



**Report to the
Colorado General Assembly**

**County Courthouse
and County Jail
Funding and
Overcrowding
Solutions Interim
Study Committee**

Prepared by

*The Colorado Legislative Council
Research Publication No. 693
December 2017*

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County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee

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December 2017

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December 2017

To Members of the Seventy-first General Assembly:

Submitted herewith is the final report of the County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. This committee was created pursuant to Interim Committee Request Letter 2017-15. The purpose of this committee was to study the costs of county courthouses and jails and the availability of funding for these facilities on both the state and local level.

At its meeting on November 15, 2017, the Legislative Council reviewed the report of this committee. The committee approved a motion to forward this report and the bills therein for consideration in the 2018 session.

Sincerely,

/s/ Senator Kevin J. Grantham
Chairman

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This report is also available online at:

<http://leg.colorado.gov/committees/county-courthouse-and-county-jail-funding-and-overcrowding-solutions-interim-study>

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Committee Charge

The County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee (committee) was created pursuant to Interim Committee Request Letter 2017-15, as approved by the Legislative Council on April 28, 2017. The committee was charged with studying the costs of county courthouses and jails and the availability of funding for these facilities on both the state and local level. The committee was also charged with reviewing jail overcrowding and factors that cause it, including but not limited to, addiction and mental health issues facing inmates, and sentencing policies that affect jail populations.

Committee Activities

The committee held five meetings during the 2017 interim and took one field trip. The committee heard presentations from, and engaged in discussion with, representatives of various entities involved in the state and local criminal justice systems, including:

- Colorado Counties, Inc.;
- the Colorado Department of Corrections;
- the Colorado Department of Human Services, including the Office of Behavioral Health;
- the Colorado Department of Public Safety, including the Division of Criminal Justice;
- the Colorado District Attorneys' Council;
- the Colorado Judicial Branch, including the Office of the State Court Administrator and Division of Probation;
- the Colorado Municipal League;
- county governments;
- the County Sheriffs of Colorado;
- the Colorado State Board of Parole;
- History Colorado;
- the National Center for State Courts;
- the National Conference of State Legislatures; and
- the Office of the Colorado State Public Defender.

The committee considered a wide range of issues, including:

- state financial assistance for county jails and courthouses;
- state inmates held in county jails;
- pretrial detention;
- parole violations;
- health care costs in county jails; and
- coordination in the criminal justice system.

The committee also visited the Arapahoe County Detention Center for an informational tour. The following sections discuss the committee's activities during the 2017 interim.

State Financial Assistance for County Jails and Courthouses

The committee heard from county commissioners and county sheriffs about the challenges counties face in funding jail and courthouse facilities. Though county courts are a function of the state with employees and furnishings funded by the state, counties are required to provide and pay for the maintenance and security of court facilities. Currently, there are 86 county court facilities in the state, including 71 courthouses and 15 probation offices. Many of these buildings are old, including several built in the late 1800s, and require more costly maintenance. Jails, meanwhile, are county functions, but many of their population and overcrowding issues stem from state policy decisions.

The committee heard from History Colorado about county courthouse preservation and rehabilitation opportunities for historic buildings using the State Historical Fund. The committee also heard presentations about the Court Security Cash Fund and the Underfunded Courthouse Facility Cash Fund, both of which provide state funds to county court facilities. There currently is no similar fund for jails.

The Underfunded Courthouse Facility Cash Fund, established in 2014, is funded by an annual appropriation from the General Assembly. A commission oversees this fund and awards need-based grants to counties meeting population, per-capita income, property tax, and poverty criteria. Grant funds can be used by counties for master planning services, construction or remodeling project matching funds, or emergency needs. Grant funds cannot be used for county jails.

The Court Security Cash Fund, established in 2007, is funded by a \$5 surcharge on certain docket and filing fees. A commission oversees this fund and awards need-based grants from this fund to counties meeting population, per-capita income, property tax, and poverty criteria. Awarded funds can be used by counties for court security equipment, training, and emergency court security needs. Counties cannot use grant funds for their jails.

Committee recommendations. The committee recommends **Bill A**, which expands the responsibilities of the Underfunded Courthouse Facility Cash Fund Commission to include jails and changes the name of the commission. Additionally, the bill makes changes to allowable grant funding under the program, including allowing grants to be issued for up to 50 percent of a county's annual voter-approved debt service and creating a low-interest loan program for court and jail facility capital construction. To fund such grants, this bill transfers \$30 million from the General Fund to the commission cash fund annually for five years.

The committee requested, but did not recommend, a bill to gradually transfer the fiscal responsibility for providing court facilities in each county to the state. Under this bill, the state would assume full fiscal responsibility for all county court facilities in FY 2038-39. The committee also requested, but did not recommend, a bill to increase the Court Security Cash Fund surcharge from \$5 to \$10 with the new revenue being allocated to the county that collected the fee. The committee did not make any recommendations regarding the State Historical Fund.

State Inmates Held in County Jails

The committee heard from the Department of Corrections (DOC) and the counties about DOC inmates housed in county jails. The department discussed its efforts to reduce prison backlogs that can increase county jail populations, types of state inmates that are typically in county jail (parole violators and DOC transfers), jail reimbursement rates in Colorado and other states, and

offender movement and inmate transportation issues. The counties discussed county jail costs, the number of state inmates awaiting transfer to DOC, and the timeframes for inmate transfers to DOC.

The committee also discussed with the DOC, counties, and Joint Budget Committee staff the rate at which the DOC reimburses counties for housing DOC inmates. For FY 2017-18, this rate was \$54.39 per inmate, per day, beginning after 72 hours. The reimbursement rate is established annually by the General Assembly in the general appropriations bill (Long Bill). County sheriffs testified that the DOC daily reimbursement rate does not adequately cover the costs of housing these inmates. Currently, the cost to house an offender in county jails varies from about \$53 to \$114 per day depending on various factors and calculation methods.

Committee recommendations. In response to these discussions, the committee recommends **Bill B**, which discontinues the General Assembly's current annual rate-setting process and permanently sets this reimbursement rate in statute at \$108.78 per person, per day, after 72 hours.

Pretrial Services

The committee heard testimony about pretrial detainees in county jails. Pretrial detention refers to the detaining of an accused person in a criminal case before a trial has taken place. Some pretrial detainees are in jail because they do not have the funds to post bail, while others are there because of risk concerns. Either way, these individuals often remain in jail for a significant period of time.

The committee received information about the effectiveness of pretrial services programs to reduce the number of inmates in jail awaiting trial and eliminate the need for bail. Pretrial services programs collect and analyze defendant information for use in determining risk, make recommendations to the court concerning conditions of release, and supervise defendants who are released from secure custody while awaiting trial. Currently, 15 of Colorado's 64 counties have a pretrial services program.

Another pretrial-related issue discussed by the committee was failure-to-appear rates. Once defendants are released on pretrial status, courts often struggle to get them to appear for hearings. Under current law, failure to appear in district or county court often results in the issuance of a bench warrant that comes with jail time. The committee heard testimony about the effectiveness of reminding criminal defendants about their court appearance through phone calls or other means.

Committee recommendations. As a result of its discussions, the committee recommended that two bills be drafted regarding pretrial defendants. One draft bill required each county to implement a pretrial services program and prohibited the use of monetary bonding except for certain defendants. The other draft bill required the State Court Administrator to administer a division to remind criminal defendants to appear in court as scheduled. The committee approved neither of these draft bills.

Telejustice

The committee heard testimony from counties about the difficulties involved with transporting jail inmates to judicial proceedings. Incarcerated defendants are routinely required to appear at court hearings, some of which are short and procedural in nature. Transporting an inmate to a hearing can result in a considerable expense to local jurisdictions. Additionally, court dockets around the state tend to be overly full, jeopardizing legal requirements for speedy trials. The committee heard testimony on the benefits of using videoconferencing to combat these issues. The committee used the term “telejustice” to describe a two-way interactive video system for conducting certain legal proceedings.

Committee recommendations. As a result of its discussions, the committee recommended **Bill C**, which concerns a program to facilitate conducting judicial proceedings via networking technology.

Parole Eligibility and Violations

The committee heard from counties and the Colorado State Board of Parole about two issues specific to parole. One involved the factors used to determine parole sentences, while the other addressed parole violators in county jails.

In Colorado, offenders are sentenced to a mandatory period of parole based on the crime classification of the controlling sentence, which directly corresponds to the severity of the crime. For example, offenders sentenced for lower-level felonies are sentenced to one year of parole, while offenders sentenced for more serious offenses are sentenced for at least five years. Additionally, a risk assessment tool is used to predict the likelihood that an offender will be rearrested or charged with a new crime upon release.

Representatives from the parole board testified about determining parole eligibility. They explained the relationship between the controlling sentence and the risk assessment instrument and also discussed the terms and conditions of parole. These conditions often include, but are not limited to, drug and alcohol testing, employment requirements, and curfews. Failure to comply with these terms and conditions may result in serious consequences, including county jail time.

County representatives discussed the issue of parolees spending long periods of time in county jails because of parole violations. The parole board reported that the average length of stay for these violators is 51 days, due in part to a heavy parole board hearing schedule. The parole board currently consists of seven members who travel around the state to conduct application interviews, as well as rescission and revocation hearings.

Committee recommendations. Based on these discussions, the committee requested that two bills regarding parole be drafted. One bill draft increased the number of parole board members from seven to nine, and the other based the length of mandatory parole solely on the results of a risk assessment rather than the crime committed. Neither bill draft was approved by the committee.

Health Care Costs in County Jails

The committee heard concerns from counties about high health care costs in jails. In particular, overcrowded jails allow diseases to spread more easily through the facilities and compromise inmate safety. For rural counties, which may not have overcrowding problems, a single inmate with a serious health problem can lead to medical care and transportation costs that far exceed the county's budget. The committee also received information from counties in the San Luis Valley about a local provider's decision to stop providing medical services to county jail inmates, potentially leaving more costly emergency care as the only available option for these jails.

Another health care cost problem counties face is that current federal law prohibits federal Medicaid matching funds from being used for persons who are incarcerated. However, there is an exception for persons admitted to a hospital or mental health facility for more than 24 hours and who are otherwise eligible for Medicaid.

The committee also heard concerns about behavioral health needs in county jails. The Colorado Department of Human Services provided information about its jail-based behavioral health program, which supports the county sheriffs in providing screening, assessment, and treatment for substance use disorders and co-occurring substance use and mental health disorders to people who are in jail. The department reported that the program operates in 46 of Colorado's 64 counties, reaching over 90 percent of the county jail population in the state. Under this program, county programs funded by the department must screen all inmates, identify inmates who are veterans or in the military, and provide individual or group therapy and community transition case management services. County commissioners suggested that there remains a need for additional behavioral health services in their jails. They also observed that they lack resources to treat people with addiction and mental health disorders in the community, which contributes to growth in their jail populations.

Committee recommendations. As a result of its discussions, the committee recommends ***Joint Resolution A***, which urges the U.S. Congress to amend the law concerning Medicaid eligibility to include persons who are detained in state and local facilities, but who have not been convicted of a crime.

The committee also recommended a bill be drafted to require the state Department of Health Care Policy and Financing to implement a program allowing county jails to apply for reimbursement for uncovered inmate medical costs, but the draft bill was not approved by the committee.

Coordination in the Criminal Justice System

The committee heard from county commissioners and sheriffs about the benefits of having a criminal justice coordinating council (CJCC). In particular, Mesa County and Arapahoe County provided examples of their use of CJCCs to improve jail population management. A CJCC is a body of elected and other justice system leaders that convene on a regular basis to coordinate systemic responses to justice problems in a county or judicial district. Participants can include experts in criminal justice, corrections, mental health, substance use disorders, victims' rights, juvenile justice, local government, and other pertinent disciplines. The councils seek to engage in evidence-based approaches to the criminal justice system. Eight Colorado counties currently use CJCCs, and current law does not prohibit them from forming.

Committee recommendations. The committee recommended a bill be drafted authorizing the formation of CJCCs in each county or judicial district and providing grant funds to do so, but the draft bill was not approved by the committee.

Arapahoe County Detention Center Tour

On August 28, 2017, the committee visited the Arapahoe County Detention Center in Centennial, Colorado. County staff provided information on areas where the county has sought efficiencies through the Justice Coordinating Committee, including pretrial services, behavioral health, collaboration with other county departments, and a court date notification program. In the detention center, committee members observed the condition of the facilities. They discussed with jail officials the county's needs, its contingency plans to manage overcrowding, and its housing of RISE, which is a statewide competency restoration program.

Summary of Recommendations

As a result of the committee's activities, the committee recommended three bills and one resolution to the Legislative Council for consideration in the 2018 session. At its meeting on November 15, 2017, the Legislative Council approved all three recommended bills and the resolution for introduction. The approved bills and resolution are described below.

Bill A — Financial Assistance for County Jails and Courts

Under current law, the Underfunded Courthouse Facility Cash Fund Commission evaluates grant applications and issues grants to counties to be used for court facility master planning services, construction or remodeling project matching funds, and emergency needs. Bill A expands the responsibilities of the Underfunded Courthouse Facility Cash Fund Commission to include considering grants for jail construction or renovation in addition to grants for improvements to court facilities. This bill also changes the name of the commission to the Underfunded Court and Jail Facility Cash Fund Commission. Additionally, this bill makes changes to allowable grant funding under the program, including allowing grants to be issued for up to 50 percent of a county's annual voter-approved debt service and creating a low-interest loan program to finance court and jail facility capital construction. Finally, this bill establishes a five-year annual transfer of \$30 million per year from the General Fund to the commission cash fund.

Bill B — Increase DOC Reimbursement to County Jails

The Department of Corrections (DOC) reimburses a portion of the expenses and costs incurred by counties for housing DOC inmates in county jails. Under current law, the reimbursement rate is set annually by the General Assembly. For FY 2017-18, the reimbursement rate is \$54.39 per offender, per day, after 72 hours. Bill B discontinues the General Assembly's current annual rate-setting process and permanently sets this reimbursement rate in statute at \$108.78 per person, per day, after 72 hours.

Bill C — Court System for Remote Participation in Hearings

Bill C requires the Division of Criminal Justice in the Colorado Department of Public Safety to consult with the Office of the State Court Administrator in the Judicial Branch to operate a telejustice program that is internet-based and allows county and district courts to conduct remote judicial hearings with a two-way audio and video connection. The bill also sets a timeline to solicit requests for proposals for a telejustice system, requires the promulgation of rules regarding program administration, creates the Telejustice Program Cash Fund, and requires the Public Utilities Commission to identify areas of the state lacking in internet capability and make associated recommendations.

Joint Resolution A — Medicaid Eligibility for Detained Individuals

Joint Resolution A urges the U.S. Congress to amend the law concerning Medicaid eligibility of incarcerated individuals so that persons who are detained in the state and local facilities but who have not been convicted of a crime can retain Medicaid eligibility until conviction. Under current law, incarcerated individuals are not eligible to receive Medicaid benefits, and counties must pay for all medical expenses unless an inmate is admitted to a hospital for at least 24 hours.

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Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/content/committees>

Meeting Date and Topics Discussed

July 17, 2017

- ◆ Overview of committee charge, interim bill drafting process, and deadlines
- ◆ Legislative history of county courthouse and jail funding
- ◆ Overview from counties regarding county courthouses and jails
- ◆ Overview of county jail population issues
- ◆ Underfunded Courthouse Facility and Court Security Cash Fund grants
- ◆ State prisoners in county jails

July 31, 2017

- ◆ Parole violators in county jails
- ◆ Pretrial detention in county jails
- ◆ Montrose County perspective regarding courthouse funding and jail overcrowding
- ◆ State court system funding and court fees
- ◆ Courthouse preservation, rehabilitation, and the State Historical Fund

August 28, 2017

- ◆ District attorney perspective regarding pretrial detention in county jails
- ◆ Colorado Department of Public Safety perspective regarding jail overcrowding
- ◆ National perspectives on state policies affecting local jails
- ◆ Staff updates and reminders
- ◆ Behavioral health services for county jails
- ◆ Competency restoration and court-ordered evaluations
- ◆ Arapahoe County facility tour

September 11, 2017

- ◆ National perspective on county courthouse funding
- ◆ Court fees and state court system funding

- ◆ County assessment valuations and the Gallagher Amendment
- ◆ County perspectives on courthouse funding
- ◆ Technical parole violations
- ◆ State reimbursements to county jails
- ◆ Consideration of bill draft requests

October 23, 2017

- ◆ Final action on draft legislation

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL A

LLS NO. 18-0243.01 Esther van Mourik x4215

HOUSE BILL

HOUSE SPONSORSHIP

Beckman,

SENATE SPONSORSHIP

Coram,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF FINANCIAL ASSISTANCE TO COUNTIES
102 FOR COUNTY FACILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. Current law tasks the underfunded courthouse facility cash fund commission to evaluate grant applications and issue grants to counties for underfunded courthouse facilities through master planning services, matching funds or leverage grant funding opportunities, or for addressing emergency needs

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

DRAFT Dashes through the words indicate deletions from existing statute.

11

due to the imminent closure of a court facility.

The bill changes the name of the commission and the fund and expands the responsibilities of the commission to include jails in addition to court facilities. Additionally, the bill allows grants to be issued for up to 50% of a county's annual voter-approved debt service on any county-approved financing of the construction or remodeling costs of a court or jail facility. The bill also creates a low-interest loan program to be administered by the commission whereby counties may apply for low-interest loans to finance the capital construction or remodeling costs of a court or jail facility.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 13-1-301 as
3 follows:

4 **13-1-301. Legislative declaration.** (1) The general assembly
5 hereby finds that:

6 (a) Providing access to state court AND JAIL facilities and ensuring
7 the safety of employees and other users of state court AND JAIL facilities
8 are fundamental components of ensuring access to justice for the people
9 of the state of Colorado;

10 (b) Recent years have seen numerous occasions in which
11 ~~courthouse~~ COURT AND JAIL FACILITY repair, renovation, improvement,
12 and expansion needs have become important priorities for judicial
13 districts and the counties they serve;

14 (c) In some cases these needs result from anticipated causes, such
15 as expanding caseloads, the allocations of new judges to the district, or
16 the aging of existing ~~courtroom~~ COURT AND JAIL facilities and the
17 attendant need to bring them up to current operational and safety
18 standards;

19 (d) In other cases the needs are driven by unexpected events, such
20 as natural disasters, accidents, or the discovery of previously unknown

1 threats to health and safety; and

2 (e) While the responsibility for providing adequate ~~courtrooms~~
3 ~~and other~~ court AND JAIL facilities lies with county governments, the
4 geographically, demographically, and economically diverse nature of our
5 state affects the level of funding and services that each county can
6 provide.

7 (2) The general assembly, therefore, determines and declares that:

8 (a) The creation of the underfunded ~~courthouse~~ COURT AND JAIL
9 facility cash fund commission and the underfunded ~~courthouse~~ COURT
10 AND JAIL facility cash fund is beneficial to and in the best interests of the
11 people of the state of Colorado; and

12 (b) The purpose of the commission and the fund is to provide
13 supplemental funding for ~~courthouse~~ COURT AND JAIL facility projects in
14 the counties with the most limited financial resources.

15 **SECTION 2.** In Colorado Revised Statutes, 13-1-302, **amend** (1),
16 (3), and (4) as follows:

17 **13-1-302. Definitions.** As used in this part 3, unless the context
18 otherwise requires:

19 (1) "Commission" means the underfunded ~~courthouse~~ COURT AND
20 JAIL facility cash fund commission created in section 13-1-303.

21 (3) "Fund" means the underfunded ~~courthouse~~ COURT AND JAIL
22 facility cash fund created in section 13-1-304.

23 (4) "Imminent closure of a court OR JAIL facility" means a court OR
24 JAIL facility with health, life, or safety issues that impact court OR JAIL
25 employees, JAIL INMATES, or other ~~court~~ users and that is designated for
26 imminent closure by A COUNTY OR the state court administrator in
27 consultation with the state's risk management system or other appropriate
28 professionals. Health, life, or safety issues include air quality issues,

1 water intrusion problems, temperature control issues, structural conditions
2 that cannot reasonably be mitigated, fire hazards, electrical hazards, and
3 utility problems. Certain health, life, or safety issues may require
4 additional third-party evaluations such as an environmental or structural
5 engineering review.

6 **SECTION 3.** In Colorado Revised Statutes, 13-1-303, **amend** (1)
7 and (6) as follows:

8 **13-1-303. Underfunded court and jail facility cash fund**
9 **commission - creation - membership.** (1) There is hereby created in the
10 judicial department the underfunded ~~courthouse~~ COURT AND JAIL facility
11 cash fund commission to evaluate grant AND LOAN applications received
12 pursuant to this part 3 and make recommendations to the state court
13 administrator for awarding grants AND LOANS from the underfunded
14 ~~courthouse~~ COURT AND JAIL facility cash fund based on the statutory
15 criteria set forth in section 13-1-305. The commission shall be appointed
16 no later than July 1, 2014.

17 (6) In accordance with the principles set out in ~~section 13-1-305~~
18 THIS PART 3, the commission shall adopt guidelines prescribing the
19 procedures to be followed in making, filing, and evaluating grant AND
20 LOAN applications, the criteria for evaluation, and other guidelines
21 necessary for administering the ~~program~~ GRANT AND LOAN PROGRAMS.

22 **SECTION 4.** In Colorado Revised Statutes, **amend** 13-1-304 as
23 follows:

24 **13-1-304. Underfunded court and jail facility cash fund -**
25 **creation - grants - loans - regulations.** (1) (a) There is hereby created
26 in the state treasury the underfunded ~~courthouse~~ COURT AND JAIL facility
27 cash fund that consists of any ~~moneys~~ MONEY appropriated by the general
28 assembly to the fund. The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to

1 annual appropriation by the general assembly for the implementation of
2 this part 3. The state court administrator may accept gifts, grants, or
3 donations from any private or public source for the purpose of
4 implementing this part 3. All private and public ~~moneys~~ MONEY received
5 by the state court administrator from gifts, grants, or donations must be
6 transmitted to the state treasurer, who shall credit the same to the fund in
7 addition to any ~~moneys~~ MONEY that may be appropriated to the fund
8 directly by the general assembly. All investment earnings derived from
9 the deposit and investment of ~~moneys~~ THE MONEY in the fund, INCLUDING
10 ANY INTEREST EARNINGS ON THE LOANS ISSUED AS ALLOWED IN SECTION
11 13-1-305.5, remain in the fund and may not be transferred or revert to the
12 general fund at the end of any fiscal year. Any unexpended and
13 unencumbered ~~moneys~~ MONEY remaining in the fund at the end of any
14 fiscal year shall remain in the fund and shall not be credited or transferred
15 to the general fund or any other fund.

16 (b) IN ADDITION TO ANY OTHER TRANSFERS TO THE FUND FROM
17 THE GENERAL FUND OR ANY OTHER FUND, COMMENCING WITH THE
18 2018-19 STATE FISCAL YEAR THROUGH THE 2022-23 STATE FISCAL YEAR
19 THE STATE TREASURER SHALL ANNUALLY TRANSFER THIRTY MILLION
20 DOLLARS FROM THE GENERAL FUND TO THE UNDERFUNDED COURT AND
21 JAIL FACILITY CASH FUND TO BE USED AS FOLLOWS:

22 (I) TEN MILLION DOLLARS ANNUALLY FOR GRANTS TO PAY UP TO
23 FIFTY PERCENT OF A COUNTY'S ANNUAL VOTER-APPROVED DEBT SERVICE
24 ON ANY COUNTY-APPROVED FINANCING OF THE CONSTRUCTION OR
25 REMODELING COSTS OF A COURT OR JAIL FACILITY;

26 (II) TEN MILLION DOLLARS ANNUALLY FOR LOW-INTEREST LOANS
27 AS ALLOWED IN SECTION 13-1-305.5 FOR CAPITAL CONSTRUCTION OR
28 REMODELING COSTS OF ANY COURT FACILITY; AND

1 (III) TEN MILLION DOLLARS ANNUALLY FOR LOW-INTEREST LOANS
2 AS ALLOWED IN SECTION 13-1-305.5 FOR CAPITAL CONSTRUCTION OR
3 REMODELING COSTS OF ANY JAIL FACILITY.

4 (2) (a) ~~Moneys~~ MONEY from the fund that ~~are~~ IS distributed to
5 counties IN THE FORM OF A GRANT pursuant to this part 3:

6 (I) May ~~only~~ be used for commissioning master planning services,
7 matching funds or leveraging grant funding opportunities for construction
8 or remodeling projects, or addressing emergency needs due to the
9 imminent closure of a court OR JAIL facility;

10 (II) MAY BE USED TO PAY UP TO FIFTY PERCENT OF A COUNTY'S
11 ANNUAL VOTER-APPROVED DEBT SERVICE ON ANY COUNTY-APPROVED
12 FINANCING, INCLUDING A LOW-INTEREST LOAN ALLOWED IN SECTION
13 13-1-305.5, FOR CAPITAL CONSTRUCTION OR REMODELING COSTS OF A
14 COURT OR JAIL FACILITY PURSUANT TO THIS PART 3;

15 (III) ~~Moneys from the fund~~ May not be allocated for the purchase
16 of furniture, fixtures, or equipment or as the sole source of funding for
17 new construction; AND

18 (IV) ~~Moneys from the fund~~ May not be allocated as the sole
19 source of funding for remodeling, unless the need for funding is
20 associated with the imminent closure of a court OR JAIL facility.

21 (b) MONEY FROM THE FUND THAT IS DISTRIBUTED TO COUNTIES IN
22 THE FORM OF A LOW-INTEREST LOAN TO COUNTIES PURSUANT TO THIS
23 PART 3 MAY ONLY BE USED FOR NEW CONSTRUCTION OR REMODELING OF
24 A COURT OR JAIL FACILITY AND MAY NOT BE USED FOR THE PURCHASE OF
25 FURNITURE, FIXTURES, OR EQUIPMENT.

26 (3) All ~~moneys~~ MONEY credited to the fund ~~shall be~~ IS available
27 for grants OR LOANS awarded by the state court administrator, based on
28 recommendations of the commission, to counties for the purposes

1 described in this part 3; except that the state court administrator may use
2 a portion of the ~~moneys~~ MONEY annually appropriated from the fund for
3 administrative costs incurred ~~through~~ FOR the implementation of this part
4 3. The state court administrator, subject to annual appropriation by the
5 general assembly, may expend ~~moneys~~ MONEY appropriated from the
6 fund pursuant to this part 3.

7 **SECTION 5.** In Colorado Revised Statutes, 13-1-305, **amend** (1),
8 (2), (3), and (4) introductory portion; and **add** (5) as follows:

9 **13-1-305. Grant applications - duties of counties.** (1) To be
10 eligible for ~~moneys~~ GRANTS from the fund, a county must apply to the
11 commission through the state court administrator, using the application
12 form provided by the commission, in accordance with the timelines and
13 guidelines adopted by the commission. For the commission to consider
14 a grant application, the application must first be reviewed and approved
15 by the chief judge of the county and the board of county commissioners.

16 (2) (a) Grants from the fund may only be used to fund counties
17 that meet the requirements set forth in ~~paragraph (b) of this subsection~~ (2)
18 SUBSECTION (2)(b) OF THIS SECTION and the criteria specified in
19 subsection (4) of this section to:

20 (I) Commission master planning services;

21 (II) Serve as matching funds or leverage grant funding
22 opportunities; ~~or~~

23 (III) Address emergency needs due to the imminent closure of a
24 court OR JAIL facility; OR

25 (IV) PAY UP TO FIFTY PERCENT OF A COUNTY'S ANNUAL
26 VOTER-APPROVED DEBT SERVICE ON ANY COUNTY-APPROVED FINANCING
27 OF THE CONSTRUCTION OR REMODELING COSTS OF A COURT OR JAIL
28 FACILITY.

1 (b) Grants from the fund may only be awarded to a county when:

2 (I) The county has demonstrated good faith in attempting to
3 resolve the issues before seeking a grant from the fund;

4 (II) The county has agreed to disclose pertinent financial
5 statements to the commission or the state court administrator for review;
6 and

7 (III) The state court administrator is satisfied that the county does
8 not have significant uncommitted reserves.

9 (c) Grants from the fund may not supplant any county funding for
10 a county that has the means to support its court ~~facility~~ OR JAIL FACILITIES.

11 (d) The approval of a grant ~~shall~~ DOES not result in the state or
12 commission assuming ownership or liability for a county ~~courthouse or~~
13 ~~other county~~ COURT OR JAIL facility. ~~that houses county offices and~~
14 ~~employees.~~ The county shall continue to have ownership and liability for
15 all such facilities.

16 (e) Once a county is awarded a grant, the county shall EITHER
17 complete the project as designated and described in the grant award, OR
18 USE THE GRANT TO PAY THE VOTER-APPROVED DEBT SERVICE ON ANY
19 COUNTY-APPROVED FINANCING OF THE CONSTRUCTION OR REMODELING
20 OF A COURT OR JAIL FACILITY.

21 (f) The commission shall develop a compliance review process to
22 ensure that counties are using each grant as specified in the grant award.

23 (3) Counties that meet all four of the criteria specified in
24 subsection (4) of this section must be given the highest priority for
25 need-based grants for underfunded ~~courthouse~~ COURT OR JAIL facilities
26 pursuant to this part 3.

27 (4) Counties that meet at least two of the following criteria qualify
28 for need-based grants for underfunded ~~courthouse~~ COURT OR JAIL

1 facilities pursuant to this part 3:

2 (5) GRANTS MAY ALSO BE AWARDED TO A COUNTY TO BE USED TO
3 PAY UP TO FIFTY PERCENT OF A COUNTY'S ANNUAL VOTER-APPROVED DEBT
4 SERVICE ON ANY COUNTY-APPROVED FINANCING, INCLUDING A
5 LOW-INTEREST LOAN ALLOWED IN SECTION 13-1-305.5, FOR CAPITAL
6 CONSTRUCTION OR REMODELING COSTS OF A COURT OR JAIL FACILITY.

7 **SECTION 6.** In Colorado Revised Statutes, **add** 13-1-305.5 as
8 follows:

9 **13-1-305.5. Low-interest loans for counties for financing the**
10 **capital construction or remodeling costs of a court or jail facility.**

11 (1) (a) (I) THE COMMISSION MAY ENTER INTO A CONTRACT WITH A BANK
12 OR A NONDEPOSITORY COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION
13 TO ESTABLISH AND ADMINISTER A REVOLVING LOAN PROGRAM FOR ANY
14 COUNTY THAT MEETS THE CRITERIA SET FORTH IN SUBSECTION (1)(b) OF
15 THIS SECTION THAT SEEKS TO FINANCE THE CAPITAL CONSTRUCTION OR
16 REMODELING COSTS OF A COURT OR JAIL FACILITY. THE SELECTION OF
17 SUCH BANK OR NONDEPOSITORY COMMUNITY DEVELOPMENT FINANCIAL
18 INSTITUTION MUST BE MADE FOLLOWING AN OPEN AND COMPETITIVE
19 PROCESS.

20 (II) A COUNTY MUST APPLY FOR A LOAN TO THE COMMISSION
21 THROUGH THE STATE COURT ADMINISTRATOR, USING THE APPLICATION
22 FORM PROVIDED BY THE COMMISSION, IN ACCORDANCE WITH THE
23 TIMELINES AND GUIDELINES ADOPTED BY THE COMMISSION. FOR THE
24 COMMISSION TO CONSIDER A LOAN APPLICATION, THE APPLICATION MUST
25 FIRST BE REVIEWED AND APPROVED BY THE CHIEF JUDGE OF THE COUNTY
26 AND THE BOARD OF COUNTY COMMISSIONERS, AND IF APPROVED, THE
27 COUNTY MUST FIRST SEEK VOTER-APPROVAL AS REQUIRED UNDER SECTION
28 20 (4)(b) OF ARTICLE X OF THE STATE CONSTITUTION PRIOR TO THE

1 CLOSING OF THE LOAN.

2 (b) (I) COUNTIES THAT MEET AT LEAST TWO OF THE FOLLOWING
3 CRITERIA QUALIFY FOR LOANS PURSUANT TO THIS SECTION:

4 (A) COUNTIES IN WHICH THE TOTAL POPULATION IS BELOW THE
5 STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED
6 BY THE DEPARTMENT OF LOCAL AFFAIRS;

7 (B) COUNTIES IN WHICH THE PER CAPITA INCOME IS BELOW THE
8 STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED
9 BY THE DEPARTMENT OF LOCAL AFFAIRS;

10 (C) COUNTIES IN WHICH PROPERTY TAX REVENUES ARE BELOW THE
11 STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED
12 BY THE DEPARTMENT OF LOCAL AFFAIRS; OR

13 (D) COUNTIES IN WHICH THE TOTAL COUNTY POPULATION LIVING
14 BELOW THE FEDERAL POVERTY LINE IS GREATER THAN THE STATE MEDIAN,
15 AS DETERMINED BY THE MOST RECENT CENSUS PUBLISHED BY THE UNITED
16 STATES BUREAU OF THE CENSUS.

17 (II) COUNTIES THAT MEET ALL FOUR OF THE CRITERIA SPECIFIED IN
18 SUBSECTION (1)(b)(I) OF THIS SECTION MUST BE GIVEN THE HIGHEST
19 PRIORITY FOR LOANS PURSUANT TO THIS SECTION.

20 (c) (I) THE LOAN PROGRAM IS CAPITALIZED BY THE GENERAL FUND
21 TRANSFER SPECIFIED IN SECTION 13-1-304 (1)(b).

22 (II) THE COMMISSION MAY ADVANCE MONEY IN THE FORM OF A
23 GRANT OR PAYMENT TO THE BANK OR NONDEPOSITORY COMMUNITY
24 DEVELOPMENT FINANCIAL INSTITUTION PRIOR TO LOANS ACTUALLY BEING
25 MADE.

26 (2) AS PART OF ADMINISTERING THE LOAN PROGRAM, THE BANK OR
27 A NONDEPOSITORY COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION
28 SHALL ESTABLISH AN APPLICATION FEE, AN ORIGINATION FEE, AND

1 CLOSING COST POLICIES, SET ITS OWN UNDERWRITING AND RISK
2 MANAGEMENT POLICIES, AND SHALL DETERMINE INTEREST RATES, LOAN
3 TERMS, AND MAXIMUM ASSISTANCE LEVELS IN GUIDELINES ADOPTED BY
4 THE COMMISSION; EXCEPT THAT THE PROGRAM SHALL BE ADMINISTERED
5 IN SUCH A WAY SO THAT LOANS ARE PROVIDED TO COUNTIES AT INTEREST
6 RATES LESS THAN THOSE AVAILABLE IN THE CURRENT INTEREST RATE
7 MARKET.

8 **SECTION 7.** In Colorado Revised Statutes, **amend** 13-1-306 as
9 follows:

10 **13-1-306. Legislative review - repeal.** The underfunded
11 ~~courthouse~~ COURT AND JAIL facility cash fund commission ~~repeals on~~ IS
12 REPEALED, EFFECTIVE September 1, 2024. Prior to repeal, the
13 underfunded ~~courthouse~~ COURT AND JAIL facility cash fund commission
14 is subject to review as provided in section 24-34-104. ~~C.R.S.~~

15 **SECTION 8.** In Colorado Revised Statutes, 24-34-104, **amend**
16 (25)(a)(IX) as follows:

17 **24-34-104. General assembly review of regulatory agencies**
18 **and functions for repeal, continuation, or reestablishment - legislative**
19 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
20 are scheduled for repeal on September 1, 2024:

21 (IX) The underfunded ~~courthouse~~ COURT AND JAIL facility cash
22 fund commission created in part 3 of article 1 of title 13;

23 **SECTION 9. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.

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Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL B

LLS NO. 18-0246.01 Richard Sweetman x4333

HOUSE BILL

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Crowder,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AMOUNT THAT THE DEPARTMENT OF CORRECTIONS**
102 **IS REQUIRED TO REIMBURSE A COUNTY OR CITY AND COUNTY**
103 **FOR THE CONFINEMENT AND MAINTENANCE IN A LOCAL JAIL OF**
104 **ANY PERSON WHO IS SENTENCED TO A TERM OF IMPRISONMENT**
105 **IN A CORRECTIONAL FACILITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT *Dashes through the words indicate deletions from existing statute.*

23

County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. Under current law, the general assembly establishes in its annual general appropriations bill the amount that the department of corrections is required to reimburse any county or city and county for a portion of the expenses and costs incurred by that county or city and county for the confinement and maintenance in a local jail of any person who is sentenced to a term of imprisonment in a correctional facility. The bill establishes this amount in statute as \$108.78 per day.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 17-1-112, **amend** (1)
3 as follows:

4 **17-1-112. Expenses - reimbursement by department.**

5 (1) Subject to available appropriations, the department shall reimburse
6 any county or city and county for a portion of the expenses and costs
7 incurred by that county or city and county in the confinement and
8 maintenance in a local jail of any person who is sentenced to a term of
9 imprisonment in a correctional facility. ON AND AFTER THE EFFECTIVE
10 DATE OF THIS SUBSECTION (1), AS AMENDED, the ~~general assembly shall~~
11 ~~annually establish the amount of SUCH reimbursement in the general~~
12 ~~appropriations bill~~ IS ONE HUNDRED EIGHT DOLLARS AND SEVENTY-EIGHT
13 CENTS PER DAY. Such reimbursement ~~shall be~~ IS for each day following
14 seventy-two hours after such sentence is imposed but prior to the
15 ~~transmittal~~ RELOCATION of the ~~sentenced~~ inmate to a department facility.
16 Subject to available appropriations, the department may contract with any
17 county or city and county for the expenses incurred by that county or city
18 and county in the confinement and maintenance of any person who is
19 sentenced to a term of imprisonment pursuant to section 16-11-308.5.

20 ~~C.R.S.~~

1 **SECTION 2. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.

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Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL C

LLS NO. 18-0247.01 Richard Sweetman x4333

HOUSE BILL

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Crowder and Fields,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A PROGRAM TO FACILITATE CONDUCTING JUDICIAL
102 PROCEEDINGS VIA NETWORKING TECHNOLOGY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. The bill directs the division of criminal justice (division) within the department of public safety (department), in consultation with the office of the state court administrator, to operate a program that implements telephonic or internet-based networking software to let county courts and district courts

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27

conduct judicial procedures with remote participants.

The bill sets forth a timeline by which the division shall first solicit requests for proposals from prospective software vendors and then select and contract with one or more software vendors for the purposes of the program.

The bill requires the executive director of the department to promulgate rules for the administration of the program.

The bill requires the public utilities commission (PUC) to report to the division on or before November 1, 2018, to:

- Identify areas of the state that are relatively lacking in internet connectivity and infrastructure; and
- Make any recommendations the PUC may have concerning the implementation of the program.

In implementing the program, the division shall consider the PUC's report and prioritize the implementation of the program in areas of the state that are relatively lacking in internet connectivity and infrastructure.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-521 as
3 follows:

4 **24-33.5-521. Telejustice program created - purpose - rules -**
5 **fund.** (1) ON AND AFTER SEPTEMBER 1, 2019, THE DIVISION, IN
6 CONSULTATION WITH THE OFFICE OF THE STATE COURT ADMINISTRATOR,
7 SHALL OPERATE A PROGRAM, REFERRED TO IN THIS SECTION AS THE
8 "TELEJUSTICE PROGRAM", THAT IMPLEMENTS TELEPHONIC OR
9 INTERNET-BASED NETWORKING SOFTWARE TO LET COUNTY COURTS AND
10 DISTRICT COURTS OF THE STATE CONDUCT HEARINGS AND OTHER JUDICIAL
11 PROCEDURES WITH REMOTE PARTICIPANTS. THE TELEJUSTICE PROGRAM
12 MUST PROVIDE A TWO-WAY AUDIO AND VIDEO CONNECTION THAT ALLOWS
13 PARTICIPANTS TO SEE AND COMMUNICATE VERBALLY WITH EACH OTHER.
14 THE PURPOSE OF THE TELEJUSTICE PROGRAM IS TO:

15 (a) HELP COUNTY JAILS ELIMINATE THE TIME AND EXPENSE OF
16 TRANSPORTING DEFENDANTS AND PRISONERS TO AND FROM PROCEEDINGS

1 AT WHICH THEIR PHYSICAL PRESENCE IS NOT REQUIRED; AND

2 (b) FACILITATE JUDICIAL PROCEEDINGS IN DISTRICTS WHERE
3 COURT DOCKETS ARE OVERLY FULL.

4 (2) IN IMPLEMENTING THE TELEJUSTICE PROGRAM, THE DIVISION
5 SHALL CONSIDER THE REPORT OF THE PUBLIC UTILITIES COMMISSION
6 DESCRIBED IN SECTION 40-2-130, INCLUDING ANY RECOMMENDATIONS
7 THEREIN. BASED ON THE INFORMATION IN THE REPORT, THE DIVISION
8 SHALL PRIORITIZE THE IMPLEMENTATION OF THE TELEJUSTICE PROGRAM
9 IN AREAS OF THE STATE THAT ARE RELATIVELY LACKING IN INTERNET
10 CONNECTIVITY AND INFRASTRUCTURE.

11 (3) (a) ON OR BEFORE DECEMBER 1, 2018, THE DIVISION SHALL
12 SOLICIT REQUESTS FOR PROPOSALS FROM PROSPECTIVE SOFTWARE
13 VENDORS FOR THE PURPOSES DESCRIBED IN THIS SECTION.

14 (b) ON OR BEFORE APRIL 1, 2019, THE DIVISION SHALL SELECT AND
15 CONTRACT WITH ONE OR MORE SOFTWARE VENDORS FOR THE PURPOSES OF
16 THIS SECTION.

17 (4) ON OR BEFORE JULY 1, 2019, THE EXECUTIVE DIRECTOR SHALL
18 PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION, WHICH
19 RULES, AT A MINIMUM, MUST INCLUDE:

20 (a) A PROCESS BY WHICH THE DIVISION, IN CONSULTATION WITH
21 THE OFFICE OF THE STATE COURT ADMINISTRATOR, SHALL SELECT COUNTY
22 COURTS AND DISTRICT COURTS FOR PARTICIPATION IN THE TELEJUSTICE
23 PROGRAM, WHICH PROCESS MUST INCLUDE CONSIDERATION OF THE REPORT
24 OF THE PUBLIC UTILITIES COMMISSION DESCRIBED IN SECTION 40-2-130;
25 AND

26 (b) A MEANS BY WHICH THE DIVISION, IN CONSULTATION WITH THE
27 SOFTWARE VENDOR SELECTED PURSUANT TO SUBSECTION (3) OF THIS
28 SECTION, CAN QUICKLY ADDRESS AND RESOLVE TECHNICAL PROBLEMS

1 THAT INHIBIT THE USE OF THE TELEJUSTICE PROGRAM BY COUNTY COURTS
2 AND DISTRICT COURTS.

3 (5) (a) THE TELEJUSTICE PROGRAM CASH FUND, REFERRED TO IN
4 THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE
5 TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL
6 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

7 (b) IN ACCORDANCE WITH SECTION 24-36-114 (1), THE STATE
8 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
9 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE GENERAL FUND.

10 (c) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND
11 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL
12 YEAR TO THE GENERAL FUND.

13 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
14 ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE
15 PURPOSES DESCRIBED IN THIS SECTION.

16 (6) COUNTY COURTS AND DISTRICT COURTS ARE ENCOURAGED TO
17 AVAIL THEMSELVES OF THE TELEJUSTICE PROGRAM FOR PROCEEDINGS AT
18 WHICH THE PHYSICAL PRESENCE OF A DEFENDANT OR A PRISONER IS NOT
19 REQUIRED.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 13-1-138 as
21 follows:

22 **13-1-138. Telejustice program encouraged.** TO HELP COUNTY
23 JAILS ELIMINATE THE TIME AND EXPENSE OF TRANSPORTING DEFENDANTS
24 AND PRISONERS TO AND FROM PROCEEDINGS AT WHICH THEIR PHYSICAL
25 PRESENCE IS NOT REQUIRED AND TO FACILITATE JUDICIAL PROCEEDINGS IN
26 DISTRICTS WHERE COURT DOCKETS ARE OVERLY FULL, EACH COUNTY
27 COURT AND DISTRICT COURT IN THE STATE IS ENCOURAGED TO UTILIZE THE
28 TELEJUSTICE PROGRAM ESTABLISHED WITHIN THE DIVISION OF CRIMINAL

1 JUSTICE PURSUANT TO SECTION 24-33.5-521.

2 **SECTION 3.** In Colorado Revised Statutes, **add** 40-2-130 as
3 follows:

4 **40-2-130. Report to the division of criminal justice - repeal.**

5 (1) FOR THE PURPOSES OF SECTION 24-33.5-521, ON OR BEFORE
6 NOVEMBER 1, 2018, THE COMMISSION SHALL REPORT TO THE DIVISION OF
7 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY. THE REPORT
8 MUST:

9 (a) IDENTIFY AREAS OF THE STATE THAT ARE RELATIVELY LACKING
10 IN INTERNET CONNECTIVITY AND INFRASTRUCTURE; AND

11 (b) MAKE ANY RECOMMENDATIONS THE COMMISSION MAY HAVE
12 CONCERNING THE IMPLEMENTATION OF THE PROGRAM DESCRIBED IN
13 SECTION 24-33.5-521.

14 (2) THIS SECTION IS REPEALED, EFFECTIVE NOVEMBER 1, 2019.

15 **SECTION 4.** In Colorado Revised Statutes, 24-72-402, **amend**
16 (5)(ll) and (5)(mm); and **add** (5)(nn) as follows:

17 **24-75-402. Cash funds - limit on uncommitted reserves -**
18 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
19 any provision of this section to the contrary, the following cash funds are
20 excluded from the limitations specified in this section:

21 (ll) The technology advancement and emergency fund created in
22 section 24-37.5-115; ~~and~~

23 (mm) The division of youth services pilot program cash fund
24 created in section 19-2-203 (4); AND

25 (nn) THE TELEJUSTICE PROGRAM CASH FUND CREATED IN SECTION
26 24-33.5-521.

27 **SECTION 5. Act subject to petition - effective date.** This act
28 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

RESOLUTION A

LLS NO. R18-0252.01 Joel Moore x4497

HOUSE JOINT RESOLUTION

HOUSE SPONSORSHIP

Benavidez and Michaelson Jenet,

SENATE SPONSORSHIP

Crowder and Fields,

House Committees

Senate Committees

COMMITTEE JOINT RESOLUTION

101 **CONCERNING THE MEDICAID ELIGIBILITY OF INDIVIDUALS BEING HELD**
102 **IN A CORRECTIONAL FACILITY BUT WHO HAVE NOT BEEN**
103 **CONVICTED OF A CRIME.**

1 WHEREAS, Under current federal Medicaid policy, individuals
2 who are incarcerated or inmates in a correctional facility are not eligible
3 to receive Medicaid benefits unless the individual has been admitted as
4 an inpatient at a hospital for at least twenty-four hours; and

5 WHEREAS, To avoid violating this statutory inmate exclusion,
6 states have typically terminated Medicaid enrollment when an inmate is
7 booked into a county jail; and

8 WHEREAS, This prohibition on Medicaid eligibility for
9 incarcerated individuals also includes individuals who are being held in

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DRAFT *Dashes through the words indicate deletions from existing statute.*

1 county jails awaiting trial; that is, pretrial detainees who are being held in
2 county jails but who have not been convicted of a crime are denied
3 Medicaid eligibility; and

4 WHEREAS, County jails annually admit 18 times more
5 individuals than state or federal prisons; more than 6 in 10 inmates in
6 county jails are presumed innocent; and the county jail population has
7 more mental health disorders, a higher incidence of substance abuse, and
8 a higher rate of chronic health conditions than the general population; and

9 WHEREAS, If a pretrial detainee becomes ill, the county jail is
10 forced to pay that person's medical expenses; and

11 WHEREAS, More than 95% of total jail inmates eventually return
12 to their communities, bringing their health concerns with them, and it can
13 take months for an individual to be reapproved for Medicaid upon
14 release; and

15 WHEREAS, The coverage gap caused by terminating Medicaid
16 coverage can lead to rearrests and recidivism; and

17 WHEREAS, Providing health care for inmates makes up a major
18 part of local jail operating costs, and requiring local governments to cover
19 health care costs for inmates who have not been convicted places an
20 unnecessary burden on local governments; and

21 WHEREAS, County jails in Colorado could realize a significant
22 savings if pretrial detainees are allowed to retain their Medicaid
23 eligibility; and

24 WHEREAS, House Resolution 165, introduced in the United
25 States House of Representatives on January 3, 2017, would remove
26 limitations on Medicaid benefits and other federal benefits for individuals
27 in custody pending disposition charges; now, therefore,

28 *Be It Resolved by the Senate of the Seventy-first General Assembly*
29 *of the State of Colorado, the House of Representatives concurring herein:*

30 That we, the members of the Colorado General Assembly, strongly
31 urge the United States Congress to amend the law concerning Medicaid
32 eligibility of incarcerated individuals so that persons who are detained in
33 state and local facilities but who have not been convicted of a crime retain

1 their Medicaid eligibility until conviction.

2 *Be It Further Resolved*, That copies of this Joint Resolution be sent
3 to <{ *Whom would you like to receive copies of this resolution?* }>