



T A B O R Issue Brief

The Taxpayer’s Bill of Rights (TABOR) restricts the amount of revenue that can be spent on state and local services—from health care to transportation to education. In the 1990s, TABOR forced reductions in many state services, and since 2000 the revenue situation has become especially dire. TABOR’s ratchet effect won’t let services recover, even when the economy rebounds, so the cuts caused by revenue shortages remain in place. Services will never be able to catch up or keep pace with real economic growth—and will, in fact, continue to shrink—unless we change TABOR’s spending limits and eliminate the ratchet effect.

According to Legislative Council’s Dec. 2004 forecast, under current revenue projections, the General Assembly will have to reduce FY 2005-06 expenditures by \$244.9 million to accommodate allowable General Fund growth as prescribed by TABOR, while simultaneously giving back \$459.2 million in refunds. Colorado’s improving revenue environment means that programs supported by either General Fund or cash funds will compete against each other under TABOR spending restrictions.

TABOR Briefs:

- Agriculture
- Art and Culture
- Colorado’s Economy
- Community Colleges
- Higher Education
- Judiciary
- Medicaid and Health
- Mental Health
- Public Health
- Public Libraries
- Rural Colorado
- State Parks
- Transportation

Judicial Branch

- Between 2003 and 2004, nearly 100 court employees were laid off and another 290 positions left vacant. The justice system is now understaffed by 17% and severely ill-equipped to handle a case load that grows roughly 7% a year.
- In FY 2001-2002, the Legislature authorized 24 new judges and support staff. Due to budget cuts, only 12 new judges and staff were hired. According to the Chief Justice of the Colorado Supreme Court, even more judges are now needed in both district and county courts.
- In FY 2004-2005, the Family Violence Grant Program, which provided legal services to uninsured victims of family violence, was eliminated entirely.
- In FY 2004-2005, the state lost \$75,000 in matching federal funds for the Family Preservation Program because of cuts in General Fund support. This program was designed to help dependent and neglected children remain together.
- The state has postponed overdue salary increases for court-appointed attorneys and investigators. Currently, state attorneys’ salaries are less than a third of market rates. As a result, it is increasingly difficult to recruit and retain quality public defenders for this constitutionally mandated service.
- Probation is the largest component of Colorado’s judicial system, responsible for the community supervision of nearly 52,000 individuals. In 2002, 23 staff positions and two probation programs were eliminated: the Female Offender Program and the Specialized Drug Offender Program. Funding for the Female Offender Program was restored in 2004-2005, because it was found to save the state money in the long-run.

TABOR ISSUE BRIEF: JUDICIAL BRANCH

- Between 2003 and 2004, nearly 50 probation officers were laid off even as caseloads increased dramatically. Currently, every probation officer is responsible for an average of 217 adult offenders, well above the national average of 130. The department's success rate in transitioning adult probationers declined between 2002 and 2004.
- Colorado's adult probation population increased 77% between 1990 and 2000. During this same time period, probation officers and staff increased only 55%.
- Trial courts and clerk's offices have had to reduce the hours they are open to the public resulting in slower responses to inquiries, longer waits for service, and a lack of support for judges, and increased data entry errors. Hearings that are required by law to occur within two days of filing routinely take 30 days.

By any standard, the judiciary faces a heavy workload in the courts and probation. That work has been made more difficult by the state's financial crisis. The last two years have been difficult ones for the Judicial Branch, as they have been for many people living in Colorado and for the state government generally. We have had to cope with rising caseloads and fewer financial resources. When I am asked to describe the past two years, I say we are dancing as fast as we can...

...My constant concern is that we are not able to give the people of Colorado the level of services that they should receive. To compensate for the lost staff, most courts have reduced their public hours. Courts close their doors at noon or 4 p.m. so that the clerks can process the hundreds of documents going in and out of the courts every day. Telephone calls may go unanswered and the lines of people waiting for services are longer. Many district courts no longer have live court reporters, but rely on electronic recording devices. Some judges lack basic clerical support services to retrieve files, enter orders and mark exhibits.

**Colorado Supreme Court Chief Justice, Mary Mullarkey
Address to the Colorado State House of Representatives, January 2005**

(SOURCES: Colorado Judicial Branch, Budget Office, 2003; Colorado Judicial Department Fact Sheet: Colorado Judicial layoffs and realignments to meet FY 03-04 funding levels, June 18, 2003; Joint Budget Committee Staff Briefing Document, December 6, 2004, Joint Budget Committee Appropriations Report, Fiscal Years, 1991-1992; 2001-2002; 2003-2004; 2004-2005; State of the Judiciary, Chief Justice Mary Mullarky, January 14, 2005).