



Fiscal Note

Legislative Council Staff

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HB 26-1288: JURY SELECTION REQUIREMENTS

Prime Sponsors:

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Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill establishes a minimum amount of time for jury selection proceedings in trial courts and allows parties to develop a jury questionnaire.

Types of impacts. The bill is projected to affect the following areas on a beginning in FY 2025-26:

- State Expenditures
- Local Government

Appropriations. For FY 2026-27, the bill requires an appropriation of \$206,090 to the Judicial Department.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$233,445	\$152,915
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	1.1 FTE	1.1 FTE

**Table 1A
State Expenditures**

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$206,090	\$125,560
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$27,355	\$27,355
Total Expenditures	\$233,445	\$152,915
Total FTE	1.1 FTE	1.1 FTE

Summary of Legislation

The bill establishes a minimum amount of time for jury selection proceedings in trial courts and allows parties to develop a jury questionnaire, as described below.

Voir Dire Questionnaire

The bill allows the prosecution or defense in a court case to request that potential jurors complete a written questionnaire. If requested, the court must distribute this questionnaire prior to jury selection, also known as voir dire. The court must determine if the questions are lawful and determine which questions may be included if the prosecution and defense cannot come to an agreement.

Length of Voir Dire

The length of voir dire in criminal proceedings for both the defense and the prosecution must be at a minimum:

- 20 minutes for petty offenses
- 30 minutes for misdemeanor cases
- 60 minutes for a felony and for misdemeanors relating to unlawful sexual behavior and domestic violence

In civil cases, each party in a proceeding is entitled to at least one hour for voir dire. Attorneys and parties do not need to use all of the minimum allotted time. Either party may request additional time, which the court may grant or deny.

Background and Assumptions

According to the State Court Administrator’s Office, there was an average of 2,010 jury trials held per year for criminal and civil cases between 2023 and 2025. Currently, juror questionnaires may be used with approval from the court, and are typically used for sensitive cases involving sexual assault, homicides, and high-profile cases. Under the bill, the court would be required to approve the use of a questionnaire when requested by either party.

The fiscal note assumes that 20 percent of trials each year (about 400 trials) will use a jury questionnaire as permitted by the bill that would not have currently done so under current practices. Further, it is assumed that judicial officers will review juror questionnaires for approximately 35 jurors per trial and spent 3 minutes, on average, to review a juror’s response to the questionnaire.

Lastly, while the bill mandates a minimum amount of time for voir dire, the fiscal note assumes the total time for voir dire will be similar to current practices for two main reasons. First, parties are not required to use the whole allotment of time, and it is assumed that the prosecution and defense will complete jury selection sooner in many cases once both sides are satisfied with the composition of the jury. Second, the additional use of questionnaires will likely increase efficiency for voir dire in these cases as parties will not be required to ask as many questions of potential jurors in open court.

State Expenditures

The bill increases state expenditures in the Judicial Department by about \$233,000 in FY 2026-27 and about \$153,000 in FY 2027-28 and future years. These costs, paid from the General Fund, are summarized in Table 2 and discussed below. The bill also minimally affects workload in the State Public Defender’s Office.

Table 2
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$122,616	\$122,616
Operating Expenses	\$2,944	\$2,944
Capital Outlay Costs	\$80,530	\$0
Centrally Appropriated Costs	\$27,355	\$27,355
Total Costs	\$233,445	\$152,915
Total FTE	1.1 FTE	1.1 FTE

Judicial Department

Based on the time required to review questionnaires in more cases as outlined in the Background and Assumptions section above, the courts will require 0.3 FTE judicial officer. For each judicial officer, there is an associated ratio of court clerk staff, research staff, and administrative staff to help manage the courtroom during voir dire proceedings. The standard ratios used by the Judicial Department are as follows:

- for district court, 3 support staff (2 clerks and 1 researcher); and
- for county court, 2 support staff (2 clerks)

The fiscal note assumes roughly half of cases having additional questionnaires will occur in district court and the other half in county court, requiring 2.5 FTE per judicial officer, resulting in the need for an additional 0.8 Court Staff. In addition to standard operating and capital outlay costs, judicial officers require additional costs for a courtroom, conference room, judge office furnishings and installing A/V equipment. These additional costs are prorated to 0.3 FTE.

Office of the State Public Defender

Public defenders may have additional time for voir dire in certain criminal cases, potentially adding overall length to an individual trial. As outlined in the assumption section, the increase in workload is assumed to be minimal.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2 above.

Local Government

Similar to the Office of the State Public Defender, district attorneys may request additional time for voir dire in certain cases. Total time spent on voir dire after the questionnaire portion is assumed to be similar to current lengths. In addition, Denver County Court, funded and operated by the City and County of Denver, will also have increased workload for judges to review juror questionnaires when requested by a party to the cases.

Effective Date

The bill takes effect July 1, 2026.

State Appropriations

For FY 2026-27, the bill requires a General Fund appropriation of \$206,090 to the Judicial Department, and 1.1 FTE.

Departmental Difference

The Judicial Department estimates that the bill requires \$743,692 and 3.5 FTE to implement the bill. This estimate assumes 1.0 FTE Judicial officer is required to spend additional time in voir dire proceedings, both from reviewing questionnaires (about 700 hours per year) and from mandating a minimum amount of time for voir dire (about 1,400 hours per year). Based on the 1.0 FTE increase in judicial officers, the Judicial Department also estimates the need for 2.5 FTE Court Staff. Based on these higher FTE amounts, the Judicial Department estimate includes higher costs for capital outlays for a courtroom, conference room, judge office furnishings and installing A/V equipment than included in the fiscal note estimate above.

The fiscal note differs from the department's estimate primarily due to a different assumption on how the minimum time required for voir dire will affect hearing time. The fiscal note assumes that the full time allotment will not always be used and that additional use of questionnaires will keep the overall length of voir dire similar as under current law for cases that proceed to jury trial.

State and Local Government Contacts

Judicial	Office of the Alternate Defense Counsel
Office of the State Public Defender	Office of Administrative Services for Independent Agencies
Office of the Child's Representative	

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).