

CHAPTER 376

APPROPRIATIONS

HOUSE BILL 06-1220

BY REPRESENTATIVE(S) Plant, Buescher, Hall, Carroll T., and Madden;
also SENATOR(S) Tapia, Keller, and Owen.

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 354, Session Laws of Colorado 2005, 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.

 APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART VIII
JUDICIAL DEPARTMENT**

(1) SUPREME COURT/COURT OF APPEALS

Appellate Court Programs ⁹	8,250,727	8,192,727		58,000^a		
	8,260,727			68,000 ^a		
		(119.0 FTE)				
Attorney Regulation Committees	3,600,000			3,500,000 ^b	100,000 ^c	
				(35.5 FTE)		
Continuing Legal Education	280,000			275,000 ^d	5,000 ^e	
				(4.0 FTE)		
Law Examiner Board	650,000			450,000 ^f	200,000 ^g	
				(8.2 FTE)		
Law Library	<u>360,000</u>			360,000 ^h		
	13,140,727					
	13,150,727					

^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 deposited in the Attorney Registration Fund. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's Constitutional authority.

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

^d These amounts shall be from annual attorney registration fees and other fees deposited in the Continuing Legal Education Cash Fund. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's Constitutional authority.

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

^f This amount shall be from law examination application fees and other fees deposited in the Law Examiner Board Cash Fund. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's Constitutional authority.

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

^h This amount shall be from appellate court filing fees and other fees credited to the Supreme Court Library Fund pursuant to Section 13-2-120, C.R.S. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's Constitutional authority.

(2) COURTS ADMINISTRATION

(A) Administration

Personal Services	4,029,916	3,129,253 (55.0 FTE)		900,663(T) ^a
Operating Expenses	366,121	365,121	1,000 ^b	
Capital Outlay	16,365 29,639	16,365 29,639		
Judicial/Heritage Program	678,299 816,045	298,328 503,314 (3.0 FTE)	1,700 ^c	378,271(T) ^d 312,731(T) ^d
Family Friendly Courts	252,200 312,200		60,000 ^e	252,200 ^e (0.5 FTE)
Courthouse Capital/ Infrastructure Maintenance	1,000,000	1,000,000		

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	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Family Violence Grants	500,000		500,000				
Statewide Indirect Cost Assessment	59,347				52,018 ^f	4,715 ^f	2,614
Departmental Indirect Cost Assessment	841,316				841,316 ^f		
					812,607 ^f	28,709 ^h	
	7,743,564						
	7,954,584						

^a This amount shall be from statewide and departmental indirect cost recoveries.

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

^c ~~This amount shall be from parking receipts.~~

^d This amount shall be transferred from the State Historical Society.

^e This amount shall be from reserves in the Family-friendly Court Program Cash Fund, pursuant to Section 13-3-113 (6), C.R.S.

^f These amounts shall be from various sources of cash funds and cash funds exempt in the department.

^g THIS AMOUNT SHALL BE FROM THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND, PURSUANT TO SECTION 13-3-113 (6), C.R.S.

^h THIS AMOUNT SHALL BE FROM RESERVES IN THE DISPUTE RESOLUTION FUND, CREATED IN SECTION 13-22-310 (1), C.R.S.

(B) Administrative Special Purpose

Health, Life, and Dental	8,797,794		8,275,624		522,170 ^a		
	7,673,858		7,151,688				

Short-term Disability	212,521	201,040	11,481 ^a	
	166,388	154,907		
Salary Survey	4,698,780	4,466,340	232,440 ^a	
S.B. 04-257 Amortization				
Equalization Disbursement	296,837	277,311	19,526 ^a	
Workers' Compensation	1,317,038	1,317,038		
	1,110,655	1,110,655		
Legal Services for 4,227 hours	272,430	272,430		
Payment to Risk Management and Property Funds	627,718	627,718		
	164,445	164,445		
Vehicle Lease Payments	81,645	81,645		
	75,303	75,303		
Leased Space	568,936	546,736	22,200 ^b	
	608,190	583,950	24,240 ^b	
Lease Purchase	112,766	112,766		
Administrative Purposes	195,554	130,554	65,000 ^c	
Retired Judges	1,384,006	1,384,006		
Appellate Reports Publication	67,100	67,100		
Child Support Enforcement	89,668	29,672		59,996(T) ^d
	90,900	30,904		
Collections Investigators	3,278,426		2,757,193 ^e	(1.0 FTE)
			(69.2 FTE)	521,233(T) ^f

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	22,001,219					
	20,195,638					

^a These amounts shall be from the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., from the Fines Collection Cash Fund created in Section 18-1.3-401 (1) (a) (III) (D), C.R.S., from the Drug Offender Surcharge Fund pursuant to Section 18-19-103 (4), C.R.S., and from the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301.3 (4) (a), C.R.S.

^b This amount shall be from employee payments for parking fees.

^c This amount shall be from royalties from the sale of pattern jury instructions.

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

^e Of this amount, an estimated \$1,900,000 shall be from the Judicial Collection Enhancement Fund pursuant to Section 16-11-101.6 (2), C.R.S., and an estimated \$857,193 shall be from the Fines Collection Cash Fund pursuant to Section 18-1.3-401 (1) (a) (III) (D), C.R.S.

^f This amount shall be from local Victims and Witnesses Assistance and Law Enforcement (VALE) Boards created in Section 24-4.2-101 (1), C.R.S.

(C) Judicial Performance

Personal Services	85,075	85,075 ^a
		(1.0 FTE)
Operating Expenses	478,445	478,445 ^a
	<u>563,520</u>	

^a This amount shall be from the Judicial Performance Cash Fund, created in Section 13-5.5-107, C.R.S.

(D) Integrated Information Services

Personal Services	3,015,174	2,796,174 (42.8 FTE)	219,000(T) ^a
Operating Expenses	222,654 224,569	172,654 174,569	50,000 ^b
Purchase of Services from Computer Center	90,951 85,909	90,951 85,909	
Multiuse Network Payments	329,793 314,594	329,793 314,594	
Telecommunications Expenses	310,000	310,000	
Communications Services Payments	11,393 10,790	11,393 10,790	
Hardware Replacement	1,650,000		1,650,000 ^b
Hardware/Software Maintenance	<u>1,078,094</u> 6,708,059 6,689,130	1,043,094	35,000 ^b

^a This amount shall be from federal funds appropriated to the Department of Public Safety, Division of Criminal Justice, and other State agencies, and transferred to the Judicial Department.

^b These amounts shall be from various fees and other cost recoveries.

~~37,016,362~~

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	35,402,872					
(3) TRIAL COURTS						
Trial Court Programs ⁸⁹	94,704,126	81,420,540		13,283,586 ^a		
	94,706,588	81,423,002	(1,510.1 FTE)	(86.9 FTE)		
Capital Outlay	481,230	481,230				
Mandated Costs	12,636,707	12,101,707		535,000 ^b		
	13,267,992	12,732,992	(25.0 FTE)			
District Attorney Mandated Costs ⁹⁰	1,911,899	1,911,899		125,000 ^b		
	1,966,899	1,841,899				
Sex Offender Surcharge Fund Program	15,535	15,535				
Victim Compensation	9,654,000			9,115,000 ^c	539,000 ^d	
Victim Assistance	12,003,000			11,651,000 ^e	352,000 ^f	
Federal Funds and Other Grants	1,141,627			363,000 ^b	383,469 ^g	395,158
					(6.0 FTE)	(2.5 FTE)
	<u>132,548,124</u>					

^a Of this amount, an estimated \$10,673,586 shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (1.5), C.R.S., an estimated \$2,600,000 shall be from various fees and other cost recoveries, and an estimated \$10,000 shall be from the Water Adjudication Cash Fund created in Section 37-92-309 (4) (a), C.R.S.

^b These amounts shall be from various fees, cost recoveries, and grants.

^c This amount shall be from the Crime Victim Compensation Funds established in the office of the court administrator of each judicial district pursuant to Section 24-4.1-117, C.R.S. These moneys are included for informational purposes as they are continuously appropriated by constitutional provision.

^d This amount shall be from reserves in the Crime Victim Compensation Funds established in the office of the court administrator of each judicial district pursuant to Section 24-4.1-117, C.R.S. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's Constitutional authority.

^e This amount shall be from the Victims and Witnesses Assistance and Law Enforcement Funds established in the office of the court administrator of each judicial district pursuant to Section 24-4.2-103 (1), C.R.S. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's Constitutional authority.

^f This amount shall be from reserves in the Victims and Witnesses Assistance and Law Enforcement Funds established in the office of the court administrator of each judicial district pursuant to Section 24-4.2-103, C.R.S. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's Constitutional authority.

^g Of this amount, \$256,890(T) shall be from federal funds appropriated in the Department of Public Safety and the Department of Human Services, and \$126,579 shall be from cost recoveries, gifts, grants, and donations.

^h THIS AMOUNT SHALL BE FROM FEES AND COST RECOVERIES.

(4) PROBATION AND RELATED SERVICES^{6, 91}

Personal Services	46,216,939	44,016,039	2,200,900 ^a
		(794.3 FTE)	(30.0 FTE)
Operating Expenses	2,008,653	1,841,653	167,000 ^b
	2,011,115	1,844,115	
Capital Outlay	341,484	341,484	

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
Sex Offender Intensive Supervision Program	558,497				558,497 ^a		
Offender Services	3,227,816				3,077,816 ^c	150,000(T) ^d	
					(23.2 FTE)	(3.0 FTE)	
Electronic Monitoring/ Drug Testing	647,193		487,193		160,000 ^e		
Alcohol/Drug Driving Safety Contract	4,708,968 4,511,285				4,511,285 ^f	197,683^g	
					(86.2 FTE)	(5.6 FTE)	
Drug Offender Assessment	769,712				769,712 ^h		
					(11.5 FTE)		
Substance Abuse Treatment	993,600				993,600 ⁱ		
Victims Grants	882,821					882,821(T) ^j	
						(17.3 FTE)	
S.B. 91-94	1,906,837 1,295,214					1,906,837(T)^k 1,295,214(T) ^k	
						(25.0 FTE)	
Sex Offender Assessment	207,245				207,245 ^l		
Genetic Testing	14,500		7,000		7,500 ⁿ		
Federal Funds and Other Grants	3,688,739				1,190,000 ^m	1,737,985 ⁿ	760,754

_____	(2.0 FTE)	(17.8 FTE)	(12.5 FTE)
66,173,004			
65,366,160			

^a These amounts shall be from the Offender Services Fund pursuant to Section 16-11-214 (1) (a), C.R.S.

^b Of this amount, \$87,000 shall be from the Offender Services Fund pursuant to Section 16-11-214 (1) (a), C.R.S., and \$80,000 shall be from various fees and cost recoveries.

^c Of this amount, \$3,027,816 shall be from the Offender Services Fund pursuant to Section 16-11-214 (1) (a), C.R.S., and \$50,000 shall be from various fees and cost recoveries.

^d This amount shall be from federal funds appropriated in the Department of Public Safety, Division of Criminal Justice.

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

^f This amount shall be from the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301.3 (4) (a), C.R.S.

~~^g This amount shall be from reserves in the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301.3 (4) (a), C.R.S.~~

^h This amount shall be from the Drug Offender Surcharge Fund pursuant to Section 18-19-103 (4), C.R.S.

ⁱ Of this amount, \$678,000 shall be from the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., and \$315,600 shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S.

^j Of this amount, an estimated \$705,000 shall be from grants from local Victims and Witnesses Assistance and Law Enforcement (VALE) Boards pursuant to Section 24-4.2-105 (2.5) (a) (II), C.R.S., and an estimated \$177,821 shall be from state Victims Assistance and Law Enforcement grant funds appropriated in the Department of Public Safety, Division of Criminal Justice.

^k This amount shall be from the Department of Human Services, Division of Youth Corrections.

^l Of this amount, \$172,245 shall be from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S., and \$35,000 shall be from various fees and cost recoveries.

^m This amount shall be from various fees, cost recoveries, and grants.

ⁿ Of this amount, an estimated \$915,422 shall be from cost recoveries, gifts, grants and donations, and an estimated \$822,563(T) shall be from federal funds from the Department of Public Safety, the Department of Human Services, and the Department of Education.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(5) PUBLIC DEFENDER²						
Personal Services ⁸⁹	26,804,403	26,741,013 (356.3 FTE)		63,390 ^a (1.6 FTE)		
Health, Life, and Dental	1,212,346	1,212,346				
Short-term Disability	32,479	32,479				
Salary Survey	720,235	720,235				
S.B. 04-257 Amortization Equalization Disbursement	46,031	46,031				
Operating Expenses	805,870	790,120		15,750 ^b		
	810,314	794,564				
Purchase of Services from Computer Center	13,180	13,180				
	12,449	12,449				
Multiuse Network Payments	202,575	202,575				
	200,063	200,063				
Vehicle Lease Payments	53,045	53,045				
	48,945	48,945				
Capital Outlay	34,198	34,198				
Leased Space/Utilities	2,429,730	2,429,730				
Automation Plan	489,746	489,746				

Contract Services	18,000	18,000	
Mandated Costs	2,048,699	2,048,699	
Grants	<u>10,223</u>		10,223(T) ^c
		34,920,760	
		34,917,861	

^a This amount shall be from the Offender Services Fund pursuant to Section 16-11-214 (1) (a), C.R.S.

^b This amount shall be from training fees.

^c This amount shall be from federal funds received by the Department of Public Safety, Division of Criminal Justice.

(6) ALTERNATE DEFENSE COUNSEL⁸³

Personal Services ⁸⁹	415,201	415,201	
	438,148	438,148	
		(5.0 FTE)	
Health, Life, and Dental	15,927	15,927	
Short-term Disability	499	499	
Salary Survey	12,604	12,604	
S.B. 04-257 Amortization			
Equalization Disbursement	708	708	
Operating Expenses	29,630	26,630	3,000 ^a
	43,930	40,930	
Purchase of Services from			
Computer Center	2,102	2,102	
	936	936	
Leased Space	22,636	22,636	
	25,772	25,772	

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Conflict of Interest Contracts	12,135,702	12,135,702				
	12,872,735	12,872,735				
Mandated Costs	1,254,271	1,254,271				
	<u>1,335,582</u>	1,335,582				
	13,889,280					
	14,746,841					

* This amount shall be from training fees.

(7) OFFICE OF THE CHILD'S REPRESENTATIVE*

Personal Services ⁸⁹	1,551,139	1,551,139				
		(4.0 FTE)				
Health, Life, and Dental	60,250	60,250				
Short-term Disability	2,047	2,047				
Salary Survey	46,254	46,254				
S.B. 04-257 Amortization						
Equalization Disbursement	2,901	2,901				
Operating Expenses	130,836	130,836				
Purchase of Services from Computer Center	1,085	1,085				

	1,025	1,025
Leased Space	127,133	127,133
CASA Contracts	20,000	20,000
Training	28,000	28,000
Court Appointed Counsel	7,328,993	7,328,993
	7,802,346	7,802,346
Mandated Costs	<u>11,228</u>	11,228
	9,309,866	
	9,783,159	

TOTALS PART VIII

(JUDICIAL)^{4,5}	\$306,998,123	\$236,697,656	\$60,340,845	\$8,801,096	\$1,158,526
	<u>\$306,604,491</u>	<u>\$236,983,530</u>	<u>\$60,507,476</u>	<u>\$7,954,959^a</u>	

^a Of this amount, ~~\$6,108,497~~ \$5,431,334 contains a (T) notation.

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

4 (Governor lined through this provision. See L. 2005, p. 2286.)

5 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. Each principal department of the state is requested to produce its rules in an electronic format that is suitable for public access through electronic means. Such rules in such format should be submitted to the Office of Legislative Legal Services for publishing on the Internet. It is the intent of the General Assembly that this be done within existing resources.

6 (Governor lined through this provision. See L. 2005, p. 2287.)

- 89 Judicial Department, Supreme Court/Court of Appeals, Appellate Court Programs; Trial Courts, Trial Court Programs; Public Defender, Personal Services; Alternate Defense Counsel, Personal Services; Office of the Child's Representative, Personal Services -- In accordance with section 13-30-104 (3), C.R.S., funding is provided for a one-year increase in judicial compensation, as follows:

	<u>Current Salary</u>	<u>Increase</u>	<u>FY 2005-06</u>
Chief Justice, Supreme Court	118,788	3,564	122,352
Associate Justice, Supreme Court	116,251	3,488	119,739
Chief Judge, Court of Appeals	114,205	3,426	117,631
Associate Judge, Court of Appeals	111,647	3,349	114,996
District Court Judge	107,044	3,211	110,255
County Court Judge	102,440	3,073	105,513

Judicial increases are based upon the percentage salary survey increase received by ALJ III's. Funding is provided to maintain the salary of the Public Defender at the level of an associate judge of the Court Appeals, and to maintain the salary of the Alternate Defense Counsel and the Executive Director of the Office of the Child's Representative at the level of a district court judge.

- 90 Judicial Department, Trial Courts, District Attorney Mandated Costs -- District Attorneys in each judicial district shall be responsible for allocations made by the oversight committee created under footnote 133 of the FY 1999-00 Long Bill. Any increases in this line item shall be requested and justified in writing by district attorney representatives, rather than the Judicial Department, through the regular appropriation and supplemental appropriation processes. As part of its annual budget request, the Judicial Department is requested to include a report by the District Attorneys on their mandated costs expenditures, and their efforts to control them.
- 91 Judicial Department, Probation and Related Services -- The Judicial Department is requested to provide by November 1 of each year a report on pre-release rates of recidivism and unsuccessful terminations and post-release recidivism rates among offenders in all segments of the probation population, including the following: adult and juvenile intensive supervision; adult and juvenile minimum, medium, and maximum supervision; the female offender program; and the specialized drug offender program. The department is requested to include information about the disposition of pre-release failures and post-release recidivists, including how many offenders are incarcerated (in different kinds of facilities) and how many return to probation as the result of violations.
- 92 Judicial Department, Public Defender -- In addition to the transfer authority provided in section 24-75-110, C.R.S., up to 2.5 percent of the

total Public Defender appropriation may be transferred between line items in the Public Defender's Office.

- 93 Judicial Department, Alternate Defense Counsel -- In addition to the transfer authority provided in section 24-75-110, C.R.S., up to 1.5 percent of the total Alternate Defense Counsel appropriation may be transferred between line items in the Alternate Defense Counsel's Office.
- 94 Judicial Department, Office of the Child's Representative -- In addition to the transfer authority provided in section 24-75-110, C.R.S., up to 2.5 percent of the total Office of the Child's Representative's appropriation may be transferred between line items in the Office of Child's Representative.

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 8, 2006