

Judicial Department - Courts and Probation

FY 2024-25 Comeback Request

March 12, 2024

Department:	Judicial Department (Courts and Probation)
Title:	R07 Ralph Carr Judicial Center

	FY24 Appropriation	FY25 Request	JBC Action	Comeback Request	Difference Between Action and Department Request
Total	\$22,107,479	\$5,756,717	\$0	\$6,103,790	\$6,103,790
FTE	0.0	0.0	0.0	0.0	0.0
GF	883,418	8,009,497	0	4,116,582	4,116,582
CF	13,417,735	(964,242)	0	602,302	602,302
RF	7,806,326	(1,288,538)	0	1,384,906	1,384,906
FF	0	0	0	0	0

Summary of Initial Request:

The Department's FY 2024-25 R07 Ralph Carr Judicial Center budget request is for: restoration of General Fund appropriations in the Debt Services Payments line item and spending authority for controlled maintenance of the Ralph L. Carr Judicial Center, both of which were severely reduced as part of COVID-19-related budget balancing actions. The request also includes cash fund spending authority to cover the management and operations costs of the building.

The Department's November 1 request includes:

- a net increase in FY 2024-25 of \$5,756,717 total funds, including an increase of \$8,009,497 General Fund, a decrease of \$964,242 cash funds spending authority from the Justice Center Cash Fund, and a decrease of \$1,288,538 reappropriated funds spending authority from the Justice Center Maintenance Fund; and
- legislation to repeal the Justice Center Maintenance Fund and directly appropriate Justice Center Cash Funds to a new line item with three-year spending authority called "Justice Center Controlled Maintenance and Capital Renewal".

Committee Action:

During the figure setting presentation, JBC staff recommended the following:

- A net increase of \$4,288,217 total funds, including \$4,116,582 General Fund, \$1,460,173 cash funds, and a decrease of \$1,288,538 reappropriated funds for Ralph L. Carr Judicial Center operations, controlled maintenance, and COP payments; and
 - Legislation to repeal the unused Justice Center Maintenance Fund and related provisions.
 - Staff recommendation annualizes to \$8,000,000 General Fund for FY 2025-26 and years thereafter.
-

The JBC took no action on the Department’s request.

Judicial Department Comeback:

The Department’s comeback request is for an increase of \$6,103,790 total funds, including \$4,116,582 General Fund, \$602,302 cash funds from the Justice Center Cash Fund, and \$1,384,906 reappropriated funds from the Justice Center Maintenance Fund. **The comeback request does not require legislation.**

JUDICIAL DEPARTMENT (COURTS AND PROBATION) R07 RALPH L. CARR JUDICIAL CENTER FY 2024-25 COMEBACK REQUEST						
LINE ITEM	TOTAL FUNDS	FTE	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
FY 2024-25 Judicial Department Comeback Request						
Building Management and Operations	\$1,546,755	0.0	\$0	(\$4,971,033)	\$6,517,788	\$0
Appropriation to Justice Center Maintenance Fund	2,772,129	0.0	0	2,772,129	0	0
Justice Center Maintenance Fund Expenditures	1,384,906	0.0	0	0	1,384,906	0
Debt Services Payments	400,000	0.0	4,116,582	2,801,206	(6,517,788)	0
TOTAL COMEBACK REQUEST	\$6,103,790	0.0	\$4,116,582	\$602,302	\$1,384,906	\$0

Consistent with JBC staff’s recommendation, this request includes \$4,116,582 General Fund in FY 2024-25, annualizing to an increase of \$8,000,000 General Fund in FY 2025-26 and ongoing.

CRITICAL COMPONENTS OF THE DEPARTMENT’S REQUEST

The Department’s request contains two critical components:

- A request for a General Fund appropriation to ensure that the Department can make the annual COP payments for the Ralph L. Carr Judicial Center; and
- A cash fund and commensurate reappropriated funds appropriation to cover the cost of planned FY 2024-25 controlled maintenance projects, the need for which having not been eliminated by the damage to the Ralph L. Carr Judicial Center.

ANNUAL COP PAYMENTS

The Judicial Department is responsible for making two annual COP payments, including a September payment of approximately \$10.5 million and a February payment of approximately \$5.5 million. Under the terms of the COP agreement, the September payment consists of both principal and interest and the February payment consists of only interest.

Based on updated JCCF projections, the JCCF is anticipated to end FY 2023-24 with a balance of approximately \$8.3 million. Revenue deposited in the fund averages approximately \$1.5 million per month and expenditures from the fund average approximately \$2.0 million per month. The Department estimates that just over \$7.0 million cash funds will be available to cover the \$10.5 million COP payment that must be made in September. Without a minimum General Fund appropriation of \$4.1 million to the Debt Services Payments line item (as recommended by JBC staff), the Department will be unable to make the September COP payment and cover the daily operating costs of the building.

CONTROLLED MAINTENANCE

The Department's original request included \$5.1 million cash funds for controlled maintenance and capital renewal. JBC staff recommended a cash funds appropriation of \$3.6 million for this purpose. The Department has evaluated the FY 2024-25 controlled maintenance projects list to determine if any of the projects can be postponed as a result of damage mitigation. Because the risk management claim will only cover the cost to restore the building to "like" condition, controlled maintenance projects on items not impacted by the January 2nd damage still need to be addressed. The Department has adjusted its request downward, however will still need an appropriation to address items in the following table.

UPDATED CONTROLLED MAINTENANCE PROJECTS AS OF 03/11/2024	
Exterior lighting	\$1,500,000
UPS battery replacement	65,000
Replace distributive antenna system (emergency distributive antenna system)	750,000
Test roof davits & fall protection equipment (10 yr)	46,379
Clean and torque switch gear	215,000
VIOP building phone system replacement	54,000
ASA building network VPN logon upgrade and support license	33,750
Dell VxRail server replacement and support license	108,000
	\$2,772,129

THE DIFFERENCES BETWEEN THE JBC STAFF RECOMMENDATION AND THE COMEBACK REQUEST

Rather than including the request for legislation, but consistent with pre-pandemic Long Bill appropriations, the comeback request includes an appropriation of \$2,772,129 cash funds from the Justice Center Cash Fund to the Justice Center Maintenance Fund to cover the cost of planned FY 2024-25 controlled maintenance projects. These funds are subsequently reappropriated to the Justice Center Maintenance Fund Expenditures Long Bill line item. The Appropriation to the Justice Center Maintenance Fund line item was eliminated as a part of COVID-19 budget balancing actions and not restored.

Department:	Judicial Department (Courts and Probation)
Title:	BA3b Collections

	FY24 Appropriation	FY25 Request	JBC Action	Comeback Request	Difference Between Action and Department Request
Total	\$7,561,958	\$1,603,555	\$0	\$1,603,555	\$1,603,555
FTE	0.0	0.0	0.0	0.0	0.0
GF	0	2,232,233	0	2,232,233	2,232,233
CF	6,664,417	(628,678)	0	(628,678)	(628,678)
RF	897,541	0	0	0	0
FF	0	0	0	0	0

Summary of Initial Request:

The Department requests a net increase of \$1,603,555 total funds, including an increase of \$2,232,233 General Fund and a net decrease of \$628,678 cash funds spending authority in FY 2024-25. The decrease in cash funds spending authority consists of a one-time increase of \$500,000 cash funds from the Judicial Stabilization Fund and a decrease of \$1,128,678 cash funds from the Judicial Collection Enhancement Fund. In addition, as a part of the program sustainability plan, the Department requests that the JBC consider sponsoring legislation to gradually increase time and late fees over a three-year period of time.

Committee Action:

During JBC staff’s figure setting presentation, the Committee denied the Department’s request.

Judicial Department Comeback:

As part of its FY 2023-24 supplemental and FY 2024-25 budget requests, the Judicial Department (Courts and Probation) requested funding to ensure the sustainability of the Collections and Office of Restitution Services Programs. This included a transfer of \$2.5 million General Fund to the Judicial Collection Enhancement Fund (JCEF) in FY 2023-24 and a placeholder of \$3.0 million in FY 2024-25. The Joint Budget Committee recently sponsored legislation directing the General Fund transfer into the JCEF on April 1, 2024, and requested that the State Court Administrator’s Office submit a plan for the sustainability of the JCEF beginning in FY 2024-25.

The Judicial Department requests that the JBC reconsider its original request for the sustainability of the Collections and Office of Restitution Services Programs as identified in the plan submitted to the JBC on March 1, 2024 (see JBC staff figure setting document). The plan/request includes the following:

- a net increase of \$1,603,555 total funds, including an increase of \$2,232,233 General Fund and a net decrease of \$628,678 cash funds spending authority (consisting of a one-time increase of \$500,000 cash funds from the Judicial Stabilization Fund and a decrease of \$1,128,678 cash funds from the Judicial Collection Enhancement Fund (JCEF)) in FY 2024-25; and
- legislation to gradually increase time and late fees over a three-year period (see table below) and subsequently gradually reduce the General Fund appropriation commensurate with the increased revenue.

Table 1.1 Summary by Line Item FY 2024-25								
Row	Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	Notes/Calculations
Judicial Department (Courts and Probation)								
A	(2) Courts Administration, (C) Centrally-administered Programs, Office of Restitution Services	\$1,603,555	0.0	\$2,232,233	(\$628,678)	\$0	\$0	
B	Total Request - Judicial Department	\$1,603,555	0.0	\$2,232,233	(\$628,678)	\$0	\$0	

Table 4.2 Fee Adjustments Judicial Collection Enhancement Fund Revenue, gradual fee increase					
	Item	FY 2024-25	FY 2025-26	FY 2026-27	Notes
A	Judicial Collection Enhancement Fund Revenues				
B	FY 2024-25 projected revenue - time fee	\$4,242,127	\$4,326,969	\$4,413,509	
C	Time fee	\$25	\$25	\$25	
D	Estimated number of cases in which fee is charged	169,685	173,079	176,540	
E	Program costs	\$6,885,200	\$6,160,117	\$7,304,509	
F	Shortfall	\$6,718,197	\$6,921,479	\$2,891,000	
G	Increased fee required to cover a portion of program costs	\$3	\$8	\$10	requires legislation
H	New fee	\$28	\$33	\$35	
I	FY 2024-25 projected revenue - late fee	\$1,414,042	\$1,442,323	\$1,471,170	
J	Late fee	\$10	\$10	\$10	
K	Estimated number of cases in which fee is charged	141,404	144,232	147,117	
L	Program costs	\$1,993,065	\$2,053,372	\$2,434,836	
M	Shortfall	\$6,718,197	\$6,921,479	\$963,667	
N	Increased fee required to cover a portion of program costs	\$2	\$4	\$6	requires legislation
O	New fee	\$12	\$14	\$16	
P	ESTIMATED REVENUE	\$6,448,033	\$7,730,852	\$8,532,783	
Q	REQUIRED FUNDING FROM ANOTHER SOURCE	\$2,732,233	\$1,724,822	\$1,206,562	

The request annualizes to \$1,878,963 total funds, including \$1,724,822 General Fund and \$154,141 cash funds spending authority from the Judicial Collection Enhancement Fund in FY 2025-26. The annualization of the request reflecting a decrease in the General Fund appropriation is dependent upon increasing revenue in the JCEF. Without a statutory increase in the time and late fees, an annual appropriation of \$2.0 million General Fund would be required to sustain the Collections and Office of Restitution Services Programs.

Table 1.2 Summary by Line Item FY 2025-26								
Row	Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	Notes/Calculations
Judicial Department (Courts and Probation)								
A	(2) Courts Administration, (C) Centrally-administered Programs, Office of Restitution Services	\$1,878,963	0.0	\$1,724,822	\$154,141	\$0	\$0	
B	Total Request - Judicial Department	\$1,878,963	0.0	\$1,724,822	\$154,141	\$0	\$0	

THE COLLECTION AND OFFICE OF RESTITUTION SERVICES PROGRAMS

The Judicial Collection Enhancement Fund (JCEF) appropriation in the Office of Restitution Services line item funds two programs:

- The Collections Program, which is responsible for collecting court-ordered restitution as well as other assessed fines, fees, costs, and surcharges, the revenue of which is deposited in various state and local cash funds; and
- The Office of Restitution Services Program, which is responsible for assisting victims who are owed restitution.

IMPACT OF DENIAL OF THE DEPARTMENT'S REQUEST

The Department recognizes that declining revenues and increased costs have resulted in potential cash fund insolvency and is committed to working with the General Assembly to ensure sustainability of the statutorily created Programs. Given that the fees deposited in the JCEF are created in statute, unlike other State Departments the Judicial Department does not have the authority to adjust the fees in order to cover the increasing program expenditures. With declining revenues resulting from recent legislative changes and policy decisions, there are three options: a General Fund appropriation, increased fee revenue, and decreased expenditures. Only one of these options falls within the purview of the Department – that of decreased expenditures.

Decreased Program expenditures will directly and negatively impact the State's revenue in multiple cash funds, however the collections category that will be significantly impacted and that is of greatest concern to the Department is that of **victim compensation and restitution**. Collections related to victim compensation and restitution have been steadily increasing over the past five fiscal years and are approaching 50 percent of the funds collected. Reducing expenditures to current revenue projections is anticipated to result in an annual decrease of \$15 to \$18 million in victim restitution and interest. Additionally, this degree of Program reduction is anticipated to result in an annual reduction of \$8 to \$10 million in collections that support local victim programs, including Crime Victim Compensation and Victim and Witnesses Law Enforcement funding.

Funds	FY19	FY20	FY21	FY22	FY23
Victims/Restitution	44.3%	43.4%	45.5%	46.5%	46.5%
Other funds administered by Courts and Probation	22.5%	22.8%	23.2%	23.3%	23.8%
Funds administered by other state agencies	15.7%	16.3%	14.7%	14.7%	14.7%
Highway Users Tax Fund	8.2%	8.1%	7.6%	7.6%	6.3%
Judicial Collection Enhancement Fund	6.5%	6.4%	6.3%	6.1%	6.8%
General Fund	2.8%	2.9%	2.6%	1.8%	2.0%

GENERAL FUND APPROPRIATION REQUEST

As referenced by JBC staff during the figure setting presentation, annually a small portion of collections revenue is deposited in the General Fund pursuant to law (see table at the end of the comeback request). In FY 2022-23, that amount was \$2.8 million. While JBC staff suggested during the figure setting presentation that an option for the JBC would be to consider diverting this General Fund deposit to the JCEF, the Department does not suggest this option given the significant number of statutory changes that would be required. A direct General Fund appropriation made in the Long Bill is far less complicated and does not require the significant number of statutory changes that JBC staff's suggestion would require.

As indicated above, the Department's request includes legislation to increase the time and late fees over a three-year period until the time fee reaches \$35 and the late fee reaches \$16. These changes represent a significant increase in these fees. The Department does not believe that the fees should be raised beyond this point, and is aware that, while JCEF revenue is projected to increase as a result, an annual appropriation of \$1.0 million General Fund would still be required to cover Program costs. Without legislation to increase the time and late fees as outlined in the table above, an ongoing General Fund appropriation of \$2.0 million beginning in FY 2024-25 would be required to sustain Program operations and the associated revenue.

REVENUE REDUCTIONS

The Collections Program is committed to balancing financial assessments by the court and a client's ability to pay. Staff work to educate clients about healthy financial habits, while working to support financial independence. In addition, Program staff support victims through the recovery of restitution obligations. In order to ensure that clients do not experience undue hardship as a result of fines, fees, costs, and surcharges, Courts have the authority to waive fees for individuals who are unable to pay. During the pandemic, collection related fee assessments declined or were paused in recognition of the

widespread economic impact on individuals. Impacts of these policy decisions and the following recently enacted legislation have resulted in reduced revenues to the JCEF:

- H.B. 19-1189 (Civil Wage Garnishment Reform) increased the earned minimum wage eligible for garnishment and reduced the maximum garnishment amount from 25 to 20 percent. This bill reduced the number of individuals subject to garnishment.
- S.B. 19-191 (Prompt Pretrial Liberty and Fairness) requires that a defendant posting a cash bond must agree, in writing, to apply the bond to fines, fees, costs, and restitution. Sureties no longer have any option to apply a cash bond to outstanding obligations as bond funds must be returned to the surety upon release by the court.
- H.B. 21-1314 (Department of Motor Vehicles Actions Against Certain Documents Repealed) repealed the fee that was required to avoid suspension of or to become eligible to reinstate driving privileges. The following chart outlines remittances from private collection agencies before and following the repeal of the fee, directly impacting all associated revenue streams, including those that support the JCEF.
- H.B. 21-1315 (Costs for Juveniles in the Criminal Justice System) limits the assessments in juvenile and enforceable assessments in juvenile youthful offender cases. The loss of revenue to the JCEF is \$190,930, annually, from the juvenile delinquency cases (JD). Additionally, language in the bill prohibits enforcement of all the assessments that contribute to the JCEF in a case with a Juvenile Youthful Offender defendant.
- S.B. 22-099 (Automatic Sealing Bill) expands cases that are eligible to seal and implements automatic sealing of eligible cases, including those with a balance due. Cases with restitution due are not eligible to seal, effective August 10, 2022. This bill makes cases with an outstanding balance eligible to seal if they otherwise qualify, along with expanding the cases that qualify for automatic sealing. Since the effective date, the number of sealed cases with a balance due has increased, primarily those involving cases for Minor in Possession. The Department anticipates a further reduction in revenue related to this bill beginning in spring of 2024 with the implementation of the automatic sealing provision of the bill. Subsequently, the sealing of conviction records with outstanding balances results in significant and indeterminate revenue loss each year, impacting all funds and revenue streams represented in the traffic, misdemeanor, and criminal sentencing process, including the JCEF.

INCREASED EXPENDITURES

The Collections Investigator Program is funded out of the Office of Restitution Services line item in the Long Bill. The line item contains funding for 123.2 FTE. Generally speaking, operating costs in the Collections Investigator Program have recently increased, with a portion of the increase in expenditures resulting from the creation of the Office of Restitution Services in S.B. 22-043. While the bill appropriated additional funding from the JCEF to the Department for 2.0 FTE to staff this office, the fiscal note of the bill indicates that no additional JCEF revenue is to be expected to offset the expenditures. In addition, expenditures related to personal services for all FTE funded through this line item have increased annually, consistent with the annual common policy salary survey adjustment.

Table 8.1 Statewide Revenue from Fees Received through the Collections Program					
	FY19	FY20	FY21	FY22	FY23
GENERAL FUND					
Miscellaneous Criminal Costs, Forfeitures, and Related	\$ 3,084,598	\$ 2,932,852	\$ 2,597,120	\$ 1,502,689	\$ 2,109,641
Public Defender Fees (Including Parental Refusal Fees)	\$ 514,635	\$ 532,890	\$ 513,529	\$ 423,193	\$ 593,560
Victims Assistance (General Fund Portion)	\$ 103,058	\$ 79,901	\$ 83,242	\$ 59,119	\$ 89,325
Subtotal General Fund	\$ 3,702,291	\$ 3,545,643	\$ 3,193,892	\$ 1,985,000	\$ 2,792,526
	2.8%	2.9%	2.6%	1.8%	2.0%
HIGHWAY USERS TAX FUND					
D.U.I. Fines (HUTF Portion)	\$ 1,752,914	\$ 1,735,678	\$ 1,422,866	\$ 1,439,930	\$ 1,544,237
Highway Construction Workers Safety Fund	\$ 41,388	\$ 58,192	\$ 66,021	\$ 35,303	\$ 24,273
Traffic Fines & Forfeits	\$ 9,045,002	\$ 7,989,280	\$ 7,746,086	\$ 7,078,767	\$ 7,192,308
Wildlife Crossing Zones Safety Account	\$ 118	\$ 3,520	\$ 1	\$ 351	\$ 1
Subtotal Highway Users Tax Fund	\$ 10,839,422	\$ 9,786,670	\$ 9,234,974	\$ 8,554,350	\$ 8,760,818
	8.2%	8.1%	7.6%	7.6%	6.3%
VICTIM RESTITUTION AND PROGRAM FUNDS					
Restitution (Reimbursements to Victims of Crime for Losses Incurred)	\$ 33,132,952	\$ 30,320,785	\$ 34,266,390	\$ 31,512,491	\$ 41,369,818
Interest on Restitution (Reimbursements to Victims of Crime for Losses Incurred)	\$ 2,512,891	\$ 2,659,319	\$ 3,423,938	\$ 3,664,602	\$ 5,012,884
Victim Address Confidentiality Surcharges (for Department of Personnel & Admin)	\$ 169,927	\$ 154,163	\$ 169,129	\$ 165,113	\$ 193,647
Victim Assistance Surcharges* (for Local and State Victims Assistance Grant Programs)	\$ 14,247,637	\$ 12,511,856	\$ 10,003,824	\$ 10,878,180	\$ 11,556,249
Victim Compensation Costs* (for Local Victims Compensation Programs)	\$ 8,172,195	\$ 6,953,662	\$ 7,040,163	\$ 5,796,960	\$ 6,144,746
Subtotal Victim Restitution and Program Funds	\$ 58,235,601	\$ 52,599,785	\$ 54,903,444	\$ 52,017,347	\$ 64,277,343
	44.3%	43.4%	45.5%	46.5%	46.5%
OTHER SPECIAL PURPOSES AND FUNDS ADMINISTERED BY COURTS AND PROBATION					
Alcohol Evaluation/Supervision Fees	\$ 3,760,425	\$ 3,162,404	\$ 2,934,713	\$ 2,897,866	\$ 3,240,778
Court Security Fund	\$ 2,223,560	\$ 1,942,084	\$ 1,819,647	\$ 1,795,017	\$ 1,920,904
Family Friendly Courts Surcharge	\$ 244,826	\$ 215,335	\$ 194,072	\$ 187,942	\$ 194,413
Family Violence Justice Fund	\$ 151,514	\$ 152,860	\$ 162,901	\$ 160,508	\$ 161,753
Interstate Compact Probation Transfer Cash Fund	\$ 176,797	\$ 165,911	\$ 159,161	\$ 161,171	\$ 152,802
Misc. Cost Recoveries (Various Trial Court and Probation costs recovered, incl. court share of OJW)	\$ 2,898,721	\$ 3,081,546	\$ 3,002,201	\$ 2,093,271	\$ 1,663,632
Probation Supervision Fees (Judicial Offender Services Fund)	\$ 19,061,289	\$ 17,996,283	\$ 18,824,887	\$ 17,964,923	\$ 24,626,156
Restorative Justice Surcharge	\$ 938,393	\$ 810,973	\$ 783,155	\$ 720,948	\$ 754,883
Time Payment, Late Fees, Collection Costs, Felony & Misdemeanor Fines (Judicial Collection Enhancement Fund)	\$ 8,488,332	\$ 7,793,433	\$ 7,614,949	\$ 6,833,217	\$ 9,377,175
Useful Public Service Fees Collected (Judicial Operated Programs only)	\$ 138,386	\$ 120,430	\$ 120,126	\$ 113,937	\$ 140,941
Subtotal Other Special Purposes and Funds Administered by Courts and Probation	\$ 38,082,244	\$ 35,441,259	\$ 35,615,812	\$ 32,928,801	\$ 42,233,437
	28.9%	29.3%	29.5%	29.4%	30.5%
OTHER SPECIAL PURPOSES AND FUNDS ADMINISTERED BY OTHER STATE AGENCIES					
Adolescent Substance Abuse Surcharges (for Div. of Alcohol & Drug Abuse)	\$ 31,488	\$ 24,173	\$ 16,746	\$ 10,623	\$ 12,086
Animal Cruelty Surcharges (for Dept. of Agriculture)	\$ 920	\$ -	\$ -	\$ 510	\$ 1,154
Child Abuse Investigation Surcharge (for Div. of Criminal Justice)	\$ 309,420	\$ 298,792	\$ 322,211	\$ 313,471	\$ 409,341
Colorado Children's Trust Fund (for Dept. of Public Health and Environment)	\$ 369,502	\$ 350,153	\$ 371,807	\$ 369,808	\$ 369,844
Commercial Vehicle Enterprise Tax Fund (for Dept. of Revenue - Share of Excess Vehicle Wgt Penalties)	\$ 42,310	\$ 38,770	\$ 65,942	\$ 73,724	\$ 59,032
Correctional Treatment Cash Fund (for Various Criminal Justice Agencies)	\$ 5,687,493	\$ 5,612,069	\$ 5,196,152	\$ 4,891,485	\$ 7,877,799
Crimes Against At-Risk Persons Surcharge (for Dept. of Human Services)	\$ 30,089	\$ 39,126	\$ 33,397	\$ 36,094	\$ 41,423
Disabled Parking Education and Enforcement Fund (for Dept. of Revenue)	\$ 7,924	\$ 4,500	\$ 3,636	\$ 1,662	\$ 4,081
Discovery Sharing Surcharges (for Colorado District Attorneys Council)	\$ 109,334	\$ 103,041	\$ 88,427	\$ 83,173	\$ 92,894
Fines - Parks and Outdoor Recreation Fund	\$ 20,259	\$ 27,646	\$ 30,752	\$ 21,466	\$ 28,888
Fines - Wildlife Cash Fund	\$ 49,204	\$ 74,151	\$ 86,214	\$ 59,689	\$ 77,488
Law Enforcement Assistance Fund (for Dept. of Health and Environment, Transportation Safety, Human Services)	\$ 1,408,803	\$ 1,445,575	\$ 1,159,156	\$ 1,072,003	\$ 1,245,323
Offender ID Fund (for Dept. of Public Safety)	\$ 941,921	\$ 788,165	\$ 612,687	\$ 503,018	\$ 623,026
Municipalities & Counties Share of Fees & Fines Collected, DMV's share of OJW	\$ 8,337,351	\$ 7,675,664	\$ 6,600,748	\$ 6,039,187	\$ 5,968,056
Persistent Drunk Driver Surcharge (for Dept. of Transportation, Revenue, Human Services)	\$ 1,750,493	\$ 1,660,269	\$ 1,479,150	\$ 1,373,300	\$ 1,547,151
Rural Alcohol and Substance Abuse Fund (for Dept. of Human Services)	\$ 105,612	\$ 100,523	\$ 89,527	\$ 80,925	\$ 90,229
Sex Offender Surcharge Fund (for Various Criminal Justice Agencies)	\$ 670,013	\$ 604,875	\$ 675,484	\$ 670,622	\$ 920,627
Substance-Affected Driving Data (Est. FY18)	\$ 17,481	\$ 21,576	\$ 20,490	\$ 19,679	\$ 21,590
Traumatic Brain Injury Surcharges (for Dept. of Human Services)	\$ 819,651	\$ 847,873	\$ 919,252	\$ 837,924	\$ 875,308
Subtotal Other Special Purposes and Funds	\$ 20,709,268	\$ 19,716,943	\$ 17,771,777	\$ 16,458,364	\$ 20,265,341
	15.7%	16.3%	14.7%	14.7%	14.7%
Annual Revenue Impacted by Collections Program	\$ 131,568,827	\$ 121,090,300	\$ 120,719,899	\$ 111,943,863	\$ 138,329,466

* Victim Assistance and Victim Comp. totals exclude Federal grant funds and restitution received in these funds.

Department:	Judicial Department (Courts and Probation)
Title:	R02 Judicial Case Management System

	FY24 Appropriation	FY25 Request	JBC Action	Comeback Request	Difference Between Action and Department Request
Total	\$62,745,598	\$11,554,411	\$10,560,000	\$11,134,055	\$6,103,790
FTE	330.0	9.0	0.0	5.0	5.0
GF	27,851,742	7,554,411	6,000,000	6,574,055	574,055
CF	32,773,316	4,000,000	4,560,000	4,560,000	0
RF	1,964,698	0	0	0	0
FF	155,842	0	0	0	0

Summary of Initial Request:

The Judicial Department (Courts and Probation) requests a FY 2024-25 appropriation of \$11,802,236 total funds, including \$7,802,236 General Fund and \$4,000,000 cash funds from the Judicial Department Information Technology Cash Fund, to replace the Judicial Case Management System. This request includes:

- A one-time appropriation with three-year spending authority of \$10,560,000 total funds, including \$6,560,000 General Fund and \$5,000,000 cash funds, for project costs related to replacement of the CMS; and
- An ongoing appropriation of \$1,242,236 General Fund for 9.0 FTE to implement the project and maintain the new CMS.

Committee Action:

Based on JBC staff recommendation the JBC approved a FY 2024-25 appropriation of \$10,560,000 total funds, including \$6,000,000 General Fund and \$4,560,000 cash funds from the Judicial Department IT Cash Fund for project costs related to the development of the Judicial Case Management System (CMS) in order to replace the 27-year-old legacy system.

While JBC staff recommended three years of funding totaling \$30.7 million, including \$16.0 million General Fund and \$14.7 million cash funds, the JBC only approved the funding for FY 2024-25 and denied the out-year project funding.

In addition, based on JBC staff recommendation, the JBC denied the Department's FTE-related funding request.

Judicial Department Comeback:

The Judicial Department requests \$574,055 General Fund for 5.0 FTE in FY 2024-25, annualizing to \$594,937 General Fund and 5.0 FTE in FY 2025-26 and ongoing. In addition, the Department requests approval of the FY 2025-26 and FY 2026-27 IT project appropriations recommended by JBC staff, including:

- Year 2 (FY 2025-26): \$10,186,313 total funds, including \$5,000,000 General Fund and \$5,186,313 cash funds; and
- Year 3 (FY 2026-27): \$10,000,000 total funds, including \$5,000,000 General Fund and \$5,000,000 cash funds.

YEARS 2 AND 3 IT PROJECT COSTS

The JBC asked that the Department discuss the case management system project plan with Colorado Digital Services (CDS) and commit to working closely with the Joint Technology Committee (JTC) of the Colorado General Assembly. The Information Technology Services (ITS) division of the Department met with CDS on Friday, March 8, 2024. ITS and CDS agreed to a plan in which CDS will engage with the ITS team, Judicial stakeholders, and product owners upon completion of the project's discovery phase (data clean up, data classification, and requirements gathering). CDS indicated that their expertise will be most assistive when it is time to issue the request for proposal (RFP), select the vendor, and work with the vendor during the design phase of the project. CDS agreed that the Department's hybrid project methodology is an optimal approach for a project of this scale and complexity.

It is important to note that the hybrid approach combines waterfall planning with agile work methodologies within the Systems Development Life Cycle (SDLC). This hybrid model will leverage the structured planning and documentation of the waterfall methodology while incorporating the flexibility and iterative nature of agile work practices. Upon selection of the CMS vendor through the RFP process, the contracted vendor will be tasked with leveraging its industry expertise and experience to build the complete hybrid timeline and project delivery plan.

In addition to working with CDS, the Department will continue to report to and work with the JTC through the design, development, and implementation of the CMS. The Department is currently required to submit quarterly reports to the JTC, including updates on the CMS. The Department provides in-person updates on projects to the JTC upon request.

STAFFING REQUEST (5.0 FTE)

Given the size, scope, and complexity of the CMS project, the Department has determined that 13.0 FTE will be necessary to successfully implement the CMS project. Of its current staff, 4.0 FTE will be repurposed from the current system to the new project upon its completion. These existing staff will ensure that the current system remains fully operational until cut-over to the new system is complete. Because of this, these FTE will not be available to work on the new CMS project during the initial phases. The Department's R02 request for additional FTE will support the design, development, and testing of the new system. Upon completion of the cut-over, new and existing CMS FTE will ensure all bugs are addressed, new processes are integrated and updated as necessary, and all Department staff are successfully trained.

Replacement of the new system will not eliminate the need for future upgrades, integration with other systems, modifications resulting from new legislation, or replacement of other dated systems components that integrate with the CMS. The Department has scaled its R02 Judicial Case Management System FTE request down to 5.0 FTE (from 9.0 FTE), however, the size and scope of this project combined with the number of ongoing information technology initiatives required to support the courts and probation are beyond the capacity of existing ITS FTE.

The Department requests \$594,937 General Fund for the following positions:

- 1.0 Project Manager FTE will monitor planning, information governance, and project roll-out. After deployment, the project management professional will be responsible for ongoing growth, integration of new components, and system modifications due to business needs or legislative initiatives.
- 1.0 Application Administrator FTE is responsible for configuring, maintaining, and supporting the CMS. The staff will ensure the system is set up correctly, that users have appropriate access and permissions, that technical issues are promptly addressed, and that system maintenance and support are not disrupted. The centralization of application administration will lower the Department's security breach risk.
- 1.0 Information Technology Trainer FTE will collaborate with the vendor to design and deliver necessary training programs, create user guides, and provide ongoing training and support to system users to ensure effective use of the CMS. The resource will be needed after initial implementation to ensure proper capture, retention, and dissemination of system use and training resources as the system grows and evolves. Proper training and training materials for all aspects of various application systems will make court and probation teams more effective and efficient, especially during training for new hires.
- 1.0 Network Security Engineer FTE will safeguard the CMS and its associated data by minimizing vulnerabilities and potential risk of ransomware attacks and data breaches. This staff will design and implement security measures that protect the system from cyber threats, unauthorized access, and data breaches.
- 1.0 Business Analyst II FTE will gather and analyze requirements, translate business needs into technical specifications, and ensure that the system aligns with organizational goals. This staff will ensure that the system meets the actual needs of the users and the organization on an ongoing basis, ensuring that the system can be expanded, adapted, and modified to meet the needs of judges, judicial staff, and other system users as it conforms with legislative changes.

Department:	Judicial Department (Courts and Probation)
Title:	R09 State Court Administrator's Office Staffing

	FY24 Appropriation	FY25 Request	JBC Action	Comeback Request	Difference Between Action and Department Request
Total	\$37,204,808	\$1,054,455	\$584,657	\$753,070	\$168,413
FTE	330.0	11.0	6.3	7.2	0.0
GF	26,498,642	1,054,455	584,657	753,070	168,413
CF	8,585,626	0	0	0	0

	FY24 Appropriation	FY25 Request	JBC Action	Comeback Request	Difference Between Action and Department Request
RF	1,964,698	0	0	0	0
FF	155,842	0	0	0	0

Summary of Initial Request:

The Department requests \$1,347,622 General Fund and 11.0 FTE in FY 2024-25 to improve the capacity and effectiveness of three of the State Court Administrator Office's divisions, including:

- \$423,255 General Fund and 3.0 FTE in the Administrative Services Division;
- \$307,499 General Fund and 3.0 FTE in the Human Resources Division; and
- \$616,868 General Fund and 5.0 FTE in the Financial Services Division.

Committee Action:

During JBC staff's figure setting presentation, the Committee approved an appropriation of \$584,657 General Fund and 6.3 FTE; annualizing to \$735,460 General Fund and 7.0 FTE in FY 2025-26. The 7.0 FTE includes 1.0 FTE in the Administrative Services Division, 3.0 FTE in the Human Resources Division, and 3.0 FTE in the Financial Services Division.

Judicial Department Comeback:

The Judicial Department requests reconsideration of its request for funding for 1.0 Chief Communications Officer FTE. Critical to the Department's implementation of H.B. 21-1110 (Colorado Laws for Persons with Disabilities) and digital accessibility compliance, the Communications Officer will ensure that the development of the strategic communication plan; communications with media representatives; development of written communications including newsletters, social media content, memos, emails, and fact sheets; and responses to media inquiries, press releases, and graphic and video content meet the requirements of the World Wide Web Consortium Web Accessibility Initiative or the International Accessibility Guidelines Working Group. This staff will also create and regulate within the Department the requirements of all web- and non-web-based communications required by law.

In response to audit recommendations and legislative expectations, the Department has begun the implementation of the Workplace Culture Initiative. Success of this initiative is dependent upon purposeful change management reflective of the Supreme Court's commitment to integrity, ethical behavior, inclusivity, transparency, and accountability and is critical to the Department's ability to provide equal access to justice, contribute to public safety, and strengthen the rule of law across Colorado. This staff will assist the Supreme Court in the development and implementation of the required change management plan for successful long-term organizational change.