

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
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BILL 5

LLS NO. 18-0247.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

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

BILL TOPIC: "Court System For Remote Participation In Hearings"

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

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

1 SECTION, CAN QUICKLY ADDRESS AND RESOLVE TECHNICAL PROBLEMS
2 THAT INHIBIT THE USE OF THE TELEJUSTICE PROGRAM BY COUNTY COURTS
3 AND DISTRICT COURTS.

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

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

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

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

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

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

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

1 COURT AND DISTRICT COURT IN THE STATE IS ENCOURAGED TO UTILIZE THE
2 TELEJUSTICE PROGRAM ESTABLISHED WITHIN THE DIVISION OF CRIMINAL
3 JUSTICE PURSUANT TO SECTION 24-33.5-521.

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

6 **40-2-130. Report to the division of criminal justice - repeal.**

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

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

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

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

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

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

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

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

27 (nn) THE TELEJUSTICE PROGRAM CASH FUND CREATED IN SECTION

1 24-33.5-521.

2 **SECTION 5. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2018 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.