

**FINAL
FISCAL NOTE**

Drafting Number: LLS 11-0468**Date:** June 21, 2011**Prime Sponsor(s):** Rep. McCann; Court
Sen. King S.**Bill Status:** Signed into Law**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 or the issuing agency 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 pursuant to rule 4 of the Colorado rules of civil procedure, 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 with the administrative subpoena;
- at a show cause hearing, ordered by the district court, the court shall review the administrative subpoena and any evidence presented by the parties to determine compliance with the Colorado rules of civil procedure.
- if the court determines that the subpoenaed witness or party is required to comply with the administrative subpoena: the district court shall order compliance forthwith and may impose remedial and punitive fines; and the administrative law judge shall schedule a hearing on the complaint;
- if the subpoenaed witness or party fails to appear at the show cause hearing, the district court may issue a bench warrant for the arrest of the subpoenaed witness or party and may impose other sanctions.

The bill was signed into law by the Governor and took effect on March 21, 2011.

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