



Colorado Legislative Council Staff Fiscal Note

NO FISCAL IMPACT

Drafting Number: LLS 11-0468**Date:** January 24, 2011**Prime Sponsor(s):** Rep. McCann; Court
Sen. King S.**Bill Status:** House SVMA**Fiscal Analyst:** Harry Zeid (303-866-4753)

TITLE: CONCERNING SUBPOENAS ISSUED BY ADMINISTRATIVE LAW JUDGES IN
CAMPAIGN FINANCE PROCEEDINGS.**Summary of Legislation**

The bill codifies a procedure for subpoenas issued by administrative law judges in campaign finance proceedings. The bill includes the following provisions:

- upon failure to comply with an administrative subpoena issued in relation to an alleged campaign finance violation, the party requesting the subpoena may petition the district court for an order directing the witness or party to comply;
- if the district court is satisfied by the petition that the subpoena was properly served, the district court shall order the subpoenaed witness or party to appear before the court and show cause why the individual should not be ordered to comply;
- at a show cause hearing, the subpoenaed witness or party may present evidence to overcome the presumption in favor of ordering compliance with the subpoena;
- failure to appear at a show cause hearing may result in issuance of a warrant for the witness's or party's arrest or the imposition of other sanctions; and
- upon a finding that the individual subpoenaed has not shown good cause why that person should not be ordered to comply with an administrative subpoena, the district court shall order compliance within 10 business days and may impose remedial and punitive fines.

The bill becomes effective upon signature of the Governor or upon becoming law without his signature.

Assessment

The bill is assessed at no fiscal impact. The actions covered by the bill are currently handled by the district court through the contempt provisions of the Colorado Rules of Civil Procedure. Rule 107, which covers remedial and punitive sanctions for contempt, defines the term of "contempt" and describes the punitive and remedial sanctions available to the court in such instances. The codification of these provisions in statute does not provide a new remedy. Therefore, the bill will not affect the workload of the courts or result in additional fine revenue beyond that which is currently available to the courts.

Departments Contacted

Judicial Personnel Secretary of State