

## **Judicial Department – Courts and Probation**

# **FY 2026-27 Joint Budget Committee Hearing Agenda**

Tuesday, January 6, 2026

9:00 am – 12:00 pm

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### **9:00 – 9:15      Introductions and Opening Comments**

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Presenter: Chief Justice Monica Márquez, Colorado Supreme Court

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### **9:15 – 9:30      Governor v. Department Request Amounts**

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Main Presenters:

- Chief Justice Monica Márquez, Colorado Supreme Court
- Steven Vasconcellos, State Court Administrator

Topics:

- Governor v. Department Request Amounts: Page 3, Questions 1-3 in the packet

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### **9:30 – 10:15      Court Caseload and Judicial Officer & Staff Needs [Request R1, R2, S.B. 25-024 (Judicial Officers) Annualization, and Cuts Options**

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Main Presenters:

- Chief Justice Monica Márquez, Colorado Supreme Court
- Steven Vasconcellos, State Court Administrator

Topics:

- Court Caseload and Judicial Officer & Staff Needs: Page 5, Questions 1-4 in the packet
- S.B. 25-024 Annualization: Page 10, Questions 5-6 in the packet

## **10:15 – 11:00 Courts – General Administration Requests and Cuts Options**

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Main Presenters:

- Chief Justice Monica Márquez, Colorado Supreme Court
- Steven Vasconcellos, State Court Administrator

Topics:

- R9 Courthouse Furnishings: Page 11, Questions 1-4 in the packet
- R7 Statewide Judicial Security FTE: Page 14, Questions 5-6 in the packet
- Judicial ITCap1 and R6 IT Infrastructure: Page 17, Question 7-8 in the packet
- R4 General Courts Administration FTE: Page 20, Question 9-10 in the packet
- R13 Court-appointed Counsel: Page 22, Question 11 in the packet
- R15 Family Violence Justice Grants Increase and Eviction Legal Defense Grants (Inc. Special Purpose Authority): Page 24, Questions 12-13 in the packet
- Parking Garage: Page 26, Questions 14-15 in the packet

## **11:00 – 11:30 Probation and Request R3**

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Main Presenters:

- Chief Justice Monica Márquez, Colorado Supreme Court
- Steven Vasconcellos, State Court Administrator

Topics:

- Probation and Request R3: Page 28, Questions 1-3 in the packet

## **11:30 – 12:00 Judicial Fees and Cash Funds**

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Main Presenters:

- Chief Justice Monica Márquez, Colorado Supreme Court
- Steven Vasconcellos, State Court Administrator

Topics:

- Judicial Fees and Cash Funds: Page 32, Questions 1-5 in the packet

## Judicial – Courts and Probation

# FY 2026-27 Joint Budget Committee Hearing

Tuesday, January 6, 2026

9:00 am - 12:00 pm

### **Common question For Department Hearings (Written-only Response)**

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**(PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT  
LABELING ACROSS DEPARTMENTS.)**

1. Please provide a breakdown of your department's total advertising budget for the current and prior fiscal year. Specifically:
  - a. What is the total amount budgeted and expended on advertising and media placement type?

The Judicial Department (Courts and Probation) does not advertise, therefore there is no advertising budget and there are no expenditures to report.

The Office of Judicial Performance Evaluation (OJPE) is an independently administered agency whose budget is appropriated in the Courts and Probation (2) State Courts Administration (C) Centrally-administered Programs sub-division of the Long Bill. Neither the Supreme Court nor State Court Administrator's Office direct spending for OJPE as it is governed by a statutorily created Commission. OJPE had advertising expenditures in FY 2024-25. This budget totaled \$50,000 and was executed through the Colorado Broadcasters Association's Non-Commercial Supporting Announcements (NCSA) program.

OJPE does not have any funds budgeted for advertising in FY 2025-26. While \$50,000 was initially considered, the OJPE is reducing discretionary spending to ensure that existing cash fund revenue and spending authority can support essential salary, operational, and survey expenses.

- b. How are those advertising dollars allocated across different media types (e.g., television (national/local/cable), radio (terrestrial vs streaming), SEM, digital (display, YouTube), connected TV, social media, print, outdoor, etc.)?

Not applicable for Courts and Probation.

During the 2024 judicial retention election, the OJPE allocated funds as follows:

- **Radio and Television (\$35,000):** Advertisements aired from September 2024 through November 2024.
- **Digital and Social Media (\$10,000):** A campaign promoting voter participation and the use of judicial evaluations ran from October 5, 2024, through November 5, 2024.
- **Creation and production of NCSA digital creative assets (\$5,000)**

c. How much of that spending is directed to Colorado-based or local media outlets? How is the media currently purchased?

Not applicable to Courts and Probation.

OJPE's entire advertising budget is contracted through the Colorado Broadcasters Association via the NCSA program. This contract facilitates the distribution of awareness campaign announcements to member radio and television stations throughout Colorado. All media is purchased locally to ensure statewide coverage.

d. What performance metrics or evaluation tools does the department use to measure the effectiveness of these advertising campaigns? What are the goals of the campaigns, and what key performance indicators are measured for success?

Not applicable to Courts and Probation.

OJPE set the following goals and utilized the following metrics to evaluate their advertising work:

- **Campaign Goals:** To promote voter participation in judicial retention elections and increase public awareness of judicial performance evaluations for judges on the 2024 general ballot.
- **Key Performance Indicators (KPIs):** The primary KPI is voter participation.
- **Evaluation Tools:** The office reviews monthly summary reports, which include the names of participating stations and specific market penetration data.

e. If any portion of advertising is managed through third-party vendors (or 'partners';) or media buying firms, please provide any available data or reporting

from those companies on campaign performance and spending. How often do the departments discuss media placements with these vendors?

Not applicable to Courts and Probation.

OJPE manages its media through the Colorado Broadcasters Association. The office discusses media placements and strategy with the vendor during the active campaign cycle, typically from July through December.

- f. Monthly or quarterly reporting - how is reporting delivered?

Not applicable to Courts and Probation.

OJPE receives monthly summary reports. These documents include Return on Investment (ROI) statistics, lists of participating stations, and market-specific data.

## **Governor v. Department Request Amounts**

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*[Reference: JBC Staff Budget Briefing (Dec 11, 2025) pp. 25-26]*

1. [Sen. Amabile]: Does OSPB get the courts and probation requests before submitting the budget? What about independent agency requests (if known)? How does this process work?

**Yes, the Chief Justice and State Court Administrator remain committed to a constitutionally appropriate partnership with both the Legislative and Executive Departments in balancing Colorado's budget. The Department provides the Courts and Probation budget request to the Governor's Office of State Planning and Budgeting (OSPB) in advance of the November 1<sup>st</sup> deadline. Prior to the November 1<sup>st</sup> and January 2<sup>nd</sup> budget submission deadlines, Judicial Branch budget requests, including Courts and Probation and, at minimum, those independent agencies formerly served by the State Court Administrator's Office and now served by the Office of Administrative Services for Independent Agencies (OASIA), are provided to OSPB through the Executive Branch's Performance Budgeting (PB) system.** The information provided in PB reflects the total fiscal impact of each agency's budget request, with the exception of special bills, and **all information is entered into PB by deadlines established by OSPB.**

State department budget requests include: base appropriations for each Long Bill line item, incremental adjustments reflecting the annualization of prior year legislative action, total compensation adjustments, and prioritized and non-prioritized decision items. Whereas base appropriations in PB are rolled forward from the previous fiscal year by the Department of Personnel (DPA), annualizations, total compensation adjustments, and decision items are entered manually by each department.

*Total Compensation Calculations.* DPA prepares the pots templates for the calculation of total compensation requests for State agencies, including Courts and Probation and agencies supported by OASIA, and provides each template to the respective agency for review and completion. The Courts and Probation pots template reflects the cost of the Department's step plan that was approved by the JBC and implemented in FY 2024-25. In addition, it reflects application of the annual across-the-board salary adjustment requested by the Governor's Office on behalf of all State employees and the cost of health, life, dental; short-term disability; paid family and medical leave insurance; and PERA unfunded liability costs. Information concerning the Courts and Probation total compensation request is entered into the PB statewide database by OSPB's deadlines.

*Performance Budgeting Statewide Database.* Approximately 15 years ago, staff at OSPB created a database into which each State agency enters every incremental budget change in each Long Bill line item. Similar to (and independent of) the JBC Staff CLIMBS database, the system provides a consolidated location to track budget-related activities and decisions throughout the departmental and legislative budget process, at both a departmental and statewide level. Incremental changes to base appropriations are entered into the database for the November 1<sup>st</sup> submission and the January 2<sup>nd</sup> submission of budget requests to the JBC. Importantly, the system is used to create the multiple budget schedules that are required to be included in each State agency's November 1<sup>st</sup> and January 2<sup>nd</sup> budget submissions to the JBC.

While the system owner of the PB database is now DPA, OSPB establishes the Executive Branch calendar for each annual budget process, including relevant internal deadlines related to OSPB review and approval of Executive Branch agency decision items, OSPB review and approval of Executive Branch capital projects, and the calculation of statewide common policies and the associated agency requests for all State agencies, including those in the Judicial Branch. **While neither the Courts and Probation nor the independent agency budgets are subject to review or approval by OSPB, the PB entry deadlines apply to all agencies**, therefore the Department's Budget Unit requests the OSPB budget process/deadline calendar

from OSPB each year. **Courts and Probation's internal budget process calendar is based on the expectation that all annualizations, common policies, and prioritized and non-prioritized decision items are entered into PB by the OSPB-established deadline.** Entry of this information into PB prior to the deadline is critical as PB is "locked" after each deadline and no other information can be entered.

The Department has annually entered all incremental changes, including annualizations, common policies, and prioritized and non-prioritized decision items into PB by OSPB's deadlines and annually depends upon PB for the creation of its budget schedules. **Please note, however, that the Department is unable to speak to internal OSPB or DPA processes or deadlines; nor can the Department speak to how those deadlines align with the OSPB budget balancing decision-making process.**

2. [Rep. Taggart/Sen. Bridges]: Do you see a bar to the legislative branch requiring OSPB to include certain assumptions about the Judicial Branch in the Governor's request? Specifically, would it work to require the base budget, annualizations, and common policies be included in the Governor's balancing assumptions?

As described above, each year, all Courts and Probation base appropriation and incremental budget changes, including annualizations, common policies, and prioritized and non-prioritized decision items are provided to the Office of State Planning and Budget (OSPB) through the Performance Budgeting (PB) system by OSPB's deadlines. The Department is unable to speak to how this information is used to inform the Governor's Office's budget balancing assumptions.

3. [Staff] Does the Judicial Branch have any other recommendation for how to limit/avoid the large discrepancies between the OSPB assumptions and Judicial requests that we have seen this year (\$28.1M) and in the past?

The Judicial Department values the partnership with the Legislative and Executive Departments in balancing the State budget. The Judicial Department is available to discuss strategies that support the balancing of the State's budget on an annual basis while being mindful of the General Assembly's constitutional role.

## **Court Caseload and Judicial Officer & Staff Needs [Request R1, R2, S.B. 25-024 (Judicial Officers) Annualization, and Cuts Options**

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*[Reference: Staff Briefing pp. 42-51, also p. 9,14,40,41]*

1. *[Rep. Brown]* He understands that R1 and R2 are coming from a time where judges' time is more and more constrained with caseload and complexity. He would love to see the data that they have about the increasing complexity, severity of offense, etc., to document the increasing complexity and workload underlying this request.

Colorado's most recent judicial officer weighted caseload studies, the County Court Judicial Officer Time Study conducted in 2023–2024 and the District Court Judicial Officer Time Study conducted in 2022–2023, demonstrate that judicial officer workload has increased over time, reflecting growth in the amount of judicial time required per case for many case types rather than changes in case filing volume alone.

In weighted caseload studies, case weights reflect the average amount of judicial officer time required per case. When case weights increase, it indicates that cases now require more judicial involvement to be resolved in a manner consistent with statutory requirements and constitutional due process. Across both studies, judicial officers reported insufficient time for key case-related activities, including case preparation, legal research, drafting findings and orders, and managing increasingly complex hearings, with much of this work occurring outside normal business hours.

### County Court Time Study Findings

The 2023–2024 County Court Judicial Officer Time Study shows increased judicial officer time per case across most county court case types when compared to the prior county court study, which was completed in 2018. In particular, time study data indicates that misdemeanor and civil protection order cases take more time to process; judicial officers indicate that the increase is driven by additional case preparation, legal research, evidentiary review (including body-worn camera footage), drafting written orders, and expanded statutory and procedural requirements. The table below summarizes changes in county court case weights between the 2018 and 2023–2024 studies.

County Court	2018 County Court Study Case Weights (Minutes)			2023/2024 County Court Study Case Weights (Minutes)			
	Urban <sup>1</sup>	Small Rural	Large Rural	Small Urban <sup>1</sup>	Large Urban <sup>1</sup>	Small Rural	Large Rural
County Civil	21	27	27	40	14	70	40
Small Claims	35	45	42	62	60	95	65
Traffic	6	11	11	11	8	24	14
Infractions	3	4	4	2	1	7	5
Misdemeanor	33	52	38	55	54	77	55
CR Case Class				43	35	53	43

County Court	2018 County Court Study Case Weights (Minutes)			2023/2024 County Court Study Case Weights (Minutes)			
	Urban <sup>1</sup>	Small Rural	Large Rural	Small Urban <sup>1</sup>	Large Urban <sup>1</sup>	Small Rural	Large Rural
DUI	90	104	90	86	89	105	83
Protection Orders	29	43	43	42	39	99	45
Domestic Violence	83	107	92	82	68	110	80
Forcible Entry and Detainer				22	14	76	25
Problem-Solving Courts	507	503	512	1,555	1,264	684	630

<sup>1</sup>The 2018 County Court Judicial Officer Time Study used a single urban classification. The 2023-2024 study disaggregated urban Class B county courts into small urban (single-judge) and large urban (multi-judge) categories based on meaningful differences in judicial work.

### District Court Time Study Findings

The 2022–2023 District Court Judicial Officer Time Study also shows increased judicial officer time per case across many district court case types when compared to the prior 2010 study. Time study and sufficiency of time survey data indicate that felony criminal, civil, domestic relations, mental health, and all juvenile case types take more time to process; and judicial officers specifically report having insufficient time to handle civil and juvenile cases. These increases are associated with additional preparation, hearings, legal research, evidentiary review, and drafting of findings and orders required to resolve cases appropriately. Juvenile case types demonstrate some of the most significant increases in judicial officer workload. Increased case weights reflect sustained judicial officer involvement, including frequent hearings, ongoing monitoring, and preparation of required findings and orders in delinquency and dependency and neglect matters. The table below summarizes changes in district court case weights between the 2010 and 2022-2023 studies.

District Court	2010 District Court Study Case Weights (Minutes)		2022/2023 District Court Study Case Weights (Minutes)	
	Urban	Rural	Urban	Rural
Civil	160	223	234	310
Domestic Relations	178	176	246	250
Mental Health	18	15	36	36
Probate - All other cases	50	82	28	32
Probate - Protective Hearings	160	146	152	264

District Court	2010 District Court Study Case Weights (Minutes)		2022/2023 District Court Study Case Weights (Minutes)	
	Urban	Rural	Urban	Rural
Rule 120 and Distraint Warrants	3	7	1	1
Water Cases	411	411	382	278
Criminal	172	161	188	200
Criminal Problem-Solving Court	573	573	360	439
Homicide	3,417	NA	1,993	2,234
Family Problem-Solving Court	860	860	1,176	1,471
Juvenile – Delinquency	83	70	177	192
Juvenile – General	40	28	63	118
Juvenile Dependency and Neglect	403	459	645	990
Juvenile Paternity and Support	97	97	89	129

## Conclusion

The county and district court judicial officer time studies show a consistent increase in the amount of judicial time required per case across Colorado's trial courts, indicating that judicial officers spend more time per case to meet statutory, procedural, and due process requirements while available capacity is increasingly limited.

2. *[Sen. Amabile]*: Is the 40% increase in homicides in the table on staff briefing page 50 (showing case filings) a 40% increase in cases filed or 40% increase in the number killed? What is that number? What does that percentage change really mean?

The 40 percent increase indicates an increase in new homicide cases filed. It does not represent the number of victims associated with these cases since a single homicide case could have single or multiple victims.

3. *[Sen. Amabile and Rep. Sirota]*: What is the root cause of the big increases in violent crime case filings? What is the caseload variation across the state?

The Department cannot definitively identify the root causes of violent crime case filing increase since 2019. However, data from the Colorado Division of Criminal

Justice<sup>1</sup> indicates a similar upward trend of violent crimes reported to law enforcement, which they classify as murder, sex offenses, aggravated assault, and robbery. Because violent crime *reports* have increased, we can assume that more crimes are actually being committed, rather than attributing the increase in case filings solely to other factors such as changes in policing or prosecutorial practices.

The table below shows aggregated case filings of assault, homicide, kidnapping, menacing, public peace and order<sup>2</sup>, robbery, and vehicular assault cases by judicial district.

Judicial District	2019	2024	% Change between 2019 and 2024
1st	859	948	10%
2nd	1,429	1,780	25%
3rd	113	101	-11%
4th	1,875	2,046	9%
5th	177	214	21%
6th	152	185	22%
7th	197	235	19%
8th	481	680	41%
9th	142	173	22%
10th	586	537	-8%
11th	242	261	8%
12th	207	191	-8%
13th	221	228	3%
14th	131	131	0%
15th	65	48	-26%
16th	120	129	8%
17th	1,069	1,375	29%
18th	887	1,165	31%
19th	525	685	30%
20th	518	714	38%
21st	377	496	32%
22nd	102	118	16%
23rd	284	359	26%
<b>Statewide Total</b>	<b>10,759</b>	<b>12,799</b>	<b>19%</b>

<sup>1</sup><https://dcj.colorado.gov/dcj-offices/ors/dashb-cp-crte>

<https://coloradocrimestats.state.co.us/tops/>

<sup>2</sup> Public peace and order case filings include cases with the following felony offenses: inciting a riot, arming rioters, engaging in a riot, harassment / stalking, endangering public transportation, vehicular eluding, failure / refusal to leave premises or property upon request of a peace officer, terrorist training activities, bias motivated crime, wiretapping, and eavesdropping.

4. *[Sen. Amabile]*: Competency – How many of the people referred for restoration to competency are repeats?

While judges are aware of prior competency involvement through pleadings, evaluations, or information provided by counsel, the Department's thirty-year-old legacy case management system does not capture that information in a way that can be extracted. The Office of Civil and Forensic Mental Health within the Colorado Department of Human Services may be a more appropriate source of information to answer this question.

5. *[Rep. Taggart]*: Would Judicial be open to spreading the S.B. 25-024 annualization over a longer period?

Funding for the annualization of S.B. 25-024 (Judicial Officers) remains the Department's top budget priority and the Department does not intend to seek sponsorship for legislation to extend the annualization of the bill. The Colorado Judicial Department (Courts and Probation) has a constitutional obligation to provide justice that is timely, fair, and accessible to all who come before the courts. Each day across the State of Colorado, individuals engage with the courts on matters that profoundly affect their lives, including child custody disputes, criminal trials, eviction proceedings, or appeals involving constitutional rights. To meet these responsibilities, the courts must have an adequate number of judicial officers (Judges, Magistrates, Water Referees) to ensure cases are handled thoroughly and without delay.

The annualization includes the ongoing cost of the five new judge positions created in FY 2025-26 and the ten additional judge positions slated to start in FY 2026-27. The bill creates five county judge positions in Douglas, Eagle, La Plata, Larimer, and Mesa Counties; and ten district judge positions in the 4th (2), 7th, 13th, 17th (2), 18th (2), 19th, and 23rd Judicial Districts. Including the staff complement for each judgeship, the funding covers the cost of 55.0 FTE over two fiscal years. The annualization of the bill ensures that capacity in Colorado's courts supports the delivery of fair, efficient, and equitable justice amid rising workloads, increased case complexity, and continued population growth.

Weighted caseload modeling provides the Department with an objective and data-informed method for identifying the resources needed to manage court business effectively. Annualization of S.B. 25-024 will raise the statewide staffing levels in each judicial officer category to between 70.8 and 90.0 percent. Even after the FY 2026-27 annualization of S.B. 25-024, weighted caseload modeling shows that nearly 60 additional judicial officer FTE would be required to fully staff the District Courts, County Courts, and Court of Appeals.

Statewide Judicial Officer Staffing Levels		
Model	Staffing Level	Additional Judicial Officer FTE required to reach 100% staffing
District Court Judicial Officers	90.0%	31.8
Class B County Court Judicial Officers	86.4%	14.0
Court of Appeals Judicial Officers	70.8%	9.06

Understaffing in the State's Courts has a direct and long-term impact on individuals, families, and communities. Families may wait months for decisions in domestic relations and probate cases. Children may experience prolonged exposure to instability or unsafe conditions. Defendants may spend extended periods in custody awaiting trial, and civil litigants face prolonged financial hardship as they wait for final judgments. Each delay reflects a justice system stretched to its limits, unable to serve Coloradans with the speed, care, and fairness they deserve. Fulfilling the second-year funding of S.B. 24-024 is not an expansion of services, but the completion of a previously authorized investment, essential to stabilizing the court system during a period of increasing demand and constrained resources.

6. *[Staff]:* For the future, staff believes it would assist the JBC and General Assembly if legislation authorizing judges added the new judges over a longer period, e.g., three years. However, such legislation would need to clearly specify that additional judges could be delayed under certain circumstances, such as if the General Assembly identifies a fiscal emergency. Does the Department have feedback on this option?

To address growing delays and restore timely case processing, the Judicial Department (Courts and Probation) is committed to working with the General Assembly to develop a plan to incrementally increase the number of judges across the State and to add more predictability and structure to the process while minimizing the need for large, multi-year requests.

## Courts – General Administration Requests and Cuts Options

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**R9 - Courthouse furnishings [Request R9 Increase & Staff Cuts Option] [Ref. Staff Briefing pp. 18-19, pp 39-40]**

1. [Rep. Sirota/Sen. Bridges]: What qualifies as “furnishings” for the Courthouse Furnishings option? What is the Department buying/reimbursing? Are robes included?

The Judicial Department (Courts and Probation) use of the term “furnishings” aligns with the Office of the State Architect’s definition for capital outlay items, the costs of which are typically covered by capital outlay and/or operating appropriations in most State department budgets. The Courts and Probation budget includes two line items that fund capital outlay costs, one for furniture and information technology expenses for most FTE and another for furniture, fixtures, and equipment (FF&E) in courthouses and probation offices. In the construction industry, FF&E typically includes all movable, non-structural (non-fixed) products specified in an interior project that are vital for operations including function and aesthetics of a space. This would typically include anything not “attached” to the building, such as cubicles, desks, chairs, tables, lamps, shelving, and whiteboards.

Because court facilities have unique needs, “furnishings” also includes judges’ benches, the courtroom jury box, witness stand, and any courtroom gallery seating that is more permanent in nature and attached to the physical structure.

When a county undertakes a renovation or remodel of court or probation space, the Judicial Department works with the county to determine the furnishing needs for the space. The identified needs for each specific project are then included as a prioritized budget request in the Department’s official budget submission to the Joint Budget Committee. The Department typically submits requests every year for necessary furnishings due to the ongoing construction and maintenance in courthouses and probation facilities statewide. Due to the project timelines and delays that can happen with county construction, the Department typically requests two-year spending authority for furnishing requests. The cost of judicial officer robes is identified as one component of the standard operating calculations when determining the fiscal impact of a bill, but robes are not included in the Department’s funding requests for furnishings.

2. [Rep. Taggart]: Provide a brief summary of the state/county responsibility split on this issue. What costs are considered state costs? How is the split between county and state costs determined?

Construction, upgrades, and maintenance of county courthouses and probation offices are accomplished through a partnership between County and State governments. Pursuant to Sections 13-3-104 and 108, C.R.S., Colorado counties provide and maintain adequate courtrooms and other court and probation facilities, while the State provides the furniture, fixtures, audio visual infrastructure and staffing

that allow those facilities to function. While the County project may be considered a capital construction project, the associated State project is not. Though each Judicial District works with its county commissioners on space-related issues, it is ultimately the counties, and often the voters, who decide when to provide new or remodeled court and probation facilities. Once a new or remodeled facility is constructed, the Judicial Department (Courts and Probation) provides the furnishings (as defined above) to make the facility useable for its intended purpose.

It has been long understood that the State is responsible for the furnishings of court and probation facilities. In 1997, H.B. 97-1335 tried to shift responsibility for courthouse furnishings from the State to the counties.<sup>3</sup> This bill failed. Department leadership is unaware of any other effort to shift responsibility to the counties. Although statutes are not explicit on the State's responsibility for furnishings,<sup>4</sup> the shared State/county responsibility has proven to be a productive arrangement. Counties undertake courthouse and probation renovations or expansions to better serve their communities, and the State eases the financial burden on the counties by furnishing the facilities with furniture, fixtures, and equipment (as described above). Without this cooperative arrangement, counties would be much more reluctant to undertake large projects and courthouses could be left ill-equipped to adequately serve the public.

3. [Rep. Sirota]: How is the furnishings money allocated to the counties? How are those decisions made? Mechanically, how does this work? Are there constraints on amounts? Do projects go unfunded (and unfurnished)?

When counties undertake capital improvements to court or probation facilities, the State Court Administrator's Office (SCAO) communicates with the counties concerning their plans and anticipated furnishing needs. When counties have concrete plans and timelines for construction, the Judicial Department submits a funding request to the Joint Budget Committee identifying the specific projects and specific furnishing needs. If funding is approved, the Department works cooperatively with the counties to furnish the spaces as they are completed. The Department's Procurement team at SCAO works closely with judicial district staff in the courts and probation departments to engage with vendors who have experience with courthouse furnishings. The Department has identified manufacturers through purchasing cooperatives that best meet the needs for courthouse furnishings and often provide extended warranties on those furnishings. If the Department does not

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3 <https://www.leg.state.co.us/preclics/1997/hbills97/HB1335.htm>

4 It is worth noting that Section 13-3-104(2), C.R.S., provides that historic county property used by the courts reverts to the counties when it is no longer needed for court use. This implies that courthouse furnishings are owned by the State.

receive funding for furnishings, the county may pause the project, or it may sit completed and unused until it can be furnished.

4. [Sen. Kirkmeyer] What costs were the counties versus State expected to take on related to S.B. 25-024 (Judicial Officers)? Her impression was that the counties had agreed to take on related courthouse costs.

Counties incur the project costs for any facility construction related to providing courtroom, chamber, jury room, and conference room space for a new judge. The State is responsible for the costs associated with furnishings, fixtures, and equipment (as described above). In preparation for S.B. 25-024 (Judicial Officers), Judicial District leadership worked cooperatively with their counties to ensure that, if a county received additional judges, the county would provide adequate courthouse space. Every county identified in the Department's introduced version of S.B. 25-024 agreed to provide adequate courtroom and staff space, assuming the State would fund the furnishings. Ultimately, the General Assembly did not fully fund the furniture, fixtures, and equipment costs presented by the Department. Additionally, county construction timelines have changed. Both of these factors resulted in the updated request for FY 2025-26 and 2026-27.

Consistent with the fiscal notes process and standard capital outlay costs utilized by Fiscal Notes Staff, the fiscal note for S.B. 25-024 identified the State's responsibility concerning capital outlay expenses necessary for each of the new judge positions created in the bill. This includes appropriations in the following Long Bill line items:

- Capital Outlay (total per judge FTE: \$3,900; total per non-judge FTE: \$7,400)
  - Furniture
  - Computer/Laptop
  - Software
- Courthouse Furnishings and Infrastructure Maintenance (please note that "infrastructure" refers to Judicial information technology infrastructure and not to the courthouse facility itself) – total per judge: \$201,100
  - Chambers furnishings
  - Courtroom furnishings
  - Audio/visual (information technology infrastructure)
  - Jury room furnishings
  - Conference room furnishings

#### **R7 – Statewide Judicial Security FTE [Ref. Staff Briefing pp. 17-18]**

5. [Sen. Amabile]: Hiring an FTE to analyze this doesn't seem like the most direct way to address this urgent situation.

As a result of increased threats, harassment, and retaliation directed at the State's judicial officers, court staff, and probation officers, the Supreme Court directed the Department to initiate a task force focused on developing a statewide security plan. Because the success of the plan is dependent upon engagement and commitment of multiple stakeholders, including representatives from all branches of State government; small-, medium-, and large-sized judicial districts; small-, medium-, and large-sized county governments; and local law enforcement, including Sheriff's Offices, the initiative requires specific resources focused on coordination and facilitation of the multi-agency representative discussions.

The task force will be charged with performing an environmental scan of court and probation security concerns in all 64 counties and the progress made by other states in addressing similar concerns. In addition, the task force will consider the content of federal policy discussions, deficiencies in current law, and county resource concerns in order to develop meaningful and concrete recommendations for improving security across the State. The effectiveness of the task force will depend heavily on the support the Department is able to provide to the effort and the work that can be accomplished during and in between task force meetings. Proactive and consistent communication with stakeholders and task force members will be critical to the success of this initiative. The Supreme Court is committed to the proactive investment in security, but realizes that the Department's existing staff cannot effectively facilitate the development and implementation of the essential statewide judicial security plan.

a. Why is analysis/ a workgroup needed to address the problem?

The Chief Justice and members of the Supreme Court visited each judicial district in the State to obtain feedback on the areas of greatest concern. Every judicial district expressed concern about security for judges, court staff, probation staff, litigants, attorneys, and the public. Section 13-1-201, C.R.S., identifies county governments as responsible for providing security for state court facilities, but acknowledges that "the variation in funds available to individual counties may not allow fundamental security measures to be met in each county." Due to the geographic, demographic, and economic diversity of the State, court and probation facilities in each county have unique security considerations. Because of this, it is critical that the Department works with a stakeholder group that represents partnering agencies committed to ensuring the safety and security of the public, participants in the judicial process, and county and State employees.

As part of its initial evaluation, the Department spoke with Judicial leadership in Maryland, which has a similar state and county responsibility partnership and

similar security challenges. After a judge in Maryland was murdered in his driveway by a litigant in a family law matter, Maryland initiated an ambitious task force to address security deficiencies and make recommendations to the Judicial Branch and the state legislature. The Judicial Department intends to address these issues proactively, leaning on broad representation on the task force to ensure state and local stakeholders have a voice in the process and agreement concerning recommendations to address the security concerns faced by Colorado's court system.

b. Can you repurpose existing resources?

The Department's Judicial Security Office is currently comprised of 3.0 P.O.S.T.-certified staff who are tasked with addressing the daily security needs of judges and staff around the State and providing security assessments and training in coordination with county officials. Coordinating and facilitating a multi-agency stakeholder group comprised of civilian and P.O.S.T-certified representatives requires specific skills and expertise. Ensuring the successful development of the statewide security plan requires staff dedicated to the project. The Department's current FTE are fully committed to their existing responsibilities. While the Department's 1.0 FTE request for this position is General Fund, the Department's budget request includes a refinance of General Fund with Judicial Stabilization Cash Fund in the Trial Courts Programs line item to ensure that this request is net neutral.

c. What will the position do once the analysis is done?

The Department anticipates that the task force recommendations will be significant, ambitious, and require several years to fully implement. The task force recommendations will be based on an assessment of security for court and probation facilities in all 64 counties and an analysis of the fiscal impact of recommended changes. This will require coordination with county officials and other stakeholders throughout implementation. In addition, the Department anticipates the need for statutory changes that will require the long-term partnership with members of the General Assembly to accomplish. Successful implementation of the statewide security plan and any statutory changes that result will require ongoing assessment, evaluation of outcomes, modifications and updates, and continuous quality improvement.

6. [Sen. Kirkmeyer]: Counties have a lot of responsibility for Judicial security. What role does the state have? How do you currently work with counties on this?

The courts and probation departments work closely with the counties on security related issues. Generally, counties provide on-site security and screening either through local Sheriff's office staff or security staff contracted by the county. Security-related equipment (e.g., magnetometers, cameras, etc.) are the responsibility of the counties as well. The level of funding and services that each county can offer varies greatly across the State. The Judicial Department continues to experience situations in which more counties are unable to provide the necessary level of security for courts and probation departments due to a lack of available funding or to competing county priorities, often leaving staff and the public at risk. The Judicial Department offers grants through the Court Security Cash Fund Commission Grant Program pursuant to Section 13-1-201, et seq., C.R.S. These grant funds may be used to supplement county provision of court security staffing, security related equipment or other improvements, training for local security teams, and emergency needs related to issues of security. Funding is prioritized for counties that meet at least two of the criteria outlined in statute, and fulfilling funding requests for personnel costs is also prioritized in statute. During the most recent grant cycle for FY 2025-26 grants, the Court Security Cash Fund Commission only recommended awards for personnel costs to counties meeting three and four of the criteria (highest priority counties). The Commission was not able to recommend awards for security-related equipment or training.

#### **Judicial ITCap1 New Case Management System [Ref. Staff Briefing p. 13]**

7. [Rep. Taggart] Please discuss the timeline for the project, expenditures to date, and the need for the additional funding in the request at this particular time. Why is an additional \$3.2 million spending authority needed for FY 2026-27, given appropriations and expenditures thus far and the current stage of the project?

The General Assembly appropriated funding for the Judicial case management system (CMS) project in FY 2024-25 and FY 2025-26 in the Capital Information Technology section of the Long Bill, providing three-year spending authority for each year the project receives funding. As identified in the Department's annual budget requests, the CMS project includes multiple phases:

- Phase 1 (FY 2024-25) – Discovery and Business Process Mapping

Phase 1 was completed in FY 2024-25 with the assistance of a contracted vendor. Key accomplishments include the following discoveries and artifacts across all 23 Judicial Districts, Probation, and State Court Administrator's Office (SCAO) operations:

- Business process standardization and mapping (587 process maps)
- Discovering, classifying, and documenting Judicial data (10 data maps & 114 data flows)
- Mapping where Judicial data is sent to other entities
- System identification and mapping of daily Judicial operations (technical components of current CMS)
- Established a knowledge management program (maintaining process documentation and ownership)

Goal: To evaluate and document how the courts and probation departments use the current case management system to perform daily activities. The discovery and business process mapping was required to establish a shared organizational understanding of the project baseline, create detailed documentation of the information, and determine the full scope of the project. This information is critical to ensuring that all court and probation department processes and procedures are incorporated in the new CMS system.

This phase has been completed and resulted in \$3,245,000 in expenses.

- Phase 2 (FY 2025-26 and FY 2026-27) – Strategy, Roadmap, and Planning

This portion of the project is anticipated to take approximately 9 months and result in an estimated \$1,400,000 in expenses. A vendor has been selected and is under contract negotiations for the following services:

- Support procurement of a new CMS
- Develop a roadmap with a timeline for CMS component updates
- Create a CMS procurement plan including approach, steps, evaluation methods, demos/guides, and stakeholder roles, and develop related RFPs
- Update CMS ownership costs based on the project roadmap

Goal: To create an executable plan that incorporates the over 30 systems regularly used by Courts and Probation staff to accomplish daily case management operations. Based on the information documented in Phase 1, current systems may need to be replaced, renewed, or re-integrated with the CMS to avoid disruption or duplication. The Department requires an advisory vendor that specializes in helping organizations create strategies and a plan for replacing large, critical systems and associated components.

- Phase 3 (portions of FY 2026-27 and FY 2027-28) – Procurement of CMS Components and Initiation of CMS Implementation

In addition to the multi-year funding appropriated in FY 2024-25 and FY 2025-26, the FY 2026-27 request of \$3.2 million will cover initial CMS implementation costs. This spending authority is critical to the progress of the CMS replacement and will ensure that costly delays affecting the overall timeline of the project are avoided. These funds will be used for:

- Installation, configuration and deployment of software to meet organizational needs
- Tailoring workflows, forms, and user interfaces
- Connection of CMS with existing systems
- Data migration from the current CMS to the new CMS
- User training
- Testing & Quality Assurance
- Stakeholder engagement

Goal – To procure the multiple components/systems required to fully replace the current CMS. The Department will use the roadmap created in Phase 2 to inform which system(s) will be the initial focus of CMS implementation.

In addition, implementation of the new system requires on-going subscription and licensing that must be initiated as the CMS is developed and implemented.

#### **ITCap1 and R6 IT Infrastructure [Ref. Staff Briefing p. 13, 17]**

8. [Rep. Sirota] Have the changes implemented by the Department stopped the problem of malicious on-line intrusions into court proceedings? If not, what steps is the Department taking/continuing to take to address this problem?

The Department is on track to implement a new digital court solution that will reduce opportunities for the disruption of court proceedings and allow the courts to have greater control over virtual proceedings and livestreaming. As the Department prepared for implementation of this new system, the ITS Division focused on providing training and education to court staff concerning the manual screening of participants prior to granting them access to a virtual session. This practice's usefulness is limited to slowing down disrupters due to the lack of robust screening features and the amount of time it takes to screen participants individually. This is not a feasible long-term solution.

The FY 2025-26 Long Bill includes an increase of \$3.0 million cash fund spending authority from the Judicial Department Information Technology Cash Fund for the Virtual Courtroom solution. The new software is designed to address disruptors who circumvent technical controls in the current system that were put in place during the

COVID-19 pandemic. After completion of the required procurement process, as defined by the Department's procurement fiscal rules, a vendor providing a cloud-based system in use by other jurisdictions across the country was selected, and the contract was finalized in early December 2025.

The new solution will provide:

- Greater security and control to prevent disruptors from entering virtual courtrooms
- A secure, dynamic and interactive experience for parties, attorneys, and the public
- Better efficiency management of court proceedings with improved and secure control of the courtroom
- Advanced technology tailored for virtual or hybrid courtrooms, including security features
- Improved security, livestream control, and quality

A pilot of the new solution will be live in several courtrooms across the state by the end of this fiscal year.

#### **R4 – General Courts Administration FTE [Ref. Staff Briefing pp. 15-16]**

9. *[Rep. Taggart]* Why are you submitting both a detailed request for IT staff to address IT risks and \$150,000 for external vendor assistance related to IT risks? If you are going to bring in consulting resources to determine the best strategy for addressing IT security/risk management, shouldn't this precede a detailed request?

The Judicial Department (Courts and Probation) budget request for resources to implement a risk management office includes 3.0 FTE for the implementation and ongoing management of an office that will focus on addressing organization-wide risks, which include but are not limited to information technology risks. The one-time request for \$150,000 is to cover the cost of a risk management consultant that will work with the Department to create a successful implementation plan to establish the new risk management office itself, and not to conduct risk management activities. Please note that this request is also intended to address findings in the Legislative "IT Performance Audit of Cybersecurity Resiliency at the Judicial Department" dated March 2025.

10. *[Staff]* If the General Assembly is unable to add the FTE requested this year for R4 how will the State Court Administrator's Office address these needs?

Without additional resources specifically focused on risk, the Department will be unable to address key findings from the cybersecurity audit performed by the Office of the State Auditor.

- a. Can IT risk needs be absorbed within the Division's existing large IT staffing?

The Judicial Department's IT infrastructure includes hardware, software, and systems for courts and probation departments. The IT Services Division at the State Court Administrator's Office (SCAO) manages all IT activities: planning, acquisition, implementation, management, and maintenance. This includes IT security, hardware replacements (PCs, servers, routers, switches), software and hardware maintenance (licenses, updates, agreements), the voice and data network, public e-filing system, digital court technology, current case management operations, and development of a new case management system. Additionally, the division is responsible for the maintenance and support of audio/visual (A/V) software and equipment in almost all courtrooms across Colorado.

Current IT Services Division FTE are occupied by staff with specific skills and qualifications required to fulfill the responsibilities identified above. The Department does not have FTE that can be repurposed to perform the risk management functions described in the Department's budget request. Repurposing existing FTE to fulfill these specific risk management functions will result in reduced capacity to provide the level of IT security and support required by the courts and probation departments across the State.

- b. How has the Department been managing risk issues—including the large insurance claims associated with the judicial center—for the last two years?

Staff from several divisions within the State Court Administrator's Office (SCAO) have taken on additional duties to support the remediation and reconstruction of the Ralph L. Carr Colorado Judicial Center following the event of January 2, 2024. As a result of this shift in primary focus to the re-opening of the building, other standard duties of staff have been delayed.

The Department's R04 request for resources related to a Risk Management function contemplates a proactive risk mitigation and management approach rather than responding to incidents as they occur. The Judicial Risk Management Office will play a critical role in identifying the potential for high-impact future events, while facilitating the planning and resourcing of an appropriate Department response. The new function will initiate the development of the internal insurance expertise and resourcing needed to maintain the records and insurance coverages important to protecting extensive State assets. It will also

work with judicial districts and SCAO divisions to identify operational risks unrelated to facilities. This is a new function within the Judicial Department and it aims to capture sources of risk within day-to-day operations beyond information technology- and facilities-related risks, and to work with districts and divisions to define critical risk mitigation strategies.

**R13 Court-appointed Counsel & Staff Cuts Options** [Ref. Staff Briefing p. 20, pp.34-35]

11. [Sen. Amabile] What court appointed counsel costs are included in the courts section of the budget? For what types of cases and under what circumstances do the courts appoint counsel that the State must pay for? Is this just for criminal cases or does it include other types? What hourly rates are the courts currently paying?

Court-appointed counsel costs that are funded through appropriations to the Court Costs, Jury Costs, Court-appointed Counsel, and Reimbursements for Vacated Convictions Long Bill line item include:

- Attorney Child Family Investigators
- Guardian Ad Litem
- Mental Health Counsel – Flat Fee
- Mental Health Counsel – Hourly
- Non-attorney Child Family Investigators and Court Visitors
- Other Counsel and Investigators
- Hearing Interpreter Advisement Counsel – S.B. 06-061
- Special Respondent Counsel – Hourly
- Truancy Counsel – Flat Fee
- Truancy Counsel - Hourly

Courts appoint counsel under certain circumstances in civil and criminal matters to preserve individual's constitutional and statutory rights. These appointments can include attorneys as well as non-attorney appointees. Appointments in criminal cases for indigent defendant representation by the Office of the State Public Defender or Office of Alternate Defense Counsel are not paid by Courts and Probation and are therefore not included in the Courts and Probation budget. In addition to legal representation, these appointments can provide investigative functions to the courts in certain situations, such as child and family investigator appointments in domestic relations cases. Statute, rule, and/or Chief Justice Directive articulate specific provisions governing court appointments and payments.

## CIVIL APPOINTMENTS

The state appropriates funds to the Department to compensate court-appointed attorneys for indigent parties in a variety of different civil cases, including but not limited to dependency and neglect, paternity/support, juvenile relinquishment, adoption, judicial bypass (cases involving an underage female seeking court order for an abortion), probate, mental health, and truancy. The courts appoint attorneys in all extreme risk protection order cases regardless of indigency status. In addition to attorney appointments, state funds pay for Court Appointed Investigators, Court Visitors, Child and Family Investigators, and work done by support staff (Paralegals, Legal Assistants or Law Clerks) who perform work for a court appointee. For a summary of the case types, circumstances, hourly rates, and maximum fees, see below.

### Maximum Hourly Rates

Appointment Type & Services Provided	Maximum Hourly Rates
Court-appointed Counsel	\$110.00 per hour
Guardian ad litem (for adult)	\$110.00 per hour
Attorney Child and Family Investigator	\$110.00 per hour
Non-Attorney Child and Family Investigator	\$110.00 per hour
Court-authorized Investigator	\$55.00 per hour
Paralegal, Legal Assistant, or Law Clerk Time	\$42.00 per hour
Court Visitor	\$40.00 per hour

### Maximum Total Fee Per Appointment

Appointment Type	Maximum Rate
Counsel for Special Respondent in Dependency & Neglect	\$2,129
Guardian ad litem (for adult) under Titles 13, 14, 15, and 19, C.R.S. (some Civil matters, Domestic, Probate, and Juvenile)	\$4,881
Counsel in Paternity/Support (Dom. Relations) or other Title 19 in which a specified maximum is not delineated by a CJD	\$1,700
Child and Family Investigator	\$3,309
Probate Counsel	\$4,881
Court Visitor	\$779
Counsel in Titles 22, 25.5, and 27, C.R.S (Truancy and Mental Health)	\$1,272
Guardian ad litem (for adult) in Titles 22, 25.5, and 27, C.R.S. (Truancy and Mental Health)	\$1,272
Counsel or Guardian ad litem (for adult) in an Appeal	\$4,881
Counsel for Respondents in Article 14.5 of Title 13 (Extreme Risk Protection Order)	\$1,324

## CRIMINAL APPOINTMENTS

Chief Justice Directive 04-05 authorizes Court Appointed Counsel in criminal cases. This covers private advisory counsel when a defendant is pro se, and counsel for witness appointments in criminal cases, as neither the Public Defender nor Alternate Defense Counsel have statutory authority to represent these parties. The court may also appoint counsel for indigent parties when cited for contempt where a jail sentence is possible. For a summary of the case types, circumstances, hourly rates, and maximum fees, see below.

### Maximum Hourly Rates

All Case Types	Maximum Hourly Rates
Court-appointed Counsel Fee	\$110.00 per hour
Court-authorized Investigator	\$55.00 per hour
Paralegal, Legal Assistant, or Law Clerk Time	\$42.00 per hour

### Maximum Total Fee Per Appointment

Appointment Type	With a Trial	Without a Trial
Class 1 felonies & unclassified felonies where the maximum possible penalty is life or more than 51 years	\$41,173	\$20,636
Class 2 felonies & unclassified felonies where the maximum possible penalty is 41 to 50 years	\$20,636	\$10,917
Class 3, 4, 5 and 6 felonies and unclassified felonies where the maximum possible penalty is from 1 to 40 years	\$14,564	\$7,304
Misdemeanors and petty offenses	\$3,647	\$2,469
Appeal	\$14,564	N/A
Contempt and Witness	\$2,469	N/A

Please Note: maximum rates are applied based on the highest charge on a case and whether a trial is set or not.

## R15 Family Violence Justice Grants Increase & Staff Cuts Options for this and Eviction Legal Defense Grants (Inc. Special Purpose Authority) [Ref. Staff Briefing pp. 20-21, p. 32, pp. 36-38]

12. [Sen. Amabile]: How does the family violence justice grant work? Who is it serving and how? What happens if there is a reimbursable amount after the Department runs out of money? Why is the Department asking for additional spending authority if the program has been underspending?

The Family Violence Justice Fund (Fund) was established in 1999 to expand the availability of legal assistance for victims of family violence. Per statute, annual grant funding is allocated to qualified organizations based on a geographic, need-driven

formula that considers the number of low-income persons (i.e., individuals living near or below the poverty line) who may need services in each county or city and county across the State. If there is more than one qualified organization within a county or city and county, funding is allocated in proportion to the number of clients served by each qualified organization or its predecessor in the preceding grant award year.

All grants are awarded on a cost-reimbursement basis and must be used for the purposes set forth in Section 14-4-107(2), C.R.S. The State Court Administrator's Office (SCAO) calculates grant awards to stay within the available allocation of funds and spending authority in the long bill. **Grantees cannot spend more than their awarded amount, so the SCAO does not anticipate a scenario where funds are not available to reimburse a grantee.** Grantees are also subject to periodic reporting requirements.

Statutes establish criteria for determining whether an organization is qualified to apply for a grant. Organizations must:

- Have demonstrated experience and expertise in providing comprehensive civil legal services, with preference given to organizations that serve low-income clients at no cost rather than reduced cost.
- Be based in Colorado.
- Be exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.
- Obtain more than 33 percent of their funding from sources other than grants from the Fund.

Per statute, grants funds can only be used to provide eligible services in covered proceedings for and on behalf of indigent clients who are victims of family violence. Covered proceedings include, but are not limited to:

- Any protection order proceeding.
- An action for dissolution of marriage, legal separation, or declaration of invalidity of marriage.
- An action for dissolution of a civil union, legal separation, or declaration of invalidity of a civil union.
- Paternity actions.
- Child custody actions.
- Proceedings to establish or enforce child support.
- Administrative hearings and other judicial actions in which family violence is an issue or where legal representation is necessary to protect the interests of a victim of family violence.

Eligible services include full/direct legal representation, other services like legal advice and limited representation, and educational clinics.

The Department has accumulated a fund balance due to some grantees not fully spending their awards over time. A small increase in spending authority would give the Department flexibility to increase awards if the fund balance exceeds the current year spending authority.

13. [Sen. Amabile] If the General Assembly were to move funding for Family Violence Justice Grants and/or Eviction Legal Defense Grants into a special purpose authority (which would require modifying both the revenue and expenditure structures), how would the state's role change related to managing funds and oversight?

Currently, the State Court Administrator's Office (SCAO) collects the demographic data needed to support the allocation model outlined in statute for both grant programs. For both programs, SCAO also opens the grant application period, collects and reviews grant applications from eligible entities, determines award amounts according to the model outlined in statute, creates grant award documents, receives monthly or quarterly reimbursement requests from grantees, processes payments to grantees, handles all accounting, and collects required statutory reporting data from all recipients.

If a Special Purpose Authority (SPA) were created for both the Family Violence Justice and Eviction Legal Defense grant programs, the Department assumes that all statutory responsibilities outlined above would move to the SPA and the Department would no longer have any involvement.

## **Parking Garage**

14. [Sen. Amabile]: There is lots of interest in use of the judicial parking garage, including during non-business hours. What is the utilization of the garage? Are there opportunities to increase utilization in ways that would help people and/or generate additional revenue for the State?

Utilization of the portion of the parking garage that is managed by the State Court Administrator's Office (SCAO) varies depending upon the day of the week, but has averaged above 65 percent throughout calendar year 2025. The utilization rate is anticipated to normalize to a higher rate upon completion of the Ralph L. Carr Judicial Center reconstruction when all tenants return to the building. The table below illustrates daily occupancy information for the garage located at 1255 Lincoln

Street during calendar year 2025. Please note that this data does not include parking spaces owned and controlled by the building at 1290 Broadway.

<b>Calendar Year 2025 Daily Parking Occupancy Rate (SCAO Spaces, Only)</b>	
<b>Day of the Week</b>	<b>Occupancy</b>
Monday	55.7%
Tuesday	69.2%
Wednesday	69.9%
Thursday	75.1%
Friday	58.7%

Current parking garage utilization is relatively high given that the Ralph L. Carr Judicial Center is not fully occupied. Floors three through seven of the Judicial Center remain unoccupied due to ongoing reconstruction required as a result of the January 2, 2024, incident. The estimated completion of construction is July 2026, with move-in of displaced tenants to follow shortly thereafter.

Between calendar years 2015 and 2017, the garage was open to the public after regular business hours and on the weekends. However, the cost of additional security and expenses related to repairing damage done to the garage on nights and weekends exceeded the revenue generated by providing public access to the garage. The Department is currently allowing access to the parking garage on weeknights for History Colorado's evening events, and is negotiating with 1290 Broadway for limited weekend access for History Colorado patrons to the 1290 Broadway-owned parking spaces. In addition, the State Court Administrator is meeting regularly with History Colorado leadership to explore other possible solutions to increase parking access for museum patrons. Opening the parking garage on the weekends, even with limited access specific to History Colorado, will require new technology for ticketing, additional security, and increased towing for removal of vehicles that remain beyond the allotted time. At this time, the Department estimates the need for additional resources of at least \$30,000 to cover the additional costs.

15. [Rep. Sirota]: [Background: 1290 Broadway leased the ground to the Judicial Department to construct the garage; it has spaces set-aside under the ground lease agreement] Are the spaces associated with 1290 Broadway being utilized? Is there an opportunity to get access to those?

Under the ground-lease agreement, 1290 Broadway maintains ownership of the first 84 spaces in the parking garage. The spaces are being used throughout the day for tenants, visitors, and guests of 1290 Broadway. The State Court Administrator's Office does not have the authority to make decisions concerning the use of those spaces, however, the Department is willing to collaborate with History Colorado to determine if the property owners at 1290 Broadway are willing to provide greater access to their parking spaces.

## Probation & Request R3

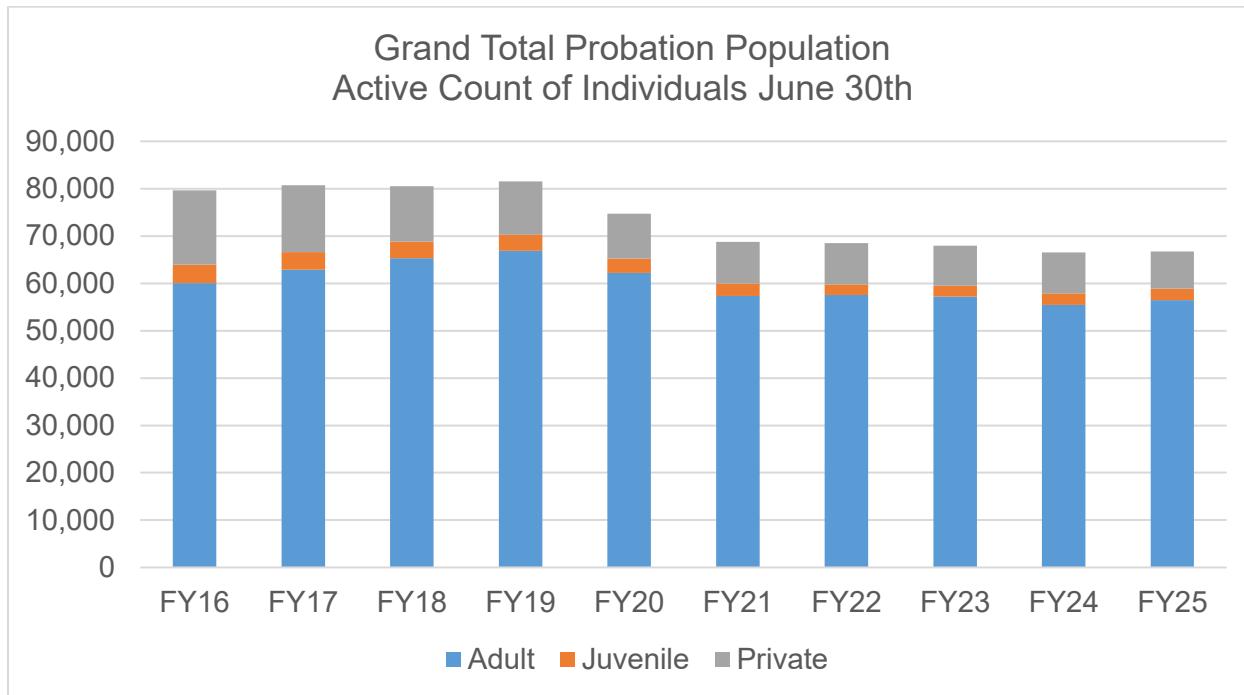
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*[Ref. Staff Briefing p. 10, 15]*

1. *[Rep. Sirota/Rep. Brown]* Why is the probation caseload going down? Are they just sentencing fewer people to probation? Why the decline?

After peaking in FY 2018-19 at 81,000 adults and juveniles on probation, the probation population decreased during and after the pandemic. Over the last five years, the population has remained steady, with an average daily population of 67,000 to 69,000 (see *Figure 1*). There are several factors that likely influenced the decrease in population including legislative efforts (e.g., juvenile justice reform, reclassification of criminal offenses, shift in drug offense classifications), a focus on early intervention programs and services, the expansion of programs that divert adults and juveniles from the criminal justice system (diversion, competency court), and policing and charging practices. Because of the numerous criminal justice reform efforts over the past several years, it is not possible to single out a specific issue that has caused the change in probation's population.

Figure 1



Of note, over the last five years, the number of new adults and juveniles sentenced to probation in a year has increased just over 12 percent (from 33,500 in FY 2020-21 to 37,800 in FY 2024-25). Additionally, comparing calendar year 2024 to 2025 data, criminal filings are down by approximately 20 percent; however, sentences to probation are on the rise, reflecting a 29 percent increase.

2. [Rep. Sirota] Why has the complexity and time required for probation cases gone up, even as caseload has declined?

As described above, over the last five to ten years, there have been numerous legislative efforts to reduce the criminal justice population. Many adults and juveniles have been diverted from the system. Other justice-involved individuals have been redirected from incarceration to community supervision with changes to statutes (e.g. reclassification of criminal offense). The individuals currently sentenced to probation are very different than the population served a decade ago, presenting as higher risk, with greater needs, and more extensive involvement in the criminal justice system.

Leadership and staff in Probation Departments, as well as assessment data, indicate individuals placed on probation have more complex needs, disrupted stability factors (e.g., unhoused), behavioral problems, acute mental illness and substance dependence, and longer histories of failure on community supervision. These cases require greater strategic and time-intensive supervision. As a result, the need for

probation resources continues to grow, exacerbating the need for FTE. Currently, probation requires resources to address gaps in staffing between districts, manage a rise in problem solving court cases, supervise new sentences to probation, and manage an increase in the number of individuals who require intensive supervision.

3. *[Rep. Sirota/Rep. Brown]:* What is private probation? Who is in private probation? Why would they be there instead of public? Do certain judicial districts use private and others don't? Do all districts use it?

**What is private probation?** Probation departments in each judicial district are authorized under Section 18-3-202 (2), C.R.S., to "...enter into agreements with any state agency or other public agency, any corporation and any private agency or person to provide supervision or other service for defendants placed on probation by the Court." Chief Justice Directive (CJD) 21-01 authorizes probation to utilize **private probation for the supervision of lower risk adult probationers who have been sentenced for felony, misdemeanor, or petty offenses**. State probation retains primary authority for supervision of all probationers assigned to private probation, and local probation departments monitor private probation performance. Private probation must adhere to the same Standards for Probation in Colorado and must meet all of the same statutory requirements as State probation. Finally, pursuant to Section 18-1.3-204 (2)(a)(V), C.R.S., adult probationers being supervised by a private probation vendor pay the \$50 monthly probation supervision fee directly to the private provider.

**Who is in private probation?** As noted above, CJD 21-01 restricts the use of private probation to lower risk cases. Risk level is determined by use of actuarial risk/needs assessments. The transfer to a private vendor can occur at the beginning of the sentence or after a period of time with state probation. Examples of ways that districts determine which individuals go to private probation include:

- A local team of probation staff determines who goes to private probation.
- Probation officers, working in an Intake Unit, make the decision individually or in collaboration with their supervisor.
- A probation officer or a supervisor may choose to transfer a case.
- Some districts have a matrix they use to determine eligibility for transfer.

There are several other factors, in addition to assessed risk level, that are considered prior to deciding to transfer a case. Below are some examples:

- Type of offense. A high-profile case, an offense that resulted in a crime against a person (e.g., sex offenses), or an offense with a weapon are not transferred in some districts.

- In some districts, individuals who require additional support and are struggling with significant substance abuse or mental health problems are retained by State probation.
- Often probationers who need financial assistance are kept with State probation in order to access offender treatment and services funds.
- Individuals who are unhoused are often retained with State probation.
- In many jurisdictions, cases stay with State probation when restitution is owed, as State probation can request a waiver of supervision fees, so the individual's earnings can be applied to restitution.
- Districts tend to consider an individual's ability to pay prior to determining if they can transfer to private, as the \$50 supervision fee is paid directly to the private vendor, and there is no additional assistance available through the State's offender treatment and services funds.
- Cases that require victim notification, pursuant to Title 24, are not transferred to private probation in some jurisdictions, as are cases where a victim's safety may be at issue.

**Why would they be there [private] instead of public?** A private probation vendor is typically used to assist a district in managing its caseload. Currently, state probation is staffed, on average, at approximately 82 percent of the probation officers that it needs to meet statutory requirements. Because State probation does not have the resources that it needs, private probation serves as an outlet to reduce the number of cases on the State's caseloads. Additionally, by transferring lower risk individuals to private probation, State probation can focus its limited resources on the individuals who present with a higher risk of re-offending.

**Do certain judicial districts use private and others don't? Do all districts use it?** Currently, private probation vendors are mostly operating in urban and larger suburban jurisdictions. Typically, private probation services are not available in rural areas due to the low number of cases and the large geographical size of rural judicial districts. There are nine jurisdictions that use a private vendor for probation supervision. As of December 11, 2025, there were 7,804 active probationers being supervised by private probation. The following table provides district specific details:

Judicial District	Private Probation Provider	Number of Active Probationers as of December 11, 2025
1	Intervention, Inc	983
4	Thompson Investigation, Inc	1,774
8	Recovery Monitoring Solutions, LLC	555
10	Intervention, Inc	346
11	Intervention, Inc	170

Judicial District	Private Probation Provider	Number of Active Probationers as of December 11, 2025
17	Intervention, Inc	739
18	Recovery Monitoring Solutions, LLC	1,460
19	Intervention, Inc	613
20	Intervention, Inc	1,164

## Judicial Fees and Cash Funds

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[Ref. Staff Briefing pp. 6-8, p. 11, pp. 52-63]

1. [Rep Sirota/Staff] Discuss your need for additional cash fund revenue. Are there specific fees you propose adjusting to help address those needs?

The Department's FY 2025-26 budget totals \$781.4 million total funds, including \$519.5 million General Fund and \$201.1 million cash funds. With increasing staffing needs as indicated by the weighted caseload and workload models described above, the Department requires increased appropriations to perform the obligations of the third branch of the State's government as defined in the Constitution and in statute. Additional cash fund revenue is needed only insofar as it would create opportunity to reduce the impact of Courts and Probation on the General Fund, specifically in years during which no TABOR refund is anticipated.

The majority of the Department's cash fund revenue is from fines, fees, surcharges, and costs that are statutorily created therefore neither the Chief Justice nor the State Court Administrator has the authority to raise or lower assessments to cover the cost of operating the State's Courts and Probation Departments. As a result, the Department must depend upon increasing General Fund appropriations to meet the need when the General Assembly elects not to adjust those statutory assessments.

The following table provides information concerning the years in which statutorily defined assessments were created or last modified. Given the complexity of statute concerning fines, fees, surcharges, and costs, the table includes the information within the context of the Department's cash funds.

Cash Fund	Cash Fund Creation Section	Category	Created/Modified
Alcohol and Drug Driving Safety Program Fund	42-4-1301.3 (4) (a), C.R.S.	*Alcohol evaluation fees	1998
Correctional Treatment Cash Fund	18-19-103 (4) (a), C.R.S.	Drug offender surcharge	1991
Court Security Cash Fund	13-1-204 (1) (a), C.R.S.	*Court Security	2007

<b>Cash Fund</b>	<b>Cash Fund Creation Section</b>	<b>Category</b>	<b>Created/Modified</b>
Family Violence Justice Fund	14-4-107 (1), C.R.S.	Family violence	2010
Family-friendly Court Program Cash Fund	13-3-113 (6) (a), C.R.S.	*Family Friendly	2002
Interstate Compact Probation Transfer Cash Fund	18-1.3-204 (4) (b) (II) (A), C.R.S.	Probation transfer	2012
Judicial Collection Enhancement Fund	16-11-101.6 (2), C.R.S.	Felony & misdemeanor fines	Varies
Judicial Collection Enhancement Fund	16-11-101.6 (2), C.R.S.	Time fees	1996
Judicial Collection Enhancement Fund	16-11-101.6 (2), C.R.S.	Late fees	1996
Judicial Stabilization Cash Fund	13-32-101 (6), C.R.S.	Civil filings	Varies
Judicial Stabilization Cash Fund	13-32-101 (6), C.R.S.	*Criminal, traffic, infraction docket fee	2003
Justice Center Cash Fund	13-32-101 (7) (a), C.R.S.	Civil filings	Varies
Mediation Cash Fund	13-22-305, C.R.S.	Dispute resolution	1983
Offender Services Fund if the client is on State probation; paid directly to vendor in the cases of private probation	16-11-214 (1)(a), C.R.S.	Probation supervision fees	2002; increased from \$45 to \$50 in 2003
Restorative Justice Surcharge Fund	18-25-101 (3) (a), C.R.S.	Restorative Justice	2013
Sex Offender Surcharge Fund	18-21-101, 103, C.R.S.	Sex offender surcharge	1992
State Commission on Judicial Performance Cash Fund	13-5.5-107 (1), C.R.S.	*Judicial Performance	2003
Useful Public Service Cash Fund	18-1.3-507.5, C.R.S.	Community or public service	2002

The Department included in its FY 2024-25 and FY 2025-26 budget submission a request that the Joint Budget Committee (JBC) consider sponsoring legislation to raise the Time and Late fees to ensure Collections and Office of Restitution Program sustainability and Judicial Collections Enhancement Fund (JCEF) solvency. The JBC denied the Department's request and elected instead to sponsor legislation that diverts funds from the Judicial Stabilization Cash Fund to the JCEF. While a positive resolution concerning JCEF solvency, this action reduces opportunity for Judicial Stabilization Cash Fund utilization.

2. *[Rep Sirota/Staff]* If the Department is not comfortable recommending specific changes to its fee structure at this time, how would you like to proceed? For example, would you support a process for reviewing fee levels? How would the General Assembly/the Department determine which fees or types of fees should be increased or potentially eliminated? Who would be involved in this process? Are there best practices to consider? Issues of "fairness" for offenders or the public? Should this process address solely Department-specific fees or also the many court fees that fund activities in other departments?

The Department would support the creation of a review process for statutorily created fees, surcharges, and costs and is committed to working with Joint Budget Committee staff to determine the best path forward.

3. *[Rep Sirota/Staff]* There are an immense number of judicial fees. Even in the absence of a net change in total fee revenue, are there other changes that should be considered that would ease administration? For example, would the current structure be easier to administer if some funds were collapsed and the resulting revenue distribution was modified?

The Judicial Department (Courts and Probation) is responsible for the administration of 23 cash funds. Three cash funds primarily consist of funds that originate as General Fund and are subject to appropriation by the General Assembly, including:

- Correctional Treatment Cash Fund
- Eviction Legal Defense Fund
- Underfunded Courthouse Facility Cash Fund

Two cash funds consist of fees and interest and are continuously appropriated, including:

- Supreme Court Library Fund
- Useful Public Service Cash Fund

Two cash funds consist of cost and surcharge revenue and are included in the Long Bill for informational purposes, only:

- Crime Victim Compensation Fund
- Victims and Witnesses Assistance and Law Enforcement Fund

One cash fund that consists of funds that originate as Justice Center Cash Funds:

- Justice Center Maintenance Fund

The remaining 15 cash funds consist of fees, fines, surcharge, and cost revenue that is subject to appropriation by the General Assembly, including:

- Alcohol and Drug Driving Safety Program Fund
- Courthouse Security Cash Fund
- Family Violence Justice Fund
- Family-friendly Court Program Cash Fund
- Interstate Compact Probation Transfer Cash Fund
- Judicial Collection Enhancement Fund
- Judicial Department Information Technology Cash Fund
- Judicial Stabilization Cash Fund
- Justice Center Cash Fund

- Mediation Cash Fund
- Offender Services Fund
- Restorative Justice Surcharge Fund
- Sex Offender Surcharge Fund
- State Commission on Judicial Performance Cash Fund
- Statewide Discovery Sharing System Surcharge Fund

The Department is willing to discuss options that would reduce the administrative burden related to the cash funds for which it is responsible, however the governance and decision-making structure related to the allocation of the funds will present challenges and will require input from additional stakeholders. It is important to note that of the 23 cash funds identified above, decisions and recommendations concerning 9 are governed by statutorily created commissions, boards, or advisory councils over which the State Court Administrator's Office has no authority. These include:

- Correctional Treatment Cash Fund
- Court Security Cash Fund
- Crime Victim Compensation Fund
- Restorative Justice Surcharge Fund
- Sex Offender Surcharge Fund
- State Commission on Judicial Performance Cash Fund
- Statewide Discovery Sharing System Surcharge Fund
- Underfunded Courthouse Facility Cash Fund
- Victims and Witnesses Assistance and Law Enforcement Fund

As a result of the current structure, without the General Assembly making significant changes to the governance structure of the above programs or eliminating the continuous or informational appropriation of some cash funds, the Department believes that the only funds that can be considered in the context of this discussion include the following funds:

- FY 2024-25 revenue below \$210,000
  - Mediation Cash Fund (\$5,680)
  - Interstate Compact Probation Transfer Cash Fund (\$141,666)
  - Family Violence Justice Fund (\$169,209)
  - Family-friendly Court Program Cash Fund (\$206,325)
- FY 2024-25 revenue between \$211,000 and \$10.0 million
  - Alcohol and Drug Driving Safety Program Fund (\$3.0 million)
  - Judicial Collection Enhancement Fund (\$8.6 million)
- FY 2024-25 revenue above \$10.0 million

- Justice Center Cash Fund (\$20.3 million)
- Offender Services Fund (\$21.4 million)
- Judicial Department Information Technology Cash Fund (\$30.9 million)
- Judicial Stabilization Cash Fund (\$34.4 million)

Given the workload associated with administering the Department's cash funds, considering modifications related to those funds that receive less than \$210,000 in revenue each fiscal year is perhaps a place to start. While each cash fund was created with specific revenue for a designated statutory purpose, the funds with annual revenue exceeding \$10.0 million are central to the operations of the Courts and Probation Department but fund a small percentage of the Department's total operating budget.

Finally, it is important to note that any changes to the revenue structure will require extensive programming of the case management system. Because the Department does not have the capacity to modify the existing case management and roll out the new case management system, the Department recommends that any broad changes to the assessment structure occur in concert with the implementation of the new case management system.

4. *[Sen Amabile]* Provide additional information about the fees that judges can waive and those they can't.

As communicated in Chief Justice Directive (CJD) 85-31, the assessment of statutorily mandated fines, fees, surcharges, and costs are standard practice, regardless of the court level or location. Waiver or suspension of the ordered assessment may be exercised if statute or rules allows. Where statute or rule is silent, the CJD provides authority for the court to waive or suspend an assessment "only in those instances where the court finds the Defendant or Juvenile has no future ability to pay the amount."

Statutory provisions that specifically allow for waiver or suspension of fines, fees, surcharges, and costs are generally specifically related to a determination of indigency or inability to pay all or a portion of an assessment and include:

- Adolescent Substance Abuse Surcharge [Section 18-13-122 (4)(e), C.R.S.]
- Child Abuse Investigation Surcharge [Section 18-24-103 (3), C.R.S.]
- Cost of Care [Section 18-1.3-701 (3), (4), C.R.S.]
- Crimes Against At-risk Persons Surcharge [Section 18-6.5-107, C.R.S.]
- Drug Offender Surcharge [Section 18-19-103, C.R.S.].
- Genetic Testing Surcharge [Section 24-33.5-415.6 (3)(a), C.R.S.]
- Late Penalty Fee [Section 16-11-101.6 (1), C.R.S.]

- Persistent Drink Driver Surcharge [Section 42-4-1307 (10)(b), C.R.S.]
- Interstate Compact (Probation) [Section 18-1.3-204 (4)(b), C.R.S.]
- Probation Supervision Fees [Section 18-1.3-204 (2)(a)(V), C.R.S.]
- Public Defendant Fee [Section 21-1-103 (3), C.R.S.]
- Restorative Justice Surcharge [Section 18-25-101, C.R.S.]
- Rural Alcohol and Substance Abuse Surcharge [Section 42-4-1307 (10)(d)(I), 18-19-103.5 (3), C.R.S.]
- Sexual Exploitation of a Child Surcharge [Section 18-21-103 (4), C.R.S.]
- Sex Offender Surcharge [Section 18-21-103 (4), C.R.S.]
- Special Advocate Surcharge [Section 24-4.2-104 (1)(a)(II), C.R.S.]
- Standard Substance Abuse Assessment Costs [Section 18-1.3-209 (3), C.R.S.]
- Statewide Discovery Sharing System Surcharge [Section 18-26-101, C.R.S.]
- Substance Affected Driving Data Surcharge [Section 42-4-1307 (10)(e), C.R.S.]
- Time Payment Fee [Section 16-11-101.6 (1), C.R.S.]
- Useful Public Service Fee [Section 18-1.3-507 (6), C.R.S.].
- Victim Address Confidentiality Surcharge [Section 24-30-2114, C.R.S.]
- Victims Assistance Surcharge [Section 24-4.2-104 (1), C.R.S.]
- Victims Compensation Cost [Section 24-4.1-119 (1.5), C.R.S.]
- Driving Under the Influence [Section 42-4-1307 (10), C.R.S.]

Statutes that allow the court to suspend all or part of the fine upon the offender's completion of any alternative sentence imposed by the court include:

- Defacing Caves [Section 18-4-509 (2)(a)(I)(B), C.R.S.]
- Defacing Property Find [Section 18-4-509 (2)(a)(III)(A), C.R.S.]

5. *[Rep. Brown]:* In addition to items already discussed [Family Violence CF and Eviction legal Defense], are there programs/cash funds in the Department that could be moved into an “enterprise” legal structure or a special purpose authority without violating “core government service” principles?

The special purpose authority option was considered for programs that are governed by statutorily created boards, commissions, or advisory committees and for which the Department may serve in a support role, “bookkeeper”, or grant administrator. These include programs such as Restorative Justice Programs, Family Violence Justice Grants, and Eviction Legal Defense Grant Program. While not impossible, the benefits of creating a special purpose authority for these programs may not out-weigh the challenges, as the revenue that would be TABOR-exempt is relatively small and those cash funds with revenue originating as General Fund would need an alternate source of revenue.

- Restorative Justice Surcharge Cash Fund – In FY 2024-25, just under \$716,000 was deposited into the fund, the majority of which was from surcharges established in statute.
- Family Violence Justice Cash Fund – In FY 2024-25, just under \$170,000 was deposited into the fund, the majority of which was from fees established in statute. The Family Violence Justice Grants line item receives an annual General Fund appropriation of \$2.0 million.
- Eviction Legal Defense Cash Fund – Aside from interest income, the fund's source of revenue is an annual General Fund appropriation of \$1.1 million.

The Department will continue to discuss options with JBC staff regarding possible special purpose authority structures.

Finally, the Department considered the Victim Assistance and Victim Compensation programs as an option for a special purpose authority. While the revenue that supports these two programs is significant as compared with the options described above, because the revenue is from fines, fees, costs, or surcharges and results from court proceedings, whether or not moving the revenue into a special purpose authority without violating “core government service” principles would need to be determined. Any consideration of converting these programs to special purpose authorities has not been widely discussed or seriously considered. The JBC should be aware that these two programs affect a large number of stakeholders at the state and local level. Those stakeholders have not been consulted on the possible conversion to special purpose authority. In FY 2024-25, the cash funds received the following non-exempt revenue:

- Crime Victim Compensation Cash Fund – \$10.3 million
- Victims and Witness Assistance and Law Enforcement Fund – \$14.1 million