



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

|                         |  |                        |   |
|-------------------------|--|------------------------|---|
| <b>Drafting Number:</b> | LLS 23-0151                                    | <b>Date:</b>           | July 28, 2023   |
| <b>Prime Sponsors:</b>  | Rep. Weissman; Lynch<br>Sen. Gardner; Gonzales | <b>Bill Status:</b>    | Signed into Law   |
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**Bill Topic:** JUDICIAL DISCIPLINE PROCEDURES & REPORTING

|                                  |   |  |
|----------------------------------|---|--|
| <b>Summary of Fiscal Impact:</b> | <input type="checkbox"/> State Revenue                | <input type="checkbox"/> TABOR Refund            |
|                                  | <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government        |
|                                  | <input type="checkbox"/> State Transfer               | <input type="checkbox"/> Statutory Public Entity |

The bill makes several changes to the Commission on Judicial Discipline including requiring the commission to have a point of contact for complaints, to allow complaints to be submitted online, and to collect certain information. Starting in FY 2023-24, the bill increases state expenditures on an ongoing basis.

**Appropriation Summary:** For FY 2023-24, the bill requires and includes an appropriation of \$126,986 to the Commission on Judicial Discipline.

**Fiscal Note Status:** This fiscal note reflects the enacted bill.

**Table 1  
State Fiscal Impacts Under HB 23-1019**

|                             |                           | Budget Year<br>FY 2023-24 | Out Year<br>FY 2024-25 |
|-----------------------------|---------------------------|---------------------------|------------------------|
| <b>Revenue</b>              |                           | -                         | -                      |
| <b>Expenditures</b>         | General Fund              | \$126,986                 | \$99,498               |
|                             | Centrally Appropriated    | \$14,834                  | \$19,045               |
|                             | <b>Total Expenditures</b> | <b>\$141,820</b>          | <b>\$118,543</b>       |
|                             | <b>Total FTE</b>          | <b>0.8 FTE</b>            | <b>1.0 FTE</b>         |
| <b>Transfers</b>            |                           | -                         | -                      |
| <b>Other Budget Impacts</b> | General Fund Reserve      | \$19,048                  | \$14,925               |

## **Summary of Legislation**

The bill makes changes to procedures and reporting related to judicial discipline.

**Commission on Judicial Discipline.** The bill requires the commission to report more information on the allegations, investigations, and complaints it receives and the type of discipline imposed or recommended. The commission must also publish this information in its annual report and make the information available online. Second, the bill allows a person to submit a request for evaluation to the commission either by mail or online, and requires the commission to develop an online request form. Finally, the bill requires the commission, upon receipt of a complaint, to explain to the complainant the judicial discipline process and to designate a point of contact to keep complainants apprised of the status of the complaint. If the complaint is dismissed, the commission must provide an explanation of the dismissal to the complainant. Finally, the bill requires the Supreme Court to appoint members to the commission from nominee pools put together by the State Court Administrator.

**Legislative Interim Committee on Judicial Discipline.** The bill repeals the Legislative Interim Committee on Judicial Discipline.

**Confidentiality.** The bill repeals the requirement that records related to an investigation of a judge remain confidential when the recommendation of the commission was not for the removal or retirement of a justice, and the associated misdemeanor offense for breaking confidentiality.

**Judicial Discipline Adjudicative Board.** Conditional upon passage of House Concurrent Resolution 23-1001—that changes the judicial discipline process, creates the Judicial Discipline Adjudicative Board, and creates a rulemaking committee—this bill requires the judge member of any panel to provide administrative support to facilitate the panel’s hearing and makes other conforming changes to align with the resolution.

## **Comparable Crime Analysis**

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data and assumptions.** This bill removes the existing offense of breaking confidentiality of a judicial discipline investigation, an unclassified misdemeanor. From FY 2019-20 to FY 2021-22, zero offenders have been sentenced and convicted for this offense; therefore, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit [leg.colorado.gov/fiscalnotes](https://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

**State Expenditures**

The bill increases state expenditures in the Commission on Judicial Discipline by \$141,820 in FY 2023-24 and \$118,543 in FY 2024-25 from the General Fund. Expenditures are shown in Table 2 and detailed below. In addition, the bill increases workload in the Judicial Department.

**Table 2  
Expenditures Under HB 23-1019**

|  | FY 2023-24       | FY 2024-25       |
|--|------------------|------------------|
| <b>Commission on Judicial Discipline</b>   |                  |                  |
| Personal Services                          | \$64,236         | \$85,648         |
| Operating Expenses                         | \$760            | \$950            |
| Capital Outlay Costs                       | \$6,990          | \$400            |
| Case Management and Data Collection System | \$45,000         | \$9,000          |
| Website Development                        | \$10,000         | \$3,500          |
| Centrally Appropriated Costs <sup>1</sup>  | \$14,834         | \$19,045         |
| <b>Total Cost</b>                          | <b>\$141,820</b> | <b>\$118,543</b> |
| <b>Total FTE</b>                           | <b>0.8 FTE</b>   | <b>1.0 FTE</b>   |

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Commission on Judicial Discipline.** Starting in FY 2023-24, the bill increases expenditures in the Commission on Judicial Discipline to hire an assistant, develop a website, and develop and maintain a case management and data tracking system, as described below.

- **Staffing costs.** Starting in FY 2023-24, the commission requires 1.0 FTE to liaison with complainants and track and report data. Staffing costs include operating and capital outlay expenses. First year costs are prorated for the General Fund pay date shift and a September 1 start date.
- **Website development.** The bill increases expenditures by an estimated \$10,000 in FY 2023-24 and \$3,500 in FY 2024-25 to develop a website to allow the public to submit complaints. The estimates include \$6,500 to develop the website and \$3,500 for software subscriptions that continue into future years.
- **Case management and data collection system.** Starting in FY 2023-24, the bill increases expenditures to develop a case management and data collection system to collect and report judicial complaint data. The system is estimated to cost \$45,000 in the first year to develop and \$9,000 per year in maintains cost starting in year two.

**Judicial Department—trial courts.** To the extent that subpoenas issued by the commission and, upon passage of HCR 23-1001, the Judicial Discipline Adjudicative Board, are enforced through the courts, workload to the trial courts will increase. The fiscal note assumes that any increase in workload will be minimal and no change in appropriations is required.

**Legislative Department.** Since the Legislative Interim Committee on Judicial Discipline was created and funded for only FY 2022-23, no change in appropriations is required for agencies within the Legislative Department.

**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, are shown in Table 2.

## Other Budget Impacts

**General Fund reserve.** Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, which will decrease the amount of General Fund available for other purposes.

## Effective Date

The bill was signed into law by the Governor on June 5, 2023, and takes effect on August 7, 2023, assuming no referendum petition is filed., except that sections 1, 2, and 7 take effect only if HCR 23-1001 is approved by the voters in the 2024 General Election. These sections of the bill concern conforming statute to the creation of the Judicial Discipline Adjudicative Board by the concurrent resolution.

## State Appropriations

For FY 2023-24, the bill requires and includes an appropriation of \$126,986 from the General Fund to the Commission on Judicial Discipline and 0.8 FTE.

## State and Local Government Contacts

Judicial  
Legislative Council Staff

Commission on Judicial Discipline  
Legislative Legal Services