

## CHAPTER 348

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**COURTS**


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**HOUSE BILL 18-1353**

BY REPRESENTATIVE(S) Lontine and Carver, Becker K., Exum, Foote, Gray, Hamner, Kennedy, Lee, Michaelson Jenet, Rosenthal, Salazar, Singer, Valdez, Young, Duran;  
also SENATOR(S) Marble, Aguilar, Court, Gardner, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Moreno, Tate, Todd.

**AN ACT**

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

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

**SECTION 1.** In Colorado Revised Statutes, **add** 24-32-123 as follows:

**24-32-123. Defense counsel on first appearance grant program - rules - report - definition - repeal.** (1) (a) THE DEFENSE COUNSEL ON FIRST APPEARANCE GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", IS CREATED IN THE DIVISION. THE DIVISION SHALL AWARD GRANTS FROM THE GRANT 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, AS REQUIRED BY SECTION 13-10-114.5.

(b) THE DIVISION SHALL:

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

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

(2) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DIVISION TO MAKE THE GRANTS DESCRIBED IN SUBSECTION

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(1) OF THIS SECTION AND FOR THE DIVISION'S REASONABLE ADMINISTRATIVE EXPENSES RELATED TO THE GRANTS. ANY UNEXPENDED AND UNENCUMBERED MONEY FROM AN APPROPRIATION MADE PURSUANT TO THIS SUBSECTION (2) REMAINS AVAILABLE FOR EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

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

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

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

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

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

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

(VIII) THE DEFENSE COUNSEL ON FIRST APPEARANCE GRANT PROGRAM CREATED IN SECTION 24-32-123.

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

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

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

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

(2) For the 2018-19 state fiscal year, \$4,480 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under subsection

(1)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

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

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

Approved: May 30, 2018