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Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 24-0554 Date: March 1, 2024
Prime Sponsors: Rep. Joseph; Lindsay Bill Status: House Judiciary
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Bill Topic: EQUAL JUSTICE FUND AUTHORITY

Summary of Fiscal Impact: [X] State Revenue [ ] State Transfer [ ] Local Government
[X] State Expenditure [X] TABOR Refund [ ] Statutory Public Entity

The bill creates a new docket fee to assist indigent defendants with court fees. The bill increases state revenue and expenditures beginning in FY 2024-25.

Appropriation Summary: No appropriation is required. The Equal Justice Fund is continuously appropriated to the Equal Justice Fund Authority.

Fiscal Note Status: This fiscal note is provided pursuant to Joint Rule 22 (b)(2) and reflects strike-below Amendment L.001.

Table 1
State Fiscal Impacts Under HB 24-1286

Table with 4 columns: Category, Description, Budget Year FY 2024-25, and Out Year FY 2025-26. Rows include Revenue, Expenditures, Transfers, and Other Budget Impacts.

## Summary of Legislation

The bill creates the Equal Justice Fund Authority (EJFA) and the Equal Justice Fund. The EJFA is governed by a seven-member appointed board and must meet at least four times per year. Board members serve without compensation but may be reimbursed for expenses as a result of their duties.

The EJFA administers the Equal Justice Fund. Beginning January 1, 2025, docket fees for court of appeals and civil cases are increased by \$20, credited to the fund. The fund must be used to provide access to legal representation for indigent defendants and to cover the EJFA's direct and indirect administration costs.

The EJFA must report fund balances, the types of cases for the individuals served by the fund, and the number of individuals served by the fund to the General Assembly on an annual basis.

## State Revenue

The bill increases revenue to the newly created Equal Justice Fund through an increase in docket fees by an estimated \$1.1 million in FY 2024-25 and \$2.2 million in FY 2025-26 and ongoing.

**Fee impact on civil cases.** Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Fee amounts are outlined in the bill, resulting in an increase of \$20 for various docket fees. The number of cases and individuals subject to the increased fees is shown in Table 2. Cases numbers for FY 2024-25 are prorated for a half-year impact.

**Table 2**  
**Fee Impact on Civil Court Cases**

<b>Year</b>	<b>Type of Case</b>	<b>Number of Cases</b>	<b>Fee</b>	<b>Revenue</b>
<b>FY 2024-25</b>	County Civil	27,288	\$20	\$545,760
	District Civil	17,848	\$20	\$356,960
	Court of Appeals	251	\$20	\$5,020
	Probate	8,474	\$20	\$169,480
<b>FY 2024-25 Revenue</b>				<b>\$1,077,220</b>
<b>FY 2025-26</b>	County Civil	54,577	\$20	\$1,091,540
	District Civil	35,695	\$20	\$713,900
	Court of Appeals	502	\$20	\$10,040
	Probate	16,947	\$20	\$338,940
<b>FY 2025-26 Revenue</b>				<b>\$2,154,420</b>

## State Expenditures

The bill increases cash fund expenditures in the EJFA by up to \$1.1 million in FY 2024-25 and up to \$2.2 million in FY 2025-26 and ongoing. The bill also increases workload in the Judicial Department.

**Equal Justice Fund Authority.** The newly created EJFA will provide funding for legal aid to indigent offenders using the revenue generated from the new docket fee. This revenue will also cover the EJFA's administrative costs, which will be spent to convene commission members, and to distribute and report on funding. The Equal Justice Fund is continuously appropriated to the EJFA for these purposes.

**Judicial Department.** The Judicial Department will update their information technology systems to create a new financial code for the new Equal Justice Fund. This additional workload is assumed to be minimal and can be accomplished within existing appropriations.

## Other Budget Impacts

**TABOR refunds.** The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section above. This estimate assumes the December 2023 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2025-26. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will decrease the amount of General Fund available to spend or save.

## Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State and Local Government Contacts

Governor's Office of Boards and Commissions  
Personnel

Judicial  
Treasury

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).