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FISCAL NOTE

Drafting Number:	LLS 20-0150	Date:	January 20, 2020
Prime Sponsors:	Rep. Van Winkle; Weissman Sen. Fields; Gardner	Bill Status:	House Judiciary
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Bill Topic: **CREATE TWENTY-THIRD JUDICIAL DISTRICT**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

Beginning on January 1, 2025, the bill creates a new 23rd Judicial District comprised of Douglas, Elbert, and Lincoln counties. The bill also creates a new judge on July 1, 2025. In addition, the bill includes several reporting requirements about the transition process for the Judicial Department. The bill increases state and local expenditures beginning in FY 2022-23.

Appropriation Summary: No appropriation is required until FY 2022-23.

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

**Table 1
State Fiscal Impacts Under HB 20-1027**

		FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Revenue		-	-	-	-
Expenditures	General Fund	\$0.9 million	\$1.1 million	\$1.4 million	\$1.8 million
	FTE	-	-	10.5 FTE	14.5 FTE
Transfers		-	-	-	-
TABOR Refund		-	-	-	-

Summary of Legislation

Under current law, the 18th Judicial District consists of Arapahoe, Douglas, Elbert, and Lincoln counties and has 24 district court judges. Beginning January 1, 2025, this bill removes Douglas, Elbert, and Lincoln counties from the 18th Judicial District and creates a new 23rd Judicial District comprised of those counties. The new district includes seven judges, increasing to eight judges in FY 2025-26. The bill concurrently reduces the number of judges in the 18th Judicial District by 7 judges to 17 judges.

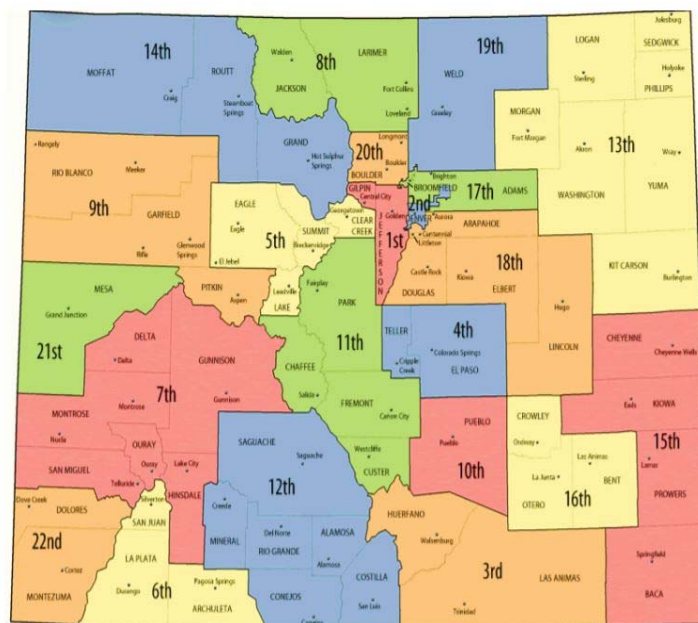
In November 2024, Arapahoe County will hold an election for the district attorney for the 18th Judicial District, while Douglas, Elbert, and Lincoln counties will hold an election for the new district attorney for the 23rd Judicial District. Any 18th Judicial District judge eligible for retention in the November 2024 election may stand for retention in the 18th Judicial District. District judges in the current 18th Judicial District who are not up for retention in 2024 may serve the remainder of their term in district in which they reside.

From 2021 to 2026, the Judicial Department must provide information on the progress of the creation of the 23rd Judicial District in its annual State Measurement for Accountable, Responsive, and Transparent (SMART) Act hearing. In addition, from FY 2020-21 to FY 2024-25, the Judicial Department must include details about any budget requests related to the creation of the new district in its annual budget request to the Joint Budget Committee.

Background

Colorado has 22 judicial districts and has not created a new district since 1964. The General Assembly establishes the number of judges in each district. The current 18th Judicial District includes Arapahoe, Douglas, Elbert, and Lincoln Counties and is assigned 24 judges. Figure 1 below provides a map of the current judicial districts.

**Figure 1
Colorado Judicial Districts**



Source: Colorado Judicial Branch

State Expenditures

From FY 2020-21 to FY 2022-23, the bill increases workload in the Judicial Department for planning and reporting related to the creation of the 23rd Judicial District. Beginning in FY 2022-23, one-time transition costs, primarily for IT-related expenditures and a transition coordinator, will begin and are expected to total about \$2.2 million over three fiscal years. Starting in FY 2024-25, ongoing costs of about \$1.2 million and 10.5 FTE per year will begin for staff and operations in the additional judicial district. Starting in FY 2025-26, additional costs of \$590,000 and 4.0 FTE will be incurred to add a new judge to the 23rd Judicial District, including all associated costs and support staff. Table 2 outlines these preliminary costs. It should be noted that this fiscal note assumes that all costs related to this bill will be addressed through the annual budget process. Costs may vary based on additional information, planning, and details included in the department budget requests to implement the bill.

**Table 2
Expenditures Under HB 20-1026**

	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Judicial Department				
IT/Transition Costs (One-time)	\$0.9 million	\$1.1 million	\$0.2 million	-
Staffing/Administrative Costs (Ongoing)	-	-	\$1.2 million	\$1.2 million
New Judge and Associated Staff (Ongoing)		-	-	\$0.6 million
Total Cost	\$0.9 million	\$1.1 million	\$1.4 million	\$1.8 million
Total FTE	-	-	10.5 FTE	14.5 FTE

Judicial Department. Beginning in FY 2022-23, the bill will increase state expenditures for the Judicial Department. These expenditures are outlined below.

- *Computer programming.* The department will require approximately \$1.8 million to update many of the department's software applications. These updates are expected to take 17,000 hours to complete. These costs are estimated and will change based on contractor or vendor rates, changes in technology, and for costs that are unknown at this time. Primarily it is assumed these costs will be incurred over two fiscal years, FY 2022-23 and FY 2023-24.
- *Transition contractor.* Beginning in FY 2023-24, the Judicial Department will require approximately \$200,000 in FY 2023-24 and \$200,000 in FY 2024-25 to hire a contractor or consultant to help manage and coordinate the creation of the new district and the transition between the two judicial district.
- *Personal services.* Beginning in FY 2024-25, the Judicial Department will require approximately \$1.2 million and 10.5 FTE to implement this bill. In order to staff the new district, the department will require 5.5 FTE in the trial courts and 5.0 FTE in Division of Probation. These positions include: a Court Executive II; a Chief Probation Officer II; a Protective Proceedings Monitor; two Probation Officers; an Account Clerk; a Family Court Facilitator; a Problem Solving Court Coordinator; an Administrative Office Manager; and three Administrative Office Specialists. Standard operating and capital outlay costs are included.

- *Judge and related costs.* Beginning in FY 2025-26, the bill increases the number of judges in the new district by one district court judge. Each district court judge requires 3.0 FTE for support staff for a court clerk, law clerk, and court reporter. Standard operating and capital costs are included. Also, adding judge FTE results in costs for law library materials, travel, and facility costs for courtroom buildout and furnishings, which total \$97,319. Total costs are estimated at approximately \$590,000 and are based on the Judicial Department's FY 2020-21 common polices.
- *Workload increases.* The bill may minimally increase costs and workload for the several divisions in the Judicial Department, including the Office of the State Court Administrator. This fiscal note assumes any increase in costs and workload will be addressed through the annual budget process.

State district attorney costs. The bill creates a new elected district attorney position. Under current law, 80 percent of a judicial district's elected district attorney salary is funded by the state. Currently, district attorney salaries are set at \$130,000, with \$104,000 coming from the General Fund. The House and Senate Judiciary Committees must review the compensation of elected district attorneys and make recommendations every fourth legislative session, which may alter the state share of elected district attorney salaries before January 1, 2025. This increase in payments for DA salary will be made from the General Fund through the Department of Law.

Office of the State Public Defender. This bill may increase the number of criminal court dockets that must be staffed by public defenders to ensure availability of counsel for indigent offenders. The office may need to hire additional Public Defenders and support staff FTE, including investigators, legal assistants, and administrative assistants. Staffing needs are based on the expected docket assignments for judges and should additional public defender staffing be needed, this analysis assumes additional appropriations will be requested through the annual budget process.

Office of the Child's Representative. The bill will increase computer programming costs and workload for the Office of the Child's Representative. These costs are estimated to be \$1,800 to update the case management and billing system. Computer programming costs are calculated at a rate of \$150 for a total of 12 hours.

Other independent judicial agencies. This fiscal note assumes that workload will increase for other independent judicial agencies in order to update IT and/or billing systems, database, forms, and documentation. Any additional resources for these workload impact will be requested through the annual budget process.

Department of Revenue. In FY 2024-25, one-time programming costs of \$12,375 are required to update the Driver License, Record, Identification, and Vehicle Enterprise Solutions (DRIVES) system to reflect the addition of the new judicial district. Programming costs are calculated at 55 hours at a rate of \$225 per hour. This fiscal note assume that any one-time programming costs will be requested through the annual budget process for FY 2024-25.

Department of Human Services. Workload will increase for the Division of Youth Services in the Department of Human Services to split detention and commitment bed allocation to include the new judicial district. In addition, costs associated with hiring a coordinator for the new district will continue to be funded through the allocation from the counties in each judicial district and no increase in appropriations is expected at this time. Should a change in funding be required for the Department of Humans Services, the fiscal note assumes it will be addressed through the annual budget process.

Department of State. Workload will minimally increase for the Secretary of State's office to update the state voter registration database and the ballot access system to reflect the new judicial district for district attorney and judicial elections. This increase can be accomplished within existing resources.

Department of Personnel and Administration. Workload will minimally increase for Integrated Document Solutions within the Department of Personnel and Administration to process the petitions for the new district's district attorney election. This workload can be accomplished within existing appropriations. This increase can be accomplished within existing resources.

Other state agencies. This fiscal note assumes that workload may increase for some state agencies in order to update IT systems, forms, and documentation. This fiscal note assumes additional workload can be accomplished within existing resources and any additional funding will be requested through the annual budget process in future years.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, have not been estimated for this fiscal note.

Local Government

The bill will increase district attorney, court security, court facility, and elections-related expenditures in Arapahoe, Douglas, Elbert, and Lincoln counties. These expenditures are described below.

District Attorneys. It is estimated that new 23rd Judicial District will hire an additional 25.0 FTE for a cost of approximately \$2.0 million. New FTE include specialized prosecutors, investigators, IT staff, victim support staff, a paralegal, and human resources staff that will no longer be shared with the 18th Judicial District. Also, one-time technology costs of \$1.2 million will likely be incurred for the new district's IT systems. The new 23rd Judicial District's Office of the District Attorney will also assume the salaries, benefits, and long-term liability of approximately 46 FTE from the current 18th Judicial District's Office of the District Attorney.

In addition, the bill will require a new elected district attorney position in the 23rd Judicial District. Douglas, Elbert, and Lincoln counties will continue to share the cost of this salary.

Additional county costs. The bill may increase expenditures related to court security, court facilities, and elections. These costs have not be estimated at this time and will vary among the counties.

Effective Date

The bill takes effect September 1, 2020, assuming no referendum petition is filed, except Sections 2 to 4 take effect on January 1, 2025.

State and Local Government Contacts

Corrections
Information Technology
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Revenue

Counties
Judicial
Personnel
Secretary of State

Human Services
Law
Public Safety
Sheriffs