



OVERVIEW OF COURTHOUSE FUNDING

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There are 86 courthouse facilities in Colorado: 71 courthouses and 15 probation offices. This *issue brief* provides an overview of court and court facility funding. Specifically, information is provided on state, county, and municipal court funding requirements and state supplemental funding grants available to assist counties with court security and facility costs.

State Court Funding

Colorado law requires the state to provide funds for the operation of the state court system. State court system funding is appropriated annually, primarily from the state General Fund and Judicial Department cash funds. State court system funding pays for staff such as judges, probation officers, clerks, court security officers, and court reporters; operating expenses; and capital improvements to maintain court facilities. Revenue collected from court and administrative fees is deposited into the General Fund and various Judicial Department cash funds.

The state court system consists of:

- the Colorado Supreme Court;
- the Colorado Court of Appeals;
- 22 district courts;
- the Denver probate and juvenile courts; and
- all county courts, except for county court facilities, security, and the Denver county court.

Denver's county court and municipal courts are not part of the state court system. The Denver county court is separate because the Colorado Constitution grants the city the power to organize and administer the county court through the city charter and ordinances. Municipal courts are separate because they specifically handle violations related to city or town laws and have separate statutory authority.

County Court Funding

The Colorado Constitution requires a county court to be established in each of the state's 64 counties. County courts should be located in the county seat, which is the city or town that serves as the county's administrative center, but may be held in other locations by rule or order. County courts have limited jurisdiction and handle civil cases of less than \$15,000, misdemeanors, traffic violations, protection orders, small claims, and felony complaints. Felony complaints are formal legal statements of the facts to support the charging of someone with a crime filed in the court having jurisdiction over the offense.

State law also requires that each county court facility be provided, maintained, and secured at the expense of the county. Since county courts are part of the state court system, the state pays for the operations of county courts. This includes court employee salaries,

operating costs, and some capital improvements. Revenue collected by county courts is deposited into the State General Fund and various Judicial Department cash funds. The City and County of Denver pays for its county courts including, staffing, operations, and capital costs.

Municipal Court Funding

All municipalities in Colorado are required by state law to create and maintain a municipal court. Municipal courts handle cases related to violations of the town's or city's ordinances. Joint municipal court facilities may be provided by two or more municipalities, provided the facilities are within a reasonable proximity to each municipality.

Municipal courts are not part of the state court system; therefore, state funding is not provided for any municipal court costs. Municipalities provide the funding necessary to conduct the business of the municipal court. This includes the salary of a municipal judge, clerk of the municipal court, and all other municipal court employees; operating supplies; and capital improvement funds to maintain the facility. Revenue collected from fines and other municipal court costs is deposited into the municipal General Fund and/or municipal cash funds and is used to offset the costs of the court.

Supplemental Court Funding Grants

While each county is responsible for the provision of court security and adequate courtrooms, two state grants are available to provide supplemental funding to counties with limited financial resources.

In 2007, the General Assembly enacted Senate Bill 07-118, which created the Court Security Cash Fund and a commission to provide supplemental grant funding for ongoing county court security. The commission oversees the cash fund, evaluates county grant applications, and makes grant award recommendations. Grant funds are

need-based and are available only to counties meeting certain population, per-capita income, property tax, and poverty criteria. Awarded grants are to be used for court security equipment, training for local security teams, and emergency court security needs.

These grants are funded by a \$5 surcharge on certain court filings and gifts, grants, and donations. For FY 2016-17, \$2.2 million in grant funding was available, with an additional \$300,000 reserved for court security emergencies. For FY 2017-18, \$2.5 million in spending authority was appropriated. As of June 2017, \$25.5 million has been awarded to 63 counties since the creation of the fund. This grant was scheduled to repeal July 1, 2017, but was continued indefinitely by Senate Bill 17-221.

In 2014, the General Assembly enacted House Bill 14-1096, which created the Underfunded Courthouse Facility Cash Fund and a commission to provide supplemental grant funds to counties in need of court facility financial assistance. The commission oversees the fund, reviews grant applications, and makes grant awards. Grant funds are need-based and available only to counties meeting certain population, per-capita income, property tax, and poverty criteria. In 2017, 43 counties were eligible for grant funding, with 20 counties being considered "high priority." Awarded grants fund court facility projects in these counties and may be used for master planning, matching funds for court construction and remodeling projects, and for addressing emergency needs.

These grants are funded through gifts, grants, and donations and an annual appropriation from the General Assembly. For FY 2017-18, \$2.6 in spending authority was appropriated based on projected county grant reimbursements. As of June 2017, \$4.6 million has been awarded to 18 counties since the creation of the fund. The Underfunded Courthouse Commission Facility Commission repeals following sunset review on September 1, 2024.