

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

**ENGROSSED**

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

LLS NO. 25-0463.01 Michael Dohr x4347

**HOUSE BILL 25-1147**

---

**HOUSE SPONSORSHIP**

**Mabrey and Velasco**, Bacon, Carter, Garcia, Gilchrist, Zokaie

**SENATE SPONSORSHIP**

**Amabile and Weissman**, Gonzales J., Hinrichsen

---

**House Committees**  
Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO ENSURE THAT MUNICIPAL COURT**  
102              **DEFENDANTS ARE SUBJECT TO SIMILAR CONDITIONS AS STATE**  
103              **COURT DEFENDANTS.**

---

**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>.)*

The bill caps the maximum incarceration sentence for a municipal violation that has a comparable state law crime at the same length as the state-level offense. When there is no comparable state-level offense, the maximum period of incarceration is capped at the maximum for a state-level petty offense. Mandatory minimums and increased penalties

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  
Amended 2nd Reading  
March 5, 2025

based on prior convictions are prohibited unless the person is convicted of a municipal offense for which there is a comparable state offense or of an infraction that allows imposition of the same mandatory minimum or increased penalties based on prior convictions. The bill also caps a consecutive municipal sentence at 2 times the highest charge in the case.

The bill clarifies that municipal court defendants have a right to counsel and that municipal defense counsel have the same notice, case information, and opportunity to meet with their clients as do state-level defense counsel. Current law prohibits paying indigent municipal defense counsel on a fixed or flat-fee payment structure if the municipality prosecutes domestic violence cases. The bill applies the prohibition to all municipalities.

All municipal court proceedings are required to be open to public observation. Virtual observation is required for all in-custody proceedings, and prompt resolution of municipal cases is required.

---

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Fair and consistent criminal sentencing, access to counsel for  
5 indigent people accused of crimes, and transparency of court proceedings  
6 across Colorado are matters of statewide concern;

7 (b) Disparities in criminal sentencing reduce the fairness,  
8 rationality, and equity of Colorado's criminal justice system;

9 (c) In 2020, Governor Jared Polis, in his Biennial Topics Letter,  
10 directed the Colorado Commission on Criminal and Juvenile Justice to  
11 propose comprehensive reform to Colorado's sentencing laws, explaining:  
12 "Our sentencing scheme should be rational, just, and consistent so that the  
13 punishment fits the conduct";

14 (d) In this letter, Governor Polis listed as "values" to guide  
15 sentencing reform: "Ensuring fair and consistent treatment" and  
16 "Eliminating unjustified disparities in sentencing";

17 (e) Following Governor Polis' directive, the Colorado

1 Commission on Criminal and Juvenile Justice recommended passage of  
2 Senate Bill 21-271, which standardized and rationalized sentencing for  
3 misdemeanors in state court. The bill was silent with regard to application  
4 to municipal courts;

5 (f) Senate Bill 21-271 passed with bipartisan, law enforcement,  
6 and criminal justice reformer support;

7 (g) Since the passage of Senate Bill 21-271, some municipal  
8 courts have exercised their authority to sentence defendants to jail for up  
9 to 364 days for crimes related to poverty, which are capped at a 10-day  
10 jail sentence in state court under Senate Bill 21-271;

11 (h) The sentencing disparities between municipal and state courts  
12 is a matter of statewide concern, requiring action to align sentences to  
13 avoid irrational, unjust, and excessive punishments that are out of step  
14 with Colorado values and legal standards; and

15 (i) The sentencing disparities between municipal and state courts  
16 creates a 2-tiered system of justice that ensures unequal treatment under  
17 the law, which is inconsistent with Colorado values and legal standards.

18 (2) Therefore, the general assembly expressly declares that there  
19 is a need to end sentencing disparities between state and municipal courts  
20 in order to ensure equal treatment under the law for all Coloradans.

21 **SECTION 2.** In Colorado Revised Statutes, 13-1-132, **amend**  
22 (3.5)(a)(III) and (4); and **add** (3.5)(a)(III.5), (3.5)(g.5), and (3.5)(h) as  
23 follows:

24 **13-1-132. Use of interactive audiovisual devices and**  
25 **communication technology in court proceedings.** (3.5) (a) All  
26 Colorado courts, including municipal courts, shall make any criminal  
27 court proceeding conducted in open court available for remote public

1 viewing and listening in real time, at no cost to the public, through an  
2 online platform, which may include a participatory web conferencing  
3 platform, and post prominently on the court's website the links for remote  
4 observation, unless:

5 (III) ~~Technology or Staffing or internet~~ issues limit or prevent  
6 remote observation; ~~or~~

7 (III.5) TEMPORARY OR INTERMITTENT INTERNET OR TECHNOLOGY  
8 ISSUES LIMIT OR PREVENT REMOTE OBSERVATION; OR

9 (g.5) THE EXCEPTIONS TO REMOTE OBSERVATION DESCRIBED IN  
10 SUBSECTION (3.5)(a) OF THIS SECTION ARE CASE SPECIFIC AND FACT  
11 SPECIFIC, SO A COURT SHALL NOT ADOPT BLANKET RULES PROHIBITING  
12 REMOTE OBSERVATION FOR ANY CATEGORIES OF CASES OR TYPES OF  
13 PROCEEDINGS.

14 (h) THE EXCEPTIONS DESCRIBED IN SUBSECTIONS (3.5)(a)(I) AND  
15 (3.5)(a)(III) OF THIS SECTION DO NOT APPLY TO COURT PROCEEDINGS IN  
16 WHICH THE DEFENDANT IS IN CUSTODY.

17 (4) THE REQUIREMENTS OF THIS SECTION SUPERSEDE ANY  
18 STATUTE, JUDICIAL GUIDANCE, OR CHIEF JUSTICE DIRECTIVE LIMITING  
19 REMOTE PUBLIC OBSERVATION OF CRIMINAL COURTS, INCLUDING CHIEF  
20 JUSTICE DIRECTIVE 23-02 ADOPTED BEFORE THE EFFECTIVE DATE OF THIS  
21 HOUSE BILL 25-\_\_\_\_. The supreme court may prescribe rules of  
22 procedure pursuant to section 13-2-109 to implement this section, BUT  
23 THE RULES MUST NOT NARROW OR CONFLICT WITH THE REQUIREMENTS OF  
24 THIS SECTION.

25 **SECTION 3.** In Colorado Revised Statutes, **amend** 13-10-103 as  
26 follows:

27 **13-10-103. Applicability.** This article 10 applies to and governs

1 the operation of municipal courts in the cities and towns of this state.  
2 Except for the provisions relating to the method of salary payment for  
3 municipal judges; the incarceration of children pursuant to sections  
4 19-2.5-305 and 19-2.5-1511; the appearance of the parent, guardian, or  
5 lawful custodian of any child under eighteen years of age who is charged  
6 with a municipal offense as required by section 13-10-111; the right to a  
7 trial by jury for petty offenses pursuant to section 16-10-109; relief from  
8 improperly entered guilty pleas pursuant to section 18-1-410.6; the  
9 prosecution of an alleged act of domestic violence, as defined in section  
10 18-6-800.3; making a criminal court proceeding conducted in open court  
11 available for remote public viewing and listening in real time; rules of  
12 procedure ~~promulgated~~ ADOPTED by the supreme court; and appellate  
13 procedure; SENTENCING LIMITATIONS IN SECTION 13-10-113; AND THE  
14 RIGHT TO COUNSEL FOR CERTAIN INDIGENT DEFENDANTS PURSUANT TO  
15 SECTION 13-10-114.5, this article 10 may be superseded by charter or  
16 ordinance enacted by a home rule city.

17 **SECTION 4.** In Colorado Revised Statutes, 13-10-111.5, **amend**  
18 (2), (3)(a) introductory portion, and (3)(a)(I); and **add** (3)(c) as follows:

19 **13-10-111.5. Notice to municipal courts of municipal holds.**

20 (2) Once a municipal court receives notice that ~~the~~ A defendant is being  
21 held solely on the basis of a municipal hold, the municipal court shall  
22 hold a hearing within forty-eight hours after the receipt of ~~such a~~ THE  
23 notice. The county sheriff OR MUNICIPAL JAIL ADMINISTRATOR shall make  
24 the in-custody defendant available to appear in a timely manner before a  
25 municipal judge for a hearing required by this subsection (2) at the date  
26 and time mutually agreed to by the county sheriff and municipal court.  
27 This subsection (2) must not be construed to require the county sheriff OR

1 MUNICIPAL JAIL ADMINISTRATOR to transport the in-custody defendant to  
2 the municipal court. It is not a violation of this section if a bond hearing  
3 is not held within forty-eight hours when the delay is caused by  
4 circumstances in which the defendant refuses to attend court, is unable to  
5 attend court due to drug or alcohol use, a serious medical or behavioral  
6 health emergency, or when the delay is caused by an emergency that  
7 requires the court to close. When ~~the~~ A defendant is unable to attend  
8 court, the sheriff OR MUNICIPAL JAIL ADMINISTRATOR shall provide the  
9 court AND MUNICIPAL PUBLIC DEFENDER'S OFFICE, IF ONE EXISTS, with a  
10 list of people subject to this section who did not timely attend court, the  
11 date of the person's arrest, and the location where the person is in custody.  
12 The sheriff OR MUNICIPAL JAIL ADMINISTRATOR shall document the length  
13 of the delay, the reason for the delay, and the efforts to abate the  
14 emergency. As soon as the emergency has sufficiently abated, the sheriff  
15 OR MUNICIPAL JAIL ADMINISTRATOR shall make the in-custody defendant  
16 available to appear before the municipal court at the next scheduled bond  
17 hearing. Use of audiovisual conferencing technology is permissible to  
18 expedite the hearing. When high-speed internet access is unavailable,  
19 making audiovisual conferencing impossible, the court may conduct the  
20 hearing telephonically.

21 (3) (a) At the hearing required ~~in~~ PURSUANT TO subsection (2) of  
22 this section, the municipal court shall either:

23 (I) Arraign the defendant, INCLUDING ADVISEMENT, BOND  
24 SETTING, AND PLEA, UNLESS THE DEFENDANT SEEKS A PLEA CONTINUANCE;  
25 or

26 (c) (I) AT THE HEARING REQUIRED PURSUANT TO SUBSECTION (2)  
27 OF THIS SECTION, THE DEFENDANT HAS THE RIGHT TO BE REPRESENTED BY

1 COURT-APPOINTED INDIGENT DEFENSE COUNSEL PURSUANT TO SECTION  
2 13-10-114.5.

3 (II) BEFORE THE HEARING REQUIRED PURSUANT TO SUBSECTION (2)  
4 OF THIS SECTION, THE COURT SHALL NOTIFY INDIGENT DEFENSE COUNSEL  
5 OF EACH PERSON IN CUSTODY AND PROVIDE INDIGENT DEFENSE COUNSEL  
6 SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN INDIVIDUALIZED  
7 ARGUMENT REGARDING THE TYPE OF BOND AND CONDITIONS OF RELEASE  
8 AT THE HEARING, CONSISTENT WITH THE COURT'S DOCKET AND  
9 SCHEDULING PRIORITIES.

10 (III) THE MUNICIPAL COURT SHALL NOTIFY THE PROSECUTING  
11 ATTORNEY OF EACH PERSON WHOSE MATTER IS SET FOR A HEARING  
12 REQUIRED PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE  
13 PROSECUTING ATTORNEY MAY APPEAR AT ALL INITIAL HEARINGS TO  
14 PROVIDE THE PROSECUTING ATTORNEY'S POSITION REGARDING THE TYPE  
15 OF BOND AND CONDITIONS OF RELEASE, AND THE COURT SHALL PROVIDE  
16 THE PROSECUTING ATTORNEY SUFFICIENT TIME TO PREPARE FOR AND  
17 PRESENT ANY RELEVANT ARGUMENT, CONSISTENT WITH THE COURT'S  
18 DOCKET AND SCHEDULING PRIORITIES.

19 (IV) PRIOR TO THE HEARING REQUIRED PURSUANT TO SUBSECTION  
20 (2) OF THIS SECTION, ANY PRETRIAL SERVICES AGENCY OPERATING IN THAT  
21 MUNICIPALITY, OR ANY OTHER AGENCY THAT REPORTS TO THE COURT,  
22 THAT HAS CONDUCTED A PRETRIAL RELEASE ASSESSMENT OR GATHERED  
23 INFORMATION FOR THE COURT'S CONSIDERATION AT THE HEARING SHALL  
24 PROVIDE THE PROSECUTING ATTORNEY AND THE DEFENDANT'S ATTORNEY  
25 ALL INFORMATION PROVIDED TO THE COURT REGARDING THE DEFENDANT  
26 IN CUSTODY, WHICH MUST INCLUDE, IF PROVIDED TO THE COURT, THE  
27 ARREST WARRANT, THE PROBABLE CAUSE STATEMENT, AND THE

1 DEFENDANT'S CRIMINAL HISTORY.

2 (V) BEFORE THE HEARING REQUIRED PURSUANT TO SUBSECTION  
3 (2) OF THIS SECTION, THE SHERIFF AND JAIL PERSONNEL SHALL PROVIDE  
4 INDIGENT DEFENSE COUNSEL ACCESS TO THE DEFENDANT WHO WILL BE  
5 APPEARING AT THE HEARING AND SHALL ALLOW INDIGENT DEFENSE  
6 COUNSEL SUFFICIENT TIME WITH THE DEFENDANT PRIOR TO THE HEARING  
7 IN ORDER TO PREPARE FOR THE HEARING.

8 **SECTION 5.** In Colorado Revised Statutes, 13-10-112, **add** (3)  
9 and (4) as follows:

10 **13-10-112. Powers and procedures.** (3) EACH MUNICIPAL COURT  
11 SHALL ENSURE ALL COURT PROCEEDINGS, INCLUDING COURT PROCEEDINGS  
12 FOR DEFENDANTS IN CUSTODY, ARE ACCESSIBLE TO ANY MEMBER OF THE  
13 PUBLIC FOR PUBLIC OBSERVATION.

14 (4) IF A MUNICIPAL COURT RECEIVES NOTICE THAT A DEFENDANT  
15 WHO HAS A CRIMINAL OR TRAFFIC MATTER PENDING BEFORE THE COURT IS  
16 IN CUSTODY IN COLORADO FOR ANY REASON, THE MUNICIPAL COURT  
17 SHALL MAKE DILIGENT EFFORTS TO TIMELY RESOLVE THE MUNICIPAL  
18 MATTER, INCLUDING TAKING REASONABLE STEPS TO PROMPTLY BRING THE  
19 DEFENDANT BEFORE THE COURT. THE COURT SHALL ASSIGN INDIGENT  
20 DEFENSE COUNSEL IN THE SAME MANNER AS REQUIRED BY SECTION  
21 13-10-114.5. A MUNICIPAL COURT SHALL NOT DENY A DEFENDANT THE  
22 ABILITY TO APPEAR BEFORE THE MUNICIPAL COURT BECAUSE THE  
23 DEFENDANT IS IN CUSTODY FOR ANOTHER, NON-MUNICIPAL MATTER. FOR  
24 A HEARING OTHER THAN A TRIAL OR FOR THE PURPOSE OF RESOLUTION BY  
25 PLEA, THE COURT MAY PERMIT COUNSEL TO APPEAR ON BEHALF OF THE  
26 DEFENDANT PURSUANT TO THE COLORADO MUNICIPAL COURT RULES AND  
27 PERMIT APPEARANCE THROUGH AUDIOVISUAL OR TELEPHONIC MEANS, IF



1 AVAILABLE. THIS SUBSECTION (4) DOES NOT PRECLUDE A DEFENDANT  
2 FROM EXPRESSLY AGREEING TO DELAY A MATTER ONCE THE DEFENDANT  
3 APPEARS BEFORE THE MUNICIPAL COURT.

4 **SECTION 6.** In Colorado Revised Statutes, 13-10-113, **amend**  
5 (1), (1.5), and (2) as follows:

6 **13-10-113. Fines and penalties.** (1) (a) ~~Except as provided in~~  
7 ~~subsection (1)(b) of this section,~~ Any A person convicted of violating a  
8 municipal ordinance in a municipal court of record may be incarcerated  
9 for a period not to exceed three hundred sixty-four days or fined, ~~an~~  
10 ~~amount not to exceed two thousand six hundred fifty dollars,~~ or both,  
11 SUBJECT TO THE LIMITATIONS IN SUBSECTIONS (1)(b) TO (1)(d) OF THIS  
12 SECTION.

13 (b) ~~(f) The limitation on municipal court fines set forth in~~  
14 ~~paragraph (a) of this subsection (1) shall be adjusted for inflation on~~  
15 ~~January 1, 2014, and on January 1 of each year thereafter.~~ A MUNICIPAL  
16 COURT SHALL NOT IMPOSE A SENTENCE OF INCARCERATION FOR A  
17 DEFENDANT CONVICTED OF A MUNICIPAL ORDINANCE IN A MUNICIPAL  
18 COURT OF RECORD FOR A PERIOD TO EXCEED THE MAXIMUM PENALTY  
19 ALLOWED FOR ANY COMPARABLE MISDEMEANOR, PETTY OFFENSE, CIVIL  
20 INFRACTION, TRAFFIC OFFENSE, OR TRAFFIC INFRACTION IMPOSED  
21 PURSUANT TO STATE LAW. FOR CONVICTIONS BASED ON A VIOLATION OF  
22 A MUNICIPAL ORDINANCE FOR WHICH THERE IS NO COMPARABLE  
23 MISDEMEANOR, PETTY OFFENSE, CIVIL INFRACTION, TRAFFIC OFFENSE, OR  
24 TRAFFIC INFRACTION IMPOSED PURSUANT TO STATE LAW, THE MUNICIPAL  
25 COURT SHALL NOT IMPOSE A SENTENCE OF INCARCERATION THAT EXCEEDS  
26 THE MAXIMUM SENTENCE FOR A PETTY OFFENSE PURSUANT TO STATE LAW.  
27 A MUNICIPALITY SHALL NOT REQUIRE IMPOSITION OF A MANDATORY

1 MINIMUM JAIL SENTENCE UNLESS THE PERSON IS CONVICTED OF A  
2 MUNICIPAL OFFENSE FOR WHICH THERE IS A COMPARABLE STATE OFFENSE  
3 OR INFRACTION THAT REQUIRES IMPOSITION OF THE SAME MANDATORY  
4 MINIMUM JAIL SENTENCE. A MUNICIPALITY SHALL NOT IMPOSE INCREASED  
5 PENALTIES BASED ON A PRIOR CONVICTION UNLESS THE PERSON IS  
6 CONVICTED OF A MUNICIPAL OFFENSE FOR WHICH THERE IS A COMPARABLE  
7 STATE OFFENSE OR INFRACTION THAT ALLOWS IMPOSITION OF THE SAME  
8 INCREASED PENALTIES BASED ON A PRIOR CONVICTION.

9 ~~(H) As used in this paragraph (b), "inflation" means the annual~~  
10 ~~percentage change in the United States department of labor, bureau of~~  
11 ~~labor statistics, consumer price index for Denver-Boulder, all items, all~~  
12 ~~urban consumers, or its successor index.~~

13 (c) A MUNICIPAL COURT SHALL NOT IMPOSE A FINE THAT EXCEEDS  
14 THE MAXIMUM FINE FOR ANY COMPARABLE STATE OFFENSE OR  
15 INFRACTION UNDER STATE LAW. FOR CONVICTIONS BASED ON A MUNICIPAL  
16 ORDINANCE FOR WHICH THERE IS NO COMPARABLE STATE OFFENSE OR  
17 INFRACTION, THE MUNICIPAL COURT SHALL NOT IMPOSE A FINE THAT  
18 EXCEEDS THE MAXIMUM FINE FOR A PETTY OFFENSE PURSUANT TO STATE  
19 LAW.

20 (d) A MUNICIPAL COURT SHALL NOT IMPOSE A MAXIMUM  
21 CONSECUTIVE SENTENCE OF INCARCERATION FOR MUNICIPAL OFFENSES  
22 CHARGED IN A SINGLE CASE THAT IS MORE THAN TWICE THE MAXIMUM  
23 SENTENCE FOR THE HIGHEST CHARGE IN THE CASE.

24 (1.5) ~~Any~~ A MUNICIPAL COURT SHALL NOT SENTENCE TO  
25 INCARCERATION A person convicted of violating a municipal ordinance in  
26 a municipal court ~~which~~ THAT is not of record ~~may be incarcerated for a~~  
27 ~~period not to exceed ninety days or fined~~ OR FINE THE PERSON IN an

1 amount ~~not to exceed~~ THAT EXCEEDS three hundred dollars. ~~or both~~

2 (2) In sentencing or fining a violator, the municipal ~~judge~~ COURT  
3 shall ~~not exceed the sentence or fine limitations established by ordinance~~  
4 SENTENCE THE VIOLATOR USING THE SENTENCING OR FINE LIMITATIONS  
5 ESTABLISHED BY EITHER MUNICIPAL ORDINANCE OR STATE LAW, BASED ON  
6 WHICHEVER LIMITATION IS LOWER. Any other provision of the law to the  
7 contrary notwithstanding, the municipal ~~judge~~ COURT may suspend the  
8 sentence or fine of ~~any~~ A violator and place ~~him~~ THE VIOLATOR on  
9 probation for a period not to exceed one year.

10 **SECTION 7.** In Colorado Revised Statutes, **amend as it exists**  
11 **until July 1, 2025,** 13-10-114.5 as follows:

12 **13-10-114.5. Representation by counsel - independent indigent**  
13 **defense - definitions.** (1) ~~At the time of first appearance on a municipal~~  
14 ~~charge, if the defendant is in custody and the charged offense includes a~~  
15 ~~possible sentence of incarceration, the court shall appoint counsel to~~  
16 ~~represent the defendant for purposes of the initial appearance unless, after~~  
17 ~~a full advisement pursuant to C.M.C.R. 210 and section 16-7-207, C.R.S.,~~  
18 ~~the defendant makes a knowing, intelligent, and voluntary waiver of his~~  
19 ~~or her right to counsel.~~ A MUNICIPALITY SHALL PROVIDE DEFENSE  
20 COUNSEL FOR EACH INDIGENT DEFENDANT CHARGED WITH A MUNICIPAL  
21 VIOLATION FOR WHICH THE MUNICIPAL CODE ALLOWS A POSSIBLE  
22 SENTENCE OF INCARCERATION UNLESS, AFTER BEING FULLY ADVISED  
23 PURSUANT TO C.M.C.R. 210 AND SECTION 16-7-207, THE DEFENDANT  
24 MAKES A KNOWING, INTELLIGENT, AND VOLUNTARY WAIVER OF THE RIGHT  
25 TO COUNSEL.

26 (2) ~~If the defendant remains in custody, the appointment of~~  
27 ~~counsel continues until the defendant is released from custody. If the~~

1 ~~defendant is released from custody, he or she may apply for~~  
2 ~~court-appointed counsel, and the court shall appoint counsel if the court~~  
3 ~~determines that the defendant is indigent and the charged offense includes~~  
4 ~~a possible sentence of incarceration.~~ AN IN-CUSTODY MUNICIPAL  
5 DEFENDANT IS PRESUMED INDIGENT AND AUTOMATICALLY ENTITLED TO  
6 REPRESENTATION BY COURT-APPOINTED COUNSEL AT AND DURING EVERY  
7 IN-CUSTODY COURT APPEARANCE. A MUNICIPALITY THAT AUTHORIZES  
8 LAW ENFORCEMENT TO ARREST AN INDIVIDUAL FOR AN ALLEGED  
9 MUNICIPAL CODE VIOLATION SHALL ENSURE INDIGENT DEFENSE COUNSEL  
10 IS PRESENT AND AVAILABLE TO REPRESENT AN IN-CUSTODY DEFENDANT  
11 AT ALL COURT APPEARANCES AND THAT COURT APPEARANCES OCCUR  
12 WITHIN THE TIME FRAMES ESTABLISHED IN SECTION 13-10-111.5 (2). FOR  
13 A COURT APPEARANCE AT WHICH THE MUNICIPAL COURT IS REQUIRED TO  
14 SET A PERSONAL RECOGNIZANCE BOND, THE RIGHT TO INDIGENT DEFENSE  
15 COUNSEL AT THE HEARING REMAINS IN PLACE, AS DOES THE REQUIREMENT  
16 THAT THE COURT CONDUCT PROCEEDINGS BEFORE SETTING BOND AS  
17 REQUIRED BY SECTION 13-10-111.5 (3).

18 (3) IF A DEFENDANT IS IN CUSTODY, CANNOT POST BAIL OR IS NOT  
19 ALLOWED TO POST BAIL, AND HAS A MUNICIPAL HOLD, INDIGENT DEFENSE  
20 COUNSEL FOR THE HOLDING MUNICIPALITY MAY AUTOMATICALLY ELECT  
21 TO REPRESENT THE DEFENDANT IN THE MUNICIPAL CASE AND SHALL  
22 NOTIFY THE MUNICIPAL COURT EITHER VERBALLY OR IN WRITING OF THE  
23 REPRESENTATION. IF A MUNICIPAL COURT RECEIVES NOTICE, INCLUDING  
24 FROM AN INCARCERATED DEFENDANT, JAIL, OR CORRECTIONAL FACILITY,  
25 OF A DEFENDANT IN CUSTODY WHO CANNOT POST BAIL OR IS NOT  
26 ALLOWED TO POST BAIL, AND HAS A MUNICIPAL HOLD, THE HOLDING  
27 MUNICIPAL COURT SHALL EITHER APPOINT INDIGENT DEFENSE COUNSEL TO

1 REPRESENT THE DEFENDANT IN THE MUNICIPAL CASE WHILE THE  
2 DEFENDANT IS IN CUSTODY OR NOTIFY THE DEFENDANT'S INDIGENT  
3 DEFENSE COUNSEL TO ALLOW INDIGENT DEFENSE COUNSEL THE  
4 OPPORTUNITY TO AUTOMATICALLY ELECT TO REPRESENT THE DEFENDANT  
5 WHILE THE DEFENDANT IS IN CUSTODY.

6 (3.5) AT THE TIME OF A DEFENDANT'S FIRST OUT-OF-CUSTODY  
7 APPEARANCE IN MUNICIPAL COURT FOR A VIOLATION FOR WHICH THE  
8 MUNICIPAL CODE ALLOWS A POSSIBLE SENTENCE OF INCARCERATION, THE  
9 COURT SHALL ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO  
10 COUNSEL. THE COURT MAY INQUIRE AND MAKE A DETERMINATION AS TO  
11 INDIGENCE IMMEDIATELY UPON REQUEST OR SHALL ADVISE THE  
12 DEFENDANT OF THE PROCEDURE TO APPLY FOR COURT-APPOINTED  
13 INDIGENT DEFENSE COUNSEL. IF THE COURT DETERMINES THE DEFENDANT  
14 IS INDIGENT, THE COURT SHALL APPOINT INDIGENT DEFENSE COUNSEL IN  
15 THE MUNICIPAL CASE UNLESS, AFTER BEING FULLY ADVISED PURSUANT TO  
16 RULE 210 OF THE COLORADO MUNICIPAL COURT RULES AND SECTION  
17 16-7-207, THE DEFENDANT MAKES A KNOWING, INTELLIGENT, AND  
18 VOLUNTARY WAIVER OF THE RIGHT TO COUNSEL. NOTHING IN THIS  
19 SECTION PREVENTS THE COURT FROM MAKING A DETERMINATION OF  
20 INDIGENCE IN ADVANCE OF AN OUT-OF-CUSTODY HEARING OR AT THE  
21 SAME HEARING WHEN THE DEFENDANT REQUESTS APPOINTMENT OF  
22 COUNSEL.

23 (3) (4) (a) On and after January 1, 2020, each municipality shall  
24 provide independent indigent defense for each indigent defendant charged  
25 with a municipal code violation for which there is a possible sentence of  
26 incarceration. Independent indigent defense requires, at minimum, that a  
27 nonpartisan entity independent of the municipal court and municipal

1 officials oversee or evaluate indigent defense counsel.

2 (b) (I) Because the office of alternate defense counsel created in  
3 section 21-2-101 is an independent system of indigent defense overseen  
4 by an independent commission, provision of indigent defense by lawyers  
5 evaluated or overseen by the office of alternate defense counsel satisfies  
6 the requirement described in ~~subsection (3)(a)~~ SUBSECTION (4)(a) of this  
7 section.

8 (II) Because a legal aid clinic at any Colorado law school  
9 accredited by the American bar association is an independent system of  
10 indigent defense overseen by the dean of the law school with which it is  
11 affiliated, ~~any~~ A provision or oversight of indigent defense through a legal  
12 aid clinic associated with any Colorado law school accredited by the  
13 American bar association satisfies the requirement described in  
14 ~~subsection (3)(a)~~ SUBSECTION (4)(a) of this section.

15 (c) To satisfy the requirement described in ~~subsection (3)(a)~~  
16 SUBSECTION (4)(a) of this section, a municipality that contracts directly  
17 with one or more defense attorneys to provide counsel to indigent  
18 defendants shall ensure that:

19 (I) The process to select indigent defense attorneys is transparent  
20 and based on merit; and

21 (II) Each contracted indigent defense attorney is periodically  
22 evaluated by an independent entity for competency and independence.  
23 The municipality shall evaluate each newly hired defense attorney as soon  
24 as practicable but no later than one year after ~~he or she~~ THE DEFENSE  
25 ATTORNEY is hired. Otherwise, the municipality shall evaluate each  
26 defense attorney at least every three years. An independent entity that  
27 evaluates defense attorneys pursuant to this ~~subsection (3)(c)(II)~~

1 SUBSECTION (4)(c)(II) shall provide evaluation results and any  
2 recommendations for corrective action in writing to the municipality. For  
3 the purpose of this ~~subsection (3)~~ SUBSECTION (4), "independent entity"  
4 means:

5 (A) The office of alternate defense counsel;

6 (B) An attorney or a group of attorneys, each of whom has  
7 substantial experience practicing criminal defense in Colorado within the  
8 preceding five years, so long as the attorney or group of attorneys is not  
9 affiliated with the municipality receiving the services, including ~~any~~ A  
10 municipal judge, prosecutor, or indigent defense attorney; or

11 (C) A local or regional independent indigent defense commission,  
12 as described in ~~subsection (3)(d)~~ SUBSECTION (4)(d) of this section.

13 (d) (I) To satisfy the requirement described in ~~subsection (3)(a)~~  
14 SUBSECTION (4)(a) of this section, a municipality may establish a local  
15 independent indigent defense commission or coordinate with one or more  
16 other municipalities to establish a regional independent indigent defense  
17 commission. Any local or regional independent indigent defense  
18 commission in existence as of January 1, 2018, is deemed to be in  
19 compliance with this ~~subsection (3)(d)~~ SUBSECTION (4)(d) and may  
20 continue as established.

21 (II) Each local or regional independent indigent defense  
22 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) must  
23 include at least three members, each of whom is selected by the chief  
24 municipal judge in consultation with the Colorado criminal defense bar,  
25 the office of alternate defense counsel, or the office of the state public  
26 defender. Prior to serving on a commission, any commission member who  
27 is selected by a chief municipal judge must be approved by the office of

1 alternate defense counsel. The office of alternate defense counsel shall  
2 approve such appointed commission members whom the office, in its  
3 discretion, deems likely to promote the provision of competent and  
4 independent indigent defense.

5 (III) The terms and procedures for the members of a local or  
6 regional independent indigent defense commission ~~must be~~ ESTABLISHED  
7 PURSUANT TO THIS SUBSECTION (4)(d) ARE determined by the municipality  
8 or municipalities that ~~establish~~ ESTABLISHED the independent indigent  
9 defense commission.

10 (IV) A local or regional independent indigent defense commission  
11 established pursuant to this ~~subsection (3)(d)~~ SUBSECTION (4)(d) has the  
12 responsibility and exclusive authority to appoint indigent defense counsel  
13 for a term of at least one year or more to be served until a successor is  
14 appointed. The independent indigent defense commission retains sole  
15 authority to supervise the indigent defense counsel and discharge ~~him or~~  
16 ~~her~~ THEM for cause.

17 (V) A local or regional independent indigent defense commission  
18 ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d), through its ability to  
19 supervise, appoint, and discharge the indigent defense counsel PURSUANT  
20 TO SUBSECTION (4)(d)(IV) OF THIS SECTION, shall ensure that indigent  
21 defendants accused of violations of municipal ordinances for which there  
22 is a possible sentence of incarceration are represented independently of  
23 any political considerations or private interests, that ~~such~~ THE indigent  
24 defendants receive legal services that are commensurate with those  
25 available to nonindigent defendants, and that municipal indigent defense  
26 attorneys provide representation in accordance with the Colorado rules of  
27 professional conduct and the American bar association standards relating



1 to the administration of criminal justice.

2 (VI) A local or regional independent indigent defense commission  
3 ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall not interfere  
4 with the discretion, judgment, and zealous advocacy of indigent defense  
5 attorneys in specific cases.

6 (VII) A local or regional independent indigent defense  
7 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall  
8 make recommendations to its municipality or municipalities regarding the  
9 provision of adequate monetary resources to provide legal services to  
10 indigent defendants accused of violations of such municipal ordinances.

11 (VIII) The members of an independent indigent defense  
12 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall  
13 serve without compensation; except that a municipality that establishes  
14 a local independent indigent defense commission or that coordinates with  
15 one or more other municipalities to establish a regional independent  
16 indigent defense commission shall reimburse the members of the  
17 commission for actual and reasonable expenses incurred in the  
18 performance of their duties.

19 (5) IF A DEFENDANT REMAINS IN CUSTODY, THE APPOINTMENT OF  
20 COUNSEL CONTINUES UNTIL THE DEFENDANT IS RELEASED FROM CUSTODY.  
21 IF A DEFENDANT IS RELEASED FROM CUSTODY, THE DEFENDANT MAY  
22 APPLY FOR COURT-APPOINTED COUNSEL, AND THE COURT SHALL APPOINT  
23 COUNSEL IF THE COURT DETERMINES THAT THE DEFENDANT IS INDIGENT  
24 AND THE CHARGED OFFENSE INCLUDES A POSSIBLE SENTENCE OF  
25 INCARCERATION.

26 **SECTION 8.** In Colorado Revised Statutes, **amend as it will**  
27 **become effective July 1, 2025,** 13-10-114.5 as follows:

1           **13-10-114.5. Representation by counsel - independent indigent**

2           **defense - definitions.** (1) ~~At the time of first appearance on a municipal~~  
3 ~~charge, if the defendant is in custody and the charged offense includes a~~  
4 ~~possible sentence of incarceration, the court shall appoint counsel to~~  
5 ~~represent the defendant for purposes of the initial appearance unless, after~~  
6 ~~a full advisement pursuant to C.M.C.R. 210 and section 16-7-207, C.R.S.,~~  
7 ~~the defendant makes a knowing, intelligent, and voluntary waiver of his~~  
8 ~~or her right to counsel.~~ A MUNICIPALITY SHALL PROVIDE DEFENSE  
9 COUNSEL FOR EACH INDIGENT DEFENDANT CHARGED WITH A MUNICIPAL  
10 VIOLATION FOR WHICH THE MUNICIPAL CODE ALLOWS A POSSIBLE  
11 SENTENCE OF INCARCERATION UNLESS, AFTER BEING FULLY ADVISED  
12 PURSUANT TO C.M.C.R. 210 AND SECTION 16-7-207, THE DEFENDANT  
13 MAKES A KNOWING, INTELLIGENT, AND VOLUNTARY WAIVER OF THE RIGHT  
14 TO COUNSEL.

15           (2) ~~If the defendant remains in custody, the appointment of~~  
16 ~~counsel continues until the defendant is released from custody. If the~~  
17 ~~defendant is released from custody, he or she may apply for~~  
18 ~~court-appointed counsel, and the court shall appoint counsel if the court~~  
19 ~~determines that the defendant is indigent and the charged offense includes~~  
20 ~~a possible sentence of incarceration.~~ AN IN-CUSTODY MUNICIPAL  
21 DEFENDANT IS PRESUMED INDIGENT AND AUTOMATICALLY ENTITLED TO  
22 REPRESENTATION BY COURT-APPOINTED COUNSEL AT AND DURING EVERY  
23 IN-CUSTODY COURT APPEARANCE. A MUNICIPALITY THAT AUTHORIZES  
24 LAW ENFORCEMENT TO ARREST AN INDIVIDUAL FOR AN ALLEGED  
25 MUNICIPAL CODE VIOLATION SHALL ENSURE INDIGENT DEFENSE COUNSEL  
26 IS PRESENT AND AVAILABLE TO REPRESENT AN IN-CUSTODY DEFENDANT  
27 AT ALL COURT APPEARANCES AND THAT COURT APPEARANCES OCCUR

1        WITHIN THE TIME FRAMES ESTABLISHED IN SECTION 13-10-111.5 (2). FOR  
2        A COURT APPEARANCE AT WHICH THE MUNICIPAL COURT IS REQUIRED TO  
3        SET A PERSONAL RECOGNIZANCE BOND, THE RIGHT TO INDIGENT DEFENSE  
4        COUNSEL AT THE HEARING REMAINS IN PLACE, AS DOES THE REQUIREMENT  
5        THAT THE COURT CONDUCT PROCEEDINGS BEFORE SETTING BOND AS  
6        REQUIRED BY SECTION 13-10-111.5 (3).

7                (3) IF A DEFENDANT IS IN CUSTODY, CANNOT POST BAIL OR IS NOT  
8        ALLOWED TO POST BAIL, AND HAS A MUNICIPAL HOLD, INDIGENT DEFENSE  
9        COUNSEL FOR THE HOLDING MUNICIPALITY MAY AUTOMATICALLY ELECT  
10       TO REPRESENT THE DEFENDANT IN THE MUNICIPAL CASE AND SHALL  
11       NOTIFY THE MUNICIPAL COURT EITHER VERBALLY OR IN WRITING OF THE  
12       REPRESENTATION. IF A MUNICIPAL COURT RECEIVES NOTICE, INCLUDING  
13       FROM AN INCARCERATED DEFENDANT, JAIL, OR CORRECTIONAL FACILITY,  
14       OF A DEFENDANT IN CUSTODY WHO CANNOT POST BAIL OR IS NOT  
15       ALLOWED TO POST BAIL, AND HAS A MUNICIPAL HOLD, THE HOLDING  
16       MUNICIPAL COURT SHALL EITHER APPOINT INDIGENT DEFENSE COUNSEL TO  
17       REPRESENT THE DEFENDANT WHILE THE DEFENDANT IS IN CUSTODY OR  
18       NOTIFY THE DEFENDANT'S INDIGENT DEFENSE COUNSEL TO ALLOW  
19       INDIGENT DEFENSE COUNSEL THE OPPORTUNITY TO AUTOMATICALLY  
20       ELECT TO REPRESENT THE DEFENDANT WHILE THE DEFENDANT IS IN  
21       CUSTODY.

22                (3.5) AT THE TIME OF A DEFENDANT'S FIRST OUT-OF-CUSTODY  
23       APPEARANCE IN MUNICIPAL COURT FOR A VIOLATION FOR WHICH THE  
24       MUNICIPAL CODE ALLOWS A POSSIBLE SENTENCE OF INCARCERATION, THE  
25       COURT SHALL ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO  
26       COUNSEL. THE COURT MAY INQUIRE AND MAKE A DETERMINATION AS TO  
27       INDIGENCE IMMEDIATELY UPON REQUEST OR SHALL ADVISE THE

1 DEFENDANT OF THE PROCEDURE TO APPLY FOR COURT-APPOINTED  
2 INDIGENT DEFENSE COUNSEL. IF THE COURT DETERMINES THE DEFENDANT  
3 IS INDIGENT, THE COURT SHALL APPOINT INDIGENT DEFENSE COUNSEL IN  
4 THE MUNICIPAL CASE UNLESS, AFTER BEING FULLY ADVISED PURSUANT TO  
5 RULE 210 OF THE COLORADO MUNICIPAL COURT RULES AND SECTION  
6 16-7-207, THE DEFENDANT MAKES A KNOWING, INTELLIGENT, AND  
7 VOLUNTARY WAIVER OF THE RIGHT TO COUNSEL. NOTHING IN THIS  
8 SECTION PREVENTS THE COURT FROM MAKING A DETERMINATION OF  
9 INDIGENCE IN ADVANCE OF AN OUT-OF-CUSTODY HEARING OR AT THE  
10 SAME HEARING WHEN THE DEFENDANT REQUESTS APPOINTMENT OF  
11 COUNSEL.

12 ~~(3)~~ (4) (a) On and after January 1, 2020, each municipality shall  
13 provide independent indigent defense for each indigent defendant charged  
14 with a municipal code violation for which there is a possible sentence of  
15 incarceration. Independent indigent defense requires, at minimum, that a  
16 nonpartisan entity independent of the municipal court and municipal  
17 officials oversee or evaluate indigent defense counsel.

18 (b) (I) Because the office of alternate defense counsel created in  
19 section 21-2-101 is an independent system of indigent defense overseen  
20 by an independent commission, provision of indigent defense by lawyers  
21 evaluated or overseen by the office of alternate defense counsel satisfies  
22 the requirement described in ~~subsection (3)(a)~~ SUBSECTION (4)(a) of this  
23 section.

24 (II) Because a legal aid clinic at any Colorado law school  
25 accredited by the American bar association is an independent system of  
26 indigent defense overseen by the dean of the law school with which it is  
27 affiliated, ~~any~~ THE provision or oversight of indigent defense through a

1 legal aid clinic associated with any Colorado law school accredited by the  
2 American bar association satisfies the requirement described in  
3 ~~subsection (3)(a)~~ SUBSECTION (4)(a) of this section.

4 (c) To satisfy the requirement described in ~~subsection (3)(a)~~  
5 SUBSECTION (4)(a) of this section, a municipality that contracts directly  
6 with one or more defense attorneys to provide counsel to indigent  
7 defendants shall ensure that:

8 (I) The process to select indigent defense attorneys is transparent  
9 and based on merit;

10 (II) Each contracted indigent defense attorney is periodically  
11 evaluated by an independent entity for competency and independence.  
12 The municipality shall evaluate each newly hired defense attorney as soon  
13 as practicable but no later than one year after ~~he or she~~ THE DEFENSE  
14 ATTORNEY is hired. Otherwise, the municipality shall evaluate each  
15 defense attorney at least every three years. An independent entity that  
16 evaluates defense attorneys pursuant to this ~~subsection (3)(c)(II)~~  
17 SUBSECTION (4)(c)(II) shall provide evaluation results and any  
18 recommendations for corrective action in writing to the municipality. For  
19 the purpose of this ~~subsection (3)~~ SUBSECTION (4), "independent entity"  
20 means:

21 (A) The office of alternate defense counsel;

22 (B) An attorney or a group of attorneys, each of whom has  
23 substantial experience practicing criminal defense in Colorado within the  
24 preceding five years, so long as the attorney or group of attorneys is not  
25 affiliated with the municipality receiving the services, including ~~any~~ A  
26 municipal judge, prosecutor, or indigent defense attorney; or

27 (C) A local or regional independent indigent defense commission,

1 as described in ~~subsection (3)(d)~~ SUBSECTION (4)(d) of this section.

2 (III) (A) The contract does not use a fixed or flat-fee payment  
3 structure for indigent defense services but instead uses the same payment  
4 structure and rates that are paid by the state of Colorado to attorneys and  
5 other interdisciplinary team members under contract with the office of  
6 alternate defense counsel created in section 21-2-101 and that are  
7 consistent with chief justice directive 04-04, or any successor chief justice  
8 directive.

9 (B) ~~This subsection (3)(c)(III) only applies to a municipality that~~  
10 ~~prosecutes an act of domestic violence, as defined in section 18-6-800.3.~~

11 (C) For the purposes of this ~~subsection (3)(c)~~ SUBSECTION (4)(c),  
12 "fixed or flat-fee payment structure" means a fee paid as a MAXIMUM  
13 fixed amount for specified legal services, regardless of the time or effort  
14 involved, but does not include an amount paid as a salary or on a salary  
15 basis.

16 (d) (I) To satisfy the requirement described in ~~subsection (3)(a)~~  
17 SUBSECTION (4)(a) of this section, a municipality may establish a local  
18 independent indigent defense commission or coordinate with one or more  
19 other municipalities to establish a regional independent indigent defense  
20 commission. ~~Any~~ A local or regional independent indigent defense  
21 commission in existence as of January 1, 2018, is deemed to be in  
22 compliance with this ~~subsection (3)(d)~~ SUBSECTION (4)(d) and may  
23 continue as established.

24 (II) Each local or regional independent indigent defense  
25 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) must  
26 include at least three members, each of whom is selected by the chief  
27 municipal judge in consultation with the Colorado criminal defense bar,

1 the office of alternate defense counsel, or the office of the state public  
2 defender. Prior to serving on a commission, any commission member who  
3 is selected by a chief municipal judge must be approved by the office of  
4 alternate defense counsel. The office of alternate defense counsel shall  
5 approve such appointed commission members whom the office, in its  
6 discretion, deems likely to promote the provision of competent and  
7 independent indigent defense.

8 (III) The terms and procedures for the members of a local or  
9 regional independent indigent defense commission ~~must be~~ ESTABLISHED  
10 PURSUANT TO THIS SUBSECTION (4)(d) ARE determined by the municipality  
11 or municipalities that ~~establish~~ ESTABLISHED the independent indigent  
12 defense commission.

13 (IV) A local or regional independent indigent defense commission  
14 established pursuant to this ~~subsection (3)(d)~~ SUBSECTION (4)(d) has the  
15 responsibility and exclusive authority to appoint indigent defense counsel  
16 for a term of at least one year or more to be served until a successor is  
17 appointed. The independent indigent defense commission retains sole  
18 authority to supervise the indigent defense counsel and discharge ~~him or~~  
19 ~~her~~ THEM for cause.

20 (V) A local or regional independent indigent defense commission  
21 ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d), through its ability to  
22 supervise, appoint, and discharge the indigent defense counsel PURSUANT  
23 TO SUBSECTION (4)(d)(IV) OF THIS SECTION, shall ensure that indigent  
24 defendants accused of violations of municipal ordinances for which there  
25 is a possible sentence of incarceration are represented independently of  
26 any political considerations or private interests, that such indigent  
27 defendants receive legal services that are commensurate with those

1 available to nonindigent defendants, and that municipal indigent defense  
2 attorneys provide representation in accordance with the Colorado rules of  
3 professional conduct and the American bar association standards relating  
4 to the administration of criminal justice.

5 (VI) A local or regional independent indigent defense commission  
6 ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall not interfere  
7 with the discretion, judgment, and zealous advocacy of indigent defense  
8 attorneys in specific cases.

9 (VII) A local or regional independent indigent defense  
10 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall  
11 make recommendations to its municipality or municipalities regarding the  
12 provision of adequate monetary resources to provide legal services to  
13 indigent defendants accused of violations of such municipal ordinances.

14 (VIII) The members of an independent indigent defense  
15 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall  
16 serve without compensation; except that a municipality that establishes  
17 a local independent indigent defense commission or that coordinates with  
18 one or more other municipalities to establish a regional independent  
19 indigent defense commission shall reimburse the members of the  
20 commission for actual and reasonable expenses incurred in the  
21 performance of their duties.

22 (5) IF A DEFENDANT REMAINS IN CUSTODY, THE APPOINTMENT OF  
23 COUNSEL CONTINUES UNTIL THE DEFENDANT IS RELEASED FROM CUSTODY.  
24 IF A DEFENDANT IS RELEASED FROM CUSTODY, THE DEFENDANT MAY  
25 APPLY FOR COURT-APPOINTED COUNSEL, AND THE COURT SHALL APPOINT  
26 COUNSEL IF THE COURT DETERMINES THAT THE DEFENDANT IS INDIGENT  
27 AND THE CHARGED OFFENSE INCLUDES A POSSIBLE SENTENCE OF



1 INCARCERATION.

2 **SECTION 9.** In Colorado Revised Statutes, 21-2-103, **amend** (5)  
3 as follows:

4 **21-2-103. Representation of persons who are indigent -**  
5 **definition.** (5) The office of alternate defense counsel may, but is not  
6 required to, evaluate the performance of attorneys providing indigent  
7 defense in municipal courts at the request of any municipality, as  
8 described in ~~section 13-10-114.5 (3)(c)(H)~~ SECTION 13-10-114.5  
9 (4)(c)(II). The office of alternate defense counsel shall not perform any  
10 such evaluations without sufficient funding for personnel to perform such  
11 evaluations.

12 **SECTION 10.** In Colorado Revised Statutes, 21-2-108, **amend**  
13 (2) as follows:

14 **21-2-108. Conflict-free defense for indigent persons in**  
15 **municipal courts - fund created.** (2) A municipality that wants to utilize  
16 the services of the office of alternate defense counsel to evaluate the  
17 provision of defense counsel to indigent defendants as described in  
18 ~~section 13-10-114.5 (3)(c)(H)(A)~~ SECTION 13-10-114.5 (4)(c)(II)(A)  
19 during the next calendar year shall request such services on or before  
20 September 1, 2018, and on or before September 1 each year thereafter.

21 **SECTION 11. Safety clause.** The general assembly finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety or for appropriations for  
24 the support and maintenance of the departments of the state and state  
25 institutions.