

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-1148.01 Richard Sweetman x4333

HOUSE BILL 18-1353

HOUSE SPONSORSHIP

Lontine and Carver,

SENATE SPONSORSHIP

Marble,

House Committees

Judiciary
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A GRANT PROGRAM TO REIMBURSE**
102 **LOCAL GOVERNMENTS FOR COSTS ASSOCIATED WITH THE**
103 **PROVISION OF DEFENSE COUNSEL TO CERTAIN DEFENDANTS AT**
104 **THEIR FIRST APPEARANCES IN MUNICIPAL COURTS, AND, IN**
105 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 creates the defense counsel on first appearance grant program (program) in the division of local government (division) within

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 4, 2018

SENATE
Amended 2nd Reading
May 3, 2018

HOUSE
3rd Reading Unamended
April 27, 2018

HOUSE
Amended 2nd Reading
April 26, 2018

the department of local affairs. The division shall award grants from the program to reimburse local governments, in part or in full, for costs associated with the provision of defense counsel to defendants at their first appearances in municipal courts.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-32-121 as
3 follows:

4 **24-32-121. Defense counsel on first appearance grant program**

5 **- rules - report - definition - repeal.** (1) (a) THE DEFENSE COUNSEL ON
6 FIRST APPEARANCE GRANT PROGRAM, REFERRED TO IN THIS SECTION AS
7 THE "GRANT PROGRAM", IS CREATED IN THE DIVISION. THE DIVISION
8 SHALL AWARD GRANTS FROM THE GRANT PROGRAM TO REIMBURSE LOCAL
9 GOVERNMENTS, IN PART OR IN FULL, FOR COSTS ASSOCIATED WITH THE
10 PROVISION OF DEFENSE COUNSEL TO DEFENDANTS AT THEIR FIRST
11 APPEARANCES IN MUNICIPAL COURTS, AS REQUIRED BY SECTION
12 13-10-114.5.

13 (b) THE DIVISION SHALL:

14 (I) SOLICIT AND REVIEW APPLICATIONS FOR GRANTS FROM LOCAL
15 GOVERNMENTS; AND

16 (II) SELECT LOCAL GOVERNMENTS TO RECEIVE GRANTS TO
17 REIMBURSE THE LOCAL GOVERNMENTS FOR COSTS ASSOCIATED WITH THE
18 PROVISION OF DEFENSE COUNSEL TO DEFENDANTS AT THEIR FIRST
19 APPEARANCE IN MUNICIPAL COURTS.

20 (2) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE
21 MONEY FROM THE GENERAL FUND TO THE DIVISION TO MAKE THE GRANTS
22 DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND FOR THE DIVISION'S
23 REASONABLE ADMINISTRATIVE EXPENSES RELATED TO THE GRANTS. ANY

1 UNEXPENDED AND UNENCUMBERED MONEY FROM AN APPROPRIATION
2 MADE PURSUANT TO THIS SUBSECTION (2) REMAINS AVAILABLE FOR
3 EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR WITHOUT
4 FURTHER APPROPRIATION.

5 (3) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES IN
6 ACCORDANCE WITH ARTICLE 4 OF THIS TITLE 24 TO THE EXTENT
7 NECESSARY FOR THE ADMINISTRATION OF THE GRANT PROGRAM,
8 INCLUDING RULES ESTABLISHING AN APPLICATION PROCESS AND GRANT
9 AWARD CRITERIA.

10 (4) (a) THE DIVISION SHALL INCLUDE AN UPDATE REGARDING THE
11 EFFECTIVENESS OF THE GRANT PROGRAM IN ITS ANNUAL REPORT TO THE
12 MEMBERS OF THE APPLICABLE COMMITTEES OF REFERENCE IN THE SENATE
13 AND THE HOUSE OF REPRESENTATIVES AS REQUIRED BY THE "STATE
14 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
15 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

16 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
17 REQUIRED IN SUBSECTION (4)(a) OF THIS SECTION CONTINUES
18 INDEFINITELY.

19 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.
20 BEFORE ITS REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL
21 REVIEW THE GRANT PROGRAM IN ACCORDANCE WITH SECTION 2-3-1203.

22 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add**
23 (14)(a)(VI) as follows:

24 **2-3-1203. Sunset review of advisory committees - legislative**
25 **declaration - definition - repeal.** (14) (a) The following statutory
26 authorizations for the designated advisory committees are scheduled for
27 repeal on September 1, 2023:

1 (VI) THE DEFENSE COUNSEL ON FIRST APPEARANCE GRANT
2 PROGRAM CREATED IN SECTION 24-32-121.

3 **SECTION 3. Appropriation.** (1) For the 2018-19 state fiscal
4 year, \$1,853,037 is appropriated to the department of local affairs. This
5 appropriation is from the general fund. To implement this act, the
6 department may use this appropriation as follows:

7 (a) \$1,846,959 for use by the division of local government for the
8 defense counsel on first appearance grant program, which amount is
9 based on an assumption that the division will require an additional 0.5
10 FTE;

11 (b) \$4,480 for the purchase of information technology services;
12 and

13 (c) \$1,598 for the purchase of legal services.

14 (2) For the 2018-19 state fiscal year, \$4,480 is appropriated to the
15 office of the governor for use by the office of information technology.
16 This appropriation is from reappropriated funds received from the
17 department of local affairs under subsection (1)(b) of this section. To
18 implement this act, the office may use this appropriation to provide
19 information technology services for the department of local affairs.

20 (3) For the 2018-19 state fiscal year, \$1,598 is appropriated to the
21 department of law. This appropriation is from reappropriated funds
22 received from the department of local affairs under subsection (1)(c) of
23 this section. To implement this act, the department of law may use this
24 appropriation to provide legal services for the department of local affairs.

25 **SECTION 4. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.