

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO  
UNOFFICIAL PREAMENDED VERSION

LLS NO. 18-0247.01 Richard Sweetman x4333

HOUSE BILL 18-1131

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Crowder and Fields,

House Committees  
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A PROGRAM TO FACILITATE CONDUCTING JUDICIAL  
102 PROCEEDINGS VIA NETWORKING TECHNOLOGY.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. The bill directs the division of criminal justice (division) within the department of public safety (department), in consultation with the office of the state court administrator, to operate a program that implements telephonic or internet-based networking software to let county courts and district courts

Shading denotes HOUSE amendment Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

UNOFFICIAL PREAMENDED VERSION

conduct judicial procedures with remote participants.

The bill sets forth a timeline by which the division shall first solicit requests for proposals from prospective software vendors and then select and contract with one or more software vendors for the purposes of the program.

The bill requires the executive director of the department to promulgate rules for the administration of the program.

The bill requires the public utilities commission (PUC) to report to the division on or before November 1, 2018, to:

- Identify areas of the state that are relatively lacking in internet connectivity and infrastructure; and
- Make any recommendations the PUC may have concerning the implementation of the program.

In implementing the program, the division shall consider the PUC's report and prioritize the implementation of the program in areas of the state that are relatively lacking in internet connectivity and infrastructure.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 SECTION 1. In Colorado Revised Statutes, add 13-3-117 as  
3 follows:

4 13-3-117. Telejustice program created - purpose - rules - fund.

5 (1) ON AND AFTER SEPTEMBER 1, 2019, THE \_\_\_\_\_ OFFICE OF THE  
6 STATE COURT ADMINISTRATOR SHALL OPERATE A PROGRAM, REFERRED TO  
7 IN THIS SECTION AS THE "TELEJUSTICE PROGRAM", THAT IMPLEMENTS  
8 TELEPHONIC OR INTERNET-BASED NETWORKING SOFTWARE TO LET  
9 MUNICIPAL COURTS, COUNTY COURTS, AND DISTRICT COURTS OF THE  
10 STATE CONDUCT HEARINGS AND OTHER JUDICIAL PROCEDURES WITH  
11 REMOTE PARTICIPANTS. THE TELEJUSTICE PROGRAM MUST PROVIDE A  
12 TWO-WAY AUDIO AND VIDEO CONNECTION THAT ALLOWS PARTICIPANTS TO  
13 SEE AND COMMUNICATE VERBALLY WITH EACH OTHER. THE PURPOSE OF  
14 THE TELEJUSTICE PROGRAM IS TO:

15 (a) ELIMINATE THE TIME AND EXPENSE OF TRANSPORTING  
16 DEFENDANTS AND PRISONERS HELD IN JAILS, PRISONS, AND MENTAL

UNOFFICIAL PREAMENDED VERSION

1 HEALTH FACILITIES TO AND FROM PROCEEDINGS AT WHICH THEIR PHYSICAL  
2 PRESENCE IS NOT REQUIRED;

3 (b) FACILITATE JUDICIAL PROCEEDINGS IN DISTRICTS AND  
4 MUNICIPALITIES WHERE COURT DOCKETS ARE OVERLY FULL; AND

5 (c) ALLOW EXPERT WITNESSES TO TESTIFY.

6 =====

7 =====

8 (2) (a) THE TELEJUSTICE PROGRAM CASH FUND, REFERRED TO IN  
9 THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE  
10 TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL  
11 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

12 (b) IN ACCORDANCE WITH SECTION 24-36-114 (1), THE STATE  
13 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE  
14 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE GENERAL FUND.

15 (c) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND  
16 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL  
17 YEAR TO THE GENERAL FUND.

18 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
19 ASSEMBLY, THE STATE COURT ADMINISTRATOR MAY EXPEND MONEY FROM  
20 THE FUND FOR THE PURPOSES DESCRIBED IN THIS SECTION. THE  
21 MUNICIPALITIES OF EACH MUNICIPAL COURT, IF THEY CHOOSE TO  
22 PARTICIPATE IN THE TELEJUSTICE PROGRAM AT THEIR DISCRETION, ARE  
23 RESPONSIBLE FOR THE COSTS OF INSTALLING AND MAINTAINING SOFTWARE  
24 AND EQUIPMENT COMPATIBLE WITH THE TELEPHONIC OR INTERNET-BASED  
25 SOFTWARE USED BY THE COUNTY COURTS AND DISTRICT COURTS.

26 (3) MUNICIPAL COURTS, COUNTY COURTS, AND DISTRICT COURTS  
27 ARE ENCOURAGED TO AVAIL THEMSELVES OF THE TELEJUSTICE PROGRAM

1 FOR PROCEEDINGS AT WHICH THE PHYSICAL PRESENCE OF A DEFENDANT OR  
2 A PRISONER IS NOT REQUIRED. HOWEVER, THE COURT RETAINS COMPLETE  
3 DISCRETION OVER THE USE OF TECHNOLOGY DESCRIBED IN THIS SECTION,  
4 SUBJECT TO CONSTITUTIONAL LIMITATIONS AND ANY RULES  
5 PROMULGATED BY THE COLORADO SUPREME COURT.

6 (4) FOR THE PURPOSE OF THIS SECTION, IN DETERMINING WHETHER  
7 THE PROCEEDING IS ONE AT WHICH THE PHYSICAL PRESENCE OF THE  
8 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 SECTION 2. In Colorado Revised Statutes, add 13-1-138 as  
17 follows:

18 13-1-138. **Telejustice program encouraged.** To HELP JAILS,  
19 PRISONS, AND MENTAL HEALTH FACILITIES ELIMINATE THE TIME AND  
20 EXPENSE OF TRANSPORTING DEFENDANTS AND PRISONERS TO AND FROM  
21 PROCEEDINGS AT WHICH THEIR PHYSICAL PRESENCE IS NOT REQUIRED, \_\_  
22 \_\_\_\_\_ TO FACILITATE JUDICIAL PROCEEDINGS IN DISTRICTS AND  
23 MUNICIPALITIES WHERE COURT DOCKETS ARE OVERLY FULL, AND TO  
24 ALLOW EXPERT WITNESSES TO TESTIFY, EACH MUNICIPAL COURT, EACH  
25 COUNTY COURT, AND EACH DISTRICT COURT IN THE STATE IS ENCOURAGED  
26 TO UTILIZE THE TELEJUSTICE PROGRAM ESTABLISHED WITHIN THE OFFICE  
27 OF THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION 13-3-117.

UNOFFICIAL PREAMENDED VERSION

1           **SECTION 3.** In Colorado Revised Statutes, add 40-2-130 as  
2 follows:

3           **40-2-130. Report to the state court administrator - repeal.**

4           (1) FOR THE PURPOSES OF SECTION 13-3-117, ON OR BEFORE NOVEMBER  
5 1, 2018, THE COMMISSION SHALL REPORT TO THE OFFICE OF THE STATE  
6 COURT ADMINISTRATOR. THE REPORT MUST:

7           (a) IDENTIFY AREAS OF THE STATE THAT ARE RELATIVELY LACKING  
8 IN INTERNET CONNECTIVITY AND INFRASTRUCTURE; AND

9           (b) MAKE ANY RECOMMENDATIONS THE COMMISSION MAY HAVE  
10 CONCERNING THE IMPLEMENTATION OF THE PROGRAM DESCRIBED IN  
11 SECTION 13-3-117.

12           (2) THIS SECTION IS REPEALED, EFFECTIVE NOVEMBER 1, 2019.

13           **SECTION 4.** In Colorado Revised Statutes, 24-72-402, amend  
14 (5)(ll) and (5)(mm); and add (5)(nn) as follows:

15           **24-75-402. Cash funds - limit on uncommitted reserves -**  
16 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding  
17 any provision of this section to the contrary, the following cash funds are  
18 excluded from the limitations specified in this section:

19           (ll) The technology advancement and emergency fund created in  
20 section 24-37.5-115; and

21           (mm) The division of youth services pilot program cash fund  
22 created in section 19-2-203 (4); AND

23           (nn) THE TELEJUSTICE PROGRAM CASH FUND CREATED IN SECTION  
24 13-3-117.

25           **SECTION 5. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August

1 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2018 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.

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 COMPLETEDISCRETION 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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