

CHAPTER 299

COURTS

SENATE BILL 07-118

BY SENATOR(S) Shaffer, Morse, and Schwartz;
also REPRESENTATIVE(S) King, Buescher, Carroll M., Carroll T., Casso, Frangas, Gardner B., Gibbs, Labuda, Liston, Madden,
McGihon, Roberts, Stafford, Stephens, and Todd.

AN ACT

CONCERNING SUPPLEMENTAL FUNDING FOR COURTHOUSE SECURITY, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 1 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 2
COURT SECURITY CASH FUND COMMISSION

13-1-201. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) ENSURING THE SAFETY OF EMPLOYEES AND USERS OF STATE COURT FACILITIES IS A SIGNIFICANT COMPONENT OF ENSURING ACCESS TO JUSTICE FOR THE PEOPLE OF THE STATE OF COLORADO;

(b) RESPONSIBILITY FOR PROVIDING SECURITY FOR STATE COURT FACILITIES LIES WITH THE COUNTY GOVERNMENTS; AND

(c) COLORADO IS A GEOGRAPHICALLY, DEMOGRAPHICALLY, AND ECONOMICALLY DIVERSE STATE, AND THIS DIVERSITY AFFECTS THE FUNDING AND SERVICES OF INDIVIDUAL COUNTIES. ALTHOUGH THE PROVISION OF SECURITY FOR STATE COURT FACILITIES IS A COUNTY RESPONSIBILITY, THE VARIATION IN FUNDS AVAILABLE TO INDIVIDUAL COUNTIES MAY NOT ALLOW FUNDAMENTAL SECURITY MEASURES TO BE MET IN EACH COUNTY.

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

(2) THE GENERAL ASSEMBLY, THEREFORE, DETERMINES AND DECLARES THAT:

(a) THE CREATION OF THE COURT SECURITY CASH FUND COMMISSION AND THE COURT SECURITY CASH FUND WILL BE BENEFICIAL TO, AND IN THE BEST INTERESTS OF, THE PEOPLE OF THE STATE OF COLORADO; AND

(b) THE GOALS OF THE COMMISSION AND THE CASH FUND SHALL BE TO:

(I) PROVIDE SUPPLEMENTAL FUNDING FOR ONGOING SECURITY STAFFING IN THE COUNTIES WITH THE MOST LIMITED FINANCIAL RESOURCES; AND

(II) PROVIDE MONEYS TO COUNTIES FOR COURT SECURITY EQUIPMENT COSTS, TRAINING OF LOCAL SECURITY TEAMS ON ISSUES OF STATE COURT SECURITY, AND EMERGENCY NEEDS RELATED TO COURT SECURITY.

13-1-202. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE COURT SECURITY CASH FUND COMMISSION CREATED IN SECTION 13-1-203.

(2) "FUND" MEANS THE COURT SECURITY CASH FUND CREATED IN SECTION 13-1-204.

(3) "LOCAL SECURITY TEAM" MEANS A GROUP OF INDIVIDUALS FROM A COUNTY THAT OVERSEES ISSUES OF COURT SECURITY FOR THE COUNTY AND THAT INCLUDES, AT A MINIMUM, THE CHIEF JUDGE OF THE DISTRICT COURT IN THE COUNTY OR HIS OR HER DESIGNEE, THE SHERIFF OR HIS OR HER DESIGNEE, AND A COUNTY COMMISSIONER OR COUNTY MANAGER OR HIS OR HER DESIGNEE.

13-1-203. Court security cash fund commission - creation - membership.

(1) THERE IS HEREBY CREATED IN THE JUDICIAL DEPARTMENT THE COURT SECURITY CASH FUND COMMISSION TO EVALUATE GRANT APPLICATIONS RECEIVED PURSUANT TO THIS PART 2 AND MAKE RECOMMENDATIONS TO THE STATE COURT ADMINISTRATOR FOR AWARDING GRANTS FROM THE COURT SECURITY CASH FUND. THE COMMISSION SHALL BE APPOINTED NO LATER THAN JULY 1, 2007.

(2)(a) THE COMMISSION SHALL BE COMPOSED OF SEVEN MEMBERS, AS FOLLOWS:

(I) TWO REPRESENTATIVES OF AN ASSOCIATION THAT REPRESENTS COUNTY COMMISSIONERS WHO ARE RECOMMENDED BY THE ASSOCIATION AND WHO ARE APPOINTED BY THE GOVERNOR;

(II) TWO REPRESENTATIVES OF AN ASSOCIATION THAT REPRESENTS COUNTY SHERIFFS WHO ARE RECOMMENDED BY THE ASSOCIATION AND WHO ARE APPOINTED BY GOVERNOR;

(III) TWO MEMBERS OF THE JUDICIAL BRANCH WHO ARE APPOINTED BY THE CHIEF JUSTICE; AND

(IV) ONE MEMBER OF THE GENERAL PUBLIC WHO IS APPOINTED BY THE CHIEF

JUSTICE.

(b) THE COMMISSION MEMBERSHIP DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL INCLUDE, AT ALL TIMES, AT LEAST ONE REPRESENTATIVE FROM A COUNTY IN WHICH THE POPULATION IS ABOVE THE MEDIAN POPULATION FOR THE STATE OF COLORADO, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS, AND AT LEAST ONE REPRESENTATIVE FROM A COUNTY IN WHICH THE POPULATION IS BELOW THE MEDIAN POPULATION FOR THE STATE OF COLORADO, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS.

(3) THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION SHALL BE THREE YEARS; EXCEPT THAT, OF THOSE MEMBERS FIRST APPOINTED, ONE MEMBER REPRESENTING EACH ENTITY SHALL BE APPOINTED FOR A ONE-YEAR TERM AND ONE MEMBER REPRESENTING EACH ENTITY SHALL BE APPOINTED FOR A TWO-YEAR TERM. A VACANCY SHALL BE FILLED BY THE RESPECTIVE APPOINTING AUTHORITY FOR THE UNEXPIRED TERM ONLY.

(4) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

13-1-204. Court security cash fund - creation - grants - regulations.

(1) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE COURT SECURITY CASH FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE IMPLEMENTATION OF THIS PART 2. THE STATE COURT ADMINISTRATOR IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS PART 2. ALL PRIVATE AND PUBLIC MONEYS RECEIVED BY THE STATE COURT ADMINISTRATOR FROM GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND IN ADDITION TO ANY MONEYS THAT MAY BE APPROPRIATED TO THE FUND DIRECTLY BY THE GENERAL ASSEMBLY.

(b) A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED AND COLLECTED AS PROVIDED BY LAW ON DOCKET FEES AND JURY FEES FOR SPECIFIED CIVIL ACTIONS FILED ON AND AFTER JULY 1, 2007, ON DOCKET FEES FOR CRIMINAL CONVICTIONS ENTERED ON AND AFTER JULY 1, 2007, ON FILING FEES FOR SPECIFIED PROBATE FILINGS MADE ON AND AFTER JULY 1, 2007, ON DOCKET FEES FOR SPECIFIED SPECIAL PROCEEDING FILINGS MADE ON AND AFTER JULY 1, 2007, ON FEES FOR SPECIFIED FILINGS IN WATER MATTERS INITIATED ON AND AFTER JULY 1, 2007, AND ON DOCKET FEES FOR SPECIFIED TRAFFIC INFRACTION PENALTIES ASSESSED ON AND AFTER JULY 1, 2007. THE SURCHARGE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGE TO THE FUND.

(c) ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) MONEYS FROM THE FUND THAT ARE DISTRIBUTED TO COUNTIES PURSUANT TO THIS PART 2 SHALL BE USED TO SUPPLEMENT EXISTING COUNTY FUNDING FOR PURPOSES RELATED TO SECURITY OF FACILITIES CONTAINING A STATE COURT OR PROBATION OFFICE AND SHALL NOT BE USED TO SUPPLANT MONEYS ALREADY ALLOCATED BY THE COUNTY FOR SUCH PURPOSES.

(3) ALL MONEYS CREDITED TO THE FUND SHALL BE AVAILABLE FOR GRANTS AWARDED BY THE STATE COURT ADMINISTRATOR, BASED ON RECOMMENDATIONS OF THE COMMISSION, TO COUNTIES FOR THE PURPOSES DESCRIBED IN THIS PART 2; EXCEPT THAT THE STATE COURT ADMINISTRATOR MAY USE UP TO TEN PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND FOR ADMINISTRATIVE COSTS INCURRED THROUGH THE IMPLEMENTATION OF THIS PART 2. THE STATE COURT ADMINISTRATOR, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, IS HEREBY AUTHORIZED TO EXPEND MONEYS APPROPRIATED FROM THE FUND PURSUANT TO THIS PART 2.

(4) IN ACCORDANCE WITH THE PRINCIPLES SET OUT IN SECTION 13-1-205, THE COMMISSION SHALL ADOPT GUIDELINES PRESCRIBING THE PROCEDURES TO BE FOLLOWED IN MAKING, FILING, AND EVALUATING GRANT APPLICATIONS, THE CRITERIA FOR EVALUATION, AND OTHER GUIDELINES NECESSARY FOR ADMINISTERING THE FUND.

13-1-205. Grant applications - duties of counties. (1) TO BE ELIGIBLE FOR MONEYS FROM THE FUND, A LOCAL SECURITY TEAM SHALL APPLY TO THE COMMISSION THROUGH THE STATE COURT ADMINISTRATOR FOR MONEYS TO BE USED AS SPECIFIED IN THIS PART 2 AND IN ACCORDANCE WITH THE TIMELINES AND GUIDELINES ADOPTED BY THE COMMISSION AND USING THE APPLICATION FORM PROVIDED BY THE COMMISSION. FOR THE COMMISSION TO CONSIDER A GRANT APPLICATION, THE APPLICATION SHALL BE SIGNED BY THE ADMINISTRATIVE AUTHORITY OF EACH ENTITY THAT IS REPRESENTED ON THE LOCAL SECURITY TEAM.

(2) GRANTS FROM THE FUND SHALL BE USED TO FUND COUNTIES THAT MEET THE CRITERIA SPECIFIED IN SUBSECTION (4) OF THIS SECTION FOR:

(a) THE PROVISION OF COURT SECURITY STAFFING AT A FACILITY CONTAINING A STATE COURT OR PROBATION OFFICE;

(b) THE PURCHASE OF SECURITY EQUIPMENT OR RELATED STRUCTURAL IMPROVEMENTS FOR A FACILITY CONTAINING A STATE COURT OR PROBATION OFFICE;

(c) THE PROVISION OF TRAINING ON ISSUES OF COURT SECURITY; OR

(d) MISCELLANEOUS FUNDING NEEDS ASSOCIATED WITH ISSUES OF COURT SECURITY OR SECURITY EQUIPMENT.

(3) MONEYS CREDITED TO THE FUND THAT ARE AVAILABLE FOR GRANT DISTRIBUTION SHALL BE AWARDED BASED ON THE FOLLOWING PRIORITY SCHEDULE:

(a) REQUESTS FROM COUNTIES THAT MEET THE CRITERIA SPECIFIED IN SUBSECTION (4) OF THIS SECTION SHALL HAVE THE HIGHEST PRIORITY; AND

(b) REQUESTS FOR MONEYS FOR PERSONNEL COSTS SHALL BE GIVEN SUBSEQUENT PRIORITY.

(4) COUNTIES THAT MEET AT LEAST TWO OF THE FOLLOWING CRITERIA SHALL BE GIVEN THE HIGHEST PRIORITY FOR NEED-BASED GRANTS FOR COURT SECURITY PERSONNEL SERVICES PURSUANT TO THIS PART 2:

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

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

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

(d) COUNTIES IN WHICH THE TOTAL COUNTY POPULATION LIVING BELOW THE FEDERAL POVERTY LEVEL IS GREATER THAN THE STATE MEDIAN, AS DETERMINED BY THE MOST RECENT CENSUS PUBLISHED BY THE UNITED STATES BUREAU OF THE CENSUS.

13-1-206. Repeal of part. (1) THIS PART 2 IS REPEALED, EFFECTIVE JULY 1, 2017.

(2) PRIOR TO REPEAL, THE COURT SECURITY CASH FUND COMMISSION SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

SECTION 2. 13-32-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-32-101. Docket fees in civil actions - judicial stabilization cash fund - support registry fund created. (7) PURSUANT TO SECTION 13-1-204 (1) (b), A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED AND COLLECTED ON EACH DOCKET FEE THAT IS DESCRIBED IN PARAGRAPHS (a), (b), (c), (d), AND (f) OF SUBSECTION (1) OF THIS SECTION CONCERNING CIVIL ACTIONS FILED ON AND AFTER JULY 1, 2007.

SECTION 3. 13-32-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-32-102. Fees in probate proceedings. (4) PURSUANT TO SECTION 13-1-204 (1) (b), A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED AND COLLECTED ON EACH FEE THAT IS DESCRIBED IN SUBSECTIONS (1) AND (3) OF THIS SECTION CONCERNING FILINGS MADE ON AND AFTER JULY 1, 2007.

SECTION 4. 13-32-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-32-103. Docket fees in special proceedings. (7) PURSUANT TO SECTION

13-1-204 (1) (b), A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED AND COLLECTED ON EACH DOCKET FEE THAT IS DESCRIBED IN SUBSECTIONS (1), (2), (3), AND (6) OF THIS SECTION CONCERNING FILINGS MADE ON AND AFTER JULY 1, 2007.

SECTION 5. 13-32-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-32-105. Docket fees in criminal actions. (3) PURSUANT TO SECTION 13-1-204 (1) (b), A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED AND COLLECTED ON EACH DOCKET FEE DESCRIBED IN THIS SECTION CONCERNING CRIMINAL CONVICTIONS ENTERED ON AND AFTER JULY 1, 2007.

SECTION 6. 13-71-144, Colorado Revised Statutes, is amended to read:

13-71-144. Jury fees to be assessed in civil cases. (1) Any party demanding a trial by jury as provided by statute shall pay to the clerk of the court a fee of one hundred dollars in district court cases and fifty dollars in county court cases at the time ~~such~~ THE demand is made pursuant to the Colorado rules of civil procedure. The clerk of the court shall pay ~~such~~ THE fee, when collected, to the state treasurer for deposit to the credit of the general fund. On and after March 18, 2003, the jury fee in district court shall be increased by fifty dollars, and the jury fee in county court shall be increased by twenty-five dollars, and the additional revenue generated by ~~such~~ THE increase shall be transmitted to the state treasurer for deposit in the judicial stabilization cash fund created in section 13-32-101 (1.5). The jury fee is not refundable. Each party to an action who does not affirmatively waive, in writing, the right to a trial by jury on all issues which are so triable shall pay the jury fee. Failure to pay the jury fee at the time of filing the demand, and no later than ten days after the service of the last pleading directed to any issue triable by a jury, shall constitute a waiver of a jury trial by the demanding, nonpaying party.

(2) PURSUANT TO SECTION 13-1-204 (1) (b), A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED AND COLLECTED ON EACH JURY FEE DESCRIBED IN THIS SECTION CONCERNING CIVIL ACTIONS FILED ON AND AFTER JULY 1, 2007.

SECTION 7. 37-92-302 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

37-92-302. Applications for water rights or changes of such rights - plans for augmentation. (1) (e) PURSUANT TO SECTION 13-1-204 (1) (b), C.R.S., A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED AND COLLECTED ON EACH FEE DESCRIBED IN PARAGRAPH (d) OF THIS SUBSECTION (1) CONCERNING WATER MATTERS INITIATED ON AND AFTER JULY 1, 2007.

SECTION 8. 42-4-1710 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-4-1710. Failure to pay penalty for traffic infractions - failure of parent or guardian to sign penalty assessment notice - procedures. (4)(a.5) PURSUANT TO SECTION 13-1-204 (1) (b), C.R.S., A FIVE-DOLLAR SURCHARGE, IN ADDITION TO THE ORIGINAL SURCHARGE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4), SHALL BE ASSESSED AND COLLECTED ON EACH DOCKET FEE THAT IS DESCRIBED IN

PARAGRAPH (a) OF THIS SUBSECTION (4) CONCERNING PENALTIES ASSESSED ON AND AFTER JULY 1, 2007.

SECTION 9. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(dd) JULY 1, 2017: THE COURT SECURITY CASH FUND COMMISSION, CREATED PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 13, C.R.S.

SECTION 10. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the court security cash fund created in section 13-1-204 (1) (a), Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2007, the sum of two million one hundred ninety-four thousand six hundred twenty-two dollars (\$2,194,622) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 11. 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: May 25, 2007