

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 21, 2026
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB26-1250 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, line 5, after "(1.7)(b)," insert "(1.7)(c),".
- 2 Page 3, line 6, strike "(5); and **repeal** (1.7)(c)" and substitute "(5)".
- 3 Page 5, strike lines 1 through 7 and substitute:
 - 4 "(c) If the plaintiff proves by clear and convincing evidence that
 - 5 the property was instrumental in the commission of an offense listed in
 - 6 section 16-13-303 (1) or that the property is traceable proceeds of the
 - 7 offense or related criminal activity by a nonowner and the plaintiff proves
 - 8 by clear and convincing evidence that an owner is not an innocent owner
 - 9 pursuant to section 16-13-303 (5.2)(a), a judgment of forfeiture may be
 - 10 entered ~~without~~ ONLY AFTER a criminal conviction of ~~an owner~~ THE
 - 11 NONOWNER IN THE UNDERLYING CRIMINAL OFFENSE RELATED TO THE
 - 12 PROPERTY SUBJECT TO THE FORFEITURE PROCEEDING."
- 13 Page 6, line 4, strike "OF THE RIGHT TO FORFEITURE DEFENSE COUNSEL"
- 14 and substitute "OF THE ABILITY TO ACCESS LEGAL REPRESENTATION".
- 15 Page 6, line 7, strike "(3)(a)(VII)(B)," and substitute "(3)(a)(VII)(C),".
- 16 Page 6, strike lines 21 through 27.
- 17 Page 7, strike lines 1 and 2 and substitute:
 - 18 "(C) Twenty-five percent to the ~~law enforcement community~~
 - 19 ~~services grant program fund, created pursuant to section 24-32-124 (5)~~
 - 20 FORFEITURE DEFENSE COUNSEL FUND, CREATED IN SECTION 16-13-318

1 (3)."

2 Page 7, strike lines 15 through 25.

3 Renumber succeeding sections accordingly.

4 Page 8, line 17, strike "**right to counsel**".

5 Page 8, line 24, strike "PROCEEDING, AND" and substitute "PROCEEDING."

6 Page 8, strike lines 25 through 27.

7 Page 9, strike lines 1 and 2.

8 Reletter succeeding paragraphs accordingly.

9 Page 9, after line 7, insert:

10 "(e) "PRIVATE CONTRACTOR" MEANS THE PRIVATE CONTRACTOR
11 SELECTED BY THE ADMINISTRATOR PURSUANT TO SUBSECTION (3)(c) OF
12 THIS SECTION."

13 Page 9, strike lines 8 and 9 and substitute:

14 "(2) (a) AN INDIGENT FORFEITURE DEFENDANT HAS THE ABILITY
15 TO ACCESS TO LEGAL REPRESENTATION."

16 Page 9, strike line 11.

17 Page 9, line 12, strike "DEFENDANT AND SHALL".

18 Page 9, strike lines 22 through 27.

19 Page 10, strike lines 1 through 20 and substitute:

20 "(d) THE PRIVATE CONTRACTOR SHALL, PURSUANT TO THE SERVICE
21 AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (3)(c) OF THIS
22 SECTION, PAY THE FORFEITURE DEFENSE COUNSEL AN AMOUNT NOT TO
23 EXCEED THREE THOUSAND FIVE HUNDRED DOLLARS FOR REPRESENTING
24 THE FORFEITURE DEFENDANT IN A FORFEITURE PROCEEDING UNLESS THE
25 COURT FINDS GOOD CAUSE FOR A HIGHER PAYMENT. IF THE COURT FINDS
26 GOOD CAUSE FOR A HIGHER PAYMENT, THE PRIVATE CONTRACTOR SHALL
27 PAY THE FORFEITURE DEFENSE COUNSEL THE AMOUNT ORDERED.

1 (e) NOTHING IN THIS SECTION PREVENTS FORFEITURE DEFENSE
2 COUNSEL FROM WITHDRAWING REPRESENTATION OF AN INDIGENT
3 FORFEITURE DEFENDANT IN ACCORDANCE WITH THE COLORADO RULES OF
4 PROFESSIONAL CONDUCT. IF A FORFEITURE DEFENSE COUNSEL WITHDRAWS
5 REPRESENTATION OF AN INDIGENT FORFEITURE DEFENDANT, THE COURT
6 MAY REQUIRE THE PRIVATE CONTRACTOR TO APPOINT ANOTHER
7 FORFEITURE DEFENSE COUNSEL FOR THE DEFENDANT IF THE COURT FINDS
8 THE INTEREST OF JUSTICE REQUIRES ANOTHER APPOINTMENT.

9 (f) (I) IF A FORFEITURE DEFENDANT IS REPRESENTED BY
10 FORFEITURE DEFENSE COUNSEL AND PREVAILS IN THE FORFEITURE
11 PROCEEDING, THE COURT SHALL ORDER THE PLAINTIFF TO REIMBURSE THE
12 FORFEITURE COUNSEL DEFENSE FUND IN THE AMOUNT OF THE PAYMENT
13 MADE TO THE FORFEITURE DEFENSE COUNSEL PURSUANT TO SUBSECTION
14 (2)(d) OF THIS SECTION. THE ADMINISTRATOR SHALL TRANSMIT ALL
15 MONEY RECEIVED PURSUANT TO THIS SUBSECTION (2)(f)(I) AS
16 REIMBURSEMENT TO THE FUND TO THE STATE TREASURER, WHO SHALL
17 CREDIT THE MONEY TO THE FUND.

18 (II) IF A FORFEITURE DEFENDANT IS REPRESENTED BY PRIVATE
19 COUNSEL AND PREVAILS IN THE FORFEITURE PROCEEDING, THE COURT
20 SHALL ORDER THE PLAINTIFF TO REIMBURSE PRIVATE COUNSEL FOR
21 REASONABLE ATTORNEY FEES INCURRED DEFENDING THE FORFEITURE
22 PROCEEDING."

23
24 Page 11, line 6, strike "FORFEITURE DEFENSE COUNSEL" and substitute
25 "THE PRIVATE CONTRACTOR".

26 Page 11, after line 10, insert:

27 "(c) (I) ON OR BEFORE SEPTEMBER 1, 2026, THE ADMINISTRATOR
28 SHALL ENTER INTO A SERVICE AGREEMENT WITH A PRIVATE CONTRACTOR
29 WHO REGULARLY PROVIDES LEGAL SERVICES FOR INDIGENT CLIENTS OR
30 LITIGANTS TO PROVIDE A LEGAL DEFENSE TO A CIVIL ASSET FORFEITURE
31 PROCEEDING OR TO CONTRACT WITH AN ATTORNEY TO PROVIDE A LEGAL
32 DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING.

33 (II) UPON ENTERING INTO AN AGREEMENT WITH A PRIVATE
34 CONTRACTOR, AND ON JULY 1 OF EACH YEAR THEREAFTER, THE
35 ADMINISTRATOR SHALL DISTRIBUTE THE UNENCUMBERED MONEY IN THE
36 FUND TO THE PRIVATE CONTRACTOR.

37 (III) THE PRIVATE CONTRACTOR SHALL MAINTAIN A LIST OF
38 QUALIFIED ATTORNEYS THAT THE PRIVATE CONTRACTOR MAY PROVIDE OR
39 CONTRACT WITH TO REPRESENT INDIGENT FORFEITURE DEFENDANTS. THE
40 PRIVATE CONTRACTOR SHALL UPDATE AND PROVIDE THE LIST FOR THE
41 ADMINISTRATOR OF CONTRACTED ATTORNEYS ON AN ANNUAL BASIS.

42 (d) UPON REQUEST OF A FORFEITURE DEFENDANT, THE PRIVATE

1 CONTRACTOR SHALL APPOINT A FORFEITURE DEFENSE COUNSEL FOR THE
2 FORFEITURE DEFENDANT. THE PRIVATE CONTRACTOR SHALL ROTATE THE
3 ATTORNEYS, AS MUCH AS IS PRACTICABLE, TO DISTRIBUTE FORFEITURE
4 DEFENSE COUNSEL CASES EVENLY AMONG QUALIFYING ATTORNEYS
5 SELECTED BY THE PRIVATE CONTRACTOR.

6 (e) THE PRIVATE CONTRACTOR MAY RETAIN UNSPENT MONEY AT
7 THE END OF A BUDGET YEAR FOR THE PURPOSES OF PROVIDING A LEGAL
8 DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING PURSUANT TO THIS
9 SECTION.

10 (f) IF THERE IS ANY UNSPENT MONEY AT THE END OF THE SERVICE
11 AGREEMENT, THE PRIVATE CONTRACTOR SHALL RETURN THE UNSPENT
12 MONEY TO THE ADMINISTRATOR. THE ADMINISTRATOR SHALL TRANSMIT
13 ALL MONEY RECEIVED FROM THE PRIVATE CONTRACTOR TO THE STATE
14 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

15 (4) ON OR BEFORE MARCH 1, 2027, AND ON OR BEFORE OCTOBER
16 1, 2027, AND EACH OCTOBER 1 THEREAFTER, THE PRIVATE CONTRACTOR
17 SHALL REPORT TO THE ADMINISTRATOR THE FOLLOWING:

18 (a) THE NUMBER OF ATTORNEYS APPOINTED PURSUANT TO THIS
19 SECTION;

20 (b) THE COSTS ASSOCIATED WITH EACH CASE;

21 (c) ANY CHALLENGES OR DIFFICULTIES IN RETAINING ATTORNEYS
22 TO SERVE AS APPOINTED FORFEITURE DEFENSE COUNSEL; AND

23 (d) THE AMOUNT OF UNSPENT MONEY THE PRIVATE CONTRACTOR
24 RETAINS AT THE END OF THE BUDGET YEAR."

25 Page 11, strike lines 11 through 22.

26 Renumber succeeding sections accordingly.

27 Page 11, line 24, after "(1.7)(b)," insert "(1.7)(c),".

28 Page 11, line 25, strike "portion; **repeal** (1.7)(c);" and substitute
29 "portion;".

30 Page 13, strike lines 20 through 26 and substitute:

31 (c) If the plaintiff proves by clear and convincing evidence that
32 the property was instrumental in the commission of an offense listed in
33 section 16-13-503 (1) or that the property is traceable proceeds of the
34 offense or related criminal activity by a nonowner and the plaintiff proves
35 by clear and convincing evidence that an owner is not an innocent owner
36 pursuant to section 16-13-504 (2.2), a judgment of forfeiture may be
37 entered ~~without~~ ONLY AFTER a criminal conviction of ~~an owner~~ THE

- 1 NONOWNER IN THE UNDERLYING CRIMINAL OFFENSE RELATED TO THE
2 PROPERTY SUBJECT TO THE FORFEITURE PROCEEDING."
- 3 Page 14, line 18, strike "RIGHT TO" and substitute "ABILITY TO ACCESS".
- 4 Page 14, strike lines 20 through 27.
- 5 Strike pages 15 through 18.
- 6 Page 19, strike lines 1 through 14.
- 7 Renumber succeeding sections accordingly.
- 8 Page 19, lines 22 and 23, strike "transferred to the fund pursuant to
9 section 16-13-311, AS IT EXISTED BEFORE JULY 1, 2026, any other money"
10 and substitute "~~transferred to the fund pursuant to section 16-13-311, any~~
11 ~~other money~~".
- 12 Page 19, line 24, strike "fund," and substitute "fund".
- 13 Page 20, line 8, strike "ONE MILLION DOLLARS FROM" and substitute "THE
14 UNEXPENDED AND UNENCUMBERED MONEY IN".
- 15 Page 20, strike lines 15 through 17 and substitute:
- 16 "(18) PURSUANT TO SECTION 16-13-318, THE STATE COURT
17 ADMINISTRATOR SHALL CONTRACT WITH LEGAL COUNSEL THAT PROVIDES
18 A LEGAL DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING OR TO
19 CONTRACT WITH AN ATTORNEY TO PROVIDE A LEGAL DEFENSE TO A CIVIL
20 ASSET FORFEITURE PROCEEDING."
- 21 Page 20, strikes lines 18 through 22.
- 22 Renumber succeeding sections accordingly.
- 23 Page 1, lines 102 and 103, strike "**PROPERTY, AND, IN CONNECTION**
24 **THEREWITH, MAKING AN APPROPRIATION.**" and substitute "**PROPERTY.**".

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