

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0869.01 Michael Dohr x4347

SENATE BILL 23-227

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SENATE SPONSORSHIP

Zenzinger and Kirkmeyer, Bridges

HOUSE SPONSORSHIP

Bird and Sirota, Bockenfeld

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Senate Committees  
Appropriations

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE HOURLY RATE COMPENSATION FOR ATTORNEYS  
102 WHO CONTRACT WITH STATE AGENCIES TO PROVIDE LEGAL  
103 REPRESENTATION.

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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/>.)*

**Joint Budget Committee.** The bill creates a mechanism to set the hourly rate for attorney time for attorneys who contract with the office of alternate defense counsel, the office of the child's representative, or the office of the respondent parents' counsel. The rate for fiscal year 2023-24 is \$100 per hour. The hourly rate must be increased annually by no more

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

than \$5 each year until it is at least 75% of the rate set in the federal "Criminal Justice Act Revision of 1986" for indigent representation in federal court. The hourly rate may be adjusted in subsequent fiscal years to maintain the hourly rate at or above 75% of the rate set in the federal "Criminal Justice Act Revision of 1986".

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

2           **SECTION 1.** In Colorado Revised Statutes, 21-2-105, **amend** (2)  
3 as follows:

4           **21-2-105. Contracts with attorneys and investigators.**

5 (2) (a) Contracts made pursuant to this section ~~shall~~ MUST provide for  
6 reasonable compensation and reimbursement for expenses necessarily  
7 incurred, to be fixed and paid from state funds appropriated therefor. The  
8 office of alternate defense counsel shall review the bills submitted for  
9 reimbursement by any contract attorney or investigator and may approve  
10 or deny the payment of such bills in whole or in part based on the terms  
11 set forth in the contract negotiated between the alternate defense counsel  
12 and the contract attorney or investigator.

13           (b) THE RATE CONTRACTED FOR ATTORNEY TIME PURSUANT TO  
14 SUBSECTION (2)(a) OF THIS SECTION FOR FISCAL YEAR 2023-24 IS ONE  
15 HUNDRED DOLLARS PER HOUR. THE HOURLY RATE MUST BE INCREASED  
16 ANNUALLY BY NO MORE THAN FIVE DOLLARS EACH YEAR UNTIL THE  
17 HOURLY RATE IS AT LEAST SEVENTY-FIVE PERCENT OF THE RATE SET  
18 PURSUANT TO THE FEDERAL "CRIMINAL JUSTICE ACT REVISION OF 1986",  
19 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT REPRESENTATION IN  
20 FEDERAL COURT. THE HOURLY RATE MAY BE ADJUSTED IN SUBSEQUENT  
21 FISCAL YEARS TO MAINTAIN THE HOURLY RATE AT OR ABOVE  
22 SEVENTY-FIVE PERCENT OF THE RATE SET PURSUANT TO THE FEDERAL  
23 "CRIMINAL JUSTICE ACT REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS

1 AMENDED, FOR INDIGENT REPRESENTATION IN FEDERAL COURT.

2 **SECTION 2.** In Colorado Revised Statutes, 13-91-105, **add** (2)  
3 as follows:

4 **13-91-105. Duties of the office of the child's representative -**  
5 **guardian ad litem and counsel for youth programs.** (2) THE RATE  
6 CONTRACTED FOR ATTORNEY TIME PURSUANT TO SUBSECTION (1)(a)(VI)  
7 OF THIS SECTION FOR FISCAL YEAR 2023-24 IS ONE HUNDRED DOLLARS PER  
8 HOUR. THE HOURLY RATE MUST BE INCREASED ANNUALLY BY NO MORE  
9 THAN FIVE DOLLARS EACH YEAR UNTIL THE HOURLY RATE IS AT LEAST  
10 SEVENTY-FIVE PERCENT OF THE RATE SET PURSUANT TO THE FEDERAL  
11 "CRIMINAL JUSTICE ACT REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS  
12 AMENDED, FOR INDIGENT REPRESENTATION IN FEDERAL COURT. THE  
13 HOURLY RATE MAY BE ADJUSTED IN SUBSEQUENT FISCAL YEARS TO  
14 MAINTAIN THE HOURLY RATE AT OR ABOVE SEVENTY-FIVE PERCENT OF  
15 THE RATE SET PURSUANT TO THE FEDERAL "CRIMINAL JUSTICE ACT  
16 REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT  
17 REPRESENTATION IN FEDERAL COURT.

18 **SECTION 3.** In Colorado Revised Statutes, 13-92-104, **add** (2)  
19 as follows:

20 **13-92-104. Duties of the office of the respondent parents'**  
21 **counsel.** (2) THE RATE CONTRACTED FOR ATTORNEY TIME PURSUANT TO  
22 SUBSECTION (1)(b) OF THIS SECTION FOR FISCAL YEAR 2023-24 IS ONE  
23 HUNDRED DOLLARS PER HOUR. THE HOURLY RATE MUST BE INCREASED  
24 ANNUALLY BY NO MORE THAN FIVE DOLLARS EACH YEAR UNTIL THE  
25 HOURLY RATE IS AT LEAST SEVENTY-FIVE PERCENT OF THE RATE SET  
26 PURSUANT TO THE FEDERAL "CRIMINAL JUSTICE ACT REVISION OF 1986",  
27 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT REPRESENTATION IN

1 FEDERAL COURT. THE HOURLY RATE MAY BE ADJUSTED IN SUBSEQUENT  
2 FISCAL YEARS TO MAINTAIN THE HOURLY RATE AT OR ABOVE  
3 SEVENTY-FIVE PERCENT OF THE RATE SET PURSUANT TO THE FEDERAL  
4 "CRIMINAL JUSTICE ACT REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS  
5 AMENDED, FOR INDIGENT REPRESENTATION IN FEDERAL COURT.

6 **SECTION 4. Act subject to petition - effective date.** This act  
7 takes effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly; except  
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
10 of the state constitution against this act or an item, section, or part of this  
11 act within such period, then the act, item, section, or part will not take  
12 effect unless approved by the people at the general election to be held in  
13 November 2024 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.