



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1081**

# REVISED FISCAL NOTE

(replaces fiscal note dated February 6, 2018)

**Drafting Number:** LLS 18-0688  
**Prime Sponsors:** Rep. Benavidez; Lee

**Date:** February 28, 2018  
**Bill Status:** House Appropriations  
**Fiscal Analyst:** Chris Creighton | 303-866-5834  
Chris.Creighton@state.co.us

**Bill Topic:** STATE COURT ADMINISTRATOR REMINDER CALL CENTER

**Summary of  
Fiscal Impact:**  State Revenue (*minimal*)  TABOR Refund  
 State Expenditure  Local Government  
 State Transfer  Statutory Public Entity

This bill creates a program in the Judicial Department responsible for reminding criminal defendants of upcoming court dates. This bill increases state expenditures and decreases state and local government costs and workload. These impacts are ongoing.

**Appropriation  
Summary:** For FY 2018-19, this bill requires an appropriation of \$261,309 to the Judicial Department.

**Fiscal Note  
Status:** This fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

**Table 1**  
**State Fiscal Impacts Under HB 18-1081**

		<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund Centrally Appropriated	up to \$261,309 \$6,177	\$102,406 \$7,959
	<b>Total</b>	<b>up to \$267,486</b>	<b>\$110,365</b>
	<b>Total FTE</b>	<b>0.4 FTE</b>	<b>0.5 FTE</b>
<b>Transfers</b>		-	-

## **Summary of Legislation**

This bill requires the State Court Administrator in the Judicial Department to administer a program for reminding criminal defendants of their upcoming court date in county and district courts, except for Denver County Court.

**Notifications and data collection.** The State Court Administrator must begin providing court date reminders by January 1, 2019. The use of text message notifications is to be prioritized and other internet-based reminders may be used. This court date reminder program must:

- provide text message reminders to any defendant for whom the State Court Administrator has a working phone number;
- collect data on each instance in which a defendant received a text message reminder;
- determine the number of defendants that received a reminder and failed to appear for a scheduled court date;
- collect data on criminal defendants that cannot be reached because they are unable to receive text messages;
- have the capacity to provide additional information, such as transportation or childcare options;
- have the capacity to support partnerships with local law enforcement agencies, local governments, and the Office of the State Public Defender; and
- utilize one or more public websites where defendants may opt-in or opt-out of receiving court date notifications.

**Reporting.** Beginning September 1, 2018, the State Court Administrator must track the number of criminal defendants that fail to appear for their court date.

The Judicial Department is required to report to the General Assembly annually as part of its SMART Act hearing on the program including the number of reminders provided, failure to appear instances, data on the effectiveness of the program in reducing failure to appear rates, and any savings generated by the program.

## **Background and Assumptions**

Under current law, failure to appear in district or county court often results in a bench warrant being issued. At the time of this writing, at least 8 of 22 judicial districts have some form of court date notification system. This analysis assumes that this program will provide notifications for all 22 district courts and 63 county courts in the state court system which excludes Denver County Court with notifications being provided for all criminal felony, misdemeanor, and traffic cases. Notifications for civil cases are not required by the bill.

## **State Revenue**

Under current law, a \$30 outstanding judgement warrant fee is assessed for the failure to appear in court in traffic cases. While no other specific outstanding judgement or failure to appear fees are assessed, the court may assess additional court administrative fees to a defendant that fails to appear. To the extent that, by reminding defendants of upcoming court cases reduces instances where a defendant fails to appear in court, this bill is expected to decrease state cash fund revenues from this fee. This exact impact is unknown, but is expected to be minimal.

## **TABOR Impact**

The bill increases state revenue subject to TABOR in FY 2018-19 and FY 2019-20. State revenue is not currently expected to exceed the TABOR limit in either year and no refund is required. Therefore, the bill is not expected to impact TABOR refunds in these years. However, refunds in future years when the state next collects a TABOR surplus will be increased.

## **State Expenditures**

This bill increases General Fund expenditures in the Judicial Department by \$267,486 and 0.4 FTE in FY 2018-19 and \$110,365 and 0.5 FTE in FY 2019-20 and in future years. These expenditures are shown in Table 2 and discussed below.

**Table 2**  
**Expenditures Under HB 18-1081**

	<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>Judicial Department</b>		
Personal Services	\$31,448	\$41,931
Operating Expenses and Capital Outlay Costs	\$5,653	\$475
Notification Contract	\$30,000	\$60,000
Computer Programming	up to 194,208	-
Centrally Appropriated Costs*	\$6,177	\$7,959
FTE – Personal Services	0.4 FTE	0.5 FTE
<b>Total Cost</b>	<b>up to \$267,486</b>	<b>\$110,365</b>
<b>Total FTE</b>	<b>0.4 FTE</b>	<b>0.5 FTE</b>

*\* Centrally appropriated costs are not included in the bill's appropriation.*

**Court date notification contract.** This analysis assumes the Judicial Department will create program required by this bill through a contract with a notification provider. Subject to the request for proposal (RFP) process, the cost of this contract is estimated to be \$60,000 per year.

This cost is prorated in the first year based on a January 1, 2019, contract start date. This assumes up to 1.5 million contacts per year with a character limit of 164. To the extent that additional information is provided, such as directions or parking information and additional notifications are provided to probationers, defendants being represented by public defenders, or defendants cited, but not arrested at the local level, contract costs will increase.

**Program manager.** The Judicial Department will need 0.5 FTE on an ongoing basis to provide program management for this new program. This includes creating a RFP and selecting a vendor, managing the vendor contract, promulgating program rules and procedures, performing outreach, responding to customer inquiries, tracking all district and county notifications to ensure compliance, tracking failure to appear rates, and producing performance reports. Standard operating and capital outlay expenses are assumed as well as a September 1, 2018, start date. FY 2018-19, costs are prorated for the General Fund paydate shift.

**Computer programming.** This bill requires defendants to be able to opt-in or opt-out of receiving court date notifications. For FY 2018-19, only it is estimated that 1,734 hours of computer programming will be needed at an hourly rate of \$112 to create a page on the Judicial Department website where defendants can choose to opt-in or opt-out, make changes in the court case management system to track defendant notification selections, create reports, and to integrate with the selected notification vendor to provide this information. These costs are subject to the RFP process and the terms of the contract agreement and could be less than \$194,208 if the vendor agrees to perform some of this work or if efficiencies are found during system integration.

**Trial courts.** This bill potentially reduces the number of district and county court rehearings that must be scheduled due to the failure of the defendant to appear and staff time to produce a failure to appear bench warrant, however no change in appropriations is anticipated at this time. Should this bill result in a significant decrease in the number of scheduled rehearings, any reductions in appropriations will be addressed in 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. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$6,177 in FY 2018-19 and \$7,959 in FY 2019-20.

## **Local Government Impact**

This bill decreases local government costs and workload as described below. These impacts will vary by county and judicial district based on the number of reduced failure to appear arrests, court procedures, and existing notification systems.

**County jail.** This bill is expected to decrease the number of instances where defendants are arrested for failing to appear in court in counties that do not currently have a court date notification system. Costs associated with failing to appear include staff time to produce a bench warrant, Sheriff deputy staff time to serve the warrant or process server fees in some cases, transportation costs for transporting arrested defendants to the appropriate county jail, and county jail incarceration costs. To the extent that the number of arrests for failing to appear decreases, savings will be realized by counties that do not currently have notification systems. Potential jail savings ranges from \$53 to \$114 per day, per offender in county jail.

**County court date notification systems.** Additionally, it is assumed that this new program in the Judicial Department will provide statewide notifications in all judicial districts and counties, except for Denver County Court, therefore county expenditures will decrease for counties that have an existing court date notification system as this new program will replace those systems. This amount has not been estimated as of this writing.

**Municipalities.** To the extent that municipalities choose to partner with the Judicial Department to have court date reminders provided for municipal court cases, costs will increase to pay for the cost of this service. This impact will depend on the number of cases within the municipality's jurisdiction and the type of notifications provided. This amount has not been estimated.

## Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

## State Appropriations

For FY 2018-19, this bill requires a General Fund appropriation of \$261,309 and an allocation of 0.4 FTE to the Judicial Department.

## **State and Local Government Contacts**