

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 23-0552.01 Amber Paoloemilio x5497

HOUSE BILL 23-1033

HOUSE SPONSORSHIP

Sharbini and Joseph, Amabile, Bird, Daugherty, deGruy Kennedy, Dickson, Epps, Garcia, Gonzales-Gutierrez, Herod, Jodeh, Lieder, Lindsay, Mabrey, Marshall, McCluskie, Ortiz, Ricks, Sirota, Snyder, Velasco, Weissman, Willford, Woodrow

SENATE SPONSORSHIP

Gonzales,

House Committees
Judiciary

Senate Committees
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A BILL FOR AN ACT

101 **CONCERNING PERSONS WITH WHOM THE OFFICE OF ALTERNATE**
102 **DEFENSE COUNSEL MAY CONTRACT.**

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>.)

Current law directs the office of alternate defense counsel to contract with attorneys and investigators to provide legal representation to clients who are indigent. The bill directs the office of alternate defense counsel to also contract with other persons who are necessary to provide legal services to persons who are indigent. The bill requires that the legal services provided by attorneys and other persons must be commensurate

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

SENATE
2nd Reading Unamended
February 9, 2023

HOUSE
3rd Reading Unamended
January 31, 2023

HOUSE
2nd Reading Unamended
January 30, 2023

with the legal services that persons who are not indigent receive.

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

2 **SECTION 1.** In Colorado Revised Statutes, 21-2-103, **amend** (4)
3 as follows:

4 **21-2-103. Representation of persons who are indigent -**
5 **definition.** (4) The office of alternate defense counsel shall provide legal
6 representation for ~~indigent~~ persons WHO ARE INDIGENT by contracting
7 with licensed attorneys and ~~investigators~~ OTHER PERSONS NECESSARY TO
8 PROVIDE LEGAL SERVICES COMMENSURATE WITH THOSE AVAILABLE TO
9 PERSONS WHO ARE NOT INDIGENT pursuant to section 21-2-105.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 21-2-105 as
11 follows:

12 **21-2-105. Contracts with attorneys and other legal services**
13 **providers.** (1) On and after January 1, 1997, THE OFFICE OF alternate
14 defense counsel shall contract, where feasible, without prior approval of
15 the court, for the provision of attorney services for cases described in
16 section 21-2-103 (1). To provide for adequate legal representation of
17 PERSONS WHO ARE indigent, ~~persons~~, the office of alternate defense
18 counsel may contract, where feasible, without prior approval of the court,
19 for the provision of ~~investigative services~~ NECESSARY LEGAL SERVICES
20 COMMENSURATE WITH THOSE AVAILABLE TO PERSONS WHO ARE NOT
21 INDIGENT for cases described in section 21-1-103 (1). The office of
22 alternate defense counsel shall establish, where feasible, a list of
23 approved contract attorneys to serve as counsel and a list of approved
24 ~~investigators~~ LEGAL SERVICES PROVIDERS to provide ~~investigative~~ services
25 in such cases. As a condition of placement on the approved list, the

1 contracting attorney or ~~investigator~~ LEGAL SERVICES PROVIDER shall agree
2 to provide services based on the terms to be established in a contract, at
3 either a fixed fee ESTABLISHED BY THE OFFICE OF ALTERNATE DEFENSE
4 COUNSEL or the hourly rate for reimbursement set by the supreme court.
5 Terms of the contract ~~shall~~ MUST be negotiated between the alternate
6 defense counsel and the contract attorney or ~~investigator~~ LEGAL SERVICES
7 PROVIDER. Contracts made ~~with an attorney shall~~ PURSUANT TO THIS
8 SECTION MUST specify that the services ~~shall~~ MUST be provided subject to
9 the Colorado rules of professional conduct.

10 (2) Contracts made pursuant to this section ~~shall~~ MUST provide for
11 reasonable compensation and reimbursement for expenses necessarily
12 incurred, to be fixed and paid from state funds appropriated therefor. The
13 office of alternate defense counsel shall review the bills submitted for
14 reimbursement by any ~~contract attorney or investigator~~ CONTRACTOR and
15 may approve or deny the payment of such bills in whole or in part based
16 on the terms set forth in the contract negotiated between the alternate
17 defense counsel and the ~~contract attorney or investigator~~ CONTRACTOR.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2024 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.