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FISCAL NOTE

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Prime Sponsors: Sen. Lee Bill Status: Senate Judiciary
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Bill Topic: INCREASING NUMBER OF DISTRICT COURT JUDGES

- Summary of Fiscal Impact:
State Revenue
State Expenditure
State Transfer
TABOR Refund
Local Government
Statutory Public Entity

This bill increases the number of district court judges statewide by 15. This bill increases state and local government expenditures on an ongoing basis.

Appropriation Summary: For FY 2019-20, this bill requires a General Fund appropriation of \$9.7 million to the Judicial Department.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 19-043

Table with 3 columns: Category, FY 2019-20, FY 2020-21. Rows include Revenue, Expenditures (General Fund, Total FTE), Transfers, and TABOR Refund.

**Summary of Legislation**

Subject to available appropriations and beginning July 1, 2019, this bill increases the number of district court judges by a total of 15.0 district court judges in several districts as shown in Table 2.

**Table 2  
 District Court Judges Added by SB19-043**

<b>District</b>	<b>Counties in the District</b>	<b>Judges Added by SB19-043</b>	<b>Total Judges in District with SB19-043</b>
1st Judicial District	Gilpin, Jefferson	1.0	14.0
2nd Judicial District	Denver	4.0	27.0
4th Judicial District	El Paso, Teller	2.0	24.0
8th Judicial District	Larimer, Jackson	1.0	9.0
10th Judicial District	Pueblo	1.0	8.0
13th Judicial District	Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma	1.0	5.0
17th Judicial District	Adams, Bromfield	1.0	16.0
18th Judicial District	Arapahoe, Douglas, Elbert Lincoln	1.0	24.0
19th Judicial District	Weld	2.0	11.0
21st Judicial District	Mesa	1.0	6.0
<b>Total</b>		<b>15.0 FTE</b>	<b>144.0 FTE</b>

**State Expenditures**

For FY 2019-20, this bill increases state General Fund expenditures by \$9.7 million, including \$7.6 million and 55.2 FTE in the Judicial Department and \$2.0 million and 22.8 FTE in the Office of the State Public Defender. For FY 2020-21 and thereafter, this bill increases state General Fund expenditures by \$8.6 million, including \$6.5 million and 60.0 FTE in the Judicial Department and \$2.1 million and 24.8 FTE in the Office of the State Public Defender. These impacts are discussed below. Costs are summarized in Table 3 and a full FTE breakdown for each agency is provided in Table 4.

**Table 3  
Expenditures Under SB 19-043**

<b>Cost Components</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Judicial Department</b>		
Personal Services	\$5,027,779	\$5,484,850
Operating Expenses and Capital Outlay Costs	\$406,110	\$143,850
Courtroom Furnishing	\$1,393,785	-
Centrally Appropriated Costs	\$816,366	\$893,270
FTE – Personal Services	55.2 FTE	60.0 FTE
<b>Judicial Department (Subtotal)</b>	<b>\$7,644,040</b>	<b>\$6,521,970</b>
<b>Office of the State Public Defender</b>		
Personal Services	\$1,356,910	\$1,480,265
Operating Expenses and Capital Outlay Costs	\$133,214	\$26,600
Centrally Appropriated Costs*	\$547,590	\$597,350
FTE – Personal Services	22.8 FTE	24.80 FTE
<b>Office of the State Public Defender (Subtotal)</b>	<b>\$2,037,714</b>	<b>\$2,104,215</b>
<b>Total</b>	<b>\$9,681,754</b>	<b>\$8,626,185</b>
<b>Total FTE</b>	<b>78.0 FTE</b>	<b>84.8 FTE</b>

**Table 4  
Total Judicial and OSPD Staffing Requirements Under SB19-043 (FY 2020-21)**

<b>District</b>	<b>Judges FTE</b>	<b>Judge Support Staff FTE</b>	<b>Public Defender FTE</b>	<b>Public Defender Support Staff FTE</b>	<b>Total FTE</b>
1st Judicial District	1.0	3.0	1.0	0.7	5.7
2nd Judicial District	4.0	12.0	3.0	1.9	20.9
4th Judicial District	2.0	6.0	3.0	1.9	12.9
8th Judicial District	1.0	3.0	2.0	1.3	7.3
10th Judicial District	1.0	3.0	0.0	0.0	4.0
13th Judicial District	1.0	3.0	1.0	0.7	5.7
17th Judicial District	1.0	3.0	1.0	0.7	5.7
18th Judicial District	1.0	3.0	1.0	0.7	5.7
19th Judicial District	2.0	6.0	2.0	1.3	11.3
21st Judicial District	1.0	3.0	1.0	0.6	5.6
<b>Total</b>	<b>15.0 FTE</b>	<b>45.0 FTE</b>	<b>15.0 FTE</b>	<b>9.8 FTE</b>	<b>84.8 FTE</b>

*Staffing impacts for FY 2019-20 are prorated for the General Fund paydate shift and are not reflected in Table 4.*

**Judicial Department.** Each district court judge requires 3.0 FTE for support staff for a court clerk, law clerk, and court reporter. Therefore, by adding 15 district court judges this bill increases Judicial Department staffing by a total of 60 FTE including; 15 district court judges and 45 support staff as shown in Table 4. Costs in FY 2019-20 are prorated for the General Fund paydate shift. Standard judge operating and capital outlay costs for judges are included for each of the 15 judges and includes law library materials, travel expenses, judge robe expenditures, and computer hardware and software. Costs are also included for courtroom furnishings for the judge chambers, law library, jury room, and conference room for each of the 15 judges. These costs are based on the Judicial Department common policy costs. Standard operating and capital outlay costs for state employees are included for each support staff FTE.

**Office of the State Public Defender.** While the addition of 15 district court judges may expedite the criminal court docket, this bill increases the number of criminal court dockets that must be staffed by public defenders to ensure availability of counsel for indigent offenders. As a result, the Office of the State Public Defender requires 15.0 Public Defenders and 9.8 support staff FTE including an investigator, legal assistant, and administrative assistant. Standard operating and capital outlay costs are included and costs in FY 2019-20 are prorated for the General Fund paydate shift.

**Centrally appropriated costs.** Pursuant to fiscal note and Joint Budget Committee policy centrally appropriated costs for bills involving more than 20 FTE are appropriated in the bill, rather than through the annual budget process. These costs include employee insurance and supplemental employee retirement payments, and leased space for the Office of the State Public Defender are estimated to total \$1.4 million in FY 2019-20 and \$1.5 million in FY 2020-21 as shown in Table 5.

**Table 5  
Expenditures Under SB 19-030**

<b>Cost Components</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Judicial Department</b>		
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$441,035	\$483,818
Supplemental Employee Retirement Payments	\$375,331	\$409,452
<b>Judicial Department (Subtotal)</b>	<b>\$816,366</b>	<b>\$893,270</b>
<b>Office of the State Public Defender</b>		
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$225,209	\$246,456
Supplemental Employee Retirement Payments	\$121,315	\$132,344
Leased Space	\$201,066	\$218,550
<b>Office of the State Public Defender (Subtotal)</b>	<b>\$547,590</b>	<b>\$597,350</b>
<b>Total</b>	<b>\$1,363,956</b>	<b>\$1,490,620</b>

**Local Government**

Beginning in FY 2019-20, this bill increases district attorney, court security, and court facility costs for counties as shown in Table 5 and described below.

**Table 6  
County Costs by Judicial District Under SB 19-043**

<b>District</b>	<b>Deputy District Attorneys</b>	<b>District Attorney Support Staff</b>	<b>Sheriff Deputies</b>	<b>Estimated court facility costs</b>
1st Judicial District	2	1	1	\$644,000
2nd Judicial District	8	4	4	\$3,200,000
4th Judicial District	4	2	2	\$1,284,180
8th Judicial District	2	1	1	at least \$2,500,000
10th Judicial District	2	1	1	\$100,000
13th Judicial District	2	1	1	\$100,000
17th Judicial District	2	1	1	\$100,000
18th Judicial District	2	1	1	\$100,000
19th Judicial District	4	2	2	\$176,000
21st Judicial District	2	1	1	\$100,000
<b>Total</b>	<b>30.0 FTE</b>	<b>15.0 FTE</b>	<b>15.0 FTE</b>	<b>at least \$8,304,180</b>

**District Attorneys.** Generally 2 district attorneys are required for each criminal court docket; therefore, by adding 15 judges this bill increases the number of deputy district attorneys required by 30 FTE. In addition, 1.0 FTE for support staff is needed for each additional court docket. It is assumed that each district attorney will cost \$100,000 and that each support staff will cost \$70,000.

**Sheriffs - Court Security.** By adding 15 new judges, this bill increases county sheriff court security costs for one sheriff deputy to provide court security in the courtroom. Due to the need to have one deputy in each criminal court docket, it is assumed each district will need 1.0 FTE for a sheriff deputy for each new judge to ensure proper courtroom coverage. It is assumed that each new deputy position will cost \$85,000.

**Court facilities.** The addition of 15 new district judges increases county court facility costs for courtroom building and remodeling, office space, staff relocations, and for other minor updates which include audio, video and other equipment, courtroom or office wiring, and security upgrades as shown in Table 6. Costs are projected to range from \$644,000 to \$3,200,000 for courtroom remodeling, office space, and staff relocations. Costs for minor upgrades are estimated between \$100,000 and \$178,000.

**Effective Date**

The bill takes effect July 1, 2019.

### **State Appropriations**

For FY 2019-20, this bill requires a General Fund appropriation of \$9,681,754 and an allocation of 78.0 FTE to the Judicial Department. Of this amount, \$7,644,040 and an allocation of 55.2 FTE should be appropriated to the trial courts and \$2,037,714 and an allocation of 22.8 FTE should be appropriated to the Office of the State Public Defender.

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

Alternate Defense Counsel  
Counties  
Information Technology  
Law  
Office of Respondent Parents' Counsel  
Public Defender

Child Protection Ombudsman  
District Attorneys  
Judicial  
Local Affairs  
Office of The Child's Representative  
Sheriffs