



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

HB 20-1009

# FISCAL NOTE

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<b>Drafting Number:</b>	LLS 20-0292	<b>Date:</b>	January 16, 2020
<b>Prime Sponsors:</b>	Rep. Jackson Sen. Winter	<b>Bill Status:</b>	House Judiciary
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**Bill Topic:**                    **SUPPRESSING COURT RECORDS OF EVICTION PROCEEDINGS**

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<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 requires a court to suppress records of eviction proceedings and actions for termination, and provide notice of such suppression to the defendant, until an order granting the plaintiff possession of the premises is issued. The bill increases state workload beginning in FY 2020-21.

**Appropriation  
Summary:**                    No appropriation is required.

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

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## Summary of Legislation

The bill requires a court to suppress records related to eviction proceedings and actions for termination. In addition, the court must not publish the names of any parties online. Upon an order granting the plaintiff possession of the premises, the court will lift the suppression order unless the parties agree that the record should remain suppressed. Summons to defendants must include a notification that the records associated with the proceedings are suppressed until an order grants the plaintiff possession of the premises, and that the record may still remain suppressed if both parties agree.

## State Expenditures

The bill will minimally increase workload and costs in the Judicial Department in several ways beginning in FY 2020-21, as discussed below.

**Trial courts.** The bill will increase workload for the trials courts in the Judicial Department in eviction and termination cases to enter suppression orders and lift those orders when an order granting the plaintiff procession of the premises is issued. In addition, workload may increase for clerks, estimated at approximately 800 hours, to enter agreements between plaintiffs and defendants to keep records suppressed after an order granting the plaintiff premisses is issued. For informational purposes, there were 25,907 cases in FY 2018-19 where an order was issued

granting the plaintiff possession of the premises. This work can be conducted within existing resources and no appropriation is required. Should a change in funding be required for the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

**Computer programming.** The bill will increase computer programming costs for the Judicial Department to update the department's case management system to automatically suppress records and to lift those records from suppression. In addition, the case management system must be updated to issue an order of suppression for each case. This work can be conducted within existing appropriation and no appropriation is required.

## Technical Note

The bill includes an effective date of August 5, 2020, and the Judicial Department indicates that the required computer programming may take approximately five months. The fiscal note assumes the suppression of these cases will not start until December 1, 2020.

## Effective Date

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed. It applies to actions commencing on or after this date.

## State and Local Government Contacts

Judicial

Counties

Information Technology