

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0387.01 Jacob Baus x2173

**SENATE BILL 19-050**

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**SENATE SPONSORSHIP**

**Gardner,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

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

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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>.)*

Currently, the salary of a district attorney is set statutorily, and any amount in excess is set by the board or boards of county commissioners comprising the district. Furthermore, the district attorney of each judicial district, with the approval of the board or boards of county commissioners comprising the district, sets the salaries of any assistant district attorney or chief deputy district attorney in the district.

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.

The bill establishes minimum salary requirements for a district attorney, an assistant district attorney, and one chief deputy district attorney in every judicial district, if one has been appointed by the district attorney. Those salaries will be based upon the salaries of a district court judge, a county court judge, and a district court magistrate, respectively.

The county or counties comprising the judicial district currently pay the salaries of assistant district attorneys and chief deputy district attorneys in the district.

Starting in the 2020-21 fiscal year, the bill requires the state to pay the following percentage of salaries:

- ! Assistant district attorney - 80%; and
- ! Chief deputy district attorney - 50%.

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 80% and the counties would pay 20% of the employer contribution for an assistant district attorney.

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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,~~  
6 ~~part-time deputy, assistant, and part-time assistant district attorneys shall~~  
7 ~~be fixed by~~ EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3) OF THIS  
8 SECTION, the district attorney, with the approval of the ~~board of county~~  
9 ~~commissioners or boards of county commissioners of multicounty~~  
10 ~~districts~~ BOARD OR BOARDS OF COUNTY COMMISSIONERS OF THE COUNTY  
11 OR COUNTIES COMPRISING THE JUDICIAL DISTRICT or the city council of a  
12 city and county affected, SHALL SET THE SALARY FOR ALL DEPUTY, CHIEF  
13 DEPUTY, PART-TIME DEPUTY, ASSISTANT, AND PART-TIME ASSISTANT  
14 DISTRICT ATTORNEYS, and each county comprising ~~such~~ THE judicial

1 district shall pay ~~such deputies, chief deputies, assistants, and part-time~~  
2 ~~assistants~~ THE salaries in the proportion ~~which~~ THAT the population of  
3 ~~such~~ THE county bears to the whole population of ~~such~~ THE judicial  
4 district.

5 (2) (a) EFFECTIVE JULY 1, 2020, AND FOR EACH YEAR THEREAFTER,  
6 AN ASSISTANT DISTRICT ATTORNEY IN EVERY JUDICIAL DISTRICT MUST  
7 RECEIVE AS SALARY FOR HIS OR HER SERVICES AN ANNUAL AMOUNT NOT  
8 LESS THAN THE SALARY EARNED BY A FULL-TIME COUNTY COURT JUDGE  
9 WITHIN THE STATE OF COLORADO.

10 (b) THE DISTRICT ATTORNEY MAY SET AN AMOUNT IN EXCESS OF  
11 THE SALARY AMOUNT SET PURSUANT TO SUBSECTION (2)(a) OF THIS  
12 SECTION.

13 (3) (a) EFFECTIVE JULY 1, 2020, AND FOR EACH YEAR THEREAFTER,  
14 ONLY ONE CHIEF DEPUTY DISTRICT ATTORNEY IN EVERY JUDICIAL  
15 DISTRICT, IF ONE HAS BEEN APPOINTED BY THE DISTRICT ATTORNEY, MUST  
16 RECEIVE AS SALARY FOR HIS OR HER SERVICES AN ANNUAL AMOUNT NOT  
17 LESS THAN THE SALARY EARNED BY A FULL-TIME DISTRICT COURT  
18 MAGISTRATE WITHIN THE STATE OF COLORADO.

19 (b) THE DISTRICT ATTORNEY MAY SET AN AMOUNT IN EXCESS OF  
20 THE SALARY AMOUNT SET PURSUANT TO SUBSECTION (3)(a) OF THIS  
21 SECTION.

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

24 **20-1-205. Assistant district attorneys - repeal.** (3) (a) The  
25 salaries authorized by subsection (1) of this section shall be paid monthly  
26 and shall be paid by the counties comprising such judicial district out of  
27 the ordinary revenues of such counties. Every county shall pay in

1 proportion as the population of such county bears to the whole population  
2 of such judicial district, according to the latest federal census.

3 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2020.

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

6 **20-1-301. Compensation of district attorneys.**

7 (1) (a) (VI) EFFECTIVE JANUARY 1, 2021, AND AT THE TIME EACH  
8 FOUR-YEAR DISTRICT ATTORNEY TERM BEGINS THEREAFTER, THE DISTRICT  
9 ATTORNEY IN EVERY JUDICIAL DISTRICT MUST RECEIVE AS SALARY FOR HIS  
10 OR HER SERVICES AN ANNUAL AMOUNT NOT LESS THAN THE SALARY  
11 EARNED BY A FULL-TIME DISTRICT COURT JUDGE WITHIN THE STATE OF  
12 COLORADO AT THE TIME THE FOUR-YEAR DISTRICT ATTORNEY TERM  
13 BEGINS.

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

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

22 **20-1-306. Salaries paid from state and county funds.** (1) The  
23 salaries of district attorneys ~~of the several~~ IN EVERY judicial districts  
24 DISTRICT of the state as set forth in section 20-1-301 (1)(a) ~~shall~~ MUST be  
25 paid in twelve equal monthly installments of which the state shall  
26 contribute eighty percent OF THE AMOUNT REQUIRED IN SECTION 20-1-301  
27 (1)(a) annually and the COUNTY OR counties ~~making up each~~ COMPRISING

1 THE JUDICIAL district SHALL CONTRIBUTE the balance, each county's  
2 payment to be in the same proportion as provided in section 20-1-302.

3 (2) EFFECTIVE JULY 1, 2020, THE SALARIES OF ASSISTANT DISTRICT  
4 ATTORNEYS IN EVERY JUDICIAL DISTRICT OF THE STATE AS SET FORTH IN  
5 SECTION 20-1-203 (2) MUST BE PAID IN TWELVE EQUAL MONTHLY  
6 INSTALLMENTS OF WHICH THE STATE SHALL CONTRIBUTE EIGHTY PERCENT  
7 OF THE AMOUNT REQUIRED BY SECTION 20-1-203 (2) ANNUALLY AND THE  
8 COUNTY OR COUNTIES COMPRISING THE JUDICIAL DISTRICT SHALL  
9 CONTRIBUTE THE BALANCE, EACH COUNTY'S PAYMENT TO BE IN THE SAME  
10 PROPORTION AS PROVIDED IN SECTION 20-1-302.

11 (3) EFFECTIVE JULY 1, 2020, THE SALARIES OF CHIEF DEPUTY  
12 DISTRICT ATTORNEYS IN EVERY JUDICIAL DISTRICT OF THE STATE AS SET  
13 FORTH IN SECTION 20-1-203 (3) MUST BE PAID IN TWELVE EQUAL MONTHLY  
14 INSTALLMENTS OF WHICH THE STATE SHALL CONTRIBUTE FIFTY PERCENT  
15 OF THE AMOUNT REQUIRED BY SECTION 20-1-203 (3) ANNUALLY AND THE  
16 COUNTY OR COUNTIES COMPRISING THE JUDICIAL DISTRICT SHALL  
17 CONTRIBUTE THE BALANCE, EACH COUNTY'S PAYMENT TO BE IN THE SAME  
18 PROPORTION AS PROVIDED IN SECTION 20-1-302.

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

21 **24-51-305.3. Assistant district attorneys.** (1) THE BOARD OR  
22 BOARDS OF COUNTY COMMISSIONERS OF THE COUNTY OR COUNTIES  
23 COMPRISING THE JUDICIAL DISTRICT, IN CONSULTATION WITH THE DISTRICT  
24 ATTORNEY FOR THE JUDICIAL DISTRICT, MAY MAKE A ONE-TIME  
25 IRREVOCABLE ELECTION TO REQUIRE ANY ASSISTANT DISTRICT ATTORNEY  
26 IN THE JUDICIAL DISTRICT HIRED INTO THAT POSITION AFTER THE ELECTION  
27 TO BECOME A MEMBER OF THE ASSOCIATION'S DEFINED BENEFIT PLAN.

1           (2) AN ASSISTANT DISTRICT ATTORNEY EMPLOYED ON THE DATE  
2 THE BOARD OR BOARDS OF COUNTY COMMISSIONERS COMPRISING THE  
3 JUDICIAL DISTRICT MAKE AN ELECTION PURSUANT TO SUBSECTION (1) OF  
4 THIS SECTION SHALL HAVE SIXTY DAYS FROM THAT DATE TO MAKE AN  
5 ELECTION TO PARTICIPATE IN THE ASSOCIATION'S DEFINED BENEFIT PLAN  
6 OR TO CONTINUE PARTICIPATION IN HIS OR HER EXISTING RETIREMENT  
7 PLAN. IN THE ABSENCE OF THE ELECTION, THE PERSON SHALL CONTINUE TO  
8 PARTICIPATE IN HIS OR HER EXISTING RETIREMENT PLAN.

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

11           (4) ON BEHALF OF AN ASSISTANT DISTRICT ATTORNEY, THE STATE  
12 SHALL CONTRIBUTE EIGHTY PERCENT OF THE EMPLOYER CONTRIBUTIONS  
13 AND THE COUNTY OR COUNTIES COMPRISING THE JUDICIAL DISTRICT SHALL  
14 CONTRIBUTE TWENTY PERCENT OF THE EMPLOYER CONTRIBUTIONS BASED  
15 ON THE RATE FOR THE STATE DIVISION SET FORTH IN SECTION 24-51-401  
16 (1.7). ONE HUNDRED PERCENT OF MEMBER CONTRIBUTIONS MUST BE PAID  
17 FROM THE ASSISTANT DISTRICT ATTORNEY'S SALARY.

18           **SECTION 6. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.