

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0552.01 Amber Paoloemilio x5497

HOUSE BILL 23-1033

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HOUSE SPONSORSHIP

Sharbini,

SENATE SPONSORSHIP

(None),

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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.

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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 statute.  
Dashes through the words indicate deletions from existing statute.

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

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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.