

**STATE
FISCAL IMPACT**

Drafting Number: LLS 13-0650

Date: February 7, 2013

Prime Sponsor(s): Sen. Balmer

Bill Status: Senate Judiciary

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TITLE: CONCERNING INCREASING TRANSPARENCY IN CRIMINAL ACTIONS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
Cash Funds		
Fines Collection Cash Fund	(\$1,015)	(\$1,015)
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: None.		

Summary of Legislation

This bill requires that preliminary court hearings be open to the public unless a party to the case requests that it be closed and the court finds such closure is necessary to protect the public interest. The bill also removes courts from the definition of criminal justice agency for purposes of public records access.

State Revenue

Beginning in FY 2013-14, state revenue will decrease by approximately \$1,015 per year. This revenue loss is a result from exempting criminal courts from the definition of criminal justice agency. Under current law, criminal justice agencies are granted authority in the Colorado Criminal Justice Records Act to recover fees from persons requesting records. This analysis assumes that criminal courts will still be required to produce records, but they will no longer be allowed to assess fees for the work. The revenue loss shown in the fiscal note is based on collections in FY 2011-12 which were credited to the Fines Collection Cash Fund.

State Expenditures

This bill has an indeterminate impact on the Judicial Department, but is overall expected to increase workload. These impacts are discussed below.

Preliminary court hearings. The requirements concerning closing preliminary court hearings will result in a revision of court procedures. This cost can be addressed within existing appropriations.

Records. By removing state criminal courts from the Colorado Criminal Justice Records Act, workload and costs are both increased and decreased, as discussed below.

Costs will increase in order to develop new policies for the treatment of records. The Chief Justice will be required to work with various court personnel in order to determine how to analyze requests for court records from the public and criminal justice agencies. Because courts will no longer be covered by the Colorado Criminal Justice Records Act, this analysis assumes that courts must rely on applicable case law and, as such, will be required to review and update procedures and rules on an ongoing basis. Costs will also increase in order to train various court personnel in how to interpret the new policies and procedures. Because of the complexity of this process and widely variant nature of criminal cases, costs cannot be determined until the court begins its review of applicable records. However, this analysis assumes that it will not require an increase in appropriations.

Costs may decrease as a result of fewer legal challenges to the denial of criminal justice records. To the extent that more analysis occurs at the beginning of the process, it is possible that fewer parties would appeal the denial of records to a district court. As there are only about ten challenges per year, this analysis assumes any reduction will be minimal.

Departments Contacted

District Attorneys

Judicial