



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 24-1127	Date:	April 5, 2024
Prime Sponsors:	Rep. Weissman; Duran Sen. Fields; Michaelson Jenet	Bill Status:	House Judiciary
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Bill Topic: **PROHIBIT FLAT FEES FOR DEFENDING INDIGENT CLIENTS**

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill requires municipalities to use the same payment structure and rates that are paid by the Office of the Alternate Defense Counsel when paying for indigent defense in domestic violence cases. Starting in FY 2024-25, the bill may increase local expenditures.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill requires municipalities that contract for defense attorneys that represent indigent defendants in domestic violence cases to use the same payment structure and rates that are paid by the Office of the Alternate Defense Counsel (OADC).

Background

There are at least four municipal courts that prosecute domestic violence cases, including Aurora, Denver, Lakewood, and Westminster. Depending on the municipality, indigent defense is provided by staff attorneys, hourly rate contracts consistent with the OADC, or flat fee rate contracts. Currently, the hourly rate for OADC contracts ranges from \$95 to \$105 based on the type of case.

Local Government

To the extent a municipality contracts for attorneys at a lower rate than what the OADC contracts for attorneys, costs to that municipality will increase. The exact increase in costs are dependent on the number of domestic violence cases, the length of cases, and the current contract rate paid by the municipality. Additionally, if OADC contract rates are modified administratively or through legislation, then municipalities may have increased costs.

Effective Date

The bill takes effect January 1, 2025, assuming no referendum petition is filed.

State and Local Government Contacts

Judicial

Municipalities

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).