

**STATE and LOCAL
FISCAL IMPACT**

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Prime Sponsor(s): Rep. Vigil
 Sen. Crowder

Date: January 14, 2015
Bill Status: House Judiciary
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BILL TOPIC: ADD JUDGE IN TWELFTH JUDICIAL DISTRICT

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	\$368,007	\$303,614
General Fund	333,631	274,676
Cash Funds	7,020	
Centrally Appropriated Costs**	27,356	28,938
FTE Position Change	3.2 FTE	3.5 FTE
Appropriation Required: \$340,651 - Judicial Department (FY 2015-16)		

* This summary shows changes from current law under the bill for each fiscal year.

** These costs are not included in the bill's appropriation. See the State Expenditures section for more information.

Summary of Legislation

This bill increases the allocation of district judges in the Twelfth Judicial District (Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache Counties). Under current law, three district judges hold office in the Twelfth Judicial District. The bill authorizes four district judges, subject to available appropriations.

Background

The FY 2015-16 budget request for the Judicial Department includes an informational decision item to add one new judgeship to the Twelfth Judicial District. The decision item is strictly informational, as the state constitution requires the General Assembly to pass a bill to increase the number of district judges.

Trial court resource allocation in the Twelfth Judicial District. According to data compiled by the Judicial Department, the Twelfth Judicial District is currently operating with 72 percent of its full staffing requirement, the lowest among all judicial districts in the state. Currently, a 0.5 FTE magistrate position is allocated to the district until a new district judgeship is created. The magistrate position improves staffing to 84 percent, but the Twelfth Judicial District is experiencing a significant case backlog, especially in civil cases.

If this bill passes, the Judicial Department plans to reallocate the docket of current judges in the Twelfth Judicial District. The new district judge will be assigned criminal and juvenile (e.g., dependency and neglect) cases that are currently assigned to the Chief Judge. This will allow the Chief Judge to focus on civil cases, addressing the current backlog and allowing civil cases to be heard more readily in outlying counties. No increase or adjustment in felony criminal docket time is anticipated as a result of this bill.

Courthouse facilities in the Twelfth Judicial District. Each county within the six-county geographic area of the Twelfth Judicial District owns and maintains a courthouse facility used for state judicial proceedings. Each courthouse is used for a combined docket of county and district court cases.

Judicial Department budget resources. State expenditures for trial court judicial officers and support staff are funded from a combination of sources, including state General Fund and Judicial Department cash funds. The primary cash fund available for trial court costs, the Judicial Stabilization Cash Fund, is experiencing declining revenue due to an unexpected and significant decline in certain case filings across the state. Without sufficient new fee revenue from case filings, new costs for trial courts will typically be paid from the General Fund. There are certain special purpose cash funds in the Judicial Department, including the Information Technology Cash Fund, that have not experienced this decline in revenue.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$368,007 and 3.2 FTE in FY 2015-16, and by \$303,614 and 3.5 FTE in FY 2016-17. Table 1 presents a summary of the bill's costs (and savings) in the state trial courts. All personal services costs (and FTE) are prorated in FY 2015-16 to account for the General Fund payday shift.

Table 1. State Expenditures Under HB 15-1034		
Cost Components	FY 2015-16	FY 2016-17
<i>Trial Courts - New Judgeship</i>	<u>\$447,916</u>	<u>\$383,523</u>
Personal Services	310,118	338,313
FTE	3.7	4.0
Operating Expenses	8,550	8,550
Capital Outlay	94,170	0
Centrally Appropriated Costs*	35,078	36,660
<i>Trial Courts - Temporary Magistrate</i>	<u>(\$79,909)</u>	<u>(\$79,909)</u>
Personal Services	(69,337)	(69,337)
FTE	(0.5)	(0.5)
Operating Expenses	(2,850)	(2,850)
Centrally Appropriated Costs*	(7,722)	(7,722)
TOTAL	\$368,007	\$303,614

* Centrally appropriated costs are not included in the bill's appropriation. Parentheses represent a decrease in expenditures.

Assumptions. This fiscal note incorporates the following assumptions:

- The bill does not directly increase criminal caseload or substantially change management of the criminal docket in the Twelfth Judicial District.
- Existing court buildings have expansion capacity for a new district judge.

- All new costs to the Judicial Department will be paid from the General Fund, with the exception of information technology costs that may be paid out of the Information Technology Cash Fund.
- Implementation of the bill commences on July 1, 2015, at the beginning of FY 2015-16.

Trial courts. Costs for personal services in state trial courts increase by 4.0 FTE with each new district court judgeship, with a judicial assistant, law clerk, and court reporter to support the district judge. Under the bill, personal services costs for state trial courts increase along with associated operating expenses. These increased costs are partially offset by reduced costs (of 0.5 FTE) for the temporary magistrate whose allocation to the Twelfth Judicial District ends with the appointment of a new district judge.

Furniture and equipment for one district judge and three support staff require a one-time capital outlay of \$94,170 in FY 2015-16. Of this capital outlay amount, \$7,020 is for computers and software paid out of the Information Technology Cash Fund.

Other Judicial Branch agencies. At present, the Office of the State Public Defender (OSPD), Office of the Child's Representative (OCR), and the Office of Alternate Defense Counsel (OADC), have adequate appropriations to address current caseload in the Twelfth Judicial District. These other Judicial Branch agencies are impacted by the bill to the extent that it changes workload in criminal and juvenile cases. Workload impacts to OSPD and other agencies, such as scheduling conflicts and travel, may result when another full time courtroom is added to the Twelfth Judicial District.

No specific impact to the OSPD can be quantified for this analysis, and minimal impacts to other Judicial Branch agencies are expected in FY 2015-16 based on the Judicial Department's resource allocation plan. In future fiscal years, the Judicial Department's plan to minimize impacts to criminal and juvenile cases may diminish or change at the discretion of trial court personnel. If significant workload impacts become evident, these agencies may adjust staffing and other resource levels through the annual budget process.

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. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2. These calculations account for both new costs for the new district judge and support staff, and reduced costs associated with the temporary magistrate.

Cost Components	FY 2015-16	FY 2016-17
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$15,645	\$15,673
Supplemental Employee Retirement Payments	11,711	13,265
TOTAL	\$27,356	\$28,938

*More information is available at: <http://colorado.gov/fiscalnotes>

Local Government Impact

The bill potentially increases costs for county governments within the Twelfth Judicial District. Local governments, specifically counties, maintain the budget for trial court facilities and district attorney (DA) offices. These county government costs associated with additional judicial resources under the bill start in FY 2015-16 and continue in subsequent fiscal years.

Additional county expenditures for courthouse facilities may be required to provide court and office space for the 4.0 FTE added by the bill. The fiscal note assumes that, amongst the six courthouses in the six counties of the Twelfth Judicial District, current facilities are adequate to accommodate the new judgeship without construction of new space. To maintain additional courtroom space, marginal increases in county government operating budgets (e.g., heating, electricity, courthouse security) are also expected. However, these costs are anticipated to be minimal to the extent that existing building space is utilized.

Based on the assumption that new judicial resources are primarily used to allocate more time to civil caseload in the Twelfth Judicial District, no budget increase for the DA is expected as a direct result of the bill.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

The bill requires a total appropriation of \$340,651 to the Judicial Department, Trial Courts division, and a net allocation of 3.2 FTE. This appropriation consists of \$333,631 General Fund, and \$7,020 from the Information Technology Cash Fund.

State and Local Government Contacts

Judicial Branch
Public Defender
District Attorneys

Counties
Sheriffs
Law

Local Affairs
Corrections