

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 18-1093.01 Michael Dohr x4347

**SENATE BILL 18-222**

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**SENATE SPONSORSHIP**

**Cooke and Gardner,**

**HOUSE SPONSORSHIP**

**Wist,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING REIMBURSING PROSECUTING ATTORNEYS FOR COSTS**  
102              **ASSOCIATED WITH LITIGATING RULE 35 OF THE COLORADO**  
103              **CRIMINAL PROCEDURE MOTIONS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires the judicial department to reimburse a district attorney or the attorney general for costs associated with litigating postconviction rule 35 of the Colorado criminal procedure motions. Costs include lay and expert witness expenses, travel expenses, subpoena expenses, required transcript costs, and attorney time billed at the same

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
May 7, 2018

rate as the alternate defense counsel rate.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 16-18-101, **add** (4)  
3 as follows:

4           **16-18-101. Costs in criminal cases.** (4) FROM ANNUAL  
5 APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY, THE JUDICIAL  
6 DEPARTMENT SHALL REIMBURSE A DISTRICT ATTORNEY      FOR COSTS  
7 ASSOCIATED WITH LITIGATING MOTIONS BROUGHT PURSUANT TO RULE 35  
8 OF THE COLORADO RULES OF CRIMINAL PROCEDURE. THE JUDICIAL  
9 DEPARTMENT SHALL REIMBURSE A DISTRICT ATTORNEY      FOR LAY AND  
10 EXPERT WITNESS EXPENSES, TRAVEL EXPENSES, SUBPOENA EXPENSES, THE  
11 COST OF ANY REQUIRED TRANSCRIPTS, AND ATTORNEY TIME BASED ON AN  
12 HOURLY RATE FOR THE TIME SPENT ON THE MATTER BY A DISTRICT  
13 ATTORNEY      OR ANY OF HIS OR HER ASSISTANTS, CHIEFS, OR DEPUTIES  
14 ASSIGNED TO THE CASE. THE DISTRICT ATTORNEY      SHALL CERTIFY  
15 THESE COSTS TO THE JUDICIAL DEPARTMENT. THE HOURLY RATE FOR  
16 ATTORNEY TIME IS THE SAME RATE ESTABLISHED EACH YEAR BY THE  
17 GENERAL ASSEMBLY FOR PAYMENT OF ALTERNATE DEFENSE COUNSEL  
18 CONTRACT ATTORNEYS.

19           **SECTION 2. Act subject to petition - effective date.** This act  
20 takes effect July 1, 2019; except that, if a referendum petition is filed  
21 pursuant to section 1 (3) of article V of the state constitution against this  
22 act or an item, section, or part of this act within the ninety-day period  
23 after final adjournment of the general assembly, then the act, item,  
24 section, or part will not take effect unless approved by the people at the  
25 general election to be held in November 2018 and, in such case, will take

- 1 effect on July 1, 2019, or on the date of the official declaration of the vote
- 2 thereon by the governor, whichever is later.