



## Fiscal Note

### Legislative Council Staff

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## HB 25-1147: FAIRNESS & TRANSPARENCY IN MUNICIPAL COURT

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**Prime Sponsors:**

Rep. Mabrey; Velasco  
Sen. Amabile; Weissman

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**Version:** Initial Fiscal Note

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**Fiscal note status:** This fiscal note reflects the introduced bill.

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### Summary Information

**Overview.** The bill modifies how exemptions may be applied in livestreamed court proceedings, clarifies and sets additional requirements regarding court-appointed council in municipal court, and aligns sentencing and penalties for municipal offenses to state offenses.

**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**

<b>Type of Impact</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
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 are case- and fact-specific, and prohibits courts from adopting blanket rules for any categories of cases or types of proceedings. Additionally, in-custody defendants are required to have access to the virtual proceeding in all cases. 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, 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.

#### Limitation on Sentencing and Penalties

The bill establishes that home rule municipalities cannot supersede the sentencing and fine limitations established in state law for municipal courts. It requires municipalities to ensure that the maximum penalties do not exceed the penalty for a comparable state offense, including length of incarceration, mandatory jail sentences, enhanced penalties for prior convictions, and fines. If no comparable state offense exists, penalties for state petty offenses apply. When issuing fines, municipal courts must use the fine limitation established by the municipality or the state, whichever is lower. Municipal courts cannot impose consecutive sentences of incarceration exceeding twice the maximum sentence for the highest charge in the case. If a municipal court is not the court of record, it cannot impose a sentence of incarceration or a fine exceeding \$300.

### 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.

### **Municipal Public Defenders**

Municipalities that do not currently pay municipal public defenders at the rates set by Chief Judge Directive 04-04 will have increased expenditures to match these rates.

### **Sentencing and Fines**

Finally, to the extent that municipalities are required to lower penalties so as not to exceed the maximum penalties for comparable state offenses, the bill will decrease sentences to jail or reduce fine penalties, resulting in lower costs and revenue to local governments.

## **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

Sheriffs

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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](#).