



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Final Fiscal Note

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<b>Drafting Number:</b>	LLS 23-0639	<b>Date:</b>	July 28, 2023
<b>Prime Sponsors:</b>	Rep. Epps; Mabrey Sen. Fields; Gardner	<b>Bill Status:</b>	Signed into Law
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**Bill Topic:** REMOTE PUBLIC ACCESS TO CRIMINAL COURT PROCEEDINGS

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires county and district courts to allow the public to view criminal court proceedings conducted in open court, provided the court has the technology to do so. The bill will increase state and local workload and may increase state and local expenditures on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The fiscal note reflects the enacted bill.

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## Summary of Legislation

The bill requires all Colorado courts, including county and municipal courts, to make criminal court proceedings conducted in open court available for remote public viewing unless the courtroom does not have the technological capability to make the proceedings available to the public. Courtrooms may still exclude members of the public from viewing proceedings through a court order or if the court determines that public broadcast will compromise the defendant's right to a fair trial or threaten the safety of any party. Juvenile proceedings are also excluded from the public viewing requirement.

## Background

In response to the COVID-19 pandemic, Colorado courts developed procedures for virtual courtrooms to continue operations while mitigating the spread of COVID-19. Courts currently offer virtual proceedings at their discretion and to allow litigants to speak, respond, and participate in hearings. State-funded courts accomplish this using web conferencing platforms instead of through livestreaming or telecasting.

## State Expenditures

The bill will minimally increase workload in the instances where state-funded district and county courts that have the capability to allow remote public viewing will admit additional members to virtual proceedings. The Judicial Department may also have an increase in workload to develop a standard disclosure for remote court participants in order to comply with the requirements of the bill.

Trial courts do not currently have the technological capability to allow non-participatory remote observation in most locations. Web conferencing platforms in virtual courtrooms are designed to give participants the opportunity to speak and participate in hearings as litigants and witnesses. These litigants and witnesses are admitted to virtual courtrooms by court staff as appropriate. These admissions are generally not for non-participating members of the public. This fiscal note assumes that courts are not required to expand their technological capabilities to add an additional plug-in to their existing web conference platforms to allow for non-participatory viewing. If courts are required to purchase livestreaming, it is estimated to cost \$45 per hearing.

## Local Government

Similar to the state, municipal court and Denver County Court staff may see a minimal increase in workload to allow additional members of the public to view proceedings that are available for public viewing. In addition, should these courts choose to purchase software to allow for live streaming, costs to that municipality will increase.

## Effective Date

The bill was signed into law by the Governor on June 7, 2023, and takes effect August 7, 2023, assuming no referendum petition is filed.

## State and Local Government Contacts

Counties	Information Technology	Judicial
Municipalities		