

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0869.01 Michael Dohr x4347

SENATE BILL 23-227

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer, Bridges, Gonzales, Hansen, Moreno

HOUSE SPONSORSHIP

Bird and Sirota, Bockenfeld, Amabile, Bacon, Brown, Epps, Marshall, McCluskie,
Michaelson Jenet, Sharbini, Snyder, Valdez, Weissman, Woodrow

Senate Committees
Appropriations

House Committees
Appropriations

HOUSE
3rd Reading Unamended
April 6, 2023

A BILL FOR AN ACT

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

HOUSE
2nd Reading Unamended
April 3, 2023

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/>.)

SENATE
3rd Reading Unamended
March 30, 2023

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

SENATE
Amended 2nd Reading
March 29, 2023

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".

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 HOURLY FOR CASES INVOLVING A TYPE B FELONY AS
16 REFERENCED IN ATTACHMENT D TO CHIEF JUSTICE DIRECTIVE 04-04 AND
17 AS MODIFIED BY THE GRADATIONS FOUND IN ATTACHMENT D TO CHIEF
18 JUSTICE DIRECTIVE 04-04. THAT HOURLY RATE MUST BE INCREASED
19 ANNUALLY BY NO MORE THAN FIVE DOLLARS EACH YEAR UNTIL THE
20 HOURLY RATE IS AT LEAST SEVENTY-FIVE PERCENT OF THE RATE SET
21 PURSUANT TO THE FEDERAL "CRIMINAL JUSTICE ACT REVISION OF 1986",
22 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT REPRESENTATION IN
23 FEDERAL COURT. THAT HOURLY RATE MAY BE ADJUSTED IN SUBSEQUENT

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

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

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

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

23 **13-92-104. Duties of the office of the respondent parents'**
24 **counsel.** (2) THE RATE CONTRACTED FOR ATTORNEY TIME PURSUANT TO
25 SUBSECTION (1)(b) OF THIS SECTION FOR FISCAL YEAR 2023-24 IS ONE
26 HUNDRED DOLLARS PER HOUR. THE HOURLY RATE MUST BE INCREASED
27 ANNUALLY BY NO MORE THAN FIVE DOLLARS EACH YEAR UNTIL THE

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

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