

**FY 2007-08 BUDGET HEARING  
JUDICIAL BRANCH**

**Tuesday, December 5, 2006  
1:30 to 5:00 pm**

**1:30-1:35     JUDICIAL DEPARTMENT: INTRODUCTIONS & OPENING COMMENTS**

**1:35-1:45     *Performance Measures***

1.     How do your performance measures influence department activities and budgeting?
2.     To what extent do the performance outcomes reflect appropriation levels?
3.     To what extent do you believe that appropriation levels in your budget could or should be tied to specific performance measure outcomes?
4.     As a department director, how do you judge your department's performance? What key measures and targets do you use?

**1:45-1:55     *Implementing Legislation Concerning Illegal Immigration: H.B. 06S-1023 and H.B. 06S-1009***

5.     Provide a list of programs in your department that are subject to the provisions of the two bills.
6.     How has your department implemented the provisions of the two bills? What problems have been encountered in implementing them?
7.     Provide an estimate of the costs your department will incur in FY 2006-07 to implement the bills. Are any additional costs anticipated in FY 2007-08? If so, please elaborate.
8.     Provide a summary of anticipated savings in FY 2006-07 in your department as a result of not providing services to individuals who are in the country illegally. Are any additional savings anticipated in FY 2007-08? If so, please elaborate.

**1:55-2:00     *Proposal to Eliminate "Cash Funds Exempt" in the Long Bill***

9.     ***Background.*** Joint Budget Committee staff has proposed eliminating the current "Cash Funds Exempt" column in the Long Bill and replacing it with a new column entitled "Transfers" effective with the **FY 2008-09 Long Bill**. The Joint Budget Committee has not

formally voted on this issue. For details of the proposed change, please read the Joint Budget Committee staff memo from November 15, 2006, entitled "Proposed Long Bill Format Change." To help departments understand the new format, our staff has prepared an example of the Department of Revenue FY 2006-07 Long Bill in the proposed new format. This memo, and the example from the Department of Revenue, can be downloaded from the JBC web page at the following Internet address:

[http://www.state.co.us/gov\\_dir/leg\\_dir/jbc/PLBFC11-15-06.pdf](http://www.state.co.us/gov_dir/leg_dir/jbc/PLBFC11-15-06.pdf)

**Question.** Please provide the Joint Budget Committee with a summary of any potential concerns that your department may have regarding the proposed change to the Long Bill format. Please highlight potential issues such as: implementation challenges, workload issues, and other related concerns.

**2:00-2:20      *Resource Allocation***

10. What was the percent change in General Fund for the Judicial Department from FY 2005-06 to FY 2006-07?
11. Please discuss the inter-related nature of Probation, the Public Defender's Office, the Courts, and Corrections. How do resources provided to one of these agencies affect the needs of the other agencies? How does it affect the number of people incarcerated?
12. How many probationers are sent to DOC and DYC because probation is revoked? How many are incarcerated within one year of termination of probation supervision?
13. If probation gets the additional resources requested, how will it impact caseload? Is there evidence that increasing resources for probation will decrease the number of offenders sentenced to DOC? Where is the best investment of resources?

**2:10-2:20      *Five-Year Resource Plan***

14. Please present the Department's Five-Year Plan and discuss its funding priorities for FY 2007-08.
15. Please provide more information on **all** the drivers impacting caseload, including the improving economy and changes in the number of law enforcement officers. Does the Department have information on the demographics behind the growing caseload (i.e., Is it driven by new or existing residents? Is it related to increasing poverty rates?)?
16. What are the caseload growth projections used in Five-Year Resource Plan? What does full staffing mean? What are the assumptions that go into the workload models? How does the Department's workload models for the courts and for probation compare to other states?

17. How many years of greater than six percent growth will Judicial require in order to get back on track?
18. The Department was cut by \$10 million General Fund during the state's fiscal crisis. Why does the Department now estimate that it needs a \$96.7 million increase over five years to catch up?

**2:20-2:40     *General Fund Refinance***

19. How is the proposed refinancing reflected in the FY 2007-08 budget request?
20. What are the budgetary and policy implications of the proposed General Fund refinance? What is the advantage of the proposed refinance? What happens to the cash fee revenues if there is another economic downturn? Is there risk in tying Judicial's budget to its fee revenue? Is it possible judges would impose more fines and fees so that the courts will have more funding?
21. Where are Colorado's filing fees in relationship to other states?
22. The Department is proposing to refinance approximately \$25 million in fee revenue, but in the first few years of the plan, will not need that much funding for its new judge needs. What would the Department do with the cash fund reserve in those first few years?

**2:40-2:45     *New State Museum and New Justice Center Project***

23. Would the current buildings be razed? Where would the museum be located?
24. What are the possible financing options for the History Museum/Justice Center projects?

**2:45-2:50     *Senate Bill 03-318 Funding and Drug Crime Penalties***

25. Does the Department agree that the savings in the January 2005 Interagency Advisory Committee Report may be overstated? Please address the concerns raised by staff about the analysis in that report, including why marginal costs should or should not be used to determine savings instead of average costs.
26. Another Interagency Advisory Committee report is due in January 2007. Will it be released on time? Will the concerns raised by JBC staff be addressed?
27. Please discuss the significant discrepancies in estimated savings between the S.B. 03-318 Interagency Advisory Committee report and the Department of Corrections report, and the factors that should be considered in assessing the impacts of the bill.

**2:50-3:00**     *Miscellaneous*

28.     What steps does the Department take to work with the other affected departments to ensure coordination of requests? Why were such inconsistencies in this year's request from the Drug Offender Surcharge Fund and the Sex Offender Surcharge Fund? *NOTE: The Department of Public Safety will also answer these questions at its hearing.*
29.     Please provide an update on the Child Advocacy Center Surcharge. What was the legislation that addressed the problems with this program? Have those problems been resolved?
30.     How does the Probation Program award contracts for drug testing? What services are provided by its current contractor and at what cost?
31.     What is LSI and what does it measure?

**3:00-3:10**     **BREAK**

**3:10-3:15**     **DISTRICT ATTORNEYS' COUNCIL: INTRODUCTIONS & COMMENTS**

**3:15-3:20**     **PUBLIC DEFENDER'S OFFICE: INTRODUCTIONS & OPENING COMMENTS**

**3:20-3:30**     *Performance Measures*

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**3:30-3:40**     *Implementing Legislation Concerning Illegal Immigration: H.B. 06S-1023 and H.B. 06S-1009*

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**3:45-4:00      *PDO Decision Item #1: Increased Staffing***

10. Weighted Caseload Model
  - a. How were the PDO's weighted caseload standards created?
  - b. When was this standard developed?
  - c. How large of a sampling of attorneys was involved in the study?
  - d. How many cases are actually plea bargained? How does that impact the time spent on a case? Do the weighted caseload standards take into consideration cases that do not go all the way to trial?
  - e. Is the weighted caseload model utilized by the PDO to determine its staffing needs comparable to models used in other states?
11. What is the PDO's current staffing level? What will be the benefits of increasing that figure to 80 percent by FY 2011-12?

12. What is the estimated caseload growth increase between now and FY 2011-12? How does this change in caseload affect staffing needs?
13. Why are sentences increasing in length? How do longer potential sentences affect PDO workload? Do longer sentences result in a reduced crime rate? What was the average sentence in 1990? What is it now? *NOTE: The Department of Corrections will also answer these questions at its hearing.*
14. What effect have staffing levels had on indigent representation? On staff morale? What will be the effect if the PDO does not receive the additional staff requested?

**4:00-4:05     ALTERNATE DEFENSE COUNSEL: INTRODUCTIONS & OPENING COMMENTS**

**4:05-4:15     *Performance Measures***

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**4:15-4:25     *Implementing Legislation Concerning Illegal Immigration: H.B. 06S-1023 and H.B. 06S-1009***

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**4:25-4:30**     *Miscellaneous*

9.     ADC Decision Item #5 - Training Funding and Staff: Can the ADC utilize the PDO brief bank and motions bank rather than creating their own?
10.    ADC Decision Item #7 - Court-appointed Counsel Rate Increase: What were the rates paid to ADC contractors in FY 05-06 and what have they been raised to FY 06-07?

**4:30-4:35**   OFFICE OF THE CHILD'S REPRESENTATIVE: INTRODUCTIONS & OPENING COMMENTS

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**4:55-5:00**     *Miscellaneous*

9.     What is the relationship between the quality of services provided at the county level and OCR's caseload? Would providing additional resources to counties for child welfare services likely lead to a reduction in the need for GAL services? Would it likely lead to a reduction in OCR's costs? *NOTE: The Department of Human Services will also answer these questions at its hearing.*