

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0504.01 Bob Lackner x4350

SENATE BILL 20-063

SENATE SPONSORSHIP

Lee,

HOUSE SPONSORSHIP

Weissman and McKean,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE RECODIFICATION OF STATUTORY PROVISIONS
102 GOVERNING THE DEPARTMENT OF LAW.

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 recodifies statutory provisions governing the department of law, especially by replacing outmoded language with updated terms and usage.

Section 1 of the bill repeals outmoded language regarding internal divisions within the department of law (department). **Section 2** specifies the powers and duties of the attorney general. **Section 3** enumerates

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.

internal divisions of the department. **Section 4** updates the statutory provision authorizing the appointment of the chief deputy attorney general. **Section 5** concerns the appointment and qualifications of the solicitor general.

Section 6 updates statutory provisions governing the victims' services coordinator. **Section 7** updates statutory provisions governing money received by the attorney general. This section specifies that any money received by the attorney general belonging to the state or received by the attorney general in his or her official capacity must be paid as soon as practicable to the department of the treasury. Moreover, generally, the attorney general has such legal duties in regard to the activities of the state and its various departments, boards, commissions, bureaus, and agencies as are imposed by law. **Section 8** specifies requirements pertaining to the legal services the attorney general provides to state agencies. **Section 9** clarifies that nothing in the bill is to be construed as affecting, limiting, or supplanting the common law authority of the attorney general or the department.

Section 10 specifies requirements governing the provision of identification cards to retired peace officers.

Section 12 concerns legal representation of the state auditor. This section specifies that the duty of providing legal representation or otherwise rendering legal services to the state auditor in connection with the auditor's performance of his or her functions and duties is shared between the office of legislative legal services and the attorney general.

Section 14 repeals existing outmoded sections of law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-1-113, **repeal** (3)
3 introductory portion, (3)(a), (3)(b), (3)(d), and (4)(a) as follows:

4 **24-1-113. Department of law - creation.** (3) ~~The department of~~
5 ~~law includes the following:~~

6 ~~(a) Division of legal affairs. The division of legal affairs, created~~
7 ~~by article 31 of this title, and its powers, duties, and functions are~~
8 ~~transferred by a **type 2** transfer to the department of law as the division~~
9 ~~of legal affairs.~~

10 ~~(b) Division of state solicitor general, including the office of state~~
11 ~~solicitor general, created by part 2 of article 31 of this title. The division~~

1 of state solicitor general and the office of state solicitor general shall
2 perform their duties and exercise their powers under the department of
3 law, as if the division of state solicitor general and office of state solicitor
4 general were transferred by a **type 2** transfer, as a division thereof.

5 (d) The peace officers standards and training board created in part
6 3 of article 31 of this title. The peace officers standards and training board
7 shall exercise its powers and perform its duties under the department of
8 law as if the same were transferred by a **type 2** transfer.

9 (4) (a) The collection agency board, created by article 16 of title
10 5, and its powers, duties, and functions are transferred by a **type 2**
11 transfer to the department of law as a section of the division of legal
12 affairs and shall be under the supervision of the administrator of the
13 "Uniform Consumer Credit Code", whose office is created by section
14 5-6-103.

15 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
16 **with amendments,** 24-31-101 as follows:

17 **24-31-101. Powers and duties of attorney general.** (1) THE
18 ATTORNEY GENERAL:

19 (a) SHALL ACT AS THE CHIEF LEGAL REPRESENTATIVE OF THE
20 STATE AND BE THE LEGAL COUNSEL AND ADVISOR OF EACH DEPARTMENT,
21 DIVISION, OFFICE, BOARD, COMMISSION, BUREAU, AND AGENCY OF STATE
22 GOVERNMENT BUT SHALL NOT PROVIDE LEGAL COUNSEL TO THE
23 LEGISLATIVE BRANCH EXCEPT FOR THE STATE AUDITOR IN ACCORDANCE
24 WITH SECTION 2-3-104.5;

25 (b) SHALL APPEAR FOR THE STATE AND PROSECUTE AND DEFEND
26 ALL ACTIONS AND PROCEEDINGS, CIVIL AND CRIMINAL, IN WHICH THE
27 STATE IS A PARTY OR IS INTERESTED WHEN REQUIRED TO DO SO BY THE

1 GOVERNOR;

2 (c) SHALL PROSECUTE AND DEFEND FOR THE STATE ALL CAUSES IN
3 THE APPELLATE COURTS IN WHICH THE STATE IS A PARTY OR IS
4 INTERESTED;

5 (d) SHALL GIVE HIS OR HER OPINION IN WRITING UPON ALL
6 QUESTIONS OF LAW SUBMITTED TO THE ATTORNEY GENERAL BY THE:

7 (I) GENERAL ASSEMBLY, OR EITHER THE HOUSE OF
8 REPRESENTATIVES OR THE SENATE;

9 (II) GOVERNOR;

10 (III) LIEUTENANT GOVERNOR;

11 (IV) SECRETARY OF STATE;

12 (V) STATE TREASURER;

13 (VI) EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE; OR

14 (VII) COMMISSIONER OF EDUCATION.

15 (e) SHALL HAVE CONCURRENT JURISDICTION WITH THE RELEVANT
16 DISTRICT ATTORNEY OVER PART 3 OF ARTICLE 120 OF TITLE 12;

17 (f) MAY APPOINT DEPUTY ATTORNEYS GENERAL AND ASSISTANT
18 ATTORNEYS GENERAL FOR THE EFFICIENT ADMINISTRATION AND
19 SUPERVISION OF DEPARTMENT DIVISIONS AND OFFICES SPECIFIED IN
20 SECTION 24-31-102;

21 (g) MAY, AT HIS OR HER SOLE DISCRETION, APPOINT SPECIAL
22 ASSISTANT ATTORNEYS GENERAL TO PROVIDE LEGAL SERVICES TO STATE
23 AGENCIES;

24 (h) SHALL, AT THE REQUEST OF THE GOVERNOR, SECRETARY OF
25 STATE, STATE TREASURER, EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
26 REVENUE, OR COMMISSIONER OF EDUCATION, PROSECUTE AND DEFEND ALL
27 SUITS RELATING TO MATTERS CONNECTED WITH THEIR DEPARTMENTS;

1 (i) MAY BRING CIVIL AND CRIMINAL ACTIONS TO ENFORCE STATE
2 LAWS, INCLUDING ACTIONS BROUGHT PURSUANT TO THE "COLORADO
3 ANTITRUST ACT OF 1992" IN ARTICLE 4 OF TITLE 6, THE "COLORADO
4 CONSUMER PROTECTION ACT" IN ARTICLE 1 OF TITLE 6, THE "UNFAIR
5 PRACTICES ACT" IN ARTICLE 2 OF TITLE 6, ARTICLE 12 OF TITLE 6, AND
6 SECTIONS 6-1-110, 11-51-603.5, 24-34-505.5, AND 25.5-4-306;

7 (j) SHALL HAVE THE POWERS, DUTIES, AND FUNCTIONS AS ARE
8 PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE
9 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE
10 24;

11 (k) MAY MAKE RULES, PURSUANT TO SECTION 24-4-103, AS MAY
12 BE NECESSARY TO CARRY OUT THE DUTIES IMPOSED UPON HIM OR HER BY
13 LAW;

14 (l) WHEN REQUIRED, SHALL PREPARE DRAFTS FOR CONTRACTS,
15 FORMS, AND OTHER WRITINGS THAT MAY BE REQUIRED FOR THE USE OF
16 THE STATE;

17 (m) UPON REQUEST OF ANY EMPLOYEE IN THE STATE PERSONNEL
18 SYSTEM, SHALL REPRESENT SUCH EMPLOYEE IN ANY CIVIL ACTION OR
19 ADMINISTRATIVE PROCEEDING INSTITUTED AGAINST SUCH EMPLOYEE,
20 EITHER IN THE EMPLOYEE'S OFFICIAL OR INDIVIDUAL CAPACITY IF THE
21 ACTION OR PROCEEDING ARISES OUT OF PERFORMANCE OF THE EMPLOYEE'S
22 OFFICIAL DUTIES AS DETERMINED BY THE ATTORNEY GENERAL AND IF THE
23 ACTION OR PROCEEDING HAS NOT BEEN BROUGHT BY THE STATE
24 PERSONNEL DIRECTOR OR THE APPOINTING AUTHORITY OF THE EMPLOYEE
25 SEEKING DISMISSAL OR OTHER DISCIPLINARY ACTION; EXCEPT THAT THE
26 ATTORNEY GENERAL SHALL NOT REPRESENT ANY SUCH EMPLOYEE IN AN
27 ACTION BROUGHT UNDER SECTION 24-50.5-105;

1 (n) SHALL, PURSUANT TO SECTION 24-30-1507, REPRESENT EXPERT
2 WITNESSES AND CONSULTANTS DESCRIBED IN SECTION 24-30-1510 (3)(h);
3 AND

4 (o) SHALL KEEP IN PROPER BOOKS A RECORD OF ALL OFFICIAL
5 OPINIONS AND A REGISTER OF ALL ACTIONS PROSECUTED OR DEFENDED BY
6 HIM OR HER AND OF ALL PROCEEDINGS HAD IN RELATION THERETO AND
7 THE STATUS OF PENDING MATTERS IN HIS OR HER OFFICE, WHICH BOOKS OR
8 REGISTERS THE ATTORNEY GENERAL SHALL DELIVER TO HIS OR HER
9 SUCCESSOR. PUBLICATION OF OPINIONS OR OTHER MATERIAL CIRCULATED
10 IN QUANTITY OUTSIDE THE EXECUTIVE BRANCH MUST BE ISSUED IN
11 ACCORDANCE WITH SECTION 24-1-136.

12 (2) THE GENERAL ASSEMBLY HEREBY RECOGNIZES AND REAFFIRMS
13 THAT THE ATTORNEY GENERAL HAS ALL POWERS CONFERRED BY STATUTE
14 AND BY COMMON LAW IN ACCORDANCE WITH SECTION 2-4-211 REGARDING
15 ALL TRUSTS ESTABLISHED FOR CHARITABLE, EDUCATIONAL, RELIGIOUS, OR
16 BENEVOLENT PURPOSES.

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-31-102 as
18 follows:

19 **24-31-102. Offices, boards, and divisions.** (1) The department
20 of law, the chief executive officer of which ~~shall be~~ IS the attorney
21 general, includes the following:

22 ~~(a) Division of legal affairs, which division shall include the~~
23 ~~office of the attorney general and which shall have and exercise the~~
24 ~~powers and duties specified and provided in section 24-31-101;~~

25 ~~(b) The division of state solicitor general, including the office of~~
26 ~~state solicitor general;~~

27 ~~(c) Repealed.~~

1 (d) ~~The peace officers standards and training board created in part~~
2 ~~3 of this article.~~

3 (a) THE OFFICE OF THE ATTORNEY GENERAL;

4 (b) THE OFFICE OF THE SOLICITOR GENERAL;

5 (c) THE DIVISION OF CONSUMER PROTECTION;

6 (d) THE DIVISION OF CRIMINAL JUSTICE;

7 (e) THE ADMINISTRATOR OF THE UNIFORM CONSUMER CREDIT
8 CODE, CREATED IN SECTION 5-6-103;

9 (f) THE MEDICAID FRAUD CONTROL UNIT, CREATED IN SECTION
10 24-31-802;

11 (g) THE PEACE OFFICERS STANDARDS AND TRAINING BOARD,
12 CREATED IN SECTION 24-31-302; AND

13 (h) NOTWITHSTANDING SECTION 24-1-107, ANY OTHER DIVISION,
14 OFFICE, OR UNIT ESTABLISHED BY THE ATTORNEY GENERAL OR BY LAW.

15 (2) THE DIVISION OF CRIMINAL JUSTICE, ESTABLISHED UNDER THIS
16 SECTION, OR ANY ATTORNEY IN THE DEPARTMENT AUTHORIZED BY THE
17 ATTORNEY GENERAL, SHALL PROSECUTE ALL CRIMINAL CASES FOR THE
18 ATTORNEY GENERAL AND SHALL PERFORM OTHER FUNCTIONS AS MAY BE
19 REQUIRED BY THE ATTORNEY GENERAL. THE ATTORNEY GENERAL SHALL
20 APPOINT A DEPUTY ATTORNEY GENERAL AS CHIEF OF THE DIVISION, WHO
21 MUST BE A LICENSED ATTORNEY WITH A MINIMUM OF TWO YEARS OF
22 CRIMINAL EXPERIENCE AS A TRIAL OR APPELLATE PROSECUTOR.

23 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-31-103 as
24 follows:

25 **24-31-103. Chief deputy attorney general - powers.** The
26 attorney general ~~is hereby authorized to~~ SHALL appoint a CHIEF deputy
27 ATTORNEY GENERAL, who ~~shall have~~ HAS THE authority to act for the

1 attorney general in all matters except in respect to such duties as devolve
2 upon the attorney general by virtue of the state constitution.

3 **SECTION 5.** In Colorado Revised Statutes, **add** 24-31-103.5 as
4 follows:

5 **24-31-103.5. Solicitor general - creation - powers.** (1) THE
6 ATTORNEY GENERAL SHALL APPOINT A SOLICITOR GENERAL, WHO HAS THE
7 AUTHORITY TO REPRESENT THE STATE IN MATTERS BEFORE THE COURTS
8 UNDER THE ATTORNEY GENERAL'S SUPERVISION. THE SOLICITOR GENERAL
9 MUST BE AN ATTORNEY-AT-LAW IN GOOD STANDING, AND MUST HAVE
10 BEEN AN ACTIVE AND LICENSED ATTORNEY IN COLORADO FOR AT LEAST
11 FIVE YEARS PRECEDING HIS OR HER APPOINTMENT BY THE ATTORNEY
12 GENERAL.

13 (2) THE SOLICITOR GENERAL, WITH THE CONSENT OF THE
14 ATTORNEY GENERAL, MAY APPOINT ASSISTANT SOLICITORS GENERAL AS
15 DEEMED NECESSARY BY THE SOLICITOR GENERAL.

16 **SECTION 6.** In Colorado Revised Statutes, **amend** 24-31-106 as
17 follows:

18 **24-31-106. Rights of crime victims - victims' services**
19 **coordinator.** (1) To ~~assure~~ ENSURE that the constitutional and statutory
20 rights of victims are preserved in criminal cases being prosecuted or
21 defended by the ~~office of the attorney general~~ DEPARTMENT, the attorney
22 general may appoint, in accordance with section 13 of article XII of the
23 state constitution, a victims' services coordinator. ~~who shall be subject to~~
24 ~~the state personnel system pursuant to article 50 of this title.~~

25 (2) The victims' services coordinator shall perform such services
26 as designated by the attorney general to ~~assure~~ ENSURE that victims of
27 crime are afforded the rights described in section 24-4.1-302.5 with

1 regard to criminal cases being prosecuted or defended by the department.
2 of law.

3 (3) The attorney general may further direct the victims' services
4 coordinator to provide appropriate services to the victims of crime, as
5 defined by section 18-1-104 (1), ~~C.R.S.~~, whose cases are being handled
6 on appeal by the department. ~~of law.~~

7 (4) The position of victims' services coordinator IS SUBJECT TO
8 THE STATE PERSONNEL SYSTEM AND shall be properly classified under the
9 state personnel director's classification system.

10 **SECTION 7.** In Colorado Revised Statutes, **amend** 24-31-108 as
11 follows:

12 **24-31-108. Receipt of money - subject to appropriation -**
13 **exception for custodial money - legal services cash fund - creation -**
14 **definition.** (1) ANY MONEY RECEIVED BY THE ATTORNEY GENERAL
15 BELONGING TO THE STATE OR RECEIVED BY THE ATTORNEY GENERAL IN
16 HIS OR HER OFFICIAL CAPACITY MUST BE PAID AS SOON AS PRACTICABLE
17 TO THE DEPARTMENT OF THE TREASURY AND, GENERALLY, THE ATTORNEY
18 GENERAL HAS SUCH LEGAL DUTIES IN REGARD TO THE ACTIVITIES OF THE
19 STATE AND ITS VARIOUS DEPARTMENTS, BOARDS, COMMISSIONS, BUREAUS,
20 AND AGENCIES AS ARE IMPOSED BY LAW.

21 ~~(1)~~ (2) (a) Except as otherwise provided in ~~paragraph (b) of this~~
22 ~~subsection (1) or in subsection (2) or (3) of this section, any moneys~~
23 MONEY received by the attorney general and paid to the department of the
24 treasury pursuant to ~~section 24-31-101 (1)(d)~~ are SUBSECTION (1) OF THIS
25 SECTION IS subject to annual appropriation by the general assembly.

26 (b) ~~(1)~~ The department of law is ~~authorized to~~ MAY solicit, accept,
27 and expend gifts, grants, and donations from public and private sources

1 for the purposes of this ~~article~~ ARTICLE 31; except that the department
2 may not accept a gift, grant, or donation that is subject to conditions
3 inconsistent with this ~~article~~ ARTICLE 31 or any other law of the state. The
4 department shall transmit all ~~moneys~~ MONEY it collects pursuant to this
5 ~~paragraph (b)~~ SUBSECTION (2)(b) to the state treasurer to be credited to the
6 particular fund the department deems most appropriate. Gifts, grants, or
7 donations that are credited to a fund under this ~~paragraph (b)~~ SUBSECTION
8 (2)(b) and that qualify as state ~~moneys~~ MONEY are continuously
9 appropriated to the department for the purposes of this ~~article~~ ARTICLE 31.

10 (H) and (I) ~~(Deleted by amendment, L. 2014.)~~

11 ~~(2)~~ (3) Any ~~moneys~~ MONEY received by the attorney general as an
12 award of attorney fees or costs that ~~are~~ IS not custodial ~~moneys~~ shall
13 MONEY MUST be placed in a separate attorney fees and costs account and
14 ~~shall be~~ IS subject to annual appropriation by the general assembly for
15 legal services provided by the department. ~~of law.~~

16 ~~(2.5)~~ (4) There is hereby created in the state treasury the legal
17 services cash fund, also referred to in this ~~subsection (2.5)~~ SUBSECTION
18 (4) as the "fund". The department ~~of law~~ shall transmit all ~~moneys~~ MONEY
19 received from state agencies as payment for legal services to the state
20 treasurer, who shall credit the same to the fund. The ~~moneys~~ MONEY in
21 the fund and all interest earned on such ~~moneys~~ are MONEY IS subject to
22 annual appropriation by the general assembly to the department ~~of law~~ for
23 the direct and indirect costs associated with providing legal services to
24 state governmental entities and for any of the department's litigation
25 expenses. Any unexpended ~~moneys~~ MONEY in the fund at the end of the
26 fiscal year ~~shall remain~~ REMAINS in the fund and shall not be credited or
27 transferred to any other fund.

1 ~~(3)~~ (5) If all or a portion of any ~~moneys~~ MONEY received by the
2 attorney general and paid to the department of the treasury pursuant to
3 ~~section 24-31-101(1)(d)~~ ~~are~~ SUBSECTION (2) OF THIS SECTION IS custodial
4 ~~moneys~~ MONEY, the attorney general shall direct the state treasurer in
5 writing to place such custodial ~~moneys~~ MONEY in a separate account. Any
6 custodial ~~moneys~~ MONEY placed in a separate account pursuant to this
7 ~~subsection (3)~~ ~~shall not be~~ SUBSECTION (5) IS NOT subject to annual
8 appropriation by the general assembly. A copy of the written direction to
9 the state treasurer ~~shall~~ MUST be delivered to the joint budget committee.
10 Such written direction ~~shall~~ MUST set forth the basis for the attorney
11 general's determination that the ~~moneys are~~ MONEY IS custodial ~~moneys~~
12 MONEY and ~~shall~~ MUST specify the manner in which the ~~moneys~~ MONEY
13 will be expended. Such written direction ~~shall~~ MUST be given to the state
14 treasurer within thirty days after the date the ~~moneys are~~ MONEY IS paid
15 to the department of the treasury. Any custodial ~~moneys~~ MONEY placed
16 in a separate account pursuant to this ~~subsection (3)~~ ~~shall~~ SUBSECTION (5)
17 MUST be expended only for the purposes for which the ~~moneys have~~
18 MONEY HAS been provided. The department of law shall provide with its
19 annual budget request an accounting of how custodial ~~moneys have~~
20 MONEY HAS been or will be expended. For informational purposes, the
21 expenditure of such ~~moneys~~ MONEY may be indicated in the annual
22 general appropriation act.

23 ~~(4)~~ (6) (a) As used in this section, unless the context otherwise
24 requires, "custodial ~~moneys~~ MONEY" means ~~moneys~~ MONEY received by
25 the attorney general:

- 26 (I) That originated from a source other than the state of Colorado;
- 27 (II) That ~~are~~ IS awarded or otherwise provided to the state for a

1 particular purpose;

2 (III) For which the state is acting as a custodian or trustee to carry
3 out the particular purpose for which the ~~moneys have~~ MONEY HAS been
4 provided.

5 (b) Notwithstanding ~~the provisions of paragraph (a) of this~~
6 ~~subsection (4), custodial moneys do~~ SUBSECTION (6)(a) OF THIS SECTION,
7 "CUSTODIAL MONEY" DOES not include the following:

8 (I) ~~Moneys~~ MONEY in the tobacco litigation settlement cash fund
9 created in section 24-22-115; or

10 ~~(H) Repealed.~~

11 ~~(HH)~~ (II) Tobacco litigation settlement ~~moneys~~ MONEY subject to
12 appropriation or expenditure pursuant to section 24-22-115.6.

13 **SECTION 8.** In Colorado Revised Statutes, **add** 24-31-111 as
14 follows:

15 **24-31-111. Legal services to state agencies - definitions.**

16 (1) THE ATTORNEY GENERAL SHALL PROVIDE LEGAL SERVICES FOR EACH
17 STATE AGENCY AS PROVIDED IN SECTION 24-31-101. THE ATTORNEY
18 GENERAL SHALL ASSIGN ONE OR MORE DEPUTY ATTORNEYS GENERAL OR
19 ASSISTANT ATTORNEYS GENERAL TO PERFORM LEGAL SERVICES FOR EACH
20 STATE AGENCY REQUIRING SUCH SERVICES.

21 (2) NO STATE AGENCY SHALL APPOINT, SOLICIT, OR EMPLOY ANY
22 PERSON TO PERFORM LEGAL SERVICES EXCEPT IN ACCORDANCE WITH THIS
23 PART 1.

24 (3) LEGAL SERVICES PROVIDED TO STATE AGENCIES ARE SUBJECT
25 TO SUPERVISION OF THE ATTORNEY GENERAL AND MUST BE RENDERED IN
26 ACCORDANCE WITH THE LEGAL POLICIES OF THE STATE AS DETERMINED BY
27 THE ATTORNEY GENERAL.

1 (4) NO ASSISTANT SOLICITOR GENERAL, DEPUTY ATTORNEY
2 GENERAL, OR ASSISTANT ATTORNEY GENERAL MAY APPEAR IN ANY COURT
3 OF THIS STATE OR OF THE UNITED STATES ON BEHALF OF A STATE AGENCY
4 UNLESS SPECIFICALLY AUTHORIZED TO SO APPEAR BY THE ATTORNEY
5 GENERAL.

6 (5) WHENEVER THE ATTORNEY GENERAL IS UNABLE, HAS FAILED,
7 OR REFUSES TO PROVIDE LEGAL SERVICES TO A STATE AGENCY, AS
8 DETERMINED BY THE GOVERNOR IF THE AGENCY IS IN THE EXECUTIVE
9 BRANCH, OR BY THE CHIEF JUSTICE IF THE AGENCY IS IN THE JUDICIAL
10 BRANCH, OR BY THE STATE AUDITOR IF THE AGENCY IS THE OFFICE OF THE
11 STATE AUDITOR, AND THE ATTORNEY GENERAL DOES NOT APPOINT A
12 SPECIAL ASSISTANT ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO
13 SUCH STATE AGENCY, THE AGENCY MAY EMPLOY COUNSEL OF ITS
14 CHOOSING TO PROVIDE SUCH LEGAL SERVICES. ANY EXPENSE INCURRED
15 DUE TO THE EMPLOYMENT OF COUNSEL PURSUANT TO THIS SUBSECTION (5)
16 IS A LAWFUL CHARGE AGAINST APPROPRIATIONS FOR THIS PURPOSE MADE
17 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF LAW.

18 (6) FOR THE PURPOSES OF THIS SECTION:

19 (a) "LEGAL SERVICES" MEANS PROVIDING LEGAL COUNSEL BY AN
20 ATTORNEY-AT-LAW FOR A STATE AGENCY, INCLUDING REPRESENTATION
21 IN COURT, PROVIDING LEGAL ADVICE, AND ISSUANCE OF FORMAL AND
22 INFORMAL LEGAL OPINIONS.

23 (b) "STATE AGENCY" MEANS ANY DEPARTMENT, DIVISION,
24 SECTION, UNIT, OFFICE, OFFICER, COMMISSION, BOARD, INSTITUTION,
25 INSTITUTION OF HIGHER EDUCATION, OR OTHER AGENCY OF THE
26 EXECUTIVE DEPARTMENT AND JUDICIAL DEPARTMENT OF STATE
27 GOVERNMENT. "STATE AGENCY" DOES NOT MEAN THE LEGISLATIVE

1 DEPARTMENT EXCEPT FOR THE STATE AUDITOR IN ACCORDANCE WITH
2 SECTION 2-3-104.5.

3 **SECTION 9.** In Colorado Revised Statutes, **add** 24-31-112 as
4 follows:

5 **24-31-112. No limitations on common law authority.** NOTHING
6 IN SENATE BILL 20-____, ENACTED IN 2020, IS TO BE CONSTRUED AS
7 AFFECTING, LIMITING, OR SUPPLANTING THE COMMON LAW AUTHORITY OF
8 THE ATTORNEY GENERAL OR THE DEPARTMENT OF LAW.

9 **SECTION 10.** In Colorado Revised Statutes, **add** 24-31-316 as
10 follows:

11 **24-31-316. Attorney general to provide identification cards to**
12 **retired peace officers upon request - definitions.** (1) AS USED IN THIS
13 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

14 (a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER
15 DESCRIBED IN SECTION 16-2.5-102.

16 (b) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC
17 IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C
18 (d).

19 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON
20 AND AFTER AUGUST 7, 2013, IF THE DEPARTMENT HAD A POLICY IN EFFECT
21 AS OF AUGUST 7, 2013, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO
22 PEACE OFFICERS WHO HAVE RETIRED FROM THE DEPARTMENT, AND THE
23 DEPARTMENT DISCONTINUES SAID POLICY AFTER AUGUST 7, 2013, THE
24 DEPARTMENT SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC
25 IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE
26 DEPARTMENT IF:

27 (a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

1 (b) THE PEACE OFFICER RETIRED FROM THE DEPARTMENT BEFORE
2 THE DATE UPON WHICH THE DEPARTMENT DISCONTINUED THE POLICY; AND

3 (c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW
4 ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

5 (3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC
6 IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO
7 THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL
8 COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH A
9 SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
10 SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE
11 PREVENTION ACT" , PUB. L. 103-159, THE RELEVANT PORTION OF WHICH
12 IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE
13 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE
14 BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM
15 POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW
16 ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC
17 IDENTIFICATION.

18 (4) THE DEPARTMENT MAY CHARGE A FEE FOR ISSUING A
19 PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT
20 TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL NOT EXCEED THE
21 DIRECT AND INDIRECT COSTS ASSUMED BY THE DEPARTMENT IN ISSUING
22 THE PHOTOGRAPHIC IDENTIFICATION.

23 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
24 THE DEPARTMENT SHALL NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC
25 IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE ATTORNEY
26 GENERAL ELECTS NOT TO DO SO.

27 (6) IF THE DEPARTMENT DENIES A PHOTOGRAPHIC IDENTIFICATION

1 TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC
2 IDENTIFICATION PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL
3 PROVIDE THE RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING
4 FORTH THE REASON FOR THE DENIAL.

5 **SECTION 11.** In Colorado Revised Statutes, 24-31-610, **amend**
6 (1)(b) as follows:

7 **24-31-610. Safe2tell cash fund - creation.** (1) There is created
8 in the state treasury the safe2tell cash fund, referred to in this section as
9 the "fund". Moneys in the fund are subject to annual appropriation. The
10 fund consists of:

11 (b) Any revenues received pursuant to ~~24-31-108 (1)(b)(I)~~
12 SECTION 24-31-108 (2)(b);

13 **SECTION 12.** In Colorado Revised Statutes, **add** 2-3-104.5 as
14 follows:

15 **2-3-104.5. Legal representation of the state auditor.** THE DUTY
16 OF PROVIDING LEGAL REPRESENTATION OR OTHERWISE RENDERING LEGAL
17 SERVICES TO THE STATE AUDITOR IN CONNECTION WITH THE AUDITOR'S
18 PERFORMANCE OF HIS OR HER FUNCTIONS AND DUTIES UNDER THIS PART
19 1 IS SHARED BETWEEN THE OFFICE OF LEGISLATIVE LEGAL SERVICES
20 CREATED IN SECTION 2-3-501 AND THE ATTORNEY GENERAL. THE
21 ATTORNEY GENERAL IS LIMITED TO PROVIDING LEGAL ADVICE AND
22 REPRESENTATION TO THE AUDITOR IN CONNECTION WITH LITIGATION
23 MATTERS, ISSUES RELATED TO FINANCIAL OR PERFORMANCE POSTAUDITS
24 CONDUCTED BY THE STATE AUDITOR, AND ISSUES RELATED TO THE
25 ADMINISTRATION OF THE FRAUD HOTLINE CREATED IN SECTION 2-3-110.5.

26 **SECTION 13.** In Colorado Revised Statutes, **amend** 2-3-1001 as
27 follows:

1 **2-3-1001. Legal counsel retained.** The committee on legal
2 services may retain legal counsel to represent or otherwise render legal
3 services for the general assembly, or either house thereof or any
4 committee thereof, or any member or agency of the legislative branch of
5 government, in all actions and proceedings in connection with the
6 performance of the powers, duties, and functions thereof, and shall pay
7 the compensation and expenses of such legal counsel and any necessary
8 expense of such actions and proceedings from appropriations made by
9 law to the committee. THE COMMITTEE MAY RETAIN LEGAL COUNSEL TO
10 REPRESENT OR OTHERWISE RENDER LEGAL SERVICES FOR THE STATE
11 AUDITOR IN ANY SITUATION IN WHICH THE STATE AUDITOR IS NOT
12 REPRESENTED BY THE ATTORNEY GENERAL IN ACCORDANCE WITH SECTION
13 2-3-104.5.

14 **SECTION 14.** In Colorado Revised Statutes, **repeal** 24-31-104,
15 24-31-105, 24-31-109, and part 2 of article 31 of title 24.

16 **SECTION 15. Act subject to petition - effective date.** This act
17 takes effect September 1, 2020; except that, if a referendum petition is
18 filed pursuant to section 1 (3) of article V of the state constitution against
19 this act or an item, section, or part of this act within the ninety-day period
20 after final adjournment of the general assembly, then the act, item,
21 section, or part will not take effect unless approved by the people at the
22 general election to be held in November 2020 and, in such case, will take
23 effect on the date of the official declaration of the vote thereon by the
24 governor.