

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 12-0291

**Date:** January 12, 2012

**Prime Sponsor(s):** Rep. Brown  
Sen. Roberts

**Bill Status:** House Judiciary

**Fiscal Analyst:** Hillary Smith (303-866-3277)

**TITLE:** CONCERNING THE TRANSFER OF A JUDGESHIP FROM THE FIRST JUDICIAL DISTRICT TO THE SIXTH JUDICIAL DISTRICT.

<b>Fiscal Impact Summary</b>	<b>FY 2012-2013</b>	<b>FY 2013-2014</b>
<b>State Revenue</b>		
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> July 1, 2012.		
<b>Appropriation Summary for FY 2012-2013:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact Section.		

**Summary of Legislation**

The bill modifies the number of judges allocated to the First and Sixth Judicial Districts. The number of judges allocated to the First Judicial District (Gilpin, Jefferson) is reduced from 14 to 13, while the number of judges allocated to the Sixth Judicial District (Archuleta, La Plata, San Juan) is increased from 4 to 5.

**State Revenue and Expenditures**

The bill will not change state expenditures in the aggregate, but will shift resources from one district to another. The funding for the judgeship is already reflected in the Judicial Branch's budget requests. Because this bill only moves an existing judgeship from one district to another, no additional cost is expected as a result of the bill.

**Background.** House Bill 07-1054 created 43 new judgeships over a three year period, including 32 district judges. Due to budget constraints, the General Assembly delayed funding for many of these judgeships. Most recently, the General Assembly provided funding to fill 10 of the final 12 new district judgeships on January 1, 2011. Senate Bill 11-028, which was enacted last year, allocated one of the unfilled district court judgeships originally designated for the First Judicial District to the Seventh Judicial District (Delta, Gunnison, Hindsdale, Montrose, Ouray, San Miguel). Other legislation enacted by the General Assembly provided funding for this judgeship. There is one remaining district judgeship in the First Judicial District remaining to be filled. This bill would transfer that judgeship to the Sixth Judicial District.

The Judicial Branch has requested that the one remaining district judgeship be funded beginning on July 1, 2012. In addition to the Judicial Branch, the addition of judgeships affects the Office of the State Public Defender and the Department of Law. Both agencies have received some, but not all, of the funding for staff associated with new judgeships specified by HB 07-1054. The Office of the State Public Defender has requested funding for additional FTE in the event that the remaining judgeships authorized by HB 07-1054 are funded. The request for additional FTE is related to the original provisions of HB 07-1054, and is not a result of this bill.

### **Local Government Impact**

If the judgeship is funded, counties are responsible for paying capital and associated operating costs for state judicial courtrooms and judicial office space. With this bill, counties in the First Judicial District are relieved of responsibility to expand judicial facilities, while counties in the Sixth Judicial District must provide adequate facilities for a new judge. According to a representative of the Sixth Judicial District, adequate space in La Plata County already exists for a new judge and related staff, so the affected counties will not be incurring any additional building expenses related to the new judgeship authorized by this bill.

### **Departments Contacted**

District Attorneys' Council  
Office of the Alternate Defense Counsel  
Colorado Counties, Inc.

Judicial  
Office of the State Public Defender  
Law