

<p>LOG LANE VILLAGE MUNICIPAL COURT Log Lane Village, COLORADO 202 Birch Street Log Lane Village, CO 80705 970-867-8027</p> <hr/> <p>Plaintiff: THE PEOPLE OF THE STATE OF COLORADO, ex rel. THE TOWN OF LOG LANE VILLAGE</p> <p>v.</p> <p>Defendant:</p>	<hr/> <p>Hon. Stephen Jones Municipal Court Judge</p>
<p>COURT ORDER RE C.R.S. 13-1-132</p>	

ORDER

Comes now the Presiding Judge for the Town of Log Lane Village and issues the following order regarding the implementation of C.R.S 13-1-132 (legislative mandate to all Colorado Courts for Live streaming "criminal court proceedings"):

1. The court initially notes that the above referenced statute relates to what the bill drafters refer to as "criminal court proceedings". The Court further notes that there is no definition in this statute as to what that phrase means.
2. This Municipal Court typically deals with four types of cases, some of which are unique to Municipal Court: traffic, minor criminal, juvenile traffic and criminal, and code (zoning, nuisances, stormwater and animals).
3. The typical docket in Log Lane Village Municipal Court consists of the all of the above category of cases again some of which are completely unique to municipal court.
4. This Court would note that the ordinances of the Town do allow for the imposition of a jail sentence of not more than 364 days for any violation of the Town's ordinances except traffic infractions.
5. In some municipalities, jail sentences do not apply to any and all violations, but simply to some violations, or to none at all.
6. This Court would note that code violations are typically not considered violations of the criminal law. The same is true for traffic violations. Title 18 of the Colorado Revised Statutes defines those matters which are considered criminal both misdemeanor and felony. There are separate statutory regimens for violations of State traffic laws, and drug offenses. And of course, the State Statutes typically defer the enforcement of local "code" issues to the various municipalities.

7. Thus this Court is unclear what is meant by "criminal court proceedings" that must be "live streamed". If the test for such a phrase is the possible outcome, then all cases in Log Lane Village Municipal court would be considered "criminal". If the test is a reference to the State of Colorado Criminal Code, then almost none of the cases would be.
8. The Court is taking the time in this order to point out these items which underscores the very problem with the legislative mandate contained the above quoted statute to live stream "criminal court proceedings". In short, the language of the statute which contains this unfunded mandate is vague and imprecise. Further, implementing such a mandate would become technically difficult if the above language were taken to mean only criminal cases (those charges that would exist under Title 18 of the state criminal code, and which had a correlative municipal ordinance charge) would be live streamed given the way this court's dockets are structured (which is very similar to many other once a month municipal courts).
9. This Court would further note as an aside that the mandate contained in the above referenced statute contains no road map, instruction, or template that would assist smaller municipal courts in implementing this, again, unfunded mandate. Not to be too blunt, but many of the municipal courts in this state are fairly small operations with little to no technology. Many such courts simply do not have "IT" departments to assist in the implementation of such a mandate. Many of these courts simply contract out their "IT" needs. Further, and here I am speaking about mostly myself, some of the judges who preside over these courts have no personal expertise in the digital environment we have now created for ourselves; to the point that some of us may have difficulty even defining (without expert assistance) what is meant by "live steaming" and "remote access". However, compare this state of affairs to the State Court system which has a massive IT presence, and further train their judges in the use of the most current technologies which are implicated in the mandate contained in this statute.
10. The Court would finally note that the drafters of the above referenced statute wisely did provide for an "opt out "on the part of any Municipal Court if there is a claim that "technology, staffing or internet issues limit or prevent remote observation".
11. This Court given the above recitations would therefore find that the Town of Log Lane Village Municipal Court, and its presiding Judge, lack the technology (including the technical knowledge necessary to implement such a mandate), Further, that the Court does not have the necessary staff in order to implement, maintain and manipulate such a system that would allow for such digital access.
12. The Court would note that as a court of record, duly constituted in the State of Colorado, we are open to the public. The public has access to our proceedings simply by coming to the address of the Court listed on its Website, and to watch what occurs (subject to limitations of privacy imposed by the court). While that might require a bit of effort on the part of the general public, it nonetheless is the best and most effective manner in which to ensure an open system of government, and further over time has been the best system to not only allow access but provide the proper solemnity to the proceedings that are never achieved through "remote access".

13. Finally, the Court notes that it does have procedures in place that allow for parties unable to attend for good reasons, access to the court either through "zoom" or phone.

The Court based on the above recitations respectfully finds that this Court will not be able to implement the mandates of 13-1-132 C.R.S for the above stated reasons.

By the Court this 30 day of August 2023

Steve Jones

JUDGE

Stephen Jones
Presiding Judge
Town of Log Lane Village
Municipal Court

Elizabeth Heisel

CLERK OF COURT