

CHAPTER 216

STATE PUBLIC DEFENDER

HOUSE BILL 04-1028

BY REPRESENTATIVE(S) Coleman, Rhodes, Williams T., Carroll, Frangas, Rippy, Stafford, and Vigil;
also SENATOR(S) Anderson, Takis, Taylor, and Tupa.

AN ACT**CONCERNING THE FEE PAID IN CONNECTION WITH REPRESENTATION OF INDIGENT PERSONS.**

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

SECTION 1. 21-1-103 (3), Colorado Revised Statutes, is amended to read:

21-1-103. Representation of indigent persons. (3) The determination of indigency shall be made by the state public defender, subject to review by the court. When a defendant or, if applicable, ~~his~~ THE DEFENDANT'S parent or legal guardian requests representation by a public defender, such person shall submit an appropriate application, the form of which shall state that such application is signed under oath and under the penalty of perjury and that a false statement may be prosecuted as such. A nonrefundable ~~application~~ PROCESSING fee of twenty-five dollars shall be paid ~~at the time the application is submitted, and no application shall be accepted without payment of the fee;~~ BY THE APPLICANT IF THE COURT-APPOINTED COUNSEL ENTERS AN APPEARANCE BASED UPON THE APPLICATION. THE FEE SHALL BE ASSESSED AT THE TIME OF SENTENCING, OR ADJUDICATION, IF SENTENCING OR ADJUDICATION OCCURS, OR UPON OTHER FINAL DISPOSITION OF THE CASE; except that the court may, AT SENTENCING, ADJUDICATION, OR OTHER FINAL DISPOSITION, WAIVE THE FEE IF THE COURT DETERMINES, based upon the financial information submitted BY THE PARTY BEING REPRESENTED BY THE COURT-APPOINTED COUNSEL, ~~reduce the fee to ten dollars or waive the fee, if the person remains in custody or if the court determines that the person does not have the financial resources to pay the fee.~~ Before the court appoints a public defender based on said application, the court shall advise the defendant or, if applicable, ~~his~~ THE DEFENDANT'S parent or legal guardian that the application is signed under oath and under the penalty of perjury. A copy of the application shall be sent to the prosecuting attorney for review, and, upon request, the court shall hold a hearing on the issue of the eligibility for appointment of the public defender's office. ~~Application~~ PROCESSING fees collected pursuant to this subsection

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(3) shall be transmitted to the state treasurer, who shall credit the same to the general fund.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 11, 2004