

CHAPTER 9

STATE PUBLIC DEFENDER

HOUSE BILL 23-1033

BY REPRESENTATIVE(S) Sharbini and Joseph, Amabile, Bird, Daugherty, deGruy Kennedy, Dickson, Epps, Garcia, Gonzales-Gutierrez, Herod, Jodeh, Lieder, Lindsay, Mabrey, Marshall, Ortiz, Ricks, Sirota, Snyder, Velasco, Weissman, Willford, Woodrow, McCluskie;
also SENATOR(S) Gonzales, Buckner, Exum, Moreno, Priola.

AN ACT**CONCERNING PERSONS WITH WHOM THE OFFICE OF ALTERNATE DEFENSE COUNSEL MAY CONTRACT.**

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

SECTION 1. In Colorado Revised Statutes, 21-2-103, **amend** (4) as follows:

21-2-103. Representation of persons who are indigent - definition. (4) The office of alternate defense counsel shall provide legal representation for ~~indigent persons WHO ARE INDIGENT by contracting with licensed attorneys and investigators~~ OTHER PERSONS NECESSARY TO PROVIDE LEGAL SERVICES COMMENSURATE WITH THOSE AVAILABLE TO PERSONS WHO ARE NOT INDIGENT pursuant to section 21-2-105.

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

21-2-105. Contracts with attorneys and other legal services providers. (1) On and after January 1, 1997, THE OFFICE OF alternate defense counsel shall contract, where feasible, without prior approval of the court, for the provision of attorney services for cases described in section 21-2-103 (1). To provide for adequate legal representation of PERSONS WHO ARE indigent, ~~persons,~~ the office of alternate defense counsel may contract, where feasible, without prior approval of the court, for the provision of ~~investigative services~~ NECESSARY LEGAL SERVICES COMMENSURATE WITH THOSE AVAILABLE TO PERSONS WHO ARE NOT INDIGENT for cases described in section 21-1-103 (1). The office of alternate defense counsel shall establish, where feasible, a list of approved contract attorneys to serve as counsel and a list of approved ~~investigators~~ LEGAL SERVICES PROVIDERS to provide

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

investigative services in such cases. As a condition of placement on the approved list, the contracting attorney or ~~investigator~~ LEGAL SERVICES PROVIDER shall agree to provide services based on the terms to be established in a contract, at either a fixed fee ESTABLISHED BY THE OFFICE OF ALTERNATE DEFENSE COUNSEL or the hourly rate for reimbursement set by the supreme court. Terms of the contract shall MUST be negotiated between the alternate defense counsel and the contract attorney or ~~investigator~~ LEGAL SERVICES PROVIDER. Contracts made ~~with an attorney shall~~ PURSUANT TO THIS SECTION MUST specify that the services shall MUST be provided subject to the Colorado rules of professional conduct.

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

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

Approved: March 3, 2023