 Amortization Equalization Disbursement	<u>37,502</u>	<u>45,221</u>	<u>52,428</u>	<u>62,689</u>	
General Fund	37,502	45,221	52,428	62,689	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>27,072</u>	<u>36,095</u>	<u>44,840</u>	<u>56,391</u>	
General Fund	27,072	36,095	44,840	56,391	
Salary Survey	<u>0</u>	<u>0</u>	<u>0</u>	<u>28,538</u>	
General Fund	0	0	0	28,538	
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>30,441</u>	
General Fund	0	0	0	30,441	
Operating Expenses	<u>204,872</u>	<u>180,235</u>	<u>159,929</u>	<u>159,929</u>	
General Fund	204,872	180,235	159,929	159,929	

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Leased Space	<u>147,687</u>	<u>150,380</u>	<u>162,090</u>	<u>102,120</u>	
General Fund	147,687	150,380	162,090	102,120	
CASA Contracts	<u>520,000</u>	<u>475,000</u>	<u>520,000</u>	<u>520,000</u>	
General Fund	520,000	475,000	520,000	520,000	
Training	<u>52,607</u>	<u>47,760</u>	<u>38,000</u>	<u>38,000</u>	
General Fund	52,607	47,760	38,000	38,000	
Court Appointed Counsel	<u>16,021,900</u>	<u>14,783,068</u>	<u>16,021,900</u>	<u>16,021,900</u>	
General Fund	16,021,900	14,783,068	16,021,900	16,021,900	
Mandated Costs	<u>29,290</u>	<u>40,405</u>	<u>26,228</u>	<u>26,228</u>	
General Fund	29,290	40,405	26,228	26,228	
Capital Outlay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
TOTAL - (7) Office of the Child's Representative	18,981,131	17,812,506	19,123,343	19,215,768	0.5%
<i>FTE</i>	<u>26.4</u>	<u>26.1</u>	<u>26.9</u>	<u>26.9</u>	<u>0.0%</u>
General Fund	18,981,131	17,812,506	19,123,343	19,215,768	0.5%

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
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(8) INDEPENDENT ETHICS COMMISSION

This independent agency is charged with hearing complaints, issuing findings, assessing penalties, and issuing advisory opinions on ethics issues that arise concerning public officers, members of the General Assembly, local government officials, or government employees.

Personal Services	<u>175,963</u>	<u>127,427</u>	<u>129,827</u>	<u>129,827</u>	
FTE	2.0	1.0	1.0	1.0	
General Fund	175,963	127,427	129,827	129,827	
Health, Life, and Dental	<u>9,256</u>	<u>6,090</u>	<u>5,254</u>	<u>6,064</u>	
General Fund	9,256	6,090	5,254	6,064	
Short-term Disability	<u>272</u>	<u>167</u>	<u>142</u>	<u>166</u>	
General Fund	272	167	142	166	
S.B. 04-257 Amortization Equalization Disbursement	<u>3,770</u>	<u>3,070</u>	<u>2,376</u>	<u>3,456</u>	
General Fund	3,770	3,070	2,376	3,456	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>2,721</u>	<u>2,431</u>	<u>2,032</u>	<u>3,456</u>	
General Fund	2,721	2,431	2,032	3,456	
Salary Survey	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,706</u>	
General Fund	0	0	0	1,706	
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,705</u>	
General Fund	0	0	0	1,705	
Operating Expenses	<u>36,906</u>	<u>9,932</u>	<u>15,807</u>	<u>15,807</u>	
General Fund	36,906	9,932	15,807	15,807	

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Legal Services	<u>34,217</u>	<u>54,315</u>	<u>69,525</u>	<u>69,525</u>	
General Fund	34,217	54,315	69,525	69,525	
TOTAL - (8) Independent Ethics Commission	263,105	203,432	224,963	231,712	3.0%
<i>FTE</i>	<u>2.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>0.0%</u>
General Fund	263,105	203,432	224,963	231,712	3.0%
TOTAL - Judicial Department	438,042,887	460,808,397	508,453,153	542,015,508	6.6%
<i>FTE</i>	<u>3,836.1</u>	<u>3,974.0</u>	<u>4,267.6</u>	<u>4,295.3</u>	<u>0.6%</u>
General Fund	324,696,803	336,190,407	352,087,442	375,951,634	6.8%
Cash Funds	101,487,001	105,120,011	132,827,681	135,773,641	2.2%
Reappropriated Funds	6,929,916	16,155,565	19,113,030	25,857,379	35.3%
Federal Funds	4,929,167	3,342,414	4,425,000	4,432,854	0.2%

Appendix B:

Recent Legislation Affecting Department Budget

2011 Session Bills

S.B. 11-028 (Reallocate Judgeship): Modifies the allocation of judgeships that were added through H.B. 07-1054, reducing the total number of district court judgeships allocated to the First Judicial District (Gilpin, Jefferson) from 15 to 14, and increasing the total number of district court judgeships allocated to the Seventh Judicial District (Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel counties) from four to five.

S.B. 11-076 (PERA Contribution Rates): For the 2011-12 state fiscal year only, reduces the employer contribution rate for the State and Judicial divisions of the Public Employees' Retirement Association (PERA) by 2.5 percent and increases the member contribution rate for these divisions by the same amount. In effect, continues the FY 2010-11 PERA contribution adjustments authorized through S.B. 10-146 for one additional year. Reduces the Department's appropriation by a total of \$6,132,185, including \$5,260,421 General Fund, \$870,420 cash funds, and \$1,344 reappropriated funds.

S.B. 11-164 (Cash Fund Transfers for FY 2010-11): Transfers \$672,725 from the Drug Offender Treatment Fund to the General Fund on June 30, 2011.

S.B. 11-209 (Long Bill): General appropriations act for FY 2011-12.

H.B. 11-1076 (Time Payment Fees): Clarifies the applicability of time payment fees (which are imposed when fees, costs, and fines assessed in the judicial process are not paid in full on the date of assessment) to all criminal cases, including traffic infractions, petty offenses and cases involving the payment of restitution. Provides for annual reassessment of the time payment fee if payments have not been satisfied. The bill is anticipated to increase revenues to the Judicial Collection Enhancement Fund. As existing spending authority from the Fund exceeds the amount of available revenues, the additional revenues resulting from this bill can be spent under existing appropriations.

H.B. 11-1200 (Substance Abuse Assessment at Intake): Requires a substance abuse assessment to be performed as part of the probation intake process when an individual has been sentenced to be supervised by probation services and the court has waived a presentence investigation. This bill is anticipated to increase revenues to the Drug Offender Surcharge Cash Fund. As existing spending authority from the Fund exceeds the amount of available revenues, the additional revenues resulting from this bill can be spent under existing appropriations.

H.B. 11-1300 (Conservation Easement Tax Credit Dispute Resolution): Authorizes a new expedited method for resolving disputed claims over conservation easement state income tax credits. Appropriates \$653,000 General Fund and 6.0 FTE to the Judicial Department for FY 2011-12 to hear cases related to a notice of deficiency, disallowance, or rejection from the Department of Revenue regarding a claimed tax credit on conservation easements.

2012 Session Bills

H.B. 12-1073 (Reallocate Judgeship): Modifies the allocation of judgeships that were added through H.B. 07-1054, reducing the total number of district court judgeships allocated to the First Judicial District (Gilpin, Jefferson) from 14 to 13, and increasing the total number of district court judgeships allocated to the Sixth Judicial District (La Plata, San Juan, and Archuleta counties) from three to four.

H.B. 12-1187 (Supplemental): Supplemental appropriation to the Judicial Department to modify FY 2011-12 appropriations included in the FY 2011-12 Long Bill (S.B. 11-209) and H.B. 11-1300.

H.B. 12-1246 (Reverse Paydate Shift for Biweekly Employees): Reverses the annual pay date shift as it applies to state employees paid on a biweekly basis. Appropriates \$16,115 General Fund to the Judicial Department for FY 2012-13.

H.B. 12-1271 (Juvenile Direct File Limitations): Under current law, a juvenile charged with a specific serious crime can be prosecuted in district court under the district attorney's authority to direct file certain juveniles. This act amends the direct file statute to limit the offenses for which a juvenile may be subject to direct file to class 1 felonies, class 2 felonies, crime of violence felonies, or certain sex offenses. The act limits direct file to juveniles age 16 or 17.

After a juvenile is charged in district court, the juvenile may petition the adult court for a "reverse-transfer" hearing to transfer the case to juvenile court. If, after a reverse-transfer hearing, the court finds that the juvenile and community would be better served by juvenile proceedings, the court shall order the case to juvenile court. If, after a preliminary hearing, the district court does not find probable cause for a direct file eligible offense, the court shall remand the case to the juvenile court. Under the act, a juvenile's non-felony conviction must be remanded to juvenile court and, when a juvenile sentence is selected, the conviction converts to a juvenile adjudication. A juvenile sentenced under a direct file shall be treated as a juvenile adjudication.

H.B. 12-1310 (Criminal Proceedings Omnibus Changes): Makes a number of changes to state criminal law, as summarized below.

- *Drug Treatment Fund Consolidation.* Consolidates the major state funding sources for substance abuse treatment (including the Drug Offender Surcharge Fund and the Drug Offender Treatment Fund) into a newly created Correctional Treatment Cash Fund. Replaces the State Drug Offender Treatment Board and the Interagency Task Force on Treatment with the newly created Correctional Treatment Board, and expands the membership requirements for each judicial district's drug offender treatment board. Requires the Correctional Treatment Board to prepare an annual treatment plan that the Judicial Department will include in its annual presentation to the Joint Budget Committee.

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- *Aggravated Juvenile Offenders.* When a juvenile is adjudicated a delinquent for either murder in the first or second degree and adjudicated an aggravated juvenile offender or convicted of a crime of violence, allows the court to sentence the juvenile consecutively or concurrently for all adjudicated offenses arising from the petition. Establishes a ten year period of mandatory parole for an aggravated juvenile offender who was adjudicated a delinquent for first degree murder. Requires the court to order a psychological evaluation and risk assessment before the hearing on the offender's further placement at age 21 to determine if the juvenile is a danger to himself or herself or others. As part of the hearing, requires the court to reconsider the length of the remaining sentence. Adds placement options, including a correctional facility, the youthful offender system, a community corrections program, or adult parole.
- *Bath Salts as Controlled Substances.* Establishes criminal penalties for possession of cathinones and for distributing, manufacturing, dispensing, or selling cathinones. Establishes that any person or entity that sells a product that is labeled as a "bath salt" or any other trademark and contains any amount of a cathinone commits a deceptive trade practice and is subject to a civil penalty.
- *Criminal Proceedings.* Addresses several areas of statute governing criminal proceedings, including changes and clarifications concerning: sentencing; court proceedings; the collection of court fines, fees, costs, restitution, and surcharges; the preparation of presentence reports; eligibility for probation; and the types of parole hearings that a release hearing officer may conduct. Expands the information that the Judicial Department is to include in its annual report regarding the state's pretrial services programs. Clarifies that the court cannot charge a probationer for the costs of returning the probationer to Colorado, but requires a probationer who wishes to transfer his or her probation to another state to pay a \$100 filing fee that is deposited into the newly created Interstate Compact Probation Transfer Cash Fund to cover the costs associated with returning probationers to Colorado. Allows the interest earned on moneys in the Sex Offender Surcharge Fund to remain in the Fund rather than being credited to the General Fund.
- *Penalties for Drug Offenses.* Directs the Colorado Commission on Criminal and Juvenile Justice (Commission), using empirical analysis and evidence-based data and research, to consider the development of a comprehensive drug sentencing scheme for all drug crimes. Specifies items that the sentencing scheme is to consider. Requires the Commission to provide a written report of its recommendations for a comprehensive drug sentencing scheme to the Judiciary Committees by December 15, 2012.

Includes several appropriation clauses affecting multiple departments, as detailed in the table on the next page. Sections 40 and 41 of the act adjust appropriations in the FY 2012-13 Long Bill (H.B. 12-1335) to reflect the consolidation of drug treatment funding originally made available pursuant to S.B. 03-318 and H.B. 10-1352. Section 42 of the act appropriates moneys to the Department of Corrections and the Governor's Office to implement provisions concerning juvenile offenders. Section 43 of the act appropriates moneys to the Judicial Department from the Interstate Compact Probation Transfer Cash Fund to cover the costs associated with returning probationers to Colorado.

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House Bill 12-1310: FY 2012-13 Appropriations and Long Bill Adjustments		
Department/ Line Item/ Purpose		
Sections 40 and 41: Drug Treatment Fund Consolidation		
Department of Corrections		
<i>Inmate Programs, Drug and Alcohol Treatment Subprogram</i>		
Drug Offender Surcharge Program	(\$995,127)	Cash Funds (CF) - Drug Offender Surcharge Fund (DOSF)
Contract Services	(250,000)	CF - DOSF
<i>Community Services, Parole Subprogram</i>		
Contract Services	(1,757,100)	Reappropriated Funds (RF) - Transfer from Judicial (from DOSF per H.B. 10-1352)
Services and activities authorized by Sections 18-19-103 (5) (c) and (d), C.R.S. [S.B. 12-104]	<u>3,002,227</u>	RF - Transfer from Judicial (from Correctional Treatment Cash Fund or CTCF)
Subtotal – Corrections	0	
Department of Human Services		
<i>Mental Health and Alcohol and Drug Abuse Services, Alcohol and Drug Abuse Division, Treatment Services</i>		
Treatment and Detoxification Contracts	(887,300)	CF - DOSF
Short-term Intensive Residential Remediation and Treatment (STIRRT)	(383,316)	CF - DOSF
<i>Mental Health and Alcohol and Drug Abuse Services, Co-occurring Behavioral Health Services</i>		
Substance Use Disorder Offender Services (H.B. 10-1352)	(1,819,900)	RF - Transfer from Judicial (from DOSF per H.B. 10-1352)
Services and activities authorized by Sections 18-19-103 (5) (c) and (d), C.R.S.	<u>3,090,516</u>	RF - Transfer from Judicial (from CTCF)
Subtotal - Human Services	0	
Judicial Department		
<i>Courts Administration, Administration and Technology</i>		
General Courts Administration	91,078	RF - CTCF (GF credited to Fund)
	1.0 FTE	
<i>Courts Administration, Central Appropriations</i>		
Various centrally appropriated line items	(81,998)	CF - DOSF
<i>Courts Administration, Centrally Administered Programs</i>		
Courthouse Capital/Infrastructure Maintenance	4,703	RF - CTCF (GF credited to Fund)
<i>Probation and Related Services</i>		
Probation Programs	(702,114)	CF - DOSF

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House Bill 12-1310: FY 2012-13 Appropriations and Long Bill Adjustments		
Department/ Line Item/ Purpose		
Offender Treatment and Services	(1,010,006)	CF - DOSF
Offender Treatment and Services	(7,656,200)	RF - DOSF (GF credited to fund)
S.B. 03-318 Community Treatment Funding	(2,200,000)	General Fund (GF)
H.B. 10-1352 Appropriation to Drug Offender Surcharge Fund	(7,656,200)	GF
Appropriation to Correctional Treatment Cash Fund	9,856,200	GF
Services and activities authorized by Sections 18-19-103 (5) (c) and (d), C.R.S.	5,407,877	CF - CTCF (fee revenue)
Services and activities authorized by Sections 18-19-103 (5) (c) and (d), C.R.S.	<u>9,760,419</u>	RF - CTCF (GF credited to Fund)
Subtotal – Judicial	5,813,759 1.0 FTE	
Department of Public Safety		
<i>Executive Director's Office, Administration</i>		
Various centrally appropriated line items	(10,793)	CF - DOSF
<i>Division of Criminal Justice, Administration</i>		
DCJ Administrative Services	(84,803)	CF - DOSF
DCJ Administrative Services	(37,964)	GF
	(0.5 FTE)	
Indirect Cost Assessment	(8,401)	CF - DOSF
<i>Division of Criminal Justice, Community Corrections</i>		
Community Corrections Placement	(994,019)	CF - DOSF
Treatment for Substance Abuse and Co-occurring Disorders	(1,568,750)	RF - Transfer from Judicial (from DOSF per H.B. 10-1352)
Services and activities authorized by Sections 18-19-103 (5) (c) and (d), C.R.S.	<u>2,666,766</u>	RF - Transfer from Judicial (from CTCF)
Subtotal - Public Safety	(37,964) (0.5 FTE)	GF
Section 42: Juvenile Offenders		
Department of Corrections		
Purchase of computer center services	11,840	GF
Governor - Lieutenant Governor - State Planning and Budgeting		
<i>Office of Information Technology</i>	11,840	RF - Transfer from Corrections
Section 43: Criminal Proceedings		
Judicial Department		
<i>Probation and Related Services</i>	93,750	CF - Interstate Compact Probation Transfer Cash Fund

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House Bill 12-1310: FY 2012-13 Appropriations and Long Bill Adjustments		
Department/ Line Item/ Purpose		
Totals	<u>5,893,225</u>	Total Funds
	(26,124)	General Fund
	93,750	Cash Funds
	5,825,599	Reappropriated Funds
	0.5 FTE	

H.B. 12-1335 (Long Bill): General appropriations act for FY 2012-13. Also includes supplemental adjustments to modify appropriations to the Judicial Department included in the FY 2011-12 Long Bill (S.B. 11-209).

Appendix C: **Update on Long Bill Footnotes & Requests for Information**

Long Bill Footnotes

- 1 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.

Comment: This footnote is intended to ensure that Departments coordinate requests that draw on the same cash fund.

The 2012 budget instructions issued by the Office of State Planning and Budgeting (OSPB) state that, "In cases where departments share a common cash fund/source, OSPB will be responsible for ensuring that the total request does not exceed the capacity of the fund." Each Department is required to include, as part of its budget request, a Cash Fund Report (schedule 9) for each cash fund it administers to comply with the statutory limit on cash fund reserves, and to allow both OSPB and the Joint Budget Committee to make informed decisions regarding the utilization of cash funds for budgeting purposes. For funds that are shared by multiple departments, the department that administers the fund is responsible for coordinating submission of expenditure and revenue information from all departments to construct a schedule 9 that incorporates all activity in the fund.

Each of the funds referenced in this footnote are listed below, with a brief explanation of fund revenues and authorized expenditures.

Drug Offender Surcharge Fund [Section 18-19-103 (4), C.R.S.] – Prior to FY 2012-13, this fund consisted of 90 percent of drug offender surcharge revenues. These surcharges range from \$200 to \$4,500 for each conviction or deferred sentence; these surcharges were increased by H.B. 10-1352. Moneys credited to the Fund were subject to annual appropriation to the Judicial Department, the Department of Corrections, the Department of Public Safety's Division of Criminal Justice, and the Department of Human Services to cover the costs associated with substance abuse assessment, testing, education, and

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treatment. In addition, pursuant to H.B. 10-1352, General Fund moneys appropriated to the Fund shall only be used to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment and who are on diversion, on probation, on parole, in community corrections, or in jail.

House Bill 12-1310 consolidated the major state funding sources for substance abuse treatment, including the Drug Offender Surcharge Fund, into the newly created Correctional Treatment Cash Fund. Please see the issue brief earlier in this packet for more information about this new fund.

Offender Identification Fund [Section 24-33.5-415.6 (1), C.R.S.] - This fund consists of payments for genetic testing received from adult and juvenile offenders, including: certain convicted adult offenders [as required by Section 16-11-102.4, C.R.S.]; certain juveniles who are sentenced to the youthful offender system [as required by Section 18-1.3-407 (11.5, C.R.S.); and certain adjudicated offenders [as required by Section 19-2-925.6, C.R.S.]. The testing fee is currently \$128.

Pursuant to S.B. 09-241, beginning October 1, 2010, every individual who is arrested or charged for a felony must provide a DNA sample to the local law enforcement agency as part of the booking process, unless the Colorado Bureau of Investigation (CBI) already has a sample. The act imposes a surcharge of \$2.50 on defendants for each criminal action resulting in a conviction or a deferred judgment and sentence for a felony, misdemeanor, misdemeanor traffic charges, and traffic infractions. These surcharges became effective July 1, 2009, and are credited to the Offender Identification Fund.

The Judicial Department is responsible for collecting biological substance samples from offenders who are sentenced to probation. The Department of Corrections, the Department of Human Services (Division of Youth Corrections), county sheriffs, and community corrections programs are responsible for collecting biological substance samples from offenders in their custody. The CBI (within the Department of Public Safety) is responsible for conducting the chemical testing of the samples, storing and preserving the samples, filing and maintaining test results, and furnishing test results to law enforcement agencies upon request.

Pursuant to S.B. 09-241, the CBI is to provide test kits to local law enforcement agencies throughout the state to begin collecting DNA samples from arrestees beginning October 1, 2010. Eventually, this should decrease the number of individuals for whom Judicial and Corrections will need to collect a sample.

Moneys in the Fund are subject to annual appropriation to the Judicial Department and the Department of Public Safety to pay for genetic testing of offenders. Both the Judicial Department and the Department of Public Safety receive direct appropriations from the Fund (\$58,725 and \$1,895,264 for FY 2012-13, respectively). However, fund revenues are not currently sufficient to support these appropriations, so a program restriction of \$300,000 has been put in place for FY 2012-13.

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Sex Offender Surcharge Fund [Section 18-21-103 (3), C.R.S.] - This fund consists of 95 percent of sex offender surcharge revenues. These surcharges range from \$75 to \$3,000 for each conviction or adjudication. Moneys in the Fund are subject to annual appropriation to the Judicial Department, the Department of Corrections, the Department of Public Safety's Division of Criminal Justice, and the Department of Human Services to cover the direct and indirect costs associated with the evaluation, identification, and treatment and the continued monitoring of sex offenders. Pursuant to Section 16-11.7-103 (4) (c), C.R.S., the Sex Offender Management Board (SOMB) is required to develop a plan for the allocation of moneys deposited in the Fund, and to submit the plan to the General Assembly.

Budget instructions issued by the OSPB identify the Department of Corrections as the lead agency for reporting purposes. The Judicial Department receives a direct appropriation from the Fund to support offender treatment and services (\$302,029 for FY 2012-13). However, fund revenues are not currently sufficient to support these appropriations, so a program restriction of \$75,507 has been put in place for the Judicial Department for FY 2012-13.

Alcohol and Drug Driving Safety Program Fund [Section 42-4-1301.3 (4) (a), C.R.S.] - Section 42-4-1301.3, C.R.S., sets forth sentencing guidelines for persons convicted of driving under the influence (DUI), persons convicted of driving while ability impaired (DWAI), and persons who are habitual users of a controlled substance who are convicted of driving a vehicle. The Judicial Department is required to administer an Alcohol and Drug Driving Safety (ADDS) Program in each judicial district. This program is to provide: (1) pre-sentence and post-sentence alcohol and drug evaluations of all persons convicted of driving violations related to alcohol or drugs; and (2) supervision and monitoring of those persons whose sentences or terms of probation require completion of a program of alcohol and drug driving safety education or treatment.

The ADDS Program Fund consists of assessments designed to ensure that the ADDS Program is self-supporting. Assessments include fees paid by individuals for alcohol and drug evaluations, as well as inspection fees paid by approved alcohol and drug treatment facilities. The evaluation fee was increased from \$181 to \$200 in FY 2007-08. Moneys in the Fund are subject to annual appropriation to the Judicial Department and the Department of Human Services' Division of Alcohol and Drug Abuse for the administration of the ADDS Program. These two departments are required to propose changes to these assessments as required to ensure that the ADDS Program is financially self-supporting. Any adjustment in the assessments approved by the General Assembly is to be "noted in the appropriation...as a footnote or line item related to this program in the general appropriations bill".

The Judicial Department receives a direct appropriation from the Fund to support probation programs (\$4,795,414 for FY 2012-13), and a portion of this funding is transferred to the Department of Human Services for the administration of alcohol and

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drug abuse services (\$429,387 for FY 2012-13). Budget instructions issued by the OSPB identify the Judicial Department as the lead agency for reporting purposes.

Persistent Drunk Driver Cash Fund [Section 42-3-303 (1), C.R.S.] - This fund consists of penalty surcharge fees paid by persons convicted of DUI, DUI per se, or DWAI, as well as a person who is a habitual user of a controlled substance who is convicted of a misdemeanor for driving a vehicle. Moneys in the Fund are subject to annual appropriation to:

- pay the costs incurred by the Department of Revenue concerning persistent drunk drivers;
- pay for costs incurred by the Department of Revenue for computer programming changes related to treatment compliance for persistent drunk drivers;
- support programs that are intended to deter persistent drunk driving or intended to educate the public, with particular emphasis on the education of young drivers, regarding the dangers of persistent drunk driving;
- pay a portion of the costs of intervention and treatment services for persistent drunk drivers who are unable to pay for such services;
- assist in providing court-ordered alcohol treatment programs for indigent and incarcerated offenders;
- assist in providing approved ignition interlock devices for indigent offenders; and
- assist in providing continuous monitoring technology or devices for indigent offenders.

The Judicial Department does not administer this fund, but it receives moneys from the Fund transferred from the Department of Human Services (\$779,846 for FY 2012-13). While fees are collected by the courts, budget instructions issued by the OSPB identify the Department of Human Services as the lead agency for reporting purposes.

33 Judicial Department, Supreme Court/Court of Appeals, Appellate Court Programs; Trial Courts, Trial Court Programs; Office of the State Public Defender, Personal Services; Office of the 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 2012-13 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 State Public Defender at the level of an associate judge of the Court of Appeals, and to maintain the

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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.

Comment: Sections 13-30-103 and 104, C.R.S., establish judicial salaries for various fiscal years during the 1990s. These provisions state that any salary increases above those set forth in statute "shall be determined by the general assembly as set forth in the annual general appropriations bill." The General Assembly annually establishes judicial salaries through this footnote in the Long Bill.

33a **Judicial Department, Probation and Related Services, Offender Treatment and Services** -- It is the intent of the General Assembly that \$367,197 of the amount appropriated for Offender Treatment and Services be used to provide treatment and services for offenders participating in veterans trauma courts.

Comment:

Background Information. Through the course of the General Assembly's consideration of the FY 2012-13 Long Bill last session, both the House and the Senate adopted amendments to the Long Bill to provide funding for veterans. Specifically, the House reduced appropriations to the Department of Corrections (DOC) by nearly \$1.4 million, and appropriated these moneys to the Judicial Branch for veterans' courts. The Senate reversed the House amendment, and instead reduced funding for the DOC by \$2.0 million and appropriated the money to the Department of Military and Veterans Affairs (DMVA) for various veterans' services.

Subsequently the Joint Budget Committee proposed, and the General Assembly approved: (1) a reduction of about \$1,367,197 in General Fund appropriations to the DOC (compared to the Long Bill as introduced); (2) an appropriation of \$1,000,000 General Fund to the DMVA for mental health, employment, housing, and other veterans services; and (3) an appropriation of \$367,197 General Fund to the Judicial Branch for purposes of funding treatment and services for offenders participating in veterans trauma courts. This footnote accompanied the appropriation to the Judicial Branch to state the intended use of such moneys.

Veterans' Trauma Court Funding. There are currently three veterans' trauma courts in operation, and one in the planning stages. The Department has allocated the available funding among these four courts based on the capacity of each court (*i.e.*, the number of individual participants) and the number of months that the court would be operational in FY 2012-13. The newest veterans' trauma court in Centennial is anticipated to be operational for six months, so it received 50 percent of a full year's allocation. The remaining \$17,197 will be used to provide training for these specialty courts and to add a module to the Department's information technology system that is used to track expenditures and other data related to service delivery and outcomes.

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Veterans Trauma Courts					
Judicial District	Location	County	Start Date	Capacity	FY 2012-13 Allocation
2	Denver	Denver	Fall 2011	30	\$56,000
4 (District Court)	Colorado Springs	El Paso	Fall 2009	70	
4 (County Court)	Colorado Springs	El Paso	1-Sep-11	30	
4 - Totals				100	269,500
18	Centennial	Arapahoe	Planning	20	24,500
Total				150	\$350,000

It is anticipated that the available funding will be used to fill service gaps that cannot be met through existing veterans programs and services. Funded services may include: mental health and substance abuse services; drug testing services and supplies; psychotropic and antabuse medication; housing; training and educational materials; and program evaluation expenses.

- 34 Judicial Department, Office of the State 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 Office of the State Public Defender appropriation may be transferred between line items in the Office of the State Public Defender.

Comment: This is the first of four footnotes that authorize the independent agencies to transfer a limited amount of funding among line item appropriations, over and above transfers that are statutorily authorized. Section 24-75-108 (5), C.R.S., allows the Chief Justice of the Colorado Supreme Court to authorize transfers between items of appropriation made to the Judicial Branch, subject to certain limitations. One of these limitations is expressed in Section 24-75-110, C.R.S., which limits the total amount of over expenditures and moneys transferred within the Judicial Branch to \$1.0 million per fiscal year. Please note that while Section 24-75-108, C.R.S., is effective through August 31, 2020, Section 24-75-110 is only effective through August 31, 2014. **The Committee should consider introducing legislation in the 2013 or 2014 sessions to extend the repeal date associated with Section 24-75-110, C.R.S.**

The Office of the State Public Defender (OSPD) is in compliance with this footnote. This footnote provides the OSPD with the authority to transfer up to 2.5 percent of its total FY 2012-13 appropriation (\$1,574,950) between line items. In FY 2011-12, the OSPD transferred \$675,000 (1.1 percent) between line items. The following table details the line items affected by such transfers.

Long Bill Line Item	Transfers In/ (Out)
Personal Services	(\$457,208)
Operating Expenses	225,000
Leased Space/ Utilities	(217,792)
Automation Plan	450,000
Net Transfers	0

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35 Judicial Department, Office of the 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 Office of the Alternate Defense Counsel appropriation may be transferred between line items in the Office of the Alternate Defense Counsel.

Comment: The Office of the Alternate Defense Counsel (OADC) is in compliance with this footnote. This footnote provides the OADC with the authority to transfer up to 2.5 percent of its total FY 2012-13 appropriation (\$564,011) between line items. In FY 2011-12, the OADC transferred a total of \$7,875 (less than 0.1 percent) between line items. The following table details the line items affected by such transfers.

Long Bill Line Item	Transfers In/ (Out)
Personal Services	\$2,137
Operating Expenses	5,371
Leased Space	(3,535)
Training and Conferences	367
Mandated Costs	(4,340)
Net Transfers	0

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.

Comment: The Office of Child's Representative is in compliance with this footnote. This footnote provides the OCR with the authority to transfer up to 2.5 percent of its total FY 2012-13 appropriation (\$478,084) between line items. In FY 2011-12, the OCR transferred a total of \$56,645 (0.3percent) between line items. The following table details the line items affected by such transfers.

Long Bill Line Item	Transfers In/ (Out)
Personal Services	\$12,220
Operating Expenses	20,310
Training	9,765
Court Appointed Counsel	(56,645)
Mandated Costs	14,350
Net Transfers	0

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.

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Comment:

Background Information. Under current law, the court may make two types of appointments in a domestic relations case that involves allocation of parental responsibilities:

- The court may appoint an attorney, a mental health professional, or any other individual with appropriate training and qualifications to serve as a child and family investigator (CFI). The CFI is required to investigate, report, and make recommendations in the form of a written report filed with the court; the CFI may be called to testify as a witness regarding his/her recommendations.
- The court may appoint an attorney to serve as a child's legal representative (CLR).

When the parties to the case are determined to be indigent, the Office of the Child's Representative (OCR) pays for attorney appointments. Expenditures by the OCR on appointments in domestic relations cases increased steadily from FY 2004-05 to FY 2008-09, from \$426,186 to \$801,945.

Long Bill Footnote. This footnote, initially included in the FY 2009-10 Long Bill, authorizes the OCR to utilize up to \$25,000 of the appropriation for Court Appointed Counsel to fund a pilot program for the purpose of evaluating alternatives to the appointment of CFIs and CLRs in domestic relations cases. The evaluation would determine whether the use of alternatives results in equal or better outcomes, and whether it reduces state expenditures.

The OCR is continuing to support a pilot program in the 17th judicial district (Adams/Broomfield) to offer Early Neutral Assessment (ENA) to parties in domestic relations cases (the OCR pilot began in FY 2009-10). ENA offers trained two-person teams to help parties understand the strengths and weaknesses of their positions, assisting them to come to an early resolution.

This pilot program was initiated in 2007 by Chief Judge Bockman to determine whether this approach would provide a cost effective and quality alternative for families and the courts. The 17th judicial district received a Colorado Judicial Institute grant to bring in experts from Minnesota to train judges, magistrates, family court facilitators, domestic attorneys, mental health experts, and others.

The district's ENA pilot program commenced in September 2008. The district engaged an agreement with two sets of well qualified evaluators and ensured they were thoroughly trained in ENA. Each team consists of one attorney and one mental health expert, one of whom is male and the other female. When parties attend their initial status conference they often request a CFI or request a hearing to determine parenting time. When this occurs, the Family Court Facilitator identifies cases that may be appropriate for a referral to the ENA pilot. ENA is a voluntary, free, confidential process. If the parties agree that they want to attend ENA, the session is scheduled within a month of the initial status conference.

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The ENA session takes three to four hours, allowing each party to be heard (with their attorneys present if they have them). The evaluator team describes their impressions of a likely outcome and realistic parenting plan. If an agreement is reached during the ENA session, they are able to get that agreement to a judge and have it read into the record immediately.

The primary benefits of ENA are that it's voluntary, timely, and client-driven. The process allows each parent to feel heard and talk about what is important. ENA works well for cases where there is disagreement with parenting time schedules and decision making between parties. The approach the evaluators take is that it's not if decisions will be made about parenting time, it's how. In general, it's better for children for parents to make these decisions. Even when full agreement is not reached, the number of disagreements often narrowed and communication between the parties improved.

- 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.

Comment: The Independent Ethics Commission is in compliance with this footnote. This footnote provides the Commission with the authority to transfer up to 10.0 percent of its total FY 2012-13 appropriation (\$22,496) between line items. In FY 2011-12, the Commission did not transfer any funds between line items.

Requests for Information

Requests Applicable to All Departments, Including Judicial Branch

- 4. All Departments, Totals** -- Every department is requested to submit to the Joint Budget Committee, by November 1, 2012, information on the number of additional federal and cash funds FTE associated with any federal grants or private donations that were received in FY 2011-12. The Departments are also requested to identify the number of additional federal and cash funds FTE associated with any federal grants or private donations that are anticipated to be received during FY 2012-13.

Comment: The Judicial Department's budget request includes a list of federal and cash grants, the grantor, grant period, dollar amount, and associated FTE. The budget requests for each of the independent agencies reflect anticipated grants, from either cash or federal sources, which are anticipated to be received each fiscal year.

Requests Applicable to Judicial Branch Only

- 1. Judicial Department, Trial Courts, District Attorney Mandated Costs** -- District Attorneys in each judicial district shall be responsible for allocations made by the Colorado District Attorneys' Council's Mandated Cost Committee. Any increases in this line item shall be requested and justified in writing by the Colorado District Attorneys'

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Council, rather than the Judicial Department, through the regular appropriation and supplemental appropriation processes. The Colorado District Attorneys' Council is requested to submit an annual report by November 1 detailing how the District Attorney Mandated Costs appropriation is spent, how it is distributed, and the steps taken to control these costs.

Comment: The Judicial Department's budget request includes information provided by the Colorado District Attorneys' Council (CDAC)⁸, as requested.

Background Information. Colorado's district attorneys' offices (DAs) are responsible for prosecuting all criminal and traffic cases filed in district and county courts. While DAs' budgets are primarily set and provided by boards of county commissioners within each respective judicial district, the State provides direct funding for DAs in the following four areas:

- The Department of Law's budget includes an appropriation for "District Attorneys' Salaries" (\$2,656,368 General Fund for FY 2012-13).
- The Judicial Department's budget includes an appropriation for "District Attorney Mandated Costs" (\$2,264,449 total funds, including \$2,124,449 General Fund for FY 2012-13). This line item is described below.
- The Department of Corrections' budget includes an appropriation for "Payments to District Attorneys" for costs associated with prosecuting a crime alleged to have been committed by a person in the custody of the Department (\$366,880 General Fund for FY 2012-13).
- The Department of Public Safety's budget includes an appropriation for "Witness Protection Fund Expenditures" to pay DAs for qualifying expenses related to security personnel, travel expenses, lodging, and other immediate needs (\$83,000 General Fund was appropriated for this purpose for FY 2012-13).

In addition, the General Assembly appropriates funds to the State Court Administrator's Office, the OSPD, the OADC, and the OCR to cover the costs of obtaining discoverable materials⁹. In FY 2011-12, these offices spent a total of \$2,298,508 for discovery; 98 percent of these costs were incurred by the OSPD and the OADC. These costs have increased by 84 percent in the last five fiscal years. The majority of these expenditures were paid to reimburse DAs.

District Attorney Mandated Costs. This line item provides state funding to reimburse DAs for costs incurred for prosecution of state matters, as required by state statute.

⁸ The CDAC is a quasi-government agency, supported by assessments charged to each district attorney member's office (through an intergovernmental agreement).

⁹ Under Colorado Supreme Court Rule 16, the prosecuting attorney is required to make available to the defense certain material and information that is within his or her control and to provide duplicates upon request. The State pays the costs of duplicating discoverable material when legal representation is provided for an indigent defendant.

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Section 16-18-101, C.R.S., states that, "The costs in criminal cases shall be paid by the state pursuant to section 13-3-104, C.R.S.¹⁰, when the defendant is acquitted or when the defendant is convicted and the court determines he is unable to pay them." Pursuant to Section 18-1.3-701 (2), C.R.S., when a person is convicted of an offense or a juvenile is adjudicated, the Court shall give judgment in favor of the State, the prosecuting attorney, or the law enforcement agency and against the offender or juvenile for the amount of the costs of prosecution. Section 16-18-101, C.R.S., specifies the types of expenditures that may be included under this provision.

Based on FY 2010-11 expenditure data provided by the CDAC, DAs' mandated costs consist of the following:

- Witness fees and travel expenses (\$595,680 or 29 percent of costs in FY 2010-11)
- Mailing subpoenas (\$554,749 or 27 percent)
- Expert witness fees and travel expenses (\$380,416 or 18 percent)
- Service of process (\$336,437 or 16 percent)
- Court reporter fees for transcripts (\$188,957 or nine percent)

The following table provides a history of appropriations and actual expenditures for this line item.

District Attorneys' Mandated Costs								
Fiscal Year	Appropriation			Actual Expenditures				Over/ (Under) Budget
	General Fund	Cash Funds	Total	General Fund	Cash Funds	Total	Annual % Change	
2000-01	\$1,938,724	\$0	\$1,938,724	\$1,889,687	\$0	\$1,889,687		(\$49,037)
2001-02	1,938,724	0	1,938,724	1,978,963	0	1,978,963	4.7%	40,239
2002-03	2,025,199	125,000	2,150,199	1,833,410	71,117	1,904,527	-3.8%	(245,672)
2003-04	2,025,199	125,000	2,150,199	1,847,369	59,334	1,906,703	0.1%	(243,496)
2004-05	1,911,899	0	1,911,899	1,911,970	0	1,911,970	0.3%	71
2005-06	1,911,899	0	1,911,899	1,772,849	106,325	1,879,174	-1.7%	(32,725)
2006-07	1,841,899	125,000	1,966,899	1,928,795	99,090	2,027,885	7.9%	60,986
2007-08	1,837,733	125,000	1,962,733	2,092,974	130,674	2,223,648	9.7%	260,915
2008-09	2,101,052	125,000	2,226,052	2,063,785	125,000	2,188,785	-1.6%	(37,267)
2009-10	2,101,052	125,000	2,226,052	2,101,050	125,000	2,226,050	1.7%	(2)
2010-11*	2,005,324	125,000	2,130,324	2,005,507	125,000	2,130,507	-4.3%	183
2011-12	2,073,494	125,000	2,198,494	2,061,883	125,000	2,186,883	2.6%	(11,611)
2012-13	2,124,449	140,000	2,264,449					
2013-14 Request	2,172,381	160,000	2,332,381					

* Appropriation reduced by \$17,300 pursuant to H.B. 10-1291.

¹⁰ This section states that the State "shall provide funds by annual appropriation for the operations, salaries, and other expenses of all courts of record within the state, except for county courts in the city and county of Denver and municipal courts".

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Prior to FY 2000-01, funding for DAs' mandated costs was included within the "Mandated Costs" line item appropriation to the Judicial Department. In 1999, an ad hoc committee on mandated costs released a report recommending that responsibility for managing court costs be transferred to the entities that incur them. Thus, beginning in FY 2000-01, the General Assembly has provided a separate appropriation for DAs' mandated costs. This line item has been accompanied by a footnote or a request for information indicating that DAs in each judicial district are responsible for allocations made by an oversight committee (currently the CDAC). Any increases in the line item are to be requested and justified in writing by the CDAC, rather than the Judicial Department.

The CDAC allocates funds among the 22 judicial districts (including those districts that are not members of the CDAC) based on historical spending. However, the CDAC holds back a portion of the appropriation (typically \$300,000). District Attorneys submit information quarterly concerning costs incurred, as well as projections of annual expenditures. The CDAC has a special process for requesting additional funds above the allocated amount. In order to limit state expenditures, the CDAC has previously required DAs to continue to follow the old Chief Justice Directive 87-01, which limited expert witness fees. The CDAC has changed this policy to allow \$1,500 per expert (rather than \$1,000). Fees paid in excess of the limits established in this Directive are only reimbursed if funds remain available at the end of the fiscal year. In FY 2010-11, \$15,593 of DAs' expenditures were not reimbursed due to this policy.

For FY 2013-14, the CDAC requests an appropriation of \$2,332,381, which represents a \$67,932 (3.0 percent) increase compared to FY 2012-13.

2. **Judicial Department, Probation and Related Services** -- The State Court Administrator's Office is requested to provide by November 1 of each year a report on pre-release rates of recidivism and unsuccessful terminations and post-release recidivism rates among offenders in all segments of the probation population, including the following: adult and juvenile intensive supervision; adult and juvenile minimum, medium, and maximum supervision; and the female offender program. The Office is requested to include information about the disposition of pre-release failures and post-release recidivists, including how many offenders are incarcerated (in different kinds of facilities) and how many offenders return to probation as the result of violations.

Comment: The Department submitted the information, as requested. This report concerns recidivism among probationers terminated during FY 2010-11. On June 30, 2011, there were 72,879 offenders on probation in Colorado, including 66,814 adults and 6,062 juveniles, including those under intensive supervision¹¹. Key findings included in the report are summarized below.

¹¹ The total of 72,879 includes individuals under state and private probation supervision (DUI and non-DUI). An additional 7,420 offenders were monitored by state probation but were not part of this study.

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Pre-release Recidivism

- Pre-release recidivism rates (including revocations due to both technical violations and new crimes) decreased for juveniles, and decreased slightly or remained stable for adults.
- As expected based on their risk assessment, both juveniles and adults supervised at the most intensive level and those supervised by other agencies (*e.g.*, county jail work release programs, detention centers, or residential placements) were most likely to fail while under supervision.
- Probation is more likely to be revoked due to offenders committing technical violations rather than a new crime. However, the proportion of offenders who are terminated from probation due to technical violations has generally declined over the last several years. The division has focused on this area in recent years, providing officers with training and tools to respond to technical violations with intermediate sanctions and avoiding revocation when appropriate.

Post-release Recidivism

- For juveniles who successfully completed regular probation supervision, 11.3 percent received a new filing within one year. For juveniles who successfully completed intensive probation supervision, 4.9 percent received a new filing.
- For adults who successfully completed regular probation supervision, 5.8 percent received a new filing within one year. Post-release recidivism rates for the Adult Intensive Supervision Program (AISP) and the Female Offender Program (FOP) were 1.0 percent and 1.8 percent, respectively.

Overall Success Rate

- The overall success rate, defined as individuals who successfully completed probation and did not commit a new crime within one year of leaving probation supervision, increased for all categories of probationers.
- For juveniles under regular supervision, 69.4 percent were successful one year after release; for those under intensive supervision, 47.3 percent were successful.
- For adults under regular supervision, 70.6 percent were successful one year after release; for those under intensive supervision, overall success rates were 66.5 percent for AISP and 68.8 percent for FOP.

The table on the following page summarizes recidivism data for both adults and juveniles with a "regular" (rather than intensive) supervision level, for the last seven fiscal years.

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Probation Recidivism Rates					
Termination Cohorts for Fiscal Years 2004-05 Through 2010-11 a/					
Supervision Level at Time of Termination	Fiscal Year	Pre-release Recidivism b/		Post-Release Recidivism c/	Overall Success d/
		Technical Violation	New Crime		
Juvenile - Regular	2004-05	25.7%	6.2%		58.2%
	2005-06	23.8%	6.6%		58.9%
	2006-07	21.5%	6.8%		60.1%
	2007-08	20.9%	6.6%		61.4%
	2008-09	19.3%	7.0%		62.4%
	2009-10	19.9%	7.1%		62.7%
	2010-11		15.6%	6.2%	11.3%
4,861	Individuals	758	300	431	3,372
Adult - Regular	2004-05	32.6%	6.1%		56.4%
	2005-06	33.0%	6.3%		55.7%
	2006-07	31.8%	7.1%		55.9%
	2007-08	29.3%	6.3%		59.7%
	2008-09	25.0%	6.1%		64.3%
	2009-10	21.2%	5.5%		68.9%
	2010-11	20.0%	5.0%	5.8%	70.6%
33,618	Individuals	6,737	1,690	1,452	23,739

a/ Data for all fiscal years except FY 2009-10 excludes DUI offenders. Beginning in FY 2009-10, data includes DUI offenders under state or private probation supervision who are receiving some probation services; a total of 9,049 DUI offenders who were under private probation supervision, were "monitored" by state probation, but received no additional probation services continue to be excluded in FY 2009-10. In addition, Denver County Court filing data was only made available to Judicial's ICON/Eclipse system (the Judicial Branch's management information system) for FY 2005-06 and FY 2006-07. Thus, post-release recidivism rates may be understated for fiscal years 2004-05, 2007-08, 2008-09, and 2009-10.

b/ "Pre-release Recidivism" includes an adjudication or conviction for a felony or a misdemeanor, or a technical violation relating to a criminal offense, while under supervision in a criminal justice program.

c/ "Post-release Recidivism" reflects the percent of successfully terminated offenders for whom there was a filing for a felony or misdemeanor (whether or not it resulted in a conviction) within one year of termination from program placement for a criminal offense.

d/ "Overall success" reflects those offenders who did not recidivate either prior to or for one year following release.

Intensive Supervision Programs

The intensive supervision programs for juveniles (JISP), adults (AISP), and adult females (FOP) were designed as alternatives to incarceration. Offenders placed on these programs have higher risks related to the probability of program failure and the commission of a new crime, and they typically have higher levels of identified needs. The outcomes for these intensive programs in relation to regular supervision are summarized below:

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- The overall success rate for JISP is significantly lower than for regular juvenile supervision – 47.3 percent compared to 69.4 percent. For juveniles who terminated probation for technical violations, 53.0 percent on JISP were sentenced to the Division of Youth Corrections (DYC) or the Department of Corrections (DOC), compared to 25.8 percent on regular probation. For juveniles who terminated probation for committing a new crime, 68.5 percent on JISP were sentenced to DYC or DOC, compared to 41.2 percent on regular probation.
- The overall success rate for AISP is slightly lower than for regular adult supervision – 66.5 percent compared to 70.6 percent. For adults who terminated probation for technical violations, 69.8 percent on AISP were sentenced to DOC, compared to 9.9 percent on regular probation. For adults who terminated probation for committing a new crime, 94.4 percent on AISP were sentenced to DOC, compared to 20.0 percent on regular probation.
- The overall success rate for FOP, 68.8 percent, is similar to the success rate for regular adult supervision. For adults who terminated probation for technical violations, 61.0 percent on FOP were sentenced to DOC, compared to 9.9 percent on regular probation. For adults who terminated probation for committing a new crime, 90.3 percent on FOP were sentenced to DOC, compared to 20.0 percent on regular probation.

To the extent that these intensive programs divert high risk offenders who would otherwise be incarcerated, they are cost effective. Specifically, for FY 2010-11:

- JISP redirected as many as 212 juveniles from DYC, including 65 who left probation and did not recidivate within one year and 147 who succeeded and were transferred to regular probation. The annual cost to serve a juvenile in DYC in FY 2010-11 was \$72,836, compared to \$5,372 for JISP.
- AISP redirected as many as 693 offenders from DOC, including 47 who left probation and did not recidivate within one year and 646 who succeeded and were transferred to regular probation. FOP redirected as many as 110 women from DOC, including 24 who left probation and did not recidivate within one year and 86 who succeeded and were transferred to regular probation. The annual cost to serve an offender in DOC in FY 2010-11 was \$32,344, compared to \$3,852 for AISP and \$3,306 for FOP.

The table on the following page summarizes recidivism data for both adults and juveniles with an intensive level of supervision, for the last seven fiscal years.

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Probation Recidivism Rates					
Termination Cohorts for Fiscal Years 2004-05 Through 2010-11					
Supervision Level at Time of Termination	Fiscal Year	Pre-release Recidivism a/		Post-Release Recidivism b/	Overall Success c/
		Technical Violation	New Crime		
Juvenile Intensive Supervision Program (JISP) d/	2004-05	39.1%	12.2%		46.8%
	2005-06	43.8%	11.6%		40.0%
	2006-07	40.7%	11.5%		43.2%
	2007-08	40.8%	18.1%		37.3%
	2008-09	37.7%	17.3%		43.5%
	2009-10	34.8%	19.4%		44.1%
	2010-11	32.1%	18.1%	4.9%	47.3%
	448	<i>Individuals</i>	<i>144</i>	<i>81</i>	<i>11</i>
Adult Intensive Supervision Program (AISP) d/, e/	2004-05	34.4%	13.6%		51.9%
	2005-06	31.4%	14.7%		52.9%
	2006-07	33.1%	10.9%		55.9%
	2007-08	31.5%	14.0%		54.1%
	2008-09	22.7%	10.8%		66.0%
	2009-10	23.9%	10.5%		65.2%
	2010-11	22.3%	10.6%	1.0%	66.5%
	1,042	<i>Individuals</i>	<i>232</i>	<i>110</i>	<i>7</i>
Adult - Female Offender Program (FOP) d/	2004-05	31.6%	10.5%		57.9%
	2005-06	37.2%	6.2%		54.9%
	2006-07	28.0%	9.3%		61.6%
	2007-08	26.2%	8.7%		63.9%
	2008-09	19.9%	7.0%		71.6%
	2009-10	21.7%	9.1%		68.5%
	2010-11	18.8%	11.3%	1.8%	68.8%
	160	<i>Individuals</i>	<i>30</i>	<i>18</i>	<i>2</i>

a/ "Pre-release Recidivism" includes an adjudication or conviction for a felony or a misdemeanor, or a technical violation relating to a criminal offense, while under supervision in a criminal justice program.

b/ "Post-release Recidivism" reflects the percent of successfully terminated offenders for whom there was a filing for a felony or misdemeanor (whether or not it resulted in a conviction) within one year of termination from program placement for a criminal offense.

c/ "Overall success" reflects those offenders who did not recidivate either prior to or for one year following release.

d/ Please note that the relatively small number of individuals participating in the intensive programs for juveniles, adults, and female adults can cause recidivism rates to differ significantly from year to year - particularly with respect to post-release recidivism.

e/ Please note that while some sex offenders who are on regular supervision are included in the Adult - regular data (in the previous table), sex offenders who are on intensive supervision programs are not reflected at all in the Department's recidivism report. The Department indicates that data related to these offenders is instead reported annually by the Department of Public Safety, Division of Criminal Justice (as required by statute).

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3. **Judicial Department, Probation and Related Services, Offender Treatment and Services** -- The State Court Administrator's Office is requested to provide by November 1 of each year a detailed report on how this appropriation is used, including the amount spent on testing, treatment, and assessments for offenders.

Comment: The Department provided the information requested. In FY 2006-07, the Joint Budget Committee approved a request to combine various appropriations from the General Fund, Offender Services Cash Fund, Drug Offender Surcharge Fund, and the Sex Offender Surcharge Fund, to create a single line item entitled "Offender Treatment and Services". The purpose of this organizational change was to: (a) provide increased flexibility to local probation departments to allocate funds for treatment and services for indigent offenders or those otherwise unable to pay; and (b) reduce year-end reversions of unspent cash funds.

The portion of the Offender Treatment and Services appropriation that is designated for offenders on probation is divided among the 22 judicial districts as "block grants" based on the number of FTE and the number of probationers under supervision in each district. Each probation department then develops a local budget for each of the approved treatment and service areas. The local allocation of funds depends on the availability of treatment and services and the particular needs of the local offender population. A summary of allocations and expenditures for FY 2011-12, as well as allocations for FY 2012-13, is provided in the table on the following page.

In FY 2011-12, more than two-thirds of moneys expended by the Judicial Branch were used for substance abuse testing and treatment (40.1 percent) and sex offender assessment, polygraphs, and treatment (28.1 percent). The remaining funds were spent for a variety of services, such as: domestic violence treatment; mental health services; electronic home monitoring and GPS tracking; interpreter services; and housing, transportation, and vocational assistance.

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Offender Treatment and Services Line Item: Allocations and Expenditures					
Treatment or Service	FY 2011-12			FY 2012-13	
	Allocation	Expenditures	% of Total	Allocation	% of Total
Substance Abuse Treatment	\$1,981,034	\$1,696,999	18.0%	\$2,613,625	15.7%
Community-based Substance Abuse Treatment Services a/				2,200,000	13.2%
Drug Testing	1,263,736	1,533,456	16.3%	1,710,923	10.3%
Transfer of Persistent Drunk Driver Cash Fund moneys from DHS	<u>779,846</u>	<u>551,041</u>	<u>5.9%</u>	<u>779,846</u>	<u>4.7%</u>
Subtotal: Substance Abuse Services	4,024,616	3,781,496	40.2%	7,304,394	43.8%
Adult Sex Offender Assessment	1,170,282	1,102,613	11.7%	1,367,285	8.2%
Adult Sex Offender Treatment	956,203	931,861	9.9%	1,192,574	7.1%
Adult Sex Offender Polygraphs	383,092	349,052	3.7%	513,933	3.1%
Juvenile Sex Offender Assessment and Treatment	210,128	189,734	2.0%	256,229	1.5%
Juvenile Sex Offender Polygraphs	<u>103,755</u>	<u>69,550</u>	<u>0.7%</u>	<u>118,986</u>	<u>0.7%</u>
Subtotal: Sex Offender Services	2,823,460	2,642,810	28.1%	3,449,007	20.7%
Domestic Violence Treatment	613,033	705,327	7.5%	912,775	5.5%
Mental Health Services	621,576	578,357	6.1%	746,078	4.5%
Electronic Home Monitoring	475,462	218,105	2.3%	515,764	3.1%
Special Needs Treatment	220,420	128,291	1.4%	482,674	2.9%
Emergency Housing	292,959	370,757	3.9%	462,274	2.8%
Transportation Assistance	322,444	302,786	3.2%	408,234	2.4%
Veterans Trauma Courts				367,197	2.2%
Day Treatment (separate line in FY 2011-12)				300,000	1.8%
Educational/Vocational Assistance	198,266	199,323	2.1%	226,145	1.4%
Global Positioning Satellite Tracking (GPS)	125,082	131,215	1.4%	163,970	1.0%
Incentives	100,371	87,853	0.9%	150,736	0.9%
General Medical Assistance	75,833	47,928	0.5%	121,616	0.7%
Restorative Justice	116,538	82,195	0.9%	115,343	0.7%
Interpreter Services	100,033	95,092	1.0%	107,516	0.6%
Transfer to Denver County				217,364	1.3%
Subtotal: Funds Allocated to/Expended by Districts	10,110,093	9,371,535	99.6%	16,051,087	96.2%
Evidence-based Practices Research	250,000	11,756	0.1%	250,000	1.5%
Initiative to Build Capacity in Rural/Under served Areas	125,000	27,974	0.3%	125,000	0.7%
Unallocated b/				<u>254,919</u>	<u>1.5%</u>
Total Probation Expenditures	\$10,485,093	\$9,411,265	100.0%	\$16,681,006	100.0%
Transfers to Other State Agencies		<u>3,960,919</u>		<u>8,759,505</u>	52.5%
Total Expenditures/ Allocations c/		\$13,372,184		\$25,440,511	

a/ This funding was initially established through S.B. 03-318 and was appropriated through a separate line item. Pursuant to H.B. 12-1310, this amount is now credited to the Correctional Treatment Cash Fund and allocated as part of the Offender Treatment and Services line item.

b/ A portion of the FY 2012-13 appropriation for Offender Treatment and Services remains unallocated due to insufficient cash fund revenues. The Department has restricted a total of \$254,919, including \$179,412 from the Correctional Treatment Cash Fund and \$75,507 from the Sex Offender

c/ Total allocations and transfers for FY 2012-13 are comprised of amounts appropriated through the Long Bill (H.B. 12-1335) and H.B. 12-1310, including the following sources of funds: \$9,097,255 from the Offender Services Fund; \$8,976,307 General Fund that is credited to the Correctional Treatment Cash Fund; \$5,407,877 cash fee revenue that is credited to the Correctional Treatment Cash Fund; \$779,846 transferred from the Department of Human Services from the Persistent Drunk Driver Cash Fund; \$667,197 General Fund; \$302,029 from the Sex Offender Surcharge Fund; and \$210,000 from various fees and cost recoveries.

Appendix D: Indirect Cost Assessment Methodology

Description of Indirect Cost Assessment Methodology

Description of Indirect Cost Assessment Methodology

The Judicial Branch's indirect cost assessment methodology is based on an "*Indirect Cost Pool*", which is allocated among fund sources based on estimates of the relative benefit that each program area receives from each component of the Indirect Cost Pool.

The Branch's *Indirect Cost Pool* is comprised of the General Fund share of several line item appropriations that appear in three sections of the Long Bill, listed below.

Courts Administration

- *General Courts Administration
- Information Technology Infrastructure
- Workers' Compensation
- Legal Services
- Purchase of Services from Computer Center
- Multiuse Network Payments
- Payment to Risk Management and Property Funds
- Leased Space - State Court Administrator's Office
- Communication Services
- COFRS Modernization
- Lease Purchase

Trial Courts

- *Trial Court Programs

Probation and Related Services

- *Probation Programs

Three of the line item appropriations that are included in the Department's Indirect Cost Pool (noted with an asterisk above) support personal services and operating expenses in the State Court Administrator's Office and judicial districts. The Department only includes that portion of each appropriation that relates to *administrative* positions. The Department also includes the associated costs of administrative employees' benefits. The Department's Indirect Cost Pool is based on appropriated amounts for the previous fiscal year (*e.g.*, the Indirect Cost Pool for FY 2013-14 is based on FY 2012-13 Long Bill appropriations). For FY 2013-14, the Department's Indirect Cost Pool as requested is \$26.1 million. **Table 1** outlines which line items are included in the Department's Indirect Cost Pool.

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Table 1				
Division	Judicial Department: Indirect Cost Pool Line Item	FY 2012-13 General Fund Appropriation	Percent of Costs Included in Indirect Cost Pool	FY 2013-14 Indirect Cost Pool Components
Courts Administration	General Courts Administration - Personal Services and Operating Expenses	\$11,438,402	69.4%	\$7,933,549
	Health, Life, and Dental - Administration	1,328,797	69.4%	921,639
	Short-term Disability - Administration	19,138	69.4%	13,274
	S.B. 04-257 AED - Administration	295,604	69.4%	205,028
	S.B. 06-235 SAED - Administration	244,231	69.4%	169,396
	Salary Survey - Administration	150,000	69.4%	104,038
	Information Technology Infrastructure	403,094	100.0%	403,094
	Workers' Compensation	1,712,924	100.0%	1,712,924
	Legal Services	170,259	100.0%	170,259
	Purchase of Services from Computer Center	753,476	100.0%	753,476
	Multiuse Network Payments	575,849	100.0%	575,849
	Payment to Risk Management and Property Funds	239,318	100.0%	239,318
	Leased Space - State Court Administrator's Office	1,151,863	100.0%	1,151,863
	Communication Services	24,725	100.0%	24,725
	COFRS Modernization	1,056,857	100.0%	1,056,857
	Lease Purchase	119,878	100.0%	119,878
Trial Courts	Trial Court Programs - Personal Services and Operating Expenses	92,758,394	5.1%	4,697,417
	Health, Life, and Dental - Trial Courts	11,196,518	5.1%	567,008
	Short-term Disability - Trial Courts	152,958	5.1%	7,746
	S.B. 04-257 AED - Trial Courts	2,362,538	5.1%	119,642
	S.B. 06-235 SAED - Trial Courts	1,951,950	5.1%	98,850
	Salary Survey - Trial Courts	159,680	5.1%	8,086
Probation and Related Services	Probation Programs - Personal Services and Operating Expenses	65,085,409	6.8%	4,443,075
	Health, Life, and Dental - Probation	7,614,849	6.8%	519,830
	Short-term Disability - Probation	96,137	6.8%	6,563
	S.B. 04-257 AED - Probation	1,484,913	6.8%	101,368
	S.B. 06-235 SAED - Probation	330,848	6.8%	22,585
	Salary Survey - Probation	0	6.8%	0
Departmental Indirect Cost Pool				\$26,147,337

As detailed in **Table 2**, the Department calculates an *Indirect Cost Rate* for each general program area. The Department first allocates each component of the Indirect Cost Pool among general program areas. While most components are categorized as “general overhead” because they benefit all program areas in a similar manner, some components only benefit one program area (e.g., communication services only benefit probation programs). The Department then calculates an Indirect Cost Rate for each program area by comparing the program area’s allocation from the Indirect Cost Pool to total Long Bill appropriations for the Department (including all state fund sources, but excluding appropriations for each of the independent agencies). For example, the “general overhead” portion of the Indirect Cost Pool represents 1.93 percent of total Department appropriations, and the “trial court” portion of the Indirect Cost Pool represents 2.59 percent of total Department appropriations. Thus, the Department applies an Indirect Cost Rate of 4.52 percent (1.93% + 2.59% = 4.52%) to each fund source that supports a trial court-related program.

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Table 2 Judicial Department: Calculation of Basis for Allocating Indirect Costs										
Division	Line Items Included in Indirect Cost Pool	Allocation of Cost Pool Components by Program Area								
		Total (from Table 1)	General Overhead		Trial Courts		Probation		Attorney Regulation	
			Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars
Courts Administration	General Courts Administration - Personal Services and Operating Expenses, and Associated Benefits	\$9,346,923	15.0%	\$1,402,038	50.0%	\$4,673,462	33.0%	\$3,084,485	2.0%	\$186,938
	Information Technology Infrastructure	403,094	100.0%	403,094	0.0%	0	0.0%	0	0.0%	0
	Workers' Compensation	1,712,924	100.0%	1,712,924	0.0%	0	0.0%	0	0.0%	0
	Legal Services	170,259	100.0%	170,259	0.0%	0	0.0%	0	0.0%	0
	Purchase of Services from Computer Center	753,476	100.0%	753,476	0.0%	0	0.0%	0	0.0%	0
	Multiuse Network Payments	575,849	100.0%	575,849	0.0%	0	0.0%	0	0.0%	0
	Payment to Risk Management and Property Funds	239,318	100.0%	239,318	0.0%	0	0.0%	0	0.0%	0
	Leased Space - State Court Administrator's Office	1,151,863	100.0%	1,151,863	0.0%	0	0.0%	0	0.0%	0
	Communication Services	24,725	0.0%	0	0.0%	0	100.0%	24,725	0.0%	0
	COFRS Modernization	1,056,857	100.0%	1,056,857	0.0%	0	0.0%	0	0.0%	0
	Lease Purchase	119,878	100.0%	119,878	0.0%	0	0.0%	0	0.0%	0
Trial Courts	Trial Court Programs - Personal Services and Operating Expenses, and Associated Benefits	5,498,749	0.0%	0	100.0%	5,498,749	0.0%	0	0.0%	0
Probation and Related Services	Probation Programs - Personal Services and Operating Expenses, and Associated Benefits	5,093,421	0.0%	0	0.0%	0	100.0%	5,093,421	0.0%	0
Total		\$26,147,337		\$7,585,556		\$10,172,211		\$8,202,631		\$186,938
Total Budget for State Court Administrator's Office, Courts, and Probation - All Fund Sources Except Federal Funds		393,197,762								
Allocated Indirect Cost Pool / Total Budget			1.93%		2.59%		2.09%		0.08%	

The *Indirect Cost Base* is comprised of total Long Bill appropriations to the Department (including all state fund sources, but excluding appropriations for each of the independent agencies). Thus, the *Departmental Indirect Cost Assessment* for each fund source is calculated by multiplying the applicable Indirect Cost Rate by the total amount appropriated in the Long Bill from that fund source. Please note that the Department does not recover indirect costs from several non-General Fund sources of funding, which are listed on the following page.

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- *Crime Victim-related funds:* Statutorily, a Victims and Witnesses Assistance and Law Enforcement Fund and a Crime Victim Compensation Fund are established in the office of the court administrator for each judicial district. Moneys anticipated to be expended from these funds are reflected in the Long Bill for informational purposes, but local court administrators and district attorneys may spend these funds without an appropriation. Statute requires that these funds be used for the implementation of the rights afforded to crime victims, services and compensation of crime victims, and certain related administrative costs incurred by local court administrators and district attorneys.
- *Judicial Stabilization Cash Fund:* Moneys in this fund may be appropriated for the “expenses of trial courts in the judicial department”. This fund was created through S.B. 03-186, a Joint Budget Committee sponsored bill that raised multiple docket, filing, and probation fees and used the revenues to reduce General Fund expenditures. As this fund is used in lieu of General Fund for certain trial court expenses, it has never been used to cover indirect costs.
- *Attorney law examination and continuing legal education fees:* The Colorado Supreme Court is authorized to collect fees from attorneys and judges to cover the costs of regulation of the practice of law. The Department currently assesses indirect costs on fees related to attorney regulation activities, but not on fees related to continuing legal education or the bar exam.
- *Fees credited to the Supreme Court Library Fund:* The Supreme Court Library is a public library that is currently located in the Denver Newspaper Agency Building. The library is supported by appellate filing and other fees deposited in the Supreme Court Library Fund.
- *Transfers from other state agencies:* The Department receives federal child support enforcement funding from the Department of Human Services, for persistent drunk driver programs, and for S.B. 91-94 juvenile service programs.

In addition, please note that the budget for the Judicial Branch includes funding for four independent agencies. Other than a small amount of revenue from training fees and occasional grants, these independent agencies are entirely supported by the General Fund. Thus, administrative costs incurred by these agencies are not included in the Indirect Cost Pool, and the budgets for these agencies do not reflect indirect cost assessments. These agencies do not currently use fees that are paid by attorneys attending training sessions to cover agency indirect costs. With respect to grants, if one of these agencies were to receive a grant that may be used to cover both direct and indirect costs, the agency would charge an appropriate amount to the grant, and then use that amount to cover an administrative expense that would otherwise be supported by General Fund. Thus, any indirect cost recoveries that may be collected by these agencies would be used to reduce General Fund expenditures.

Table 3, on the following page, details the calculation of the Departmental Indirect Cost Assessment for FY 2013-14 among divisions and specific funding sources. The Department then allocates the Statewide Indirect Cost Assessment proportionally, based on Departmental Indirect Cost Assessments.

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Table 3					
Judicial Department: Allocation of Indirect Costs Among Divisions and Fund Sources					
Division	Fund Source	Indirect Cost Rate Applied to Appropriated Amount	Dept. Indirect Cost Assessment	Statewide Indirect Cost Assessment	Total Indirect Cost Assessment
Supreme Court/ Court of Appeals	Annual attorney registration fees for Attorney Regulation	2.00%	\$140,332	\$7,693	\$148,025
	Judicial Stabilization Cash Fund		0	0	0
	Law examination application fees for the State Board of Law Examiners		0	0	0
	Annual attorney registration fees for Continuing Legal Education		0	0	0
	Subtotal		140,332	7,693	148,025
Courts Administration	Judicial Department Information Technology Cash Fund	1.93%	152,874	8,381	161,255
	Victims and Witnesses Assistance and Law Enforcement Fund		0	0	0
	Crime Victim Compensation Fund		0	0	0
	Court Security Cash Fund	4.52%	174,552	9,570	184,122
	Judicial Collection Enhancement Fund	1.93%	64,825	3,554	68,379
	Fines Collection Cash Fund	1.93%	17,363	952	18,315
	Judicial Stabilization Cash Fund		0	0	0
	Justice Center Cash Fund	1.93%	79,900	4,380	84,280
	State Commission on Judicial Performance Cash Fund	4.52%	35,721	1,958	37,679
	Family-friendly Court Program Cash Fund	4.52%	13,165	722	13,887
	Family Violence Justice Fund	4.52%	7,678	421	8,099
	Various Federal Grants			11,280	11,280
	Transfer from DHS from the Child Support Enforcement line item		0	0	0
	Subtotal			546,078	41,218
Trial Courts	Judicial Stabilization Cash Fund		0	0	0
	Transfer from DHS from the Child Support Enforcement line item		0	0	0
	Water Adjudication Cash Fund		0	0	0
	Subtotal		0	0	0
Probation and Related Services	Offender Services Fund	4.02%	562,648	30,846	593,494
	Correctional Treatment Cash Fund (previously Drug Offender Surcharge Fund and Drug Offender Treatment Fund)	4.02%	209,937	11,509	221,446
	Alcohol and Drug Driving Safety Program Fund	4.02%	192,549	10,556	203,105
	Offender Identification Fund	4.02%	2,358	129	2,487
	Interstate Compact Probation Transfer Cash Fund	4.02%	3,764	206	3,970
	Sex Offender Surcharge Fund		0	0	0
	Transfer from DHS from Persistent Drunk Driver Programs line item		0	0	0
	Transfer from DHS from S.B. 91-94 Programs line item		0	0	0
	Victims and Witnesses Assistance and Law Enforcement Board grants and transfer from DPS from State Victims Assistance and Law Enforcement Programs line item		0	0	0
	Subtotal		971,256	53,248	1,024,504
Total			\$1,657,666	\$102,159	\$1,759,825

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FY 2013-14 Indirect Cost Assessment Request

The total of departmental and statewide indirect cost assessments is appropriated in the “General Courts Administration” line item in the Courts Administration section of the Long Bill, thereby reducing General Fund expenditures by the same amount. In addition, this line item includes an amount that is anticipated to be charged to various federal grants received by the Department to cover a portion of departmental and statewide indirect costs. These federal recoveries are treated differently than other indirect cost recoveries because they are less predictable, and the indirect cost assessment is calculated using a different methodology (e.g., the calculation uses lag data and the rates are not finalized until September of the fiscal year). If the total amount of indirect cost recoveries from federal grants exceeds the amount reflected in the Long Bill, the Department books the expenditure to the associated grants line item, and then applies such recoveries to the General Courts Administration line item. Thus, all indirect cost recoveries from federal grants reduce General Fund expenditures.

For FY 2013-14 the Department has requested \$1,901,825 for indirect cost assessments and indirect cost recoveries from federal grants. **Table 4** shows the Department’s FY 2013-14 request, by division. The FY 2013-14 request represents a decrease of \$220,785 from FY 2012-13 mainly due to changes in the methodology used to calculate indirect costs. Specifically, the proportion of indirect costs attributed to trial courts and probation program areas has increased relative to that portion classified as general overhead costs. As a result, the indirect cost rate charged to most cash funds have declined.

Table 4				
Judicial Department: Indirect Cost Assessment				
Division	Total	Indirect Cost Assessments		Estimated Indirect Cost Recoveries from Federal Grants
		Cash Funds	Other Funds	
Supreme Court/Court of Appeals	\$148,025	\$148,025	\$0	
Courts Administration	587,296	576,016	11,280	0
Trial Courts	0	0	0	0
Probation and Related Services	1,024,504	1,024,504	0	0
Amounts Reflected Within Grants Line Items	142,000	0	0	142,000
Total Indirect Cost Assessment for FY 2013-14	1,901,825	1,748,545	11,280	142,000
FY 2012-13 Indirect Cost Assessment	2,122,610	1,980,610	0	142,000
Difference (FY 13-14 less FY 12-13)	(220,785)	(232,065)	11,280	0

Appendix E: Change Requests' Relationship to Performance Measures

This appendix will show how the Judicial Branch indicates each change request ranks in relation to the Department's top priorities and what performance measures the Department is using to measure success of the request.

Change Requests' Relationship to Performance Measures			
R	Change Request Description	Goals / Objectives	Performance Measures
JUD R-1	District court judges and staff <i>[This item is included in the budget request for informational purposes only as it requires legislation]</i>	<p>Principle #3: Promote quality judicial decision-making and judicial leadership; Goal 3a: Employ effective case management strategies</p> <p>Objective #5: Improve public perception of fairness and accessibility.</p> <p>Objective #9: Improve case processing timeliness.</p>	<p>Increased average agreement scores on Access and Fairness surveys for the 5th judicial district.</p> <p>Increased case processing timeliness reflected in quarterly district caseload age of pending case reports for the 9th judicial district.</p>
JUD R-2	Procedural fairness and leadership education	<p>Principle #1: Provide equal access to the legal system and give all an opportunity to be heard.</p> <p>Principle #2: Treat all with dignity, respect and concern for their rights and cultural backgrounds, and without bias or appearance of bias.</p> <p>Goal #2b: Train all court and probation staff in communication, cultural competency and customer service skills.</p> <p>Principle #3: Promote quality judicial decision-making and judicial Leadership.</p> <p>Goal #3F: Implement professional development and leadership programs for staff (including judicial officers).</p>	<p>Court personnel will demonstrate principles of procedural fairness in dealing with all citizens bringing business to the courts. Increased average agreement scores on access and fairness statewide.</p> <p>Decreased staff turnover and increased staff satisfaction as measured on bi-annual survey.</p> <p>Decreased post decree filings and criminal revocation hearings.</p> <p>Court Leaders will demonstrate known leadership skills and competencies in proceedings, meetings, and representing courts in the public.</p> <p>Participants in Leadership Education will be given follow-up evaluations to elicit behavioral and procedural changes that can be attributed to competencies learned through leadership education. Other judicial and staff evaluations will acknowledge observation of improved skills and behavior in leadership education participants.</p>
JUD R-3	Legal FTE	Principle #5: Cultivate public trust and confidence through the thoughtful stewardship of public resources. Also, goals to train and educate judges, courts and probation, as well as employ evidence based practices in probation.	Court personnel will have shorter wait times for contracts. Increased capacity will allow work on long term projects with legal implications to the courts and probation as well as increase capacity for training of judges and staff in courts and probation.

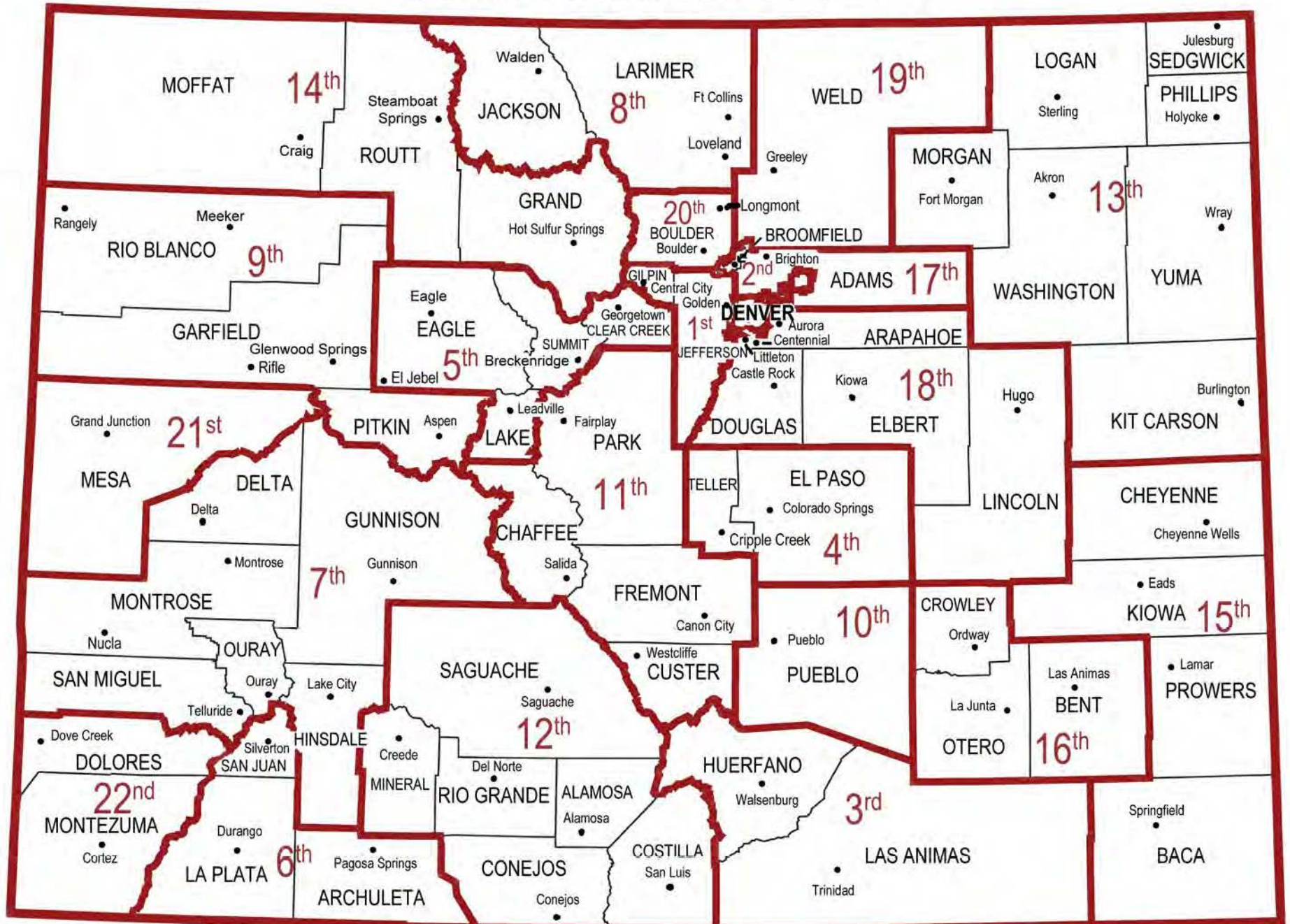
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Change Requests' Relationship to Performance Measures			
R	Change Request Description	Goals / Objectives	Performance Measures
JUD R-4	Self-represented litigant coordinators	Principle #1: Provide equal access to the legal system and give all an opportunity to be heard. Goal #1c: Assist self-represented parties.	Increase the number of self-represented litigants served by the courts. Increase the satisfaction level of self-represented litigants with court processes. Broaden the types of cases in which self-represented litigants receive procedural assistance. Note: Baseline data to be developed late 2012 or early 2013.
JUD R-5	Court appointed professionals coordinator	Principle #3: Promote quality judicial decision making and judicial leadership. Goal #3d: Develop systems that assure court-appointed professionals are providing quality services.	Within one year: Train 80% of respondent parent counsel (RPC) on basic standards of practice. Implement performance survey statewide to assess RPC competence with basic standards of practice. Implement a centralized process for reviewing requests for experts, motions of excess fees and complaints.
JUD R-6	Problem-solving court coordinators	Principle #3: Promote quality judicial decision making and judicial leadership. Goal #3a: Employ effective case management strategies.	<u>Short term:</u> Increase adherence to best practices (ten key components). <u>Mid Term:</u> Increase graduation rates in Family Treatment Courts and Veteran's Trauma Courts funded by this decision item. <u>Long term:</u> Lower recidivism rates for defendants in Family Treatment Courts and Veteran's Trauma Courts funded by this decision item.
JUD R-7	Implementation of evidence-based practices	Principle #4: Implement quality assessments and community supervision of adult and juvenile probationers to demonstrably enhance public safety and respect victim rights. Goal #4a: Ensure the accuracy and efficiency of pre- and post-sentence assessments; and provide comprehensive assessment information to judicial officers to assist judicial officers in making more informed decisions, leading to improved and less costly outcomes. Goal #4b: Employ evidence-based practices in all applicable areas of probation.	<u>Short-term:</u> Analysts and education specialist will be hired within the first quarter of FY14. <u>Long-term:</u> Analysts and trainers will develop implementation plans and provide training and technical assistance on Colorado Juvenile Risk Assessment (CJRA), sex offender assessments, standardized offender assessments (SOA) for adults, and other evidence-based projects. Performance will be measured by full implementation of all instruments and prioritized projects throughout the state.
JUD R-8	Courthouse capital and infrastructure maintenance	Principle #1: Provide equal access to the legal system and give all an opportunity to be heard. Goal #1b: Maintain safety in all court and probation facilities.	
JUD R-9	Ralph L. Carr Colorado Judicial Center	Principle #1: Provide equal access to the legal system and give all an opportunity to be heard. Goal #1b: Maintain safety in all court and probation facilities.	

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Change Requests' Relationship to Performance Measures			
R	Change Request Description	Goals / Objectives	Performance Measures
OSPD R-1	Attorney pay parity	<p>Objective #1.1: Provide reasonable and effective legal representation.</p> <p>Objective #1.2: Ensure compliance with applicable constitutional and statutory mandates, the American Bar Association standards, the Colorado Rules of Professional Conduct, and applicable court rules and case law.</p> <p>Objective #1.3: Maintain a competitive work environment to be able to attract and retain qualified staff.</p>	<p>Maintain competitive level of attorney pay with that of market pay practices for public attorneys.</p> <p>Limit proportion of entry level attorneys (who carry a full caseload but require close supervision) to 30 percent.</p> <p>Limit annual attrition rate for attorneys to 12.0 percent.</p>
OSPD R-2	Operating shortfalls	<p>Objective #1.1: Provide reasonable and effective legal representation.</p> <p>Objective #1.2: Ensure compliance with applicable constitutional and statutory mandates, the American Bar Association standards, the Colorado Rules of Professional Conduct, and applicable court rules and case law.</p>	<p>The OSPD indicates that it has been holding vacant positions open in order to reduce personal services expenditures and cover some operating shortfalls. Thus, most of the performance measures listed by OSPD relate to sufficiency of staffing levels and staff experience levels.</p>
OADC R-1	Legal resource and technology coordinator	<p>This position would promote the OADC's vision of "creating an environment that promotes thorough evaluation, training, and technology, such that the OADC is recognized as a national leader in the delivery of competent and cost-effective legal representation to indigent defendants.</p> <p>One of the OADC's strategies to achieve its objectives is to "provide cost effective research tools and resources to OADC contractors to make them more effective and efficient".</p>	<p>The OADC believes that this will allow them to at least maintain and hopefully reduce the average billable attorney hours per case, while maintaining high quality client representation, and will thus reduce contract expenditures. The OADC thus proposes fully offsetting the costs of this position with a reduction in funding for the "Conflict of Interest Contracts" line item.</p> <p>Two performance measures that directly related to this request include:</p> <p>B: Contain the total number of attorney hours per case. This measure declined from 20.81 in FY 2009-10 to 18.91 in FY 2011-12.</p> <p>D: Provide cost-effective research tools and resources to OADC contractors. This is measured in terms of the number of documents available and the number of database users. The OADC has set a goal of 50% of OADC contractors using the database in FY 2013-14, up from 42% in FY 2011-12.</p>

Judicial Districts of Colorado



Colorado Counties and Corresponding Judicial Districts

Judicial District	County	Judicial District	County
17	Adams	13	Kit Carson
12	Alamosa	6	La Plata
18	Arapahoe	5	Lake
6	Archuleta	8	Larimer
15	Baca	3	Las Animas
16	Bent	18	Lincoln
20	Boulder	13	Logan
17	Broomfield	21	Mesa
11	Chaffee	12	Mineral
15	Cheyenne	14	Moffat
5	Clear Creek	22	Montezuma
12	Conejos	7	Montrose
12	Costilla	13	Morgan
16	Crowley	16	Otero
11	Custer	7	Ouray
7	Delta	11	Park
2	Denver	13	Phillips
22	Dolores	9	Pitkin
18	Douglas	15	Prowers
5	Eagle	10	Pueblo
4	El Paso	9	Rio Blanco
18	Elbert	12	Rio Grande
11	Fremont	14	Routt
9	Garfield	12	Saguache
1	Gilpin	6	San Juan
14	Grand	7	San Miguel
7	Gunnison	13	Sedgwick
7	Hinsdale	5	Summit
3	Huerfano	4	Teller
8	Jackson	13	Washington
1	Jefferson	19	Weld
15	Kiowa	13	Yuma