

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-1093.01 Michael Dohr x4347

SENATE BILL 18-222

SENATE SPONSORSHIP

Cooke and Gardner,

HOUSE SPONSORSHIP

Wist,

Senate Committees

Judiciary
Appropriations

House Committees

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.**

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.

rate as the alternate defense counsel rate.

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.