

CHAPTER 295

APPROPRIATIONS

SENATE BILL 97-183

BY SENATORS Lacy, Blickensderfer, Rizzuto, Hernandez, and Martinez;
also REPRESENTATIVES Grampas, Owen, and Romero.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE JUDICIAL DEPARTMENT.

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

SECTION 1. Part VIII of section 2 of chapter 324, Session Laws of Colorado 1996, is amended to read:

Section 2. **Appropriation.**

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Appropriations

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
PART VIII JUDICIAL DEPARTMENT							
(1) SUPREME COURT							
Personal Services	2,033,430		2,033,430 (38.0 FTE)				
Operating Expenses	75,270		30,270		45,000 ^a		
Grievance Committee	2,323,230 (30.5 FTE)				2,050,000 ^b	273,230 ^c	
Continuing Legal Education	250,000 (4.0 FTE)				236,000 ^b	14,000 ^d	
Law Examiner Board	616,000 (8.2 FTE)				550,000 ^e	66,000 ^f	
Law Library	425,000 (2.0 FTE)				375,000 ^g	50,000 ^h	
		5,722,930					

^a This amount shall be from various fees and other cost recoveries.

^b These amounts shall be from annual attorney registration fees and other fees. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^c This amount shall be from reserves in the Attorney Registration Fund.

^d This amount shall be from reserves in the Continuing Legal Education Fund.

^e This amount shall be from law examination application fees and other fees. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^f This amount shall be from reserves in the Law Examiner Board Fund.

^g This amount shall be from new attorney registration fees and appellate court filing fees. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^h This amount shall be from reserves in the Law Library Fund.

(2) COURT OF APPEALS

Personal Services	4,332,808		4,332,808	
			(79.0 FTE)	
Operating Expenses	<u>78,121</u>		71,121	7,000 ^a
		4,410,929		

^a This amount shall be from copier machine receipts.

(3) COURTS ADMINISTRATION

(A) Administration

Personal Services	2,142,231		2,142,231	
			(40.5 FTE)	
Operating Expenses	217,503		217,503	
County Courthouse				
Furnishings ^{97, 98}	<u>920,632</u>		920,632	
	3,280,366			

(B) Administrative Special Purpose

Health, Life, and Dental	4,592,604	4,353,297	95,751 ^a	143,556(T) ^b
Short-term Disability	139,532	132,571	2,475 ^a	4,486(T) ^b

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Salary Survey and Anniversary Increases	3,790,232		3,646,928		74,211 ^a		69,093(T) ^b
Workers' Compensation	1,401,701		1,380,501		4,506 ^a		16,694(T) ^b
Legal Services for 2,556 hours	121,274		121,274				
Payment to Risk Management and Property Funds	301,551		297,329		718 ^a		3,504(T) ^b
Leased Space	170,000		170,000				
Lease Purchase	94,561		94,561				
Administrative Purposes	137,446		112,446		25,000 ^c		
Judicial Conference	91,716		91,716				
Retired Judges	55,598		55,598				
Appellate Reports Publication	74,600		74,600				
Office of Dispute Resolution ⁹⁹	393,671		15,515		378,156^d 350,156 ^d		28,000 ⁱ
	(4.5 FTE)						
Alimony and Support	265,578		80,000		147,578 ^e		38,000 ^f
Judicial Performance	90,000		90,000				
Child Support Enforcement	85,000		23,700				61,300(T) ^g
							(1.0 FTE)
Training	190,955		190,955				

Federal Funds and Other	253,770		62,815
Grants	<u>28,000</u>	28,000 ^b	
	12,024,019		
	12,058,834		

^a These amounts shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), C.R.S., from the Drug Offender Surcharge Fund pursuant to Section 18-19-103, C.R.S. , and from fees collected by the Office of Dispute Resolution pursuant to Section 13-22-305(3), C.R.S.

^b These amounts shall be from the Department of Human Services, Alcohol and Drug Abuse Division.

^c This amount shall be from fees for jury instruction committees.

^d This amount shall be from fees collected by the Office of Dispute Resolution pursuant to Section 13-22-305(3), C.R.S.

^e This amount shall be from fees available pursuant to Section 13-32-101(1)(a.5)(I), C.R.S.

^f This amount shall be from reserves in the Child Support Registry Fund.

^g This amount shall be from federal funds appropriated in the Department of Human Services.

^h ~~This amount shall be from a grant from Jefferson County.~~

ⁱ THIS AMOUNT SHALL BE FROM RESERVES IN THE DISPUTE RESOLUTION FUND.

(C) Judicial/Heritage Complex⁵⁰

Personal Services	368,913	368,913	
		(4.0 FTE)	
Operating Expenses	58,680	58,680	
Parking Lot Maintenance	<u>2,500</u>		2,500 ^a
	430,093		

^a This amount shall be from parking receipts.

(D) Integrated Information Services

Personal Services	1,496,493	1,496,493	
	1,671,493	1,671,493	
		(36.0 FTE)	

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Operating Expenses	165,262		150,262		15,000 ^a		
Purchase of Services from							
Computer Center	421,649		421,649				
Telecommunications Expense	350,000		350,000				
Hardware/Software							
Maintenance	1,075,000		1,075,000				
Lease Purchase	1,123,967		1,123,967				
Hardware Replacement	726,000		726,000				
New Projects	200,000		200,000				
Computer Integrated							
Courtroom	<u>30,000</u>		30,000				
	5,588,371						
	5,563,371						

^a This amount shall be from various fees and other cost recoveries.

~~21,322,849~~
21,332,664

(4) TRIAL COURTS

Personal Services	57,639,248		57,612,320			26,928(T) ^a	
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		(1,351.5 FTE)		(0.5 FTE)	
Operating Expenses	3,980,673 4,125,400	2,704,814	1,275,859^b 1,420,586 ^b		
Capital Outlay	38,264	38,264			
Purchase of Microfilm Services	85,536	85,536			
Mandated Costs	16,104,256	16,104,256			
Collections Investigators	1,168,393 1,251,836		826,826 ^c	341,567^d 425,010(T) ^d	
			(21.3 FTE)	(14.0 FTE) (18.0 FTE)	
Involuntary Commitments	8,344			8,344(T) ^e	
Sex Offender Surcharge Fund Program	7,529		7,529 ^f		
Victim Compensation	6,906,485		6,906,485 ^g		
Victim Assistance	8,515,920		8,515,920 ^h		
Family Preservation Matching Funds ¹⁰⁰	202,894	40,578			162,316
Dependency and Neglect Pilot Projects	275,817			275,817(T) ⁱ	
Federal Funds and Other Grants	952,000 1,035,548		150,000^j 178,000 ^j	535,000(T)^k 390,000(T) ^k	267,000 467,548
	<hr/>		(4.0 FTE)		
		95,885,359			
		96,197,077			

^a This amount shall be from the Department of Human Services, Office of Youth Services.

^b This amount shall be from various fees and other cost recoveries.

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		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^c ~~This amount~~ OF THIS AMOUNT, \$542,364 shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), ~~C.R.S.~~ C.R.S., AND \$284,462 SHALL BE FROM THE JUDICIAL COLLECTIONS ENHANCEMENT FUND.

^d This amount shall be from local Victim's Assistance and Law Enforcement boards.

^e This amount shall be from federal funds appropriated in the Department of Human Services, Alcohol and Drug Abuse Division, pursuant to Section 25-1-1112, C.R.S.

^f This amount shall be from the Sex Offender Surcharge Fund.

^g This amount shall be from the Crime Victim Compensation Fund. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^h This amount shall be from the Victims and Witnesses Assistance and Law Enforcement Fund. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

ⁱ This amount shall be from the Department of Human Services, out of monies in Family Issues Cash Fund.

^j ~~This amount~~ OF THIS AMOUNT, \$150,000 shall be from local grants for administration of useful public service ~~programs.~~ PROGRAMS, AND \$28,000 SHALL BE FROM A GRANT FROM JEFFERSON COUNTY.

^k Of this amount, ~~\$185,000~~ \$40,000 shall be from federal funds appropriated in the Governor's Office and \$350,000 shall be from federal funds appropriated in the Department of Public Safety for the Denver Drug Court.

(5) PROBATION AND RELATED SERVICES^{6, 101, 102}

Personal Services	25,957,849	25,957,849 (579.9 FTE)
Female Offender Program	227,770	227,770 (6.0 FTE)

Operating Expenses	1,074,631	1,074,631		
Intensive Supervision				
Operating Expenses	122,505	122,505		
Offender Services ¹⁰³	1,017,000		740,000^a	277,000(T)^b
			867,000 ^a	150,000(T) ^b
			(0.7 FTE)	(2.1 FTE)
Electronic Monitoring/ Drug Testing	667,170	667,170		
Juvenile Residential and Aftercare Services	558,720	558,720		
Alcohol/Drug Driving Safety Contract	2,860,564			2,860,564(T) ^c
				(70.2 FTE)
Collections				
Investigators	383,168		383,168 ^d	
			(4.0 FTE)	
Drug Offender Assessment	455,595		455,595 ^e	
			(8.0 FTE)	
Victims Assistance and Law Enforcement Grant	60,000			60,000(T) ^f
S.B. 91-94	1,025,000			1,025,000(T)^g
	1,202,328			1,202,328(T) ^g
				(20.2 FTE)
				(20.8 FTE)
Federal Funds and Other Grants	931,000		50,000 ^h	836,000(T)ⁱ
	1,263,020			881,000(T) ⁱ
			(2.1 FTE)	(8.9 FTE)
				(2.0 FTE)
	<hr/>	35,340,972		

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		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	35,850,320					

- ^a This amount shall be from the Offender Services Fund pursuant to Section 16-11-214(1), C.R.S.
- ^b This amount shall be from federal funds appropriated in the Department of Public Safety, Division of Criminal Justice.
- ^c This amount shall be from the Department of Human Services, Alcohol and Drug Abuse Division, pursuant to Section 42-4-1202(5), C.R.S.
- ^d This amount shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), C.R.S.
- ^e This amount shall be from the Drug Offender Surcharge Fund pursuant to Section 18-19-103, C.R.S.
- ^f This amount shall be from state Victims Assistance and Law Enforcement grant funds appropriated in the Department of Public Safety, Division of Criminal Justice.
- ^g This amount shall be from the Department of Human Services, Office of Youth Services.
- ^h This amount shall be from local grants for administration of useful public service programs.
- ⁱ ~~This amount~~ OF THIS AMOUNT, \$836,000 shall be from federal funds appropriated in the Department of Human Services for juvenile assessment and treatment programs. PROGRAMS, AND \$45,000 SHALL BE FROM FEDERAL FUNDS APPROPRIATED IN THE DEPARTMENT OF EDUCATION FOR ADULT LITERACY PROGRAMS.

(6) PUBLIC DEFENDER^{104, 105}

Personal Services	15,583,430	15,583,430 (291.8 FTE)
Health, Life, and Dental	614,734	614,734
Short-term Disability	29,216	29,216
Salary Survey and		
Anniversary Increases	750,114	750,114
Workers' Compensation	120,067	120,067

Operating Expenses	1,004,884	996,634	8,250 ^a
Purchases of Services from			
Computer Center	3,978	3,978	
Vehicle Lease Payments	52,188	52,188	
Leased Space/Utilities	883,686	883,686	
Automation Plan	390,181	390,181	
Contract Services	20,000	20,000	
Conflict of Interest ¹⁰⁶	5,938,084	5,938,084	
Public Defender Overload	797,192	797,192	
		(8.0 FTE)	
	<u>26,187,754</u>		

^a This amount shall be from training fees.

TOTALS PART VIII

(JUDICIAL)^{2, 3, 99}	\$188,870,793	\$158,053,867	\$23,356,527	\$6,986,083^a	\$474,316
	<u>\$189,701,674</u>	<u>\$158,028,867</u>	<u>\$23,600,254</u>	<u>\$7,047,854^a</u>	<u>\$1,024,699</u>

^a Of this amount, ~~\$6,203,286~~ \$6,578,624 contains a (T) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

- 2 (Governor lined through this provision. See L. 96, p. 2317.)
- 3 All Departments, Totals -- The General Assembly requests that copies of all reports requested in other footnotes contained in this act be delivered to the Joint Budget Committee and the majority and minority leadership in each house of the General Assembly.
- 6 Department of Corrections, Management, Executive Director's Office Subprogram; Department of Human Services, Office

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of Youth Services, and Health and Rehabilitation Services, Alcohol and Drug Abuse Division; Judicial Department, Probation and Related Services; and Department of Public Safety, Division of Criminal Justice -- It is the intent of the General Assembly that state criminal justice agencies involved in multi-agency programs requiring separate appropriations to each agency designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee. Each agency must still submit its portion of such request with its own budget document.

- 50 Department of Higher Education, State Historical Society; and Judicial Department, Courts Administration, Judicial/Heritage Complex -- It is the intent of the General Assembly that any requests for increased funding for the Judicial Heritage Complex should include an appropriate level of cash funds, federal funds, or both from sources available to the Colorado Commission on Higher Education and the Colorado Historical Society.
- 97 Judicial Department, Courts Administration, Administration, County Courthouse Furnishings -- It is the intent of the General Assembly to fund courthouse furnishings requests at a constant level. The Judicial Department is encouraged to prioritize courthouse furnishings projects within the annual appropriation. IT IS THE FURTHER INTENT OF THE GENERAL ASSEMBLY THAT THE JUDICIAL DEPARTMENT BE ALLOWED TO ROLL-FORWARD UNEXPENDED FUNDS APPROPRIATED IN THE COURTHOUSE FURNISHINGS LINE ITEM FOR UP TO TWO YEARS AFTER THE ORIGINAL APPROPRIATION AUTHORITY EXPIRES.
- 98 Judicial Department, Courts Administration, Administration, County Courthouse Furnishings -- These funds shall be used to provide furnishings for those county projects involving remodeling and renovations of existing courthouses and those

projects involving the construction of new county courthouses. These funds shall not be used for the purposes of providing capital outlay for the regular replacement and modernization of Judicial Department equipment and furnishings. The Department shall, as its first option, purchase such furnishings from the Department of Corrections, Correctional Industries, unless Correctional Industries can not provide furnishings of similar quality in a timely manner at a lower price than other vendors. The Judicial Department is requested to submit to the Joint Budget Committee and the General Assembly a report detailing the Department's five-year plan for county courthouse furnishing projects, pursuant to Section 13-3-108(3), C.R.S., on or before each November 1.

- 99 Judicial Department, Courts Administration, Administrative Special Purpose, Office of Dispute Resolution; and Totals Part VIII (Judicial) -- The Judicial Department is requested to provide, by February 1 of each fiscal year, a report to the Joint Budget committee on any proposed fee increases in any program or division funded from an appropriation to the Judicial Department.
- 100 Judicial Department, Trial Courts, Family Preservation Matching Funds -- It is the intent of the General Assembly that these funds be used for pilot projects in at least three judicial districts to allow for expedited processing of dependency and neglect cases and to improve the representation of a child's best interests in court proceedings. The pilot projects shall involve the appointment of case managers and shall include the participation of court appointed special advocates and a training program for guardians ad litem. Funding for the pilot projects shall be a temporary supplement to the existing base appropriation for trial court staffing costs. A report on the implementation of these pilot projects is requested by November 1, 1996.
- 101 Judicial Department, Probation and Related Services -- The Judicial Department is requested to provide by November 1 of each year a report on pre- and post-release recidivism rates among offenders in all segments of the probation population, including adult and juvenile intensive supervision, adult and juvenile minimum, medium and maximum supervision, and the specialized drug offender program.
- 102 Judicial Department, Probation and Related Services -- The Judicial Department is requested to provide by January 1, 1997 a detailed report on the preliminary findings from the Department's review of the Female Offender Program. Such report shall include an analysis of the number of female offenders diverted from incarceration, the cost per case, the level of service inventory (LSI) profile, and the pre- and post-release recidivism rates for female offenders in this program. In addition,

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the report shall provide comparisons of the cost per case, the LSI profile, and the pre- and post-release recidivism rates for female offenders in other probation programs, including adult maximum and medium supervision probation.

- 103 Judicial Department, Probation and Related Services, Offender Services -- These funds shall be used for the purposes of offender services such as: domestic violence evaluation and monitoring, literacy programs, sex offender treatment, and specialized female offender programs. These funds shall not be used for the purposes of satisfying obligations incurred in the normal operations of the Division.
- 104 Judicial Department, Public Defender -- In addition to the transfer authority provided in Section 24-75-110, C.R.S., up to 5 percent of the total Public Defender appropriation may be transferred between budgetary line items in the Public Defender's Office.
- 105 Judicial Department, Public Defender -- The Public Defender is requested to provide a report to the General Assembly on both the dollars and the FTE utilized by the office in death penalty cases in FY 1995-96. Such report is requested no later than October 15, 1996.
- 106 Judicial Department, Public Defender, Conflict of Interest -- These funds may be used for court appointed counsel only when there is a genuine conflict of interest precluding representation by the Public Defender's Office. If a court appoints private counsel for other reasons, such costs shall be paid for from the trial courts' mandated costs appropriation. The Public Defender may not use these funds to provide counsel to address caseload increases, but this restriction shall not apply to caseload increases arising from leave mandated by the federal Family and Medical Leave Act and from staffing problems

related to death penalty litigation for the non-Denver metropolitan area offices.

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

Approved: March 13, 1997