

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0508.01 Jessica Herrera x4218

SENATE BILL 24-013

SENATE SPONSORSHIP

Gardner and Hinrichsen,

HOUSE SPONSORSHIP

McLachlan,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE COMPENSATION OF ATTORNEYS WORKING IN THE
102 OFFICE OF A DISTRICT ATTORNEY.

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>.)

Currently, the minimum compensation of a district attorney is set statutorily, and any amount in excess of the minimum is set by the board or boards of county commissioners comprising the district. The current minimum compensation for a district attorney is \$130,000. Effective January 1, 2025, the bill increases the minimum compensation for a district attorney to match the compensation of a full-time district court

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.

judge.

Under current law, the county or counties comprising a judicial district pay the salaries of assistant district attorneys in proportion to the population of the county to the whole population of the judicial district. The compensation of assistant district attorneys is approved by the board or boards of the county commissioners comprising the judicial district. Effective January 1, 2025, the bill requires the minimum compensation of an assistant district attorney to match the compensation of a full-time county court judge and requires the state to pay 50% of an assistant district attorney's compensation. The district attorney, with the approval of the board or boards of county commissioners of the county or counties comprising the judicial district or with the approval of the city council of a city and county affected, may set an amount in excess of the minimum requirement.

The bill allows the board or boards of county commissioners of the county or counties comprising the judicial district, in consultation with the district attorney, to make a one-time irrevocable election to require an assistant district attorney to become a member of the public employees' retirement association's defined benefit plan. In that case, the state would pay 50% and the counties would pay 50% of the employer contribution for an assistant district attorney.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 20-1-203 as
3 follows:

4 **20-1-203. Compensation of deputy, chief deputy, and assistant**
5 **district attorneys.** (1) Compensation for all deputy, chief deputy, AND
6 part-time deputy assistant, and part-time assistant district attorneys shall
7 be fixed by the district attorney with the approval of the board of county
8 commissioners or boards of county commissioners of multicounty
9 districts or the city council of a city and county affected, and each county
10 comprising ~~such~~ THE judicial district shall pay such deputies' AND chief
11 ~~deputies, assistants, and part-time assistants~~ DEPUTIES' salaries in the
12 proportion which the population of such county bears to the whole
13 population of such judicial district.

1 (1.5) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION,
2 AND SECTION 20-1-306(2), THE DISTRICT ATTORNEY, WITH THE APPROVAL
3 OF THE BOARD OR BOARDS OF COUNTY COMMISSIONERS OF THE COUNTY
4 OR COUNTIES COMPRISING THE JUDICIAL DISTRICT OR THE CITY COUNCIL
5 OF A CITY AND COUNTY AFFECTED, SHALL SET THE COMPENSATION OF ALL
6 ASSISTANT AND PART-TIME ASSISTANT DISTRICT ATTORNEYS, AND EACH
7 COUNTY COMPRISING THE JUDICIAL DISTRICT SHALL PAY THE SALARIES IN
8 PROPORTION TO THE POPULATION OF THE COUNTY TO THE WHOLE
9 POPULATION OF THE JUDICIAL DISTRICT.

10 (2) (a) EFFECTIVE JANUARY 1, 2025, AND FOR EACH YEAR
11 THEREAFTER, AN ASSISTANT DISTRICT ATTORNEY IN EVERY JUDICIAL
12 DISTRICT MUST RECEIVE COMPENSATION FOR THEIR SERVICES IN AN
13 ANNUAL AMOUNT THAT IS NOT LESS THAN THE COMPENSATION EARNED BY
14 A FULL-TIME COUNTY COURT JUDGE WITHIN THIS STATE.

15 (b) A DISTRICT ATTORNEY MAY SET COMPENSATION FOR AN
16 ASSISTANT OR PART-TIME ASSISTANT DISTRICT ATTORNEY IN EXCESS OF
17 THE MINIMUM COMPENSATION SET FORTH IN SUBSECTION (2)(a) OF THIS
18 SECTION.

19 **SECTION 2.** In Colorado Revised Statutes, 20-1-205, **amend** (3)
20 as follows:

21 **20-1-205. Assistant district attorneys.** (3) (a) The salaries
22 authorized by subsection (1) of this section shall be paid monthly and
23 shall be paid by the counties comprising such judicial district out of the
24 ordinary revenues of such counties. Every county shall pay in proportion
25 as the population of such county bears to the whole population of such
26 judicial district, according to the latest federal census.

27 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1,

1 2025.

2 **SECTION 3.** In Colorado Revised Statutes, 20-1-301, **repeal**
3 (1)(c); and **add** (1)(a)(VI) as follows:

4 **20-1-301. Compensation of district attorneys.**

5 (1) (a) (VI) EFFECTIVE JANUARY 1, 2025, AND AT THE TIME EACH
6 FOUR-YEAR DISTRICT ATTORNEY TERM BEGINS THEREAFTER, THE DISTRICT
7 ATTORNEY IN EVERY JUDICIAL DISTRICT MUST RECEIVE COMPENSATION
8 FOR THEIR SERVICES IN AN ANNUAL AMOUNT THAT IS NOT LESS THAN THE
9 COMPENSATION EARNED BY A FULL-TIME DISTRICT COURT JUDGE WITHIN
10 THE STATE OF COLORADO AT THE TIME THE FOUR-YEAR DISTRICT
11 ATTORNEY TERM BEGINS.

12 ~~(c) During the regular legislative session commencing January~~
13 ~~2012, and every fourth legislative session thereafter, the judiciary~~
14 ~~committees of the house of representatives and the senate, or any~~
15 ~~successor committees, shall review the compensation of elected district~~
16 ~~attorneys and make recommendations, if appropriate, to the general~~
17 ~~assembly regarding the compensation of elected district attorneys.~~

18 **SECTION 4.** In Colorado Revised Statutes, **amend** 20-1-306 as
19 follows:

20 **20-1-306. Compensation paid from state and county funds.**

21 (1) The ~~salaries~~ COMPENSATION of district attorneys ~~of the several~~ IN
22 EVERY judicial ~~districts~~ DISTRICT of the state as set forth in section
23 20-1-301 (1)(a) ~~shall~~ MUST be paid in twelve equal monthly installments
24 of which the state shall contribute eighty percent OF THE MINIMUM
25 AMOUNT REQUIRED BY SECTION 20-1-301 (1)(a) annually and THE COUNTY
26 OR the counties ~~making up each~~ COMPRISING THE JUDICIAL district SHALL
27 CONTRIBUTE the balance, WITH each county's payment to be in the same

1 proportion as provided in section 20-1-302.

2 (2) EFFECTIVE JANUARY 1, 2025, THE SALARIES OF ASSISTANT
3 DISTRICT ATTORNEYS IN EVERY JUDICIAL DISTRICT OF THE STATE AS SET
4 FORTH IN SECTION 20-1-203 MUST BE PAID IN TWELVE EQUAL MONTHLY
5 INSTALLMENTS OF WHICH THE STATE SHALL CONTRIBUTE FIFTY PERCENT
6 OF THE MINIMUM AMOUNT REQUIRED BY SECTION 20-1-203 (2) ANNUALLY
7 AND THE COUNTY OR COUNTIES COMPRISING THE JUDICIAL DISTRICT SHALL
8 CONTRIBUTE THE BALANCE, WITH EACH COUNTY'S PAYMENT TO BE IN THE
9 SAME PROPORTION AS PROVIDED IN SECTION 20-1-302.

10 **SECTION 5.** In Colorado Revised Statutes, **add** 24-51-305.3 as
11 follows:

12 **24-51-305.3. Assistant district attorneys.** (1) THE BOARD OR
13 BOARDS OF COUNTY COMMISSIONERS OF THE COUNTY OR COUNTIES
14 COMPRISING A JUDICIAL DISTRICT, IN CONSULTATION WITH THE DISTRICT
15 ATTORNEY FOR THE JUDICIAL DISTRICT, MAY MAKE A ONE-TIME
16 IRREVOCABLE ELECTION TO REQUIRE ANY ASSISTANT DISTRICT ATTORNEY
17 IN THE JUDICIAL DISTRICT HIRED INTO THAT POSITION AFTER THE ELECTION
18 TO BECOME A MEMBER OF THE ASSOCIATION'S DEFINED BENEFIT PLAN.

19 (2) AN ASSISTANT DISTRICT ATTORNEY EMPLOYED ON THE DATE
20 THE BOARD OR BOARDS OF COUNTY COMMISSIONERS COMPRISING THE
21 JUDICIAL DISTRICT MAKE AN ELECTION PURSUANT TO SUBSECTION (1) OF
22 THIS SECTION HAS SIXTY DAYS FROM THAT DATE TO MAKE AN ELECTION TO
23 PARTICIPATE IN THE ASSOCIATION'S DEFINED BENEFIT PLAN OR TO
24 CONTINUE PARTICIPATION IN THE ASSISTANT DISTRICT ATTORNEY'S
25 EXISTING RETIREMENT PLAN. ABSENT SUCH AN ELECTION, SUCH AN
26 ASSISTANT DISTRICT ATTORNEY SHALL CONTINUE TO PARTICIPATE IN THEIR
27 EXISTING RETIREMENT PLAN.

1 (3) AN ASSISTANT DISTRICT ATTORNEY WHO BECOMES A MEMBER
2 OF THE ASSOCIATION IS A MEMBER OF THE STATE DIVISION.

3 (4) ON BEHALF OF AN ASSISTANT DISTRICT ATTORNEY, THE STATE
4 SHALL CONTRIBUTE FIFTY PERCENT OF THE EMPLOYER CONTRIBUTIONS
5 AND THE COUNTY OR COUNTIES COMPRISING THE JUDICIAL DISTRICT SHALL
6 CONTRIBUTE FIFTY PERCENT OF THE EMPLOYER CONTRIBUTIONS BASED ON
7 THE RATE FOR THE STATE DIVISION SET FORTH IN SECTION 24-51-401 (1.7).
8 ONE HUNDRED PERCENT OF MEMBER CONTRIBUTIONS MUST BE PAID FROM
9 THE ASSISTANT DISTRICT ATTORNEY'S COMPENSATION.

10 **SECTION 6. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2024 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.