



**Colorado  
Legislative  
Council  
Staff**

**SB16-091**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0915  
**Prime Sponsor(s):** Sen. Lambert  
 Rep. Hamner

**Date:** February 8, 2016  
**Bill Status:** Senate Appropriations  
**Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** DELAY START OF STATEWIDE DISCOVERY SHARING SYSTEM

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	See State Expenditures section.	
<b>Appropriation Required:</b> See State Appropriations section.		
<b>Future Year Impacts:</b> Ongoing reduction in state expenditures.		

**Summary of Legislation**

**Recommended by the Joint Budget Committee (JBC),** this bill delays the start of the statewide discovery sharing system (eDiscovery system). It moves the deadline by which the system must be operational from November 1, 2016, to July 1, 2017. The bill repeals statutory provisions concerning actions that have already occurred.

**Background**

Senate Bill 14-190 appropriated \$5.3 million General Fund to the Judicial Department to oversee implementation of a statewide discovery system housed in the Colorado District Attorneys Council (CDAC). The eDiscovery system is intended to allow materials to be transmitted from law enforcement agencies to prosecutors and from prosecutors to the defense in an electronic or digital format. The eDiscovery system will eliminate the need for state judicial agencies, primarily the Office of the State Public Defender (OSPD), to reimburse the prosecution for duplication costs, which total about \$2.5 million per year. Funds saved by the state will be used to maintain the eDiscovery system. SB 14-190 also created the Statewide Discovery Sharing System Surcharge Fund (Surcharge Fund) to offset the costs of maintaining the system. CDAC has begun work on the eDiscovery system.

**State Expenditures**

It is expected that the 2016-17 Long Bill will make budget changes to bring funding in line with the updated implementation time frame and project costs for the eDiscovery system. These costs will be paid using \$1.8 million General Fund and \$70,000 from the Surcharge Fund. In

addition, the Long Bill will reduce appropriations by \$1 million General Fund in various judicial agencies for discoverable materials and reallocate this funding to the Judicial Department for continued work on the eDiscovery system.

### **Local Government Impact**

The bill affects local governments in several ways. The bill increases revenue and workload for the CDAC to continue developing the eDiscovery system and to provide progress reports during its implementation.

While shifting to a digital format for collecting and exchanging discovery materials may create costs and workload for law enforcement agencies and district attorneys, over the long term, the bill will reduce workload and revenue to district attorneys and local law enforcement for the duplication of discovery materials once the eDiscovery system is implemented.

### **Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

### **State Appropriations**

The fiscal note assumes funding changes associated with the bill will be included in the 2016-17 Long Bill.

### **State and Local Government Contacts**

Alternate Defense Counsel  
Joint Budget Committee  
Public Defender

District Attorneys  
Judicial

Information Technology  
Law