



## Fiscal Note

### Legislative Council Staff

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## HB 26-1134: FAIRNESS & TRANSPARENCY IN MUNICIPAL COURT

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**Prime Sponsors:**

Rep. Mabrey; Velasco  
Sen. Amabile; Weissman

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**Published for:** Senate Judiciary**Drafting number:** LLS 26-0283**Version:** First Revised Note**Date:** March 20, 2026**Fiscal note status:** This revised fiscal note reflects the reengrossed bill.

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### Summary Information

**Overview.** The bill establishes requirements for municipal courts regarding livestreaming proceedings and appointing public defenders.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload
- Local Government

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## Summary of Legislation

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### Livestreaming Court Proceedings

Under current law, all Colorado courts are required to stream any criminal court proceeding conducted in open court online in real time, with exceptions for courtrooms that lack the technological capacity, or when the court determines that livestream will compromise the defendant's right to a fair trial or threaten the safety of any party. Juvenile proceedings are excluded from the livestream requirement.

The bill establishes that exceptions to livestreaming do not apply to court proceedings where a defendant is in custody and charged with a municipal violation that could result in a sentence of incarceration. These requirements supersede any statute, judicial guidance, or Chief Justice directive that limit public observation. The Colorado Supreme Court may prescribe procedural rules related to livestreaming, but the rules must not narrow or conflict with this bill.

### Municipal Court Requirements

#### Public Defenders

The bill establishes that home rule municipalities cannot supersede the right to counsel for indigent defendants established in state law for municipal courts when a defendant is charged with a municipal offense that could result in incarceration, and makes changes to municipal court law to ensure that the public defender has access to the defendant before the hearing, receives relevant notifications from sheriffs and the court, and receives relevant information collected by agencies that have assessed the defendant. Finally, the bill expands an existing ban on fixed-fee payment structures for public defenders to apply to all municipalities, except for initial in-custody appearances, so long as the fee results in the same or higher hourly compensation than would be paid to an attorney under contract with the Office of the Alternate Defense Counsel.

#### Limitation on Sentencing and Penalties

Under current law, a "not of record" municipal court may incarcerate an individual for up to 90 days. This bill repeals that authority, prohibiting not of record municipal courts from incarcerating individuals.

## Background

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[Chief Justice Directive 23-02](#) currently limits livestreaming requirements for criminal proceedings like evidentiary hearings, trials and jury selection, bench conferences, communications between counsel and clients, in-camera hearings, and problem-solving dockets.

## State Expenditures

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It is assumed that state-funded courts are generally in compliance with livestreaming requirements. However, because the bill supersedes the Chief Justice directive, the bill may result in more livestreaming of criminal proceedings. No change in appropriations is required.

## Local Government

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### Livestreaming Court Proceedings

The bill's livestreaming requirements will increase costs to municipalities that currently rely on exceptions due to insufficient technology or staffing. These municipalities will have technology costs and require staff to manage livestreaming. Additionally, because these courts may no longer rely on predetermined exceptions to livestreaming requirements, workload will increase to make case-by-case determinations, which may increase the overall number of livestreamed hearings and related administrative workload.

### Municipal Public Defenders

Municipalities that do not currently pay municipal public defenders at the rates set by [Chief Justice Directive 04-04](#) will have increased expenditures to match these rates.

## Effective Date

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State and Local Government Contacts

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Alternate Defense Counsel	Municipalities
Judicial	Public Defender

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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](#).