



**Legislative Council Staff**  
*Nonpartisan Services for Colorado's Legislature*

**Fiscal Note  
 Memorandum**

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**February 27, 2018**

**TO:** Representative Michaelson Jenet

**FROM:** Jessika Shipley, Principal Analyst  
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**SUBJECT:** Fiscal Assessment of Proposed Amendment **HB1131\_L.007**.

This memorandum is an assessment of the fiscal impact of the attached proposed amendment to **HB18-1131**. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

**Summary of Proposed Amendment**

The amendment removes responsibility for the telejustice program from the Division of Criminal Justice (DCJ) in the Department of Public Safety and puts the sole responsibility for the program in the Office of the State Court Administrator in the Judicial Department. The amendment also specifies that each municipal court that chooses to participate in the program will be responsible for the costs of installing and maintaining software and equipment. In determining whether the proceeding is one where the defendant's presence is not required, the court is required to give the defendant's counsel an opportunity to be heard.

**Fiscal Impact of Amendment**

The amendment removes the requirement that the DCJ solicit bids for a software vendor and administer the telejustice program. As such, the FTE and associated costs in the Department of Public Safety are not necessary if the amendment is adopted. The amendment also drives workload increases in the trial courts and the Governor's Office of Information Technology (OIT), both of which can be accomplished within existing appropriations. It increases one-time state expenditures for the Public Utilities Commission (PUC) in the Department of Regulatory Agencies.

**Bill's Revised Fiscal Impact with Amendment**

With Amendment L.007, this bill will require a one-time expenditure of \$3,000 in FY 2018-19 for the PUC and an ongoing increase in potential costs and workload for the Judicial Department.

**Information Technology and Public Utilities Commission.** The bill requires the PUC to report to the Office of the State Court Administrator by November 1, 2018, as to the areas of the state that are relatively lacking in internet connectivity and infrastructure. This is not something the

PUC currently does or has the capacity to do. As such, the commission will contract with a consultant and work with OIT to conduct a study and compile the report. Assuming the report will simply identify areas of the state that are relatively lacking in broadband coverage rather than going into detail about specific jails and courtrooms, the report can be completed in 40 hours of contract time (at an expected rate of \$75 per hour) for a total one-time cost of \$3,000. The fiscal note assumes that OIT will take the lead on the report, which will increase OIT's workload, but can be accomplished within existing appropriations.

**Judicial Department.** The bill requires the Office of the State Court Administrator to operate the telejustice program. The Judicial Department started an audio/visual project approximately eight years ago that utilizes a contractor, Video Link, to allow courts to communicate with defendants in jails through video conferencing. This capability is available in courtrooms and jails in 42 counties around the state. Any expansion of the program is permissive and will be addressed through the regular budget process.

The amendment will require some new hearings on the question of whether a proceeding is one in which the defendant does not need to appear in person; however, the Colorado Supreme Court has already defined when the defendant's presence is not required, when the defendant cannot be compelled to appear by video-conferencing, and what types of hearing for which the defendant must give written consent. Therefore, additional hearing time is expected to be minimal and will be accomplished within existing resources.

**Local Government**

The bill has the potential to both increase and decrease costs for counties and municipalities. If they choose to outfit jails and courtrooms with equipment for the telejustice program, it will lead to significant cost increases. Decreases would be realized by those counties participating in the program that did not have to use time and money to transport prisoners to judicial proceedings. An estimate of these cost changes cannot be made at this time.

**Table 1  
State Fiscal Impacts under HB 18-1131 with Amendment L.007**

		FY 2018-19	FY 2019-20
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	\$3,000	-
<b>Transfers</b>		-	-

HB1131 L.007

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB18-1131 be amended as follows:

- 1 Amend printed bill, page 2, line 2, strike "24-33.5-521" and substitute  
2 "13-3-117".
- 3 Page 2, line 4, strike "24-33.5-521." and substitute "13-3-117".
- 4 Page 2, line 5, strike "DIVISION, IN".
- 5 Page 2, line 6, strike "CONSULTATION WITH THE" and strike  
6 "ADMINISTRATOR," and substitute "ADMINISTRATOR".
- 7 Page 2, line 9, after "LET" insert "MUNICIPAL COURTS," and strike  
8 "COURTS AND" and substitute "COURTS, AND".
- 9 Page 2, strike lines 15 and 16 and substitute:  
10 "(a) ELIMINATE THE TIME AND EXPENSE OF TRANSPORTING  
11 DEFENDANTS AND PRISONERS HELD IN JAILS, PRISONS, AND MENTAL  
12 HEALTH FACILITIES TO AND FROM PROCEEDINGS AT WHICH THEIR PHYSICAL  
13 PRESENCE IS NOT REQUIRED;  
14 (b) FACILITATE JUDICIAL PROCEEDINGS IN DISTRICTS AND  
15 MUNICIPALITIES WHERE COURT DOCKETS ARE OVERLY FULL; AND  
16 (c) ALLOW EXPERT WITNESSES TO TESTIFY."
- 17 Strike page 3.
- 18 Page 4, strike lines 1 through 3.
- 19 Renumber succeeding subsections accordingly.
- 20 Page 4, line 15, strike "DIVISION" and substitute "STATE COURT  
21 ADMINISTRATOR".
- 22 Page 4, line 16, after "SECTION." add "THE MUNICIPALITIES OF EACH  
23 MUNICIPAL COURT, IF THEY CHOOSE TO PARTICIPATE IN THE TELEJUSTICE  
24 PROGRAM AT THEIR DISCRETION, ARE RESPONSIBLE FOR THE COSTS OF  
25 INSTALLING AND MAINTAINING SOFTWARE AND EQUIPMENT COMPATIBLE  
26 WITH THE TELEPHONIC OR INTERNET-BASED SOFTWARE USED BY THE  
27 COUNTY COURTS AND DISTRICT COURTS."
- 28 Page 4, line 17, strike "COUNTY COURTS" and substitute "MUNICIPAL  
29 COURTS, COUNTY COURTS,".

- 1 Page 4, line 20, after "REQUIRED." add "HOWEVER, THE COURT RETAINS  
2 COMPLETE DISCRETION OVER THE USE OF TECHNOLOGY DESCRIBED IN THIS  
3 SECTION, SUBJECT TO CONSTITUTIONAL LIMITATIONS AND ANY RULES  
4 PROMULGATED BY THE COLORADO SUPREME COURT."
- 5 Page 4, after line 20 insert:  
6 "(4) FOR THE PURPOSE OF THIS SECTION, IN DETERMINING  
7 WHETHER THE PROCEEDING IS ONE AT WHICH THE PHYSICAL PRESENCE OF  
8 THE DEFENDANT OR PRISONER IS NOT REQUIRED, THE COURT SHALL GIVE  
9 DEFENDANT'S COUNSEL AN OPPORTUNITY TO BE HEARD. FURTHER, IF THE  
10 DEFENDANT'S PHYSICAL PRESENCE IS DETERMINED NOT TO BE REQUIRED,  
11 THE COURT SHALL ALLOW COUNSEL THE OPPORTUNITY TO CONSULT WITH  
12 THE DEFENDANT CONFIDENTIALLY BEFORE THE HEARING.  
13 (5) NOTHING IN THIS SECTION REQUIRES THE DIVISION OF YOUTH  
14 SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES TO UTILIZE THE  
15 TELEJUSTICE PROGRAM."
- 16 Page 4, lines 23 and 24, strike "COUNTY JAILS" and substitute "JAILS,  
17 PRISONS, AND MENTAL HEALTH FACILITIES".
- 18 Page 4, line 26, strike "REQUIRED AND" and substitute "REQUIRED,".
- 19 Page 4, strike line 27 and substitute "DISTRICTS AND MUNICIPALITIES  
20 WHERE COURT DOCKETS ARE OVERLY FULL, AND TO ALLOW EXPERT  
21 WITNESSES TO TESTIFY, EACH MUNICIPAL COURT, EACH COUNTY".
- 22 Page 5, strike lines 1 through 3 and substitute "COURT, AND EACH  
23 DISTRICT COURT IN THE STATE IS ENCOURAGED TO UTILIZE THE  
24 TELEJUSTICE PROGRAM ESTABLISHED WITHIN THE OFFICE OF THE STATE  
25 COURT ADMINISTRATOR PURSUANT TO SECTION 13-3-117."
- 26 Page 5, line 6, strike "**division of criminal justice**" and substitute "**state  
27 court administrator**".
- 28 Page 5, line 7, strike "24-33.5-521," and substitute "13-3-117,".
- 29 Page 5, strike lines 8 and 9 and substitute "NOVEMBER 1, 2018, THE  
30 COMMISSION SHALL REPORT TO THE OFFICE OF THE STATE COURT  
31 ADMINISTRATOR. THE REPORT".
- 32 Page 5, line 15, strike "24-33.5-521." and substitute "13-3-117.".
- 33 Page 6, strike line 1 and substitute "13-3-117.".

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