

CHAPTER 12

GOVERNMENT - STATE

SENATE BILL 20-063

BY SENATOR(S) Lee;
also REPRESENTATIVE(S) Weissman and McKean, Froelich, Herod.

AN ACT

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

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

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

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

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

(b) ~~Division of state solicitor general, including the office of state solicitor general, created by part 2 of article 31 of this title. The division of state solicitor general and the office of state solicitor general shall perform their duties and exercise their powers under the department of law, as if the division of state solicitor general and office of state solicitor general were transferred by a **type 2** transfer, as a division thereof.~~

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

(4) (a) ~~The collection agency board, created by article 16 of title 5, and its powers, duties, and functions are transferred by a **type 2** transfer to the department~~

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.

of law as a section of the division of legal affairs and shall be under the supervision of the administrator of the "Uniform Consumer Credit Code", whose office is created by section 5-6-103.

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

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

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

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

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

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

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

(II) GOVERNOR;

(III) LIEUTENANT GOVERNOR;

(IV) SECRETARY OF STATE;

(V) STATE TREASURER;

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

(VII) COMMISSIONER OF EDUCATION.

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

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

(g) MAY, AT HIS OR HER SOLE DISCRETION, APPOINT SPECIAL ASSISTANT ATTORNEYS GENERAL TO PROVIDE LEGAL SERVICES TO STATE AGENCIES EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-31-111 (5);

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(c) Repealed.~~

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

(a) THE OFFICE OF THE ATTORNEY GENERAL;

(b) THE OFFICE OF THE SOLICITOR GENERAL;

(c) THE DIVISION OF CONSUMER PROTECTION;

(d) THE DIVISION OF CRIMINAL JUSTICE;

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

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

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

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

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

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

24-31-103. Chief deputy attorney general - powers. The attorney general is ~~hereby authorized to~~ **SHALL** appoint a CHIEF deputy ATTORNEY GENERAL, who ~~shall have~~ **HAS** THE authority to act for the attorney general in all matters except in respect to such duties as devolve upon the attorney general by virtue of the state constitution.

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

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

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

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

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

(2) The victims' services coordinator shall perform such services as designated by the attorney general to ~~assure~~ ENSURE that victims of crime are afforded the rights described in section 24-4.1-302.5 with regard to criminal cases being prosecuted or defended by the department. ~~of law.~~

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

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

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

24-31-108. Receipt of money - subject to appropriation - exception for custodial money - legal services cash fund - creation - definition. (1) 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 AND, 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.

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

(b) ~~(f)~~ The department of law is authorized to MAY solicit, accept, and expend gifts, grants, and donations from public and private sources for the purposes of this ~~article~~ ARTICLE 31; except that the department may not accept a gift, grant, or donation that is subject to conditions inconsistent with this ~~article~~ ARTICLE 31 or any other law of the state. The department shall transmit all ~~moneys~~ MONEY it collects pursuant to this ~~paragraph (b)~~ SUBSECTION (2)(b) to the state treasurer to be credited to the particular fund the department deems most appropriate. Gifts, grants, or donations that are credited to a fund under this ~~paragraph (b)~~ SUBSECTION (2)(b) and that qualify as state ~~moneys~~ MONEY are continuously appropriated to the department for the purposes of this ~~article~~ ARTICLE 31.

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

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

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

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

~~(4)~~ (6) (a) As used in this section, unless the context otherwise requires,

"custodial ~~moneys~~ MONEY" means ~~moneys~~ MONEY received by the attorney general:

- (I) That originated from a source other than the state of Colorado;
 - (II) That ~~are~~ is awarded or otherwise provided to the state for a particular purpose;
 - (III) For which the state is acting as a custodian or trustee to carry out the particular purpose for which the ~~moneys have~~ MONEY HAS been provided.
- (b) Notwithstanding ~~the provisions of paragraph (a) of this subsection (4);~~ ~~custodial moneys do~~ SUBSECTION (6)(a) OF THIS SECTION, "CUSTODIAL MONEY" DOES not include the following:

- (I) ~~Moneys~~ MONEY in the tobacco litigation settlement cash fund created in section 24-22-115; or
- ~~(II) Repealed.~~
- ~~(III)~~ (II) Tobacco litigation settlement ~~moneys~~ MONEY subject to appropriation or expenditure pursuant to section 24-22-115.6.

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

24-31-111. Legal services to state agencies - definitions. (1) THE ATTORNEY GENERAL SHALL PROVIDE LEGAL SERVICES FOR EACH STATE AGENCY AS PROVIDED IN SECTION 24-31-101. THE ATTORNEY GENERAL SHALL ASSIGN ONE OR MORE DEPUTY ATTORNEYS GENERAL OR ASSISTANT ATTORNEYS GENERAL TO PERFORM LEGAL SERVICES FOR EACH STATE AGENCY REQUIRING SUCH SERVICES.

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

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

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

(5) WHENEVER THE ATTORNEY GENERAL IS UNABLE, HAS FAILED, OR REFUSES TO PROVIDE LEGAL SERVICES TO A STATE AGENCY, AS DETERMINED BY THE GOVERNOR IF THE AGENCY IS IN THE EXECUTIVE BRANCH, OR BY THE CHIEF JUSTICE IF THE AGENCY IS IN THE JUDICIAL BRANCH, OR BY THE STATE AUDITOR IF THE AGENCY IS THE OFFICE OF THE STATE AUDITOR, THE AGENCY MAY EMPLOY COUNSEL OF ITS CHOOSING TO PROVIDE SUCH LEGAL SERVICES. ANY EXPENSE INCURRED DUE TO THE EMPLOYMENT OF COUNSEL PURSUANT TO THIS SUBSECTION (5) IS A LAWFUL CHARGE AGAINST APPROPRIATIONS FOR THIS PURPOSE MADE BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF LAW.

(6) FOR THE PURPOSES OF THIS SECTION:

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

(b) "STATE AGENCY" MEANS ANY DEPARTMENT, DIVISION, SECTION, UNIT, OFFICE, OFFICER, COMMISSION, BOARD, INSTITUTION, INSTITUTION OF HIGHER EDUCATION, OR OTHER AGENCY OF THE EXECUTIVE DEPARTMENT AND JUDICIAL DEPARTMENT OF STATE GOVERNMENT. "STATE AGENCY" DOES NOT MEAN THE LEGISLATIVE DEPARTMENT EXCEPT FOR THE STATE AUDITOR IN ACCORDANCE WITH SECTION 2-3-104.5.

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

24-31-112. No limitations on common law authority. NOTHING IN SENATE BILL 20-063, ENACTED IN 2020, IS TO BE CONSTRUED AS AFFECTING, LIMITING, OR SUPPLANTING THE COMMON LAW AUTHORITY OF THE ATTORNEY GENERAL OR THE DEPARTMENT OF LAW.

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

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

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

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

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

(a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

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

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

(3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION, A LAW

ENFORCEMENT AGENCY OF THE STATE SHALL COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT", PUB. L. 103-159, THE RELEVANT PORTION OF WHICH IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC IDENTIFICATION.

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

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

(6) IF THE DEPARTMENT DENIES A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

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

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

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

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

2-3-104.5. Legal representation of the state auditor. 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 UNDER THIS PART 1 IS SHARED BETWEEN THE OFFICE OF LEGISLATIVE LEGAL SERVICES CREATED IN SECTION 2-3-501 AND THE ATTORNEY GENERAL. THE ATTORNEY GENERAL IS LIMITED TO PROVIDING LEGAL ADVICE AND REPRESENTATION TO THE AUDITOR IN CONNECTION WITH LITIGATION MATTERS, ISSUES RELATED TO FINANCIAL OR PERFORMANCE POSTAUDITS CONDUCTED BY THE STATE AUDITOR, AND ISSUES RELATED TO THE ADMINISTRATION OF THE FRAUD HOTLINE CREATED IN SECTION 2-3-110.5.

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

2-3-1001. Legal counsel retained. The committee on legal services may retain legal counsel to represent or otherwise render legal services for the general

assembly, or either house thereof or any committee thereof, or any member or agency of the legislative branch of government, in all actions and proceedings in connection with the performance of the powers, duties, and functions thereof, and shall pay the compensation and expenses of such legal counsel and any necessary expense of such actions and proceedings from appropriations made by law to the committee. THE COMMITTEE MAY RETAIN LEGAL COUNSEL TO REPRESENT OR OTHERWISE RENDER LEGAL SERVICES FOR THE STATE AUDITOR IN ANY SITUATION IN WHICH THE STATE AUDITOR IS NOT REPRESENTED BY THE ATTORNEY GENERAL IN ACCORDANCE WITH SECTION 2-3-104.5.

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

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

Approved: March 11, 2020