

CHAPTER 321

APPROPRIATIONS

SENATE BILL 11-142

BY SENATOR(S) Hodge, Steadman, Lambert, Guzman;
also REPRESENTATIVE(S) Gerou, Becker, Ferrandino, Conti, Summers.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE JUDICIAL DEPARTMENT.

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

SECTION 1. The appropriation to the judicial department for the fiscal year beginning July 1, 2010, as enacted in Part VIII of section 2 of chapter 453, Session Laws of Colorado 2010 (HB 10-1376), 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	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART VIII
JUDICIAL DEPARTMENT**

(1) SUPREME COURT/COURT OF APPEALS

Appellate Court Programs ²⁷	11,086,903 11,096,903		10,035,031 10,045,031 (122.5 FTE)	1,051,872 ^a		
Attorney Regulation	6,000,000			6,000,000 ^b (40.5 FTE)		
Continuing Legal Education	370,000			370,000 ^c (4.0 FTE)		
State Board of Law Examiners	900,000			900,000 ^d (8.2 FTE)		
Law Library	500,000 512,500			500,000 ^e	12,500 ^f	
	<hr style="width: 100%; border: 0.5px solid black; margin-bottom: 5px;"/> 18,856,903 18,879,403			(1.5 FTE)		

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

^a Of this amount, \$983,872 shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S., and \$68,000 shall be from various fees and other cost recoveries.

^b This amount shall be from annual attorney registration fees established by the Colorado Supreme Court pursuant to the Colorado Rules of Civil Procedure, Chapter 18, Rule 227 for the Attorney Regulation Committee, the Attorney Regulation Counsel, and the Presiding Disciplinary Judge established by the Colorado Rules of Civil Procedure, Chapter 20, Rules 251.2, 251.3, and 251.16. 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 annual attorney registration fees established by the Colorado Supreme Court pursuant to the Colorado Rules of Civil Procedure, Chapter 18, Rule 227 for the Board of Continuing Legal and Judicial Education established by the Colorado Rules of Civil Procedure, Chapter 20, Rule 260.3. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's constitutional authority.

^d This amount shall be from law examination application fees established by the Colorado Supreme Court pursuant to the Colorado Rules of Civil Procedure, Chapter 18, Rules 201.2 and 201.4. 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 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.

^f THIS AMOUNT SHALL BE FROM MONEYS TRANSFERRED FROM THE DEPARTMENT OF LAW.

(2) COURTS ADMINISTRATION

(A) Administration and

Technology^{27a}

General Courts

Administration	15,994,421	12,630,747	1,825,845 ^a	1,537,829^a
	15,670,321	12,292,978		1,551,498 ^b
		(169.5 FTE)	(19.0 FTE)	
		(167.4 FTE)		(2.0 FTE)

Information Technology Infrastructure	4,269,146	403,094	3,866,052 ^c	
Statewide Indirect Cost Assessment	117,200		113,511 ^d	3,689
Departmental Indirect Cost Assessment	<u>1,253,437</u>		1,253,437 ^d	
	21,634,204			
	21,310,104			

^a Of this amount, an estimated \$1,682,215 shall be from the Judicial Department Information Technology Cash Fund created in Section 13-32-114 (1), C.R.S., and an estimated \$143,630 shall be from various sources of cash funds.

^b ~~Of this amount, an estimated \$1,363,729~~ THIS AMOUNT shall be from statewide and departmental indirect cost recoveries. ~~and an estimated \$174,100 shall be federal funds transferred from the Department of Public Safety, Division of Criminal Justice, and other state agencies.~~

^c This amount shall be from the Judicial Department Information Technology Cash Fund created in Section 13-32-114 (1), C.R.S.

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

(B) Central Appropriations

Health, Life, and Dental	18,096,023	16,365,672	1,730,351 ^a
Short-term Disability	302,799	264,809	37,990 ^a
S.B. 04-257 Amortization Equalization Disbursement	4,631,574	4,043,325	588,249 ^a
S.B. 06-235 Supplemental Amortization Equalization Disbursement	3,347,529	2,918,597	428,932 ^a
Workers' Compensation	1,647,138	1,647,138	
Legal Services for 3,000 hours	220,110	220,110	
Purchase of Services from Computer Center	295,960	295,960	

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 APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Multiuse Network Payments	270,664	270,664				
Payment to Risk Management and Property Funds	65,718	65,718				
Vehicle Lease Payments	56,105 59,045	56,105 59,045				
Leased Space	1,255,283	1,083,803		171,480 ^b		
Communication Services Payments	11,377	11,377				
Lease Purchase	<u>119,878</u>	119,878				
	30,320,158 30,323,098					

^a These amounts shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S., the State Commission on Judicial Performance Cash Fund created in Section 13-5.5-107 (1), C.R.S., the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., the Judicial Department Information Technology Cash Fund created in Section 13-32-114 (1), C.R.S., the Fines Collection Cash Fund created in Section 18-1.3-401 (1) (a) (III) (D), C.R.S., the Drug Offender Surcharge Fund created in Section 18-19-103 (4) (a), C.R.S., and 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 parking fees.

(C) Centrally Administered Programs

Victim Assistance	15,095,039	15,095,039 ^a		
Victim Compensation	12,120,121	12,120,121 ^b		
Collections Investigators	5,084,959	4,187,418 ^c	897,541 ^d	

Problem-solving Courts	3,501,688		(83.2 FTE) 1,115,635 ^e	2,386,053
Language Interpreters	3,428,312	3,378,312 (25.0 FTE)	(17.2 FTE) 50,000 ^f	(15.0 FTE)
Courthouse Security	3,869,622		3,869,622 ^g (1.0 FTE)	
Courthouse Capital/ Infrastructure Maintenance	2,800,000 2,365,000		2,800,000^h 2,365,000 ^e	
Senior Judge Program	1,894,006 1,635,326	1,894,006 1,635,326		
Office of Judicial Performance Evaluation	887,112		887,112 ^h (2.0 FTE)	
Family Violence Justice Grants	893,430	750,000	143,430 ⁱ	
Family-friendly Court Program	375,000		375,000 ^j (0.5 FTE)	
Child Support Enforcement	88,864	30,212		58,652 ^k (1.0 FTE)
	<u>50,038,153</u> 49,344,473			

^a This amount shall be from the Victims and Witnesses Assistance and Law Enforcement Fund (VALE) 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.

^b This amount shall be from the Crime Victim Compensation Fund established in the office of the court administrator of each judicial district pursuant to Section 24-4.1-117 (1), C.R.S. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's constitutional authority.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	401,992,515					
	100,977,675					
(3) TRIAL COURTS						
Trial Court Programs ²⁷	115,739,757 115,403,834	90,752,552 90,416,629		24,022,205 ^a	965,000 ^b	
		(1,441.6 FTE) (1,433.2 FTE)		(269.9 FTE)		
Court Costs, Jury Costs, and Court-appointed Counsel	15,594,352	15,109,352		485,000 ^c		

^c Of this amount, an estimated \$2,462,373 shall be from the Judicial Collection Enhancement Fund created in Section 16-11-101.6 (2), C.R.S., an estimated \$1,675,045 shall be from the Fines Collection Cash Fund created in Section 18-1.3-401 (1) (a) (III) (D), C.R.S., and an estimated \$50,000 shall be from various fees and cost recoveries.

^d This amount shall be from local Victims and Witnesses Assistance and Law Enforcement (VALE) funds created in Section 24-4.2-103 (1), C.R.S., and transferred from the Trial Courts section.

^e These amounts shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S.

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

^g This amount shall be from the Court Security Cash Fund created in Section 13-1-204 (1) (a), C.R.S.

^h This amount shall be from the State Commission on Judicial Performance Cash Fund created in Section 13-5.5-107 (1), C.R.S.

ⁱ This amount shall be from the Family Violence Justice Fund created in Section 14-4-107 (1), C.R.S.

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

^k This amount shall be from federal funds transferred from the Department of Human Services.

District Attorney Mandated					
Costs	2,147,624	2,022,624	125,000 ^e		
Federal Funds and Other					
Grants	2,900,000		975,000 ^c	300,000 ^d	1,625,000
	<u>2,900,000</u>		(3.0 FTE)	(6.0 FTE)	(5.0 FTE)
		136,381,733			
		136,045,810			

^a Of this amount, an estimated \$21,347,205 shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S., an estimated \$2,600,000 shall be from various fees and other cost recoveries, an estimated \$65,000 shall be from the sale of jury pattern instructions, 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 This amount shall be from federal child support enforcement funds transferred from the Department of Human Services.

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

^d This amount shall be from federal funds transferred from the Department of Public Safety and the Department of Human Services.

(4) PROBATION AND RELATED SERVICES¹

Probation Programs	72,386,470	61,934,965	10,451,505 ^a		
	72,060,547	61,609,042			
		(960.7 FTE)	(153.9 FTE)		
		(952.3 FTE)			
Offender Treatment and Services	10,932,023		10,619,290 ^b	312,733 ^c	
S.B. 03-318 Community Treatment Funding	2,200,000	2,200,000			
S.B. 91-94 Juvenile Services	1,906,837			1,906,837 ^d	
				(25.0 FTE)	
Day Reporting Services	393,078	393,078			
Victims Grants	650,000			650,000 ^e	
				(6.0 FTE)	

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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Federal Funds and Other Grants	5,600,000			1,950,000 ^f (2.0 FTE)	850,000 ^f (18.0 FTE)	2,800,000 (13.0 FTE)
	<u>94,068,408</u>					
	93,742,485					

^a Of this amount, an estimated \$4,989,683 shall be from the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., an estimated \$4,612,877 shall be from the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301.3 (4) (a), C.R.S., an estimated \$648,945 shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4) (a), C.R.S., an estimated \$120,000 shall be from the Offender Identification Fund created in Section 24-33.5-415.6 (1), C.R.S., and an estimated \$80,000 shall be from various fees and cost recoveries.

^b Of this amount, an estimated \$9,097,255 shall be from the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., an estimated \$1,010,006 shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4) (a), C.R.S., an estimated \$302,029 shall be from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S., and an estimated \$210,000 shall be from various fees and cost recoveries.

^c This amount shall be from funds transferred from the Department of Human Services, Alcohol and Drug Abuse Division.

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

^e Of this amount, an estimated \$425,000 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., transferred from the Trial Courts section, and an estimated \$225,000 shall be from state Victims Assistance and Law Enforcement grant funds transferred from the Department of Public Safety, Division of Criminal Justice.

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

^g This amount shall be from federal funds transferred from the Department of Public Safety, the Department of Human Services, and the Department of Education.

(5) PUBLIC DEFENDER²⁸

Personal Services ²⁷	40,275,687	40,275,687
	39,819,237	39,819,237

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
			(7.5 FTE)				
Health, Life, and Dental	72,424		72,424				
Short-term Disability	954		954				
S.B. 04-257 Amortization							
Equalization Disbursement	14,564		14,564				
S.B. 06-235 Supplemental							
Amortization Equalization							
Disbursement	10,513		10,513				
Operating Expenses	67,030		67,030				
Leased Space	39,999		39,999				
Training and Conferences	40,000		20,000		20,000 ^a		
Conflict of Interest							
Contracts	21,956,638		21,956,638				
Mandated Costs	<u>1,663,839</u>		1,663,839				
		24,556,665					

^a This amount shall be from training fees.

(7) OFFICE OF THE CHILD'S REPRESENTATIVE³⁰

Personal Services ²⁷	1,895,244		1,895,244				
			(26.9 FTE)				
Health, Life, and Dental	165,272		165,272				
Short-term Disability	2,653		2,653				

S.B. 04-257 Amortization Equalization Disbursement	40,505	40,505
S.B. 06-235 Supplemental Amortization Equalization Disbursement	29,238	29,238
Operating Expenses	159,929	159,929
Leased Space	145,443	145,443
CASA Contracts	520,000	520,000
Training	38,000	38,000
Court Appointed Counsel ¹	16,273,656	16,273,656
Mandated Costs	<u>26,228</u>	26,228
	19,296,168	

**TOTALS PART VIII
(JUDICIAL)**

\$452,508,283	\$329,935,853	\$108,279,096	\$7,478,592	\$6,814,742
<u>\$450,446,212</u>	<u>\$328,234,613</u>	<u>\$107,892,096</u>	<u>\$7,504,761</u>	

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

1 Department of Corrections, Management, Executive Director's Office Subprogram; Department of Human Services, Mental Health and Alcohol and Drug Abuse Services, Alcohol and Drug Abuse Division; and Division of Youth Corrections; Judicial Department, Probation and Related Services; and Department of Public Safety, Division of Criminal Justice; and Colorado Bureau of Investigation -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from the Drug Offender Surcharge Fund, the Offender Identification Fund, the Sex Offender Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the Alcohol and Drug Driving Safety Program Fund, among other programs.

- 27 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 judicial compensation, as follows:

	<u>FY 2010-11 Salary</u>
Chief Justice, Supreme Court	\$142,708
Associate Justice, Supreme Court	139,660
Chief Judge, Court of Appeals	137,201
Associate Judge, Court of Appeals	134,128
District Court Judge	128,598
County Court Judge	123,067

FUNDING IS ALSO PROVIDED IN THE LONG BILL TO MAINTAIN THE SALARY OF THE PUBLIC DEFENDER AT THE LEVEL OF AN ASSOCIATE JUDGE OF THE COURT OF APPEALS, AND TO MAINTAIN THE SALARIES 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.

- 27a Judicial Department, Courts Administration, Administration and Technology -- In the event that the Judicial Department determines that the in-house public access system is not operational on July 1, 2010, it is the intent of the General Assembly that the Department extend the existing contract for operation of a public access system for up to three months.
- 28 Judicial Department, Public Defender-- In addition to the transfer authority provided in Section 24-75-108 (5), 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.
- 29 Judicial Department, Alternate Defense Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Alternate Defense Counsel appropriation may be transferred between line items in the Alternate Defense Counsel's Office.
- 30 Judicial Department, Office of the Child's Representative -- Judicial Department, Office of the Child's Representative -- In addition to the transfer authority provided in Section 24-75-108 (5), 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.

31 Judicial Department, Office of the Child's Representative, Court Appointed Counsel -- It is the intent of the General Assembly that the Office of the Child's Representative be authorized to utilize up to \$25,000 of this appropriation to fund a pilot program as authorized pursuant to Section 13-91-105 (1) (e), C.R.S., for the purpose of evaluating alternatives to the appointment of child and family investigators and child's legal representatives in domestic relations cases.

SECTION 2. The appropriation to the judicial department for the fiscal year beginning July 1, 2010, as enacted in Section 26 (3) of chapter 259, Session Laws of Colorado 2010 (HB 10-1352), is amended to read:

Section 26. **Appropriation - adjustments to the 2010 long bill.** (3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for allocation to the probation and related services division, to be credited to the drug offender surcharge fund created in section 18-19-103 (4), Colorado Revised Statutes, for the fiscal year beginning July 1, 2010, the sum of one million ~~four hundred~~ sixty-eight thousand one hundred ninety-six dollars ~~(\$1,468,196)~~ (\$1,068,196), AND SUCH SUM, OR SO MUCH THEREOF AS MAY BE NECESSARY, IS FURTHER APPROPRIATED TO THE JUDICIAL DEPARTMENT FOR THE IMPLEMENTATION OF THIS ACT.

SECTION 3. The appropriation to the judicial department for the fiscal year beginning July 1, 2010, as enacted in Section 8 (2) of chapter 405, Session Laws of Colorado 2010 (HB 10-1404), is amended to read:

Section 8. **Appropriation - adjustments to the 2010 long bill.** (2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for the independent ethics commission, for the fiscal year beginning July 1, 2010, the sum of two hundred ~~seventy thousand eight hundred twenty-two dollars (\$270,822)~~ EIGHTY-THREE THOUSAND FIVE HUNDRED NINETY-THREE DOLLARS (\$283,593) and 2.0 FTE, for the implementation of this act.

SECTION 4. 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 18, 2011