



Legislation Text

File #: Resolution 57-2018, **Version:** 1

Agenda Date: 09/18/2018

Subject:

A resolution authorizing the Municipal Court First Appearance Grant Program

Presented By: Wendy Heffner, City Clerk

REQUESTED COUNCIL ACTION:

Does city council support a resolution authorizing the Municipal Court First Appearance Grant Program?

BACKGROUND:

Effective July 1, 2018, Colorado Revised Statute § 13-10-114.5 mandated all municipal courts provide court-appointed counsel to all in-custody defendants who may face a jail sentence regardless of indigent status. The Littleton Municipal Court has complied with this mandate and the city council has approved funding through the annual budget process. The state legislature recognized this was an unfunded mandate and established a Municipal Court First Appearance Grant Program. This is a reimbursement grant program administered through the Department of Local Affairs (DOLA). For all 217 municipal courts in Colorado, \$1,797,085 has been authorized. The grants will be distributed until funds run out which is expected to happen quickly. Applications will be accepted by DOLA beginning September 1 and ending October 1, 2018. Application requirements include verification for approval to accept funding from the Chief Elected Official. Since not all of the specifications have been published as of this date, it is unclear if this will be a one-time estimated reimbursement or will be an on-going monthly request. The Littleton Municipal Court requests city council accept the reimbursement grant in whatever format it may be administered. The documentation on the program from the DOLA website is attached.

PRIOR ACTIONS OR DISCUSSIONS:

None

STAFF ANALYSIS:

In-custody, court-appointed counsel is just one part of providing overall legally required court-appointed counsel. The ability to apply and accept any grant reimbursement funds will help offset this cost to Littleton citizens.

OPTIONS/ALTERNATIVES:

City council may choose not to accept funding and solely support all legally mandated court-appointed counsel costs.

FISCAL IMPACTS:

Based upon preliminary costs for in-custody, court-appointed counsel, the staff expects an estimated annual

reimbursement of \$20,000; the actual amount will depend upon how DOLA interprets time of service, how many municipal courts request funding, and the manner in which funds are distributed.

STAFF RECOMMENDATION:

The Municipal Court requests council approval of a resolution authorizing the application and on going acceptance of a reimbursement grant from the Department of Local Affairs for costs incurred for in-custody, first-appearance defense counsel.

PROPOSED MOTION:

I move to approve the resolution authorizing the application and on-going acceptance of a reimbursement grant for the Department of Local Affairs for costs incurred for in-custody, first-appearance defense counsel.