



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 19-0577 **Date:** January 28, 2019
Prime Sponsors: Sen. Lee; Cooke **Bill Status:** Senate Judiciary
Rep. Benavidez; Carver **Fiscal Analyst:** Chris Creighton | 303-866-5834
Chris.Creighton@state.co.us

Bill Topic: STATE COURT ADMINISTRATOR REMINDER PROGRAM

- Summary of Fiscal Impact:**
- State Revenue
 - State Expenditure
 - State Transfer
 - TABOR Refund
 - Local Government
 - Statutory Public Entity

This bill requires the state court administrator to implement a court reminder program. This bill decreases state revenue and both increases and decreases state expenditures. Local government revenue and expenditures are also decreased. These impacts are ongoing.

Appropriation Summary: For FY 2019-20, this bill requires an appropriation of \$181,593 to the Judicial Department.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 19-036

		FY 2019-20	FY 2020-21
Revenue		-	-
Expenditures	General Fund	\$181,593	\$99,185
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

This bill requires the state court administrator to implement a court reminder program in at least four judicial district courts beginning January 1, 2020, and for every eligible court by July 1, 2020.

Eligible courts. Eligible courts are defined in the bill as any district, county, or municipal court that uses the Integrated Colorado Online Network (ICON) on the Judicial case management system. A court that has its own text reminder system may choose to opt out of the court reminder program.

Request for Proposal. The state court administrator must issue a request for proposal (RFP) for a third-party vendor to develop and operate the court reminder program, but may choose to develop and operate the program internally after the RFP process.

Court reminder notification and system requirements. The court reminder program must:

- send at least two text message reminders for all criminal court appearances that include at least the date, location, time of the court appearance, and court contact information;
- provide an alert to defendants who miss court when a warrant has been issued;
- track each time a text was sent to a working cell phone;
- identify defendants with upcoming court dates that cannot be reached and attempt to gather current contact information; and
- collect data on the number of criminal defendants who fail to appear in court despite having received one or more reminders to a working cell phone.

Court reminder reporting requirements. The state court administrator is required to report on this program during the department's annual SMART Act hearing. This report must include:

- the number of reminders sent to a criminal defendant's working phone;
- the number of criminal defendants who failed to appear in court;
- the number of defendants who were sent a reminder and failed to appear in court despite receiving the reminder; and
- any other data collected that is useful in determining the effectiveness of the program.

Background and Assumptions

Currently, 11 district and county courts have a notification system and 2 municipalities (Fort Morgan and Broomfield) use the ICON. It is assumed that the court reminder program will provide court reminder texts for all 22 judicial district courts, 63 county courts, and the 2 municipalities that use the ICON beginning January 1, 2020. Using 2020, caseload projections, it is assumed that 2 texts will be sent for approximately 1.2 million court dates for a total of 2.4 million texts annually.

Under current law, failure to appear (FTA) in district, county, or municipal court often results in a bench warrant being issued. A bench warrant allows a law enforcement officer to arrest the defendant that failed to appear. In instances when a bench warrant is issued for failure to appear on a charge of a serious crime, such as a felony, law enforcement often likely actively pursue the offender until an arrest is made. Bench warrants for less serious crimes such as misdemeanors and traffic offenses are generally not actively pursued and instead the defendant is taken into custody only if they come in contact with law enforcement. According to the Judicial Department, there were 108,638 FTA issued in 2018 and 117,522 are projected in 2020.

State Revenue

Beginning in 2019-20, to the extent that reminding defendants of upcoming court dates reduces instances where a defendant fails to appear in court, this bill will decrease state cash fund revenue. This exact decrease will depend on the reduction in FTA warrants, the type of case in which those reductions occur (felony, misdemeanor, or traffic), and court rehearing fee decisions. This revenue is subject to TABOR.

Traffic warrant fee. Under current law, a \$30 outstanding judgement warrant fee is assessed for the failure to appear in court in traffic cases. For informational purposes, assuming 50 percent of the 117,522 FTA warrants projected for 2020 are for traffic offenses and this bill results in a 25 percent reduction of FTA warrants, this bill would decrease outstanding judgement warrant fee revenue by \$220,354 in FY 2019-20 and \$440,708 FY 2020-21. The exact potential decrease is unknown at this time.

Additional court fees. While no other specific outstanding judgement or failure to appear fees are assessed, the court may assess additional court administrative fees to a defendant that fails to appear during the rehearing. Because they type of additional fee and the amount is unknown, this impact has not been estimated.

State Expenditures

This bill increases Judicial Department expenditures by \$181,593 in FY 2019-20 and \$99,185 in FY 2020-21 and beyond. To the extent that the number of FTA warrant rehearsals needed decreases, trial court costs and workload will decrease. These impacts are shown in table 2 and discussed below.

Table 2
Expenditures Under SB 19-036

	FY 2019-20	FY 2020-21
Judicial Department		
Court Reminder Contract	\$49,593	\$99,185
Computer Programming	\$132,000	-
Total Cost	\$181,593	\$99,185

Court reminder contract. This analysis assumes the Judicial Department will choose to contract with a vendor rather than develop and operate an internal system. Subject to the results of the RFP process, the cost of this contract is estimated to be \$99,185 per year. This cost is prorated in the first year based on a January 1, 2020, contract start date. This assumes approximately 2.5 million texts and a cost of \$0.04 per text per year.

Computer Programming. It is estimated that 800 hours of computer programming will be needed at a rate of \$150 per hour to integrate the chosen vendor court reminder system with the judicial court case management system. This will allow the court reminder system to generate the text messages using judicial department court date and defendant contact information, identify FTA

instances, warrants issued, and to create a notification opt-out for offenders that do not want to receive a text message notification. These hours and costs depend on the RFP process and the terms of the vendor contract agreement and could be less if the vendor agrees to perform some of this work or if efficiencies are found during system integration.

Trial courts. This bill will reduce the number of district and county court rehearings that must be scheduled due to the failure of the defendant to appear and staff time to produce a FTA bench warrant. Assuming a 25 percent reduction in FTA warrants, this bill will reduce the number of rehearings by 29,381. The exact impact will depend on reduction in the number of FTA warrants and type of case in which the reduction occurs. This analysis assumes any reductions in appropriations, if necessary, will be addressed through the annual budget process after data has been collected the effectiveness of the court reminder program at reducing the number of FTA warrants issued and rehearings held.

TABOR refunds. To the extent that this bill reduces state revenue, state General Fund obligations for TABOR refunds will be decrease in FY 2019-20. Under current law and the December 2018 Legislative Council Staff forecast, the bill will correspondingly reduce the amount refunded to taxpayers via sales tax refunds on income tax returns for tax year 2020. The state is not expected to collect a TABOR surplus in FY 2020-21.

Local Government

This bill decreases local government costs and workload as described below. These impacts will vary by local government based on the reduction in FTAs, FTA warrants issued, arrests, and the number of rehearings held.

District Attorneys. To the extent that this bill decreases the number of instances where a defendant fails to appear in court, district attorney workload will decrease. This impact has not been estimated.

County jail. This bill is expected to decrease the number of instances where defendants are arrested for failing to appear in court. Costs associated with failing to appear include staff time to produce a bench warrant, sheriff deputy staff time to serve the warrant, or process server fees in some cases, transportation costs for transporting arrested defendants to the appropriate county jail, and county jail incarceration costs. Potential jail savings ranges from \$43.65 to \$350.21 per day, per offender in county jail.

County and municipal court date notification systems. Because the Judicial Department will provide statewide notifications in all judicial districts, counties, and the two municipalities on the judicial case management system, county and municipal expenditures will decrease for counties and municipalities that have an existing court date notification system as it is assumed that this new program will replace those systems. This amount has not been estimated.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed. Section two of the bill takes effect July 1, 2020.

State Appropriations

For FY 2019-20, this bill requires a General Fund appropriation of \$181,593 to the Judicial Department.

State and Local Government Contacts

Counties
Judicial

District Attorneys
Law

Information Technology
Sheriffs