

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

**REVISED**

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

LLS NO. 23-0869.01 Michael Dohr x4347

**SENATE BILL 23-227**

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**SENATE SPONSORSHIP**

**Zenzinger and Kirkmeyer**, Bridges, Gonzales, Hansen, Moreno

**HOUSE SPONSORSHIP**

**Bird and Sirota**, Bockenfeld

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**Senate Committees**  
Appropriations

**House Committees**  
Appropriations

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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.*

HOUSE  
2nd Reading Unamended  
April 3, 2023

SENATE  
3rd Reading Unamended  
March 30, 2023

SENATE  
Amended 2nd Reading  
March 29, 2023

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 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.