

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0301.01 Michael Dohr x4347

SENATE BILL 25-012

SENATE SPONSORSHIP

Amabile and Gonzales J.,

HOUSE SPONSORSHIP

Armagost,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING PROVIDING FINANCIAL ASSISTANCE TO COUNTIES FOR
102 COUNTY FACILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Legislative Oversight Committee Concerning Colorado Jail Standards. Current law tasks the underfunded courthouse facility cash fund commission (commission) to evaluate grant applications and issue grants to counties for underfunded courthouse facilities through master planning services, matching funds or leveraging grant funding opportunities, or for addressing emergency needs due to the imminent

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

closure of a court facility. The bill changes the name of the commission and the underfunded courthouse facility cash fund and expands the responsibilities of the commission to include jails in addition to court facilities. Additionally, the bill allows grants to be issued for up to 50% of a county's annual voter-approved debt service on any county-approved financing of the construction or remodeling costs of a court or jail facility.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 13-1-301 as
3 follows:

4 **13-1-301. Legislative declaration.** (1) The general assembly
5 hereby finds that:

6 (a) Providing access to state court AND JAIL facilities and ensuring
7 the safety of employees and other users of state court AND JAIL facilities
8 are fundamental components of ensuring access to justice for the people
9 of the state of Colorado;

10 (b) ~~Recent years have seen numerous occasions in which~~
11 ~~courthouse~~ IN RECENT YEARS, COURT AND JAIL FACILITY repair,
12 renovation, improvement, and expansion needs have become important
13 priorities for judicial districts and the counties they serve;

14 (c) In some cases these needs result from anticipated causes, such
15 as expanding caseloads, the allocations of new judges to the district, or
16 the aging of existing ~~courtroom~~ COURT AND JAIL facilities and the
17 attendant need to bring them up to current operational and safety
18 standards;

19 (d) In other cases, the needs are driven by unexpected events, such
20 as natural disasters, accidents, or the discovery of previously unknown
21 threats to health and safety; and

22 (e) While the responsibility for providing adequate courtrooms

1 and other court AND JAIL facilities lies with county governments, the
2 geographically, demographically, and economically diverse nature of our
3 state affects the level of funding and services that each county can
4 provide.

5 (2) The general assembly, therefore, determines and declares that:

6 (a) The creation of the underfunded ~~courthouse~~ COURT AND JAIL
7 facility cash fund commission and the underfunded ~~courthouse~~ COURT
8 AND JAIL facility cash fund is beneficial to and in the best interests of the
9 people of the state of Colorado; and

10 (b) The purpose of the commission and the fund is to provide
11 supplemental funding for ~~courthouse~~ COURT AND JAIL facility projects in
12 the counties with the most limited financial resources.

13 **SECTION 2.** In Colorado Revised Statutes, 13-1-302, **amend** (1),
14 (3), and (4) as follows:

15 **13-1-302. Definitions.** As used in this part 3, unless the context
16 otherwise requires:

17 (1) "Commission" means the underfunded ~~courthouse~~ COURT AND
18 JAIL facility cash fund commission created in section 13-1-303.

19 (3) "Fund" means the underfunded ~~courthouse~~ COURT AND JAIL
20 facility cash fund created in section 13-1-304.

21 (4) "Imminent closure of a court facility" means a court facility
22 with health, life, or safety issues that impact court employees, JAIL
23 INMATES, or other ~~court~~ users and that is designated for imminent closure
24 by A COUNTY OR the state court administrator in consultation with the
25 state's risk management system or other appropriate professionals. Health,
26 life, or safety issues include air quality issues, water intrusion problems,
27 temperature control issues, structural conditions that cannot reasonably

1 be mitigated, fire hazards, electrical hazards, and utility problems. Certain
2 health, life, or safety issues may require additional third-party evaluations
3 such as an environmental or structural engineering review.

4 **SECTION 3.** In Colorado Revised Statutes, 13-1-303, **amend** (1)
5 and (6) as follows:

6 **13-1-303. Underfunded court and jail facility cash fund**
7 **commission - creation - membership.** (1) ~~There is hereby created in the~~
8 ~~judicial department~~ The underfunded ~~courthouse~~ COURT AND JAIL facility
9 cash fund commission IS CREATED IN THE JUDICIAL DEPARTMENT to
10 evaluate grant applications received pursuant to this part 3 and make
11 recommendations to the state court administrator for awarding grants
12 from the underfunded ~~courthouse~~ COURT AND JAIL facility cash fund
13 based on the statutory criteria set forth in section 13-1-305. The
14 commission ~~shall~~ MUST be appointed no later than July 1, 2014.

15 (6) In accordance with the principles set out in ~~section 13-1-305~~
16 THIS PART 3, the commission shall adopt guidelines prescribing the
17 procedures to be followed in making, filing, and evaluating grant
18 applications, the criteria for evaluation, and other guidelines necessary for
19 administering the GRANT program.

20 **SECTION 4.** In Colorado Revised Statutes, **amend** 13-1-304 as
21 follows:

22 **13-1-304. Underfunded court and jail facility cash fund -**
23 **creation - grants - regulations.** (1) ~~There is hereby created in the state~~
24 ~~treasury~~ The underfunded ~~courthouse~~ COURT AND JAIL facility cash fund
25 ~~that consists~~ IS CREATED IN THE STATE TREASURY, CONSISTING of any
26 ~~moneys~~ MONEY appropriated by the general assembly to the fund. The
27 ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual appropriation by the

1 general assembly for the implementation of this part 3. The state court
2 administrator may accept gifts, grants, or donations from any private or
3 public source for the purpose of implementing this part 3. All private and
4 public ~~moneys~~ MONEY received by the state court administrator from
5 gifts, grants, or donations must be transmitted to the state treasurer, who
6 shall credit the ~~same~~ MONEY to the fund in addition to any ~~moneys~~ MONEY
7 that may be appropriated to the fund directly by the general assembly. All
8 investment earnings derived from the deposit and investment of ~~moneys~~
9 THE MONEY in the fund remain in the fund and may not be transferred or
10 revert to the general fund at the end of any fiscal year. Any unexpended
11 and unencumbered ~~moneys~~ MONEY remaining in the fund at the end of
12 any fiscal year ~~shall remain~~ REMAINS in the fund and shall not be credited
13 or transferred to the general fund or any other fund.

14 (2) (a) ~~Moneys~~ MONEY from the fund that ~~are~~ IS distributed to
15 counties IN THE FORM OF A GRANT pursuant to this part 3 may: ~~only~~:

16 (I) Be used for commissioning master planning services,
17 matching funds or leveraging grant funding opportunities for construction
18 or remodeling projects, or addressing emergency needs due to the
19 imminent closure of a court OR JAIL facility;

20 (II) BE USED TO PAY UP TO FIFTY PERCENT OF A COUNTY'S ANNUAL
21 VOTER-APPROVED DEBT SERVICE ON ANY COUNTY-APPROVED FINANCING
22 FOR CAPITAL CONSTRUCTION OR REMODELING COSTS OF A COURT OR JAIL
23 FACILITY PURSUANT TO THIS PART 3;

24 (III) ~~Moneys from the fund may~~ Not be allocated for the purchase
25 of furniture, fixtures, or equipment or as the sole source of funding for
26 new construction; AND

27 (IV) ~~Moneys from the fund may~~ Not be allocated as the sole

1 source of funding for remodeling, unless the need for funding is
2 associated with the imminent closure of a court facility.

3 (b) MONEY FROM THE FUND THAT IS DISTRIBUTED TO COUNTIES
4 MUST ONLY BE USED FOR NEW CONSTRUCTION OR REMODELING OF A
5 COURT OR JAIL FACILITY AND MUST NOT BE USED FOR THE PURCHASE OF
6 FURNITURE, FIXTURES, OR EQUIPMENT.

7 (3) All ~~moneys~~ MONEY credited to the fund ~~shall be~~ IS available
8 for grants awarded by the state court administrator, based on
9 recommendations of the commission, to counties for the purposes
10 described in this part 3; except that the state court administrator may use
11 a portion of the ~~moneys~~ MONEY annually appropriated from the fund for
12 administrative costs incurred ~~through~~ FOR the implementation of this part
13 3. The state court administrator, subject to annual appropriation by the
14 general assembly, may expend ~~moneys~~ MONEY appropriated from the
15 fund pursuant to this part 3.

16 **SECTION 5.** In Colorado Revised Statutes, 13-1-305, **amend** (1),
17 (2)(a), (2)(c), (2)(d), (2)(e), (3), and (4) introductory portion; and **add** (5)
18 as follows:

19 **13-1-305. Grant applications - duties of counties.** (1) To be
20 eligible for ~~moneys~~ A GRANT from the fund, a county must apply to the
21 commission through the state court administrator, using the application
22 form provided by the commission, in accordance with the timelines and
23 guidelines adopted by the commission. For the commission to consider
24 a grant application, the application must first be reviewed and approved
25 by the chief judge of the county and the board of county commissioners.

26 (2) (a) ~~Grants~~ A GRANT from the fund may only be used to fund
27 counties that meet the requirements set forth in ~~paragraph (b)~~ of this

1 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION and the criteria
2 specified in subsection (4) of this section to:

3 (I) Commission master planning services;

4 (II) Serve as matching funds or leverage grant funding
5 opportunities; ~~or~~

6 (III) Address emergency needs due to the imminent closure of a
7 court OR JAIL facility; OR

8 (IV) PAY UP TO FIFTY PERCENT OF A COUNTY'S ANNUAL
9 VOTER-APPROVED DEBT SERVICE ON ANY COUNTY-APPROVED FINANCING
10 OF THE CONSTRUCTION OR REMODELING COSTS OF A COURT OR JAIL
11 FACILITY.

12 (c) ~~Grants~~ A GRANT from the fund may not supplant any county
13 funding for a county that has the means to support its court ~~facility~~ OR
14 JAIL FACILITIES.

15 (d) The approval of a grant ~~shall~~ DOES not result in the state or
16 commission assuming ownership or liability for a county ~~courthouse or~~
17 ~~other county~~ COURT OR JAIL facility. ~~that houses county offices and~~
18 ~~employees.~~ The county ~~shall continue~~ CONTINUES to have ownership and
19 liability for all such facilities.

20 (e) Once a county is awarded a grant, the county shall EITHER
21 complete the project as designated and described in the grant award OR
22 USE THE GRANT TO PAY THE VOTER-APPROVED DEBT SERVICE ON ANY
23 COUNTY-APPROVED FINANCING OF THE CONSTRUCTION OR REMODELING
24 OF A COURT OR JAIL FACILITY.

25 (3) ~~Counties that meet~~ A COUNTY THAT MEETS all four of the
26 criteria specified in subsection (4) of this section must be given the
27 highest priority for need-based grants for underfunded ~~courthouse~~ COURT

1 OR JAIL facilities pursuant to this part 3.

2 (4) ~~Counties that meet~~ A COUNTY THAT MEETS at least two of the
3 following criteria qualify for need-based grants for underfunded
4 ~~courthouse~~ COURT OR JAIL facilities pursuant to this part 3:

5 (5) A GRANT MAY ALSO BE AWARDED TO A COUNTY TO BE USED TO
6 PAY UP TO FIFTY PERCENT OF A COUNTY'S ANNUAL VOTER-APPROVED DEBT
7 SERVICE ON ANY COUNTY-APPROVED FINANCING FOR CAPITAL
8 CONSTRUCTION OR REMODELING COSTS OF A COURT OR JAIL FACILITY.

9 **SECTION 6.** In Colorado Revised Statutes, **amend** 13-1-306 as
10 follows:

11 **13-1-306. Legislative review - repeal.** The underfunded
12 ~~courthouse~~ COURT AND JAIL facility cash fund commission repeals on
13 September 1, 2035. Prior to repeal, the underfunded ~~courthouse~~ COURT
14 AND JAIL facility cash fund commission is subject to review as provided
15 in section 24-34-104.

16 **SECTION 7.** In Colorado Revised Statutes, 16-4-116, **amend**
17 (2)(a)(I) as follows:

18 **16-4-116. Bond hearing officer.** (2) (a) (I) Each judicial district
19 that contains a county that is designated as a high priority or eligible
20 county by the underfunded ~~courthouse~~ COURT AND JAIL facility cash fund
21 commission, created in section 13-1-303, has the right to have a bond
22 hearing officer conduct weekend and holiday bond hearings. The chief
23 judge of the judicial district shall notify the state court administrator if the
24 judicial district wants to have a bond hearing officer conduct bond
25 hearings on a weekend or holiday.

26 **SECTION 8.** In Colorado Revised Statutes, 24-34-104, **amend**
27 (36)(a)(VI) as follows:

1 **24-34-104. General assembly review of regulatory agencies**
2 **and functions for repeal, continuation, or reestablishment - legislative**
3 **declaration - repeal.** (36) (a) The following agencies, functions, or both
4 are scheduled for repeal on September 1, 2035:

5 (VI) The underfunded ~~courthouse~~ COURT AND JAIL facility cash
6 fund commission created in part 3 of article 1 of title 13.

7 **SECTION 9. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.