

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0459.01 Megan McCall x4215

HOUSE BILL 24-1118

HOUSE SPONSORSHIP

Marshall and Joseph, Clifford, Garcia, Lieder, McCluskie, Parenti, Snyder, Titone

SENATE SPONSORSHIP

Roberts and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR THE ATTORNEY GENERAL TO**
102 **OPERATE A DISTRICT ATTORNEY'S OFFICE DUE TO A VACANCY**
103 **TO THE EXTENT ALLOWED BY AN EXECUTIVE ORDER OF THE**
104 **GOVERNOR.**

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>.)

The attorney general is authorized to appear for the state and prosecute and defend all actions and proceedings, civil and criminal, in which the state is a party or is interested when required to do so by the

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.

HOUSE
3rd Reading Unamended
February 12, 2024

HOUSE
2nd Reading Unamended
February 9, 2024

governor. In these circumstances, the bill allows the attorney general to also expend funds, manage staff, and perform other administrative functions essential for the operation of a district attorney's office. If it is essential during this time for the attorney general to hire personnel, while the attorney general has the ultimate authority regarding hiring decisions, a committee consisting of the attorney general, a representative from the Colorado district attorneys' council, and the highest ranking attorney or official at the district attorney's office shall make recommendations regarding hiring decisions that the attorney general must consider.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-31-101, **amend**
3 (1)(t) and (1)(u); and **add** (1)(v) as follows:

4 **24-31-101. Powers and duties of attorney general.** (1) The
5 attorney general:

6 (t) May bring a civil action to enforce section 25-7-144; and

7 (u) May, if the attorney general has reason to believe that a
8 violation of a statute or rule is causing an imminent and substantive
9 endangerment to the public health, water quality, or environment within
10 a mobile home park, request a temporary restraining order, preliminary
11 injunction, permanent injunction, or any other relief necessary to protect
12 the public health, water quality, or environment; AND

13 (v) MAY EXPEND MONEY, MANAGE STAFF, AND PERFORM OTHER
14 ADMINISTRATIVE FUNCTIONS ESSENTIAL FOR THE OPERATION OF A
15 DISTRICT ATTORNEY'S OFFICE WHEN APPOINTED BY EXECUTIVE ORDER OF
16 THE GOVERNOR.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 24-31-117 as
18 follows:

19 **24-31-117. Hiring committee when attorney general to operate**
20 **district attorney's office due to a vacancy.** IF, DURING THE COURSE OF

1 PERFORMING THE ATTORNEY GENERAL'S DUTIES PURSUANT TO SECTION
2 24-31-101 (1)(v), IT IS ESSENTIAL FOR THE ATTORNEY GENERAL TO HIRE
3 PERSONNEL AT THE DISTRICT ATTORNEY'S OFFICE, THE ATTORNEY
4 GENERAL SHALL ESTABLISH A HIRING COMMITTEE CONSISTING OF THE
5 ATTORNEY GENERAL, A REPRESENTATIVE FROM THE COLORADO DISTRICT
6 ATTORNEYS' COUNCIL, AND THE HIGHEST RANKING ATTORNEY OR OFFICIAL
7 AT THE DISTRICT ATTORNEY'S OFFICE TO MAKE RECOMMENDATIONS
8 REGARDING HIRING DECISIONS. THE COMMITTEE MAY RECOMMEND THAT
9 THE HIRING OF PERSONNEL BY THE ATTORNEY GENERAL IS CONDITIONAL
10 UPON THE REVIEW AND APPROVAL OF THE PERSON APPOINTED TO FILL THE
11 VACANT DISTRICT ATTORNEY POSITION. THE ATTORNEY GENERAL RETAINS
12 THE ULTIMATE AUTHORITY REGARDING HIRING DECISIONS WHILE ACTING
13 PURSUANT TO SECTION 24-31-101 (1)(v) BUT MUST CONSIDER THE
14 RECOMMENDATIONS OF THE COMMITTEE IN MAKING HIRING DECISIONS.

15 **SECTION 3. Applicability.** This act applies to actions taken by
16 the attorney general pursuant to section 24-31-101 (1)(v) or 24-31-117,
17 Colorado Revised Statutes, on or after the effective date of this act.

18 **SECTION 4. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.