

HB24-1289 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds that:

5 (a) Indigent defendants deserve legal representation
6 commensurate with the legal representation that nonindigent defendants
7 receive;

8 (b) Public defenders have a constitutional, statutory, and ethical
9 duty to provide competent, diligent, and effective representation and
10 legal services to indigent defendants. However, excessive workloads
11 may prevent public defenders from fulfilling these obligations.

12 (c) Validated and weighted case measurements are an important
13 tool for public defender agencies, policymakers, and other stakeholders
14 to have to evaluate public defender workloads within their communities.

15 (2) Therefore, the general assembly declares that workload
16 standards are critical to the office of the state public defender's ability
17 to obtain the necessary resources to provide competent, diligent, and
18 effective legal counsel guaranteed by the federal and state constitutions,
19 the Colorado Rules of Professional Conduct, and the office of the state
20 public defender's mandate to provide legal services that are
21 commensurate with those available to nonindigent individuals.

22 **SECTION 2.** In Colorado Revised Statutes, **add** 21-1-108 as
23 follows:

24 **21-1-108. State public defender workload standards - study**
25 **- report.** (1) NO LATER THAN NOVEMBER 1, 2025, THE OFFICE OF THE
26 STATE PUBLIC DEFENDER SHALL COMPLETE A WORKLOAD STUDY THAT
27 IS SPECIFIC TO THE WORKLOAD OF THE DEPUTY STATE PUBLIC
28 DEFENDERS. THE STUDY MUST COLLECT AND ANALYZE DATA AND
29 RELEVANT INFORMATION REGARDING THE WORKLOAD OF THE DEPUTY
30 STATE PUBLIC DEFENDERS IN ORDER TO:

31 (a) ASSIST THE OFFICE OF THE STATE PUBLIC DEFENDER IN
32 OBTAINING THE RESOURCES NEEDED TO PROVIDE COMPETENT,
33 DILIGENT, AND EFFECTIVE REPRESENTATION CONSISTENT WITH THE
34 STATUTORY MANDATE PURSUANT TO SECTION 21-1-101(1);

35 (b) ASSIST THE OFFICE OF THE STATE PUBLIC DEFENDER
36 SUPERVISING STAFF IN MONITORING AND MANAGING DEPUTY STATE
37 PUBLIC DEFENDER AND OTHER OFFICE OF THE STATE PUBLIC DEFENDER
38 STAFF WORKLOADS WITHIN EACH REGIONAL OFFICE OF THE STATE
39 PUBLIC DEFENDER AND IN RESPONDING TO EXCESSIVE WORKLOADS;

40 (c) ASSIST THE OFFICE OF THE STATE PUBLIC DEFENDER IN

1 ALLOCATING STAFF RESOURCES ACROSS THE REGIONAL OFFICES; AND
2 (d) ASSIST IN THE DEVELOPMENT OF WORKLOAD STANDARDS
3 THAT WILL GUIDE DEPUTY STATE PUBLIC DEFENDERS IN IDENTIFYING
4 EXCESSIVE WORKLOADS.
5 (2) THE WORKLOAD STUDY MUST:
6 (a) RECOMMEND A WEIGHTED UNIT OF WORKLOAD
7 MEASUREMENT BY CASE TYPE AND OFFENSE FOR ALL CASE TYPES AND
8 OFFENSES AS DESCRIBED IN TITLE 18, ARTICLE 2.5 OF TITLE 19, AND
9 TITLE 42, AND ANY OTHER CASE TYPES OR OFFENSES SPECIFIED IN
10 STATE LAW THAT REQUIRE LEGAL ASSISTANCE FROM THE OFFICE OF
11 THE STATE PUBLIC DEFENDER;
12 (b) ACCOUNT FOR THE AMOUNT OF TIME THAT A DEPUTY STATE
13 PUBLIC DEFENDER SHOULD SPEND ON A CASE INSTEAD OF THE AMOUNT
14 OF TIME THAT A DEPUTY STATE PUBLIC DEFENDER CURRENTLY SPENDS
15 ON A CASE.
16 (c) ACCOUNT FOR JURISDICTIONAL DIFFERENCES;
17 (d) ACCOUNT FOR THE TIME NEEDED TO MANAGE JOB
18 RESPONSIBILITIES UNRELATED TO DIRECT CASE REPRESENTATION,
19 INCLUDING, BUT NOT LIMITED TO, ATTENDING TRAINING, PAID TIME
20 OFF, FAMILY AND MEDICAL LEAVE, EXTENDED SICK LEAVE, SUPERVISOR
21 RESPONSIBILITIES, AND PERFORMING ADMINISTRATIVE TASKS;
22 (e) CONSIDER ANY EXISTING METHODOLOGIES AND DATA USED
23 TO ESTIMATE THE NECESSARY TIME FOR DEPUTY STATE PUBLIC
24 DEFENDERS' CASEWORK, INCLUDING THE DELPHI METHOD USED IN
25 PRIOR PUBLIC DEFENDER WORKLOAD STUDIES IN COLORADO AND IN
26 OTHER STATES, AND ANY OTHER AVAILABLE RESEARCH ON PUBLIC
27 DEFENDER WORKLOAD ALLOCATION INCLUDING NATIONWIDE STUDIES
28 AND WEIGHTED CASE MEASUREMENTS ADOPTED IN OTHER STATES; AND
29 (f) CONSIDER TIMELY INPUT REGARDING THE DESIGN OF THE
30 WORKLOAD STUDY FROM OFFICE OF THE STATE PUBLIC DEFENDER
31 EMPLOYEES, REGARDLESS OF EMPLOYMENT STATUS, JOB
32 CLASSIFICATION, OR AFFILIATION WITH EMPLOYEE ORGANIZATIONS AS
33 DEFINED IN SECTION 29-33-103.
34 (3) ON OR BEFORE JULY 1, 2026, THE OFFICE OF THE STATE
35 PUBLIC DEFENDER SHALL ESTABLISH WORKLOAD STANDARDS BY CASE
36 TYPE AND OFFENSE BASED ON THE INFORMATION GATHERED IN THE
37 WORKLOAD STUDY REQUIRED IN SUBSECTION (1) OF THIS SECTION.
38 THESE WORKLOAD STANDARDS MUST:
39 (a) ASSIST OFFICE OF THE STATE PUBLIC DEFENDER
40 SUPERVISORS AND OTHER OFFICE OF THE STATE PUBLIC DEFENDER
41 STAFF IN MONITORING AND MANAGING DEPUTY STATE PUBLIC
42 DEFENDERS AND OTHER OFFICE OF THE STATE PUBLIC DEFENDER STAFF
43 WORKLOADS WITHIN EACH REGIONAL OFFICE TO ENSURE THAT THE

1 WORKLOADS ARE NOT EXCESSIVE;

2 (b) ASSIST DEPUTY STATE PUBLIC DEFENDERS IN ASSESSING
3 EACH DEPUTY STATE PUBLIC DEFENDER'S INDIVIDUAL WORKLOAD IN
4 ORDER TO PROVIDE COMPETENT, DILIGENT, AND EFFECTIVE
5 REPRESENTATION AS REQUIRED BY SECTION 21-1-101(1); AND

6 (c) ASSIST THE OFFICE OF THE STATE PUBLIC DEFENDER IN
7 IDENTIFYING WORKLOAD NEEDS TO ADJUST STAFFING IN REGIONAL
8 OFFICES AS NECESSARY AND IN DEVELOPING REQUESTS FOR INCREASED
9 RESOURCES FROM THE GENERAL ASSEMBLY.

10 (4) ON OR BEFORE JULY 1, 2026, THE OFFICE OF THE STATE
11 PUBLIC DEFENDER SHALL ESTABLISH POLICIES AND PROCEDURES FOR
12 THE IMPLEMENTATION OF THE WORKLOAD STANDARDS AS DESCRIBED
13 IN SUBSECTION (3) OF THIS SECTION. THE POLICIES AND PROCEDURES
14 MUST:

15 (a) GUIDE THE SUPERVISORS, CHIEF DEPUTY PUBLIC
16 DEFENDERS, DEPUTY STATE PUBLIC DEFENDERS, AND OTHER OFFICE OF
17 THE STATE PUBLIC DEFENDER STAFF ON HOW TO IMPLEMENT THE
18 WORKLOAD STANDARDS;

19 (b) ESTABLISH A PROCESS FOR NOTIFYING THE OFFICE OF THE
20 STATE PUBLIC DEFENDER OF ANY EXCESSIVE WORKLOAD CONCERNS
21 BASED ON THE WORKLOAD STANDARDS;

22 (c) REQUIRE THE OFFICE OF THE STATE PUBLIC DEFENDER TO
23 MAKE INFORMATION AND DATA ABOUT WORKLOAD STANDARDS AS
24 APPLIED TO EACH REGIONAL OFFICE AVAILABLE TO ALL OFFICE OF THE
25 STATE PUBLIC DEFENDER EMPLOYEES AT LEAST EVERY SIX MONTHS;
26 AND

27 (d) NOT CONFLICT WITH THE COLORADO RULES OF
28 PROFESSIONAL CONDUCT.

29 (5) (a) ON OR BEFORE JANUARY 1, 2027, AND EACH JANUARY 1
30 THEREAFTER, THE OFFICE OF THE STATE PUBLIC DEFENDER SHALL
31 SUBMIT A REPORT TO THE SENATE JUDICIARY COMMITTEE AND THE
32 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, OR THEIR
33 SUCCESSOR COMMITTEES, CONTAINING INFORMATION ABOUT THE
34 IMPLEMENTATION AND EXECUTION OF THE WORKLOAD STANDARDS.

35 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
36 REPORT REQUIRED IN THIS SUBSECTION (5) CONTINUES INDEFINITELY.

37 (6) (a) IN CREATING THE WORKLOAD STANDARDS PURSUANT TO
38 SUBSECTION (3) OF THIS SECTION AND THE POLICIES AND PROCEDURES
39 PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE OFFICE OF THE
40 STATE PUBLIC DEFENDER SHALL SOLICIT INPUT FROM OFFICE OF THE
41 STATE PUBLIC DEFENDER EMPLOYEES REGARDLESS OF THE
42 EMPLOYEES' EMPLOYMENT STATUS, JOB CLASSIFICATION, OR
43 AFFILIATION WITH EMPLOYEE ORGANIZATIONS AS DEFINED BY SECTION

1 29-33-103.

2 (b) THE OFFICE OF THE STATE PUBLIC DEFENDER SHALL HOLD
3 AT LEAST ONE MEETING FOR INTERESTED OFFICE OF THE STATE PUBLIC
4 DEFENDER EMPLOYEES TO PROVIDE INPUT ON THE WORKLOAD
5 STANDARDS AND POLICIES AND PROCEDURES AND MUST ALLOW
6 EMPLOYEES TO SUBMIT WRITTEN FEEDBACK AND COMMENTS. AT
7 LEAST ONE MEETING MUST BE HELD PRIOR TO CREATING THE
8 WORKLOAD STANDARDS.

9 (c) THE MEETING MUST BE CONDUCTED IN PERSON AND ALLOW
10 FOR REMOTE PARTICIPATION.

11 (d) THE OFFICE OF THE STATE PUBLIC DEFENDER SHALL
12 PROVIDE SUFFICIENT NOTICE OF A MEETING TO ALL EMPLOYEES OF THE
13 OFFICE OF THE STATE PUBLIC DEFENDER. THE NOTICE MUST INCLUDE
14 THE DATE, TIME, AND LOCATION OF THE MEETING, AND INFORMATION
15 ON HOW TO ATTEND REMOTELY.

16 (e) THE OFFICE OF THE STATE PUBLIC DEFENDER SHALL
17 PROVIDE A COPY OF ANY PROPOSED WORKLOAD STANDARDS AND
18 POLICIES AND PROCEDURES TO ALL OFFICE OF THE STATE PUBLIC
19 DEFENDER EMPLOYEES PRIOR TO A SCHEDULED MEETING. THE OFFICE
20 OF THE STATE PUBLIC DEFENDER SHALL PROVIDE A COPY OF THE FINAL
21 WORKLOAD STANDARDS AND POLICIES AND PROCEDURES DEVELOPED
22 AFTER THE FINAL MEETING TO ALL OFFICE OF THE STATE PUBLIC
23 DEFENDER EMPLOYEES AT LEAST THIRTY DAYS PRIOR TO
24 IMPLEMENTATION OF THE WORKLOAD STANDARDS AND POLICIES AND
25 PROCEDURES TO ALLOW FOR ADDITIONAL COMMENTS AND INPUT.

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

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