A BILL FOR AN ACT

CONCERNING THE COMPENSATION OF ATTORNEYS WORKING IN THE OFFICE OF A DISTRICT ATTORNEY.

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.)

Currently, the salary of a district attorney is set statutorily, and any amount in excess is set by the board or boards of county commissioners comprising the district. Furthermore, the district attorney of each judicial district, with the approval of the board or boards of county commissioners comprising the district, sets the salaries of any assistant district attorney or chief deputy district attorney in the district.
The bill establishes minimum salary requirements for a district attorney, an assistant district attorney, and one chief deputy district attorney in every judicial district, if one has been appointed by the district attorney. Those salaries will be based upon the salaries of a district court judge, a county court judge, and a district court magistrate, respectively.

The county or counties comprising the judicial district currently pay the salaries of assistant district attorneys and chief deputy district attorneys in the district.

Starting in the 2020-21 fiscal year, the bill requires the state to pay the following percentage of salaries:

- Assistant district attorney - 80%; and
- Chief deputy district attorney - 50%.

The bill allows the board or boards of county commissioners of the county or counties comprising the judicial district, in consultation with the district attorney, to make a one-time irrevocable election to require an assistant district attorney to become a member of the public employees' retirement association's defined benefit plan. In that case, the state would pay 80% and the counties would pay 20% of the employer contribution for an assistant district attorney.

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

SECTION 1. In Colorado Revised Statutes, amend 20-1-203 as follows:

20-1-203. Compensation of deputy, chief deputy, and assistant district attorneys. (1) Compensation for all deputy, chief deputy, part-time deputy, assistant, and part-time assistant district attorneys shall be fixed by the district attorney, with the approval of the board of county or boards of county commissioners of multicounty districts or boards of county commissioners of the county or counties comprising the judicial district or the city council of a city and county affected, SHALL SET THE SALARY FOR ALL DEPUTY, CHIEF DEPUTY, PART-TIME DEPUTY, ASSISTANT, AND PART-TIME ASSISTANT DISTRICT ATTORNEYS, and each county comprising such the judicial
district shall pay such deputies, chief deputies, assistants, and part-time assistants the salaries in the proportion which that the population of such the county bears to the whole population of such the judicial district.

(2) (a) EFFECTIVE JULY 1, 2020, AND FOR EACH YEAR THEREAFTER, AN ASSISTANT DISTRICT ATTORNEY IN EVERY JUDICIAL DISTRICT MUST RECEIVE AS SALARY FOR HIS OR HER SERVICES AN ANNUAL AMOUNT NOT LESS THAN THE SALARY EARNED BY A FULL-TIME COUNTY COURT JUDGE WITHIN THE STATE OF COLORADO.

(b) THE DISTRICT ATTORNEY MAY SET AN AMOUNT IN EXCESS OF THE SALARY AMOUNT SET PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

(3) (a) EFFECTIVE JULY 1, 2020, AND FOR EACH YEAR THEREAFTER, ONLY ONE CHIEF DEPUTY DISTRICT ATTORNEY IN EVERY JUDICIAL DISTRICT, IF ONE HAS BEEN APPOINTED BY THE DISTRICT ATTORNEY, MUST RECEIVE AS SALARY FOR HIS OR HER SERVICES AN ANNUAL AMOUNT NOT LESS THAN THE SALARY EARNED BY A FULL-TIME DISTRICT COURT MAGISTRATE WITHIN THE STATE OF COLORADO.

(b) THE DISTRICT ATTORNEY MAY SET AN AMOUNT IN EXCESS OF THE SALARY AMOUNT SET PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 20-1-205, amend (3) as follows:

20-1-205. Assistant district attorneys - repeal. (3) (a) The salaries authorized by subsection (1) of this section shall be paid monthly and shall be paid by the counties comprising such judicial district out of the ordinary revenues of such counties. Every county shall pay in
proportion as the population of such county bears to the whole population
of such judicial district, according to the latest federal census.

(b) This subsection (3) is repealed, effective July 1, 2020.

SECTION 3. In Colorado Revised Statutes, 20-1-301, repeal
(1)(c); and add (1)(a)(VI) as follows:

20-1-301. Compensation of district attorneys.

(1) (a) (VI) Effective January 1, 2021, and at the time each
four-year district attorney term begins thereafter, the district
attorney in every judicial district must receive as salary for his
or her services an annual amount not less than the salary
earned by a full-time district court judge within the state of
Colorado at the time the four-year district attorney term
begins.

(c) During the regular legislative session commencing January
2012, and every fourth legislative session thereafter, the judiciary
committees of the house of representatives and the senate, or any
successor committees, shall review the compensation of elected district
attorneys and make recommendations, if appropriate, to the general
assembly regarding the compensation of elected district attorneys.

SECTION 4. In Colorado Revised Statutes, amend 20-1-306 as
follows:

20-1-306. Salaries paid from state and county funds. (1) The
salaries of district attorneys of the several judicial districts
of the state as set forth in section 20-1-301 (1)(a) shall be
paid in twelve equal monthly installments of which the state shall
contribute eighty percent of the amount required in section 20-1-301
(1)(a) annually and the county or counties comprising
THE JUDICIAL district SHALL CONTRIBUTE the balance, each county's payment to be in the same proportion as provided in section 20-1-302.

(2) Effective July 1, 2020, the salaries of assistant district attorneys in every judicial district of the state as set forth in section 20-1-203 (2) MUST BE PAID IN TWELVE EQUAL MONTHLY INSTALLMENTS OF WHICH THE STATE SHALL CONTRIBUTE EIGHTY PERCENT OF THE AMOUNT REQUIRED BY SECTION 20-1-203 (2) ANNUALLY AND THE COUNTY OR COUNTIES COMPRISING THE JUDICIAL DISTRICT SHALL CONTRIBUTE THE BALANCE, EACH COUNTY'S PAYMENT TO BE IN THE SAME PROPORTION AS PROVIDED IN SECTION 20-1-302.

(3) Effective July 1, 2020, the salaries of chief deputy district attorneys in every judicial district of the state as set forth in section 20-1-203 (3) MUST BE PAID IN TWELVE EQUAL MONTHLY INSTALLMENTS OF WHICH THE STATE SHALL CONTRIBUTE FIFTY PERCENT OF THE AMOUNT REQUIRED BY SECTION 20-1-203 (3) ANNUALLY AND THE COUNTY OR COUNTIES COMPRISING THE JUDICIAL DISTRICT SHALL CONTRIBUTE THE BALANCE, EACH COUNTY'S PAYMENT TO BE IN THE SAME PROPORTION AS PROVIDED IN SECTION 20-1-302.

SECTION 5. In Colorado Revised Statutes, add 24-51-305.3 as follows:

24-51-305.3. Assistant district attorneys. (1) The board or boards of county commissioners of the county or counties comprising the judicial district, in consultation with the district attorney for the judicial district, may make a one-time irrevocable election to require any assistant district attorney in the judicial district hired into that position after the election to become a member of the association's defined benefit plan.
(2) An assistant district attorney employed on the date
the board or boards of county commissioners comprising the
judicial district make an election pursuant to subsection (1) of
this section shall have sixty days from that date to make an
election to participate in the association's defined benefit plan
or to continue participation in his or her existing retirement
plan. In the absence of the election, the person shall continue to
participate in his or her existing retirement plan.

(3) An assistant district attorney who becomes a member
of the association is a member of the state division.

(4) On behalf of an assistant district attorney, the state
shall contribute eighty percent of the employer contributions
and the county or counties comprising the judicial district shall
contribute twenty percent of the employer contributions based
on the rate for the state division set forth in section 24-51-401
(1.7). One hundred percent of member contributions must be paid
from the assistant district attorney's salary.

SECTION 6. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.