

CHAPTER 73

GOVERNMENT - STATE

HOUSE BILL 24-1118

BY REPRESENTATIVE(S) Marshall and Joseph, Clifford, Garcia, Lieder, Parenti, Snyder, Titone, McCluskie;
also SENATOR(S) Roberts and Gardner, Hansen, Mullica, Priola, Simpson.

AN ACT

CONCERNING AUTHORIZATION FOR THE ATTORNEY GENERAL TO OPERATE A DISTRICT ATTORNEY'S OFFICE DUE TO A VACANCY TO THE EXTENT ALLOWED BY AN EXECUTIVE ORDER OF THE GOVERNOR.

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

SECTION 1. In Colorado Revised Statutes, 24-31-101, **amend** (1)(t) and (1)(u); and **add** (1)(v) as follows:

24-31-101. Powers and duties of attorney general. (1) The attorney general:

(t) May bring a civil action to enforce section 25-7-144; ~~and~~

(u) May, if the attorney general has reason to believe that a violation of a statute or rule is causing an imminent and substantive endangerment to the public health, water quality, or environment within a mobile home park, request a temporary restraining order, preliminary injunction, permanent injunction, or any other relief necessary to protect the public health, water quality, or environment; AND

(v) **MAY EXPEND MONEY, MANAGE STAFF, AND PERFORM OTHER ADMINISTRATIVE FUNCTIONS ESSENTIAL FOR THE OPERATION OF A DISTRICT ATTORNEY'S OFFICE WHEN APPOINTED BY EXECUTIVE ORDER OF THE GOVERNOR.**

SECTION 2. In Colorado Revised Statutes, **add** 24-31-117 as follows:

24-31-117. Hiring committee when attorney general to operate district attorney's office due to a vacancy. **IF, DURING THE COURSE OF PERFORMING THE ATTORNEY GENERAL'S DUTIES PURSUANT TO SECTION 24-31-101 (1)(v), IT IS ESSENTIAL FOR THE ATTORNEY GENERAL TO HIRE PERSONNEL AT THE DISTRICT**

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.

ATTORNEY'S OFFICE, THE ATTORNEY GENERAL SHALL ESTABLISH A HIRING COMMITTEE CONSISTING OF THE ATTORNEY GENERAL, A REPRESENTATIVE FROM THE COLORADO DISTRICT ATTORNEYS' COUNCIL, AND THE HIGHEST RANKING ATTORNEY OR OFFICIAL AT THE DISTRICT ATTORNEY'S OFFICE TO MAKE RECOMMENDATIONS REGARDING HIRING DECISIONS. THE COMMITTEE MAY RECOMMEND THAT THE HIRING OF PERSONNEL BY THE ATTORNEY GENERAL IS CONDITIONAL UPON THE REVIEW AND APPROVAL OF THE PERSON APPOINTED TO FILL THE VACANT DISTRICT ATTORNEY POSITION. THE ATTORNEY GENERAL RETAINS THE ULTIMATE AUTHORITY REGARDING HIRING DECISIONS WHILE ACTING PURSUANT TO SECTION 24-31-101 (1)(v) BUT MUST CONSIDER THE RECOMMENDATIONS OF THE COMMITTEE IN MAKING HIRING DECISIONS.

SECTION 3. Applicability. This act applies to actions taken by the attorney general pursuant to section 24-31-101 (1)(v) or 24-31-117, Colorado Revised Statutes, on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: April 17, 2024