

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 14-0991.01 Michael Dohr x4347

SENATE BILL 14-174

SENATE SPONSORSHIP

Heath and Johnston,

HOUSE SPONSORSHIP

McLachlan and Pabon,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE PROSECUTION FELLOWSHIP**
102 **PROGRAM.**

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://www.leg.state.co.us/billsummaries>.)

The bill creates the prosecution fellowship program (program) in the department of higher education. The program will provide money to the Colorado district attorneys' council to fund 6 fellows at rural district attorneys' offices in the state. The fellows will receive a 5-day training prior to beginning work.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 3rd Reading
May 1, 2014

HOUSE
Amended 2nd Reading
April 30, 2014

SENATE
3rd Reading Unamended
April 16, 2014

SENATE
Amended 2nd Reading
April 15, 2014

The bill creates the prosecution fellowship committee, which will select the fellowships and district attorneys' office locations and match the fellows with a district attorney's office.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that areas of Colorado struggle to attract highly qualified
4 applicants to serve as deputy district attorneys. This challenge is
5 particularly present in attempts to recruit and employ recent law school
6 graduates into the offices of the state's rural district attorneys. Due to
7 inherent differences in the funding mechanisms for the state's district
8 attorneys' offices in comparison to the state judicial department, the
9 department of law, and the state public defender, the opportunities for
10 rural district attorneys to offer training and internship or externship
11 opportunities are not comparable to these other state agencies. The
12 general assembly recognizes the importance of enlisting highly qualified
13 and talented attorneys into all branches of the criminal justice system in
14 Colorado in a balanced fashion and hereby finds that it needs to
15 implement incentives to encourage recent law school graduates to
16 consider seeking careers as prosecutors in rural areas of the state.

17 (2) It is therefore the intent of the general assembly in enacting
18 article 19.3 of title 23, Colorado Revised Statutes, to create a prosecution
19 fellowship fund within the department of higher education that uses state
20 moneys appropriated by the general assembly to fund a fellowship
21 program to be administered by the Colorado district attorneys' council.
22 The program will provide six, one-year fellowships for █ students
23 chosen from the university of Colorado school of law and █ students
24 from the university of Denver Sturm college of law each year. These

1 fellowships will provide for the costs, salary, and benefits comparable to
2 a newly hired deputy district attorney. Each of the selected fellows will
3 be placed in a rural district attorney's office in Colorado pursuant to a
4 selection process to be determined by a committee to be chaired by the
5 executive director of the Colorado district attorneys' council, along with
6 six other committee members, including the dean of each of the two law
7 schools and four elected district attorneys or their designees.

8 **SECTION 2.** In Colorado Revised Statutes, **add** article 19.3 to
9 title 23 as follows:

10 **ARTICLE 19.3**

11 **PROSECUTION FELLOWSHIP PROGRAM**

12 **23-19.3-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "COMMITTEE" MEANS THE PROSECUTION FELLOWSHIP
15 COMMITTEE ESTABLISHED IN SECTION 23-19.3-102 (2).

16 (2) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF
17 HIGHER EDUCATION.

18 (3) "PROGRAM" MEANS THE PROSECUTION FELLOWSHIP PROGRAM
19 CREATED PURSUANT TO SECTION 23-19.3-102 (1).

20 **23-19.3-102. Prosecution fellowship program - creation -**
21 **committee - administration - conditions.** (1) (a) THERE IS CREATED THE
22 PROSECUTION FELLOWSHIP PROGRAM IN THE DEPARTMENT TO PROVIDE
23 MONEYS TO THE COLORADO DISTRICT ATTORNEYS' COUNCIL TO FUND
24 FELLOWSHIPS FOR PERSONS WHO HAVE RECENTLY GRADUATED FROM A
25 LAW SCHOOL IN COLORADO AND ALLOW THEM TO PURSUE CAREERS AS
26 PROSECUTORS IN RURAL COLORADO. THE GENERAL ASSEMBLY MAY
27 APPROPRIATE MONEYS TO THE DEPARTMENT FOR DISTRIBUTION TO THE

1 COLORADO DISTRICT ATTORNEYS' COUNCIL TO IMPLEMENT THE
2 PROVISIONS OF THIS ARTICLE.

3 (b) THE PROGRAM WILL MATCH LAW SCHOOL GRADUATES FOR
4 ONE-YEAR FELLOWSHIPS WITH RURAL DISTRICT ATTORNEYS' OFFICES
5 THROUGHOUT COLORADO. THE INITIAL FELLOWSHIPS WILL BE AWARDED
6 IN FISCAL YEAR 2015-16. THE PROGRAM MAY FUND THE SALARY AND
7 BENEFITS FOR UP TO SIX FELLOWS EACH YEAR. THE FELLOWS ARE
8 EMPLOYEES OF THE COLORADO DISTRICT ATTORNEYS' COUNCIL. THE
9 PROGRAM IS LIMITED TO LAW SCHOOL GRADUATES FROM THE UNIVERSITY
10 OF COLORADO SCHOOL OF LAW AND THE UNIVERSITY OF DENVER STURM
11 COLLEGE OF LAW. EACH LAW SCHOOL SHALL CONTRIBUTE AN EQUAL
12 AMOUNT TOWARD TWENTY PERCENT OF THE COST OF THE FELLOWSHIP
13 SALARIES IF THE SCHOOL WANTS ITS STUDENTS TO BE CONSIDERED FOR
14 THE FELLOWSHIP PROGRAM.

15 (c) THE PROGRAM MUST PROVIDE THE FELLOWS WITH A FIVE-DAY
16 TRAINING PRACTICUM. THE COLORADO DISTRICT ATTORNEYS' COUNCIL
17 SHALL DEVELOP AND PRESENT THE PRACTICUM.

18 (2) (a) THERE IS CREATED THE PROSECUTION FELLOWSHIP
19 COMMITTEE, WHICH SHALL SELECT THE RECIPIENTS OF THE FELLOWSHIPS
20 AND THE FELLOWSHIP LOCATIONS. THE COMMITTEE IS COMPRISED OF
21 SEVEN MEMBERS, WHICH INCLUDE:

22 (I) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT
23 ATTORNEYS' COUNCIL, WHO SHALL SERVE AS THE CHAIR OF THE
24 COMMITTEE;

25 (II) THE DEAN OF THE UNIVERSITY OF COLORADO SCHOOL OF LAW;

26 (III) THE DEAN OF THE UNIVERSITY OF DENVER STURM COLLEGE
27 OF LAW; AND

1 (IV) FOUR ELECTED DISTRICT ATTORNEYS OR THEIR DESIGNEES
2 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT
3 ATTORNEYS' COUNCIL.

4 (b) THE COMMITTEE SHALL DEVELOP A FELLOW AND DISTRICT
5 ATTORNEYS' OFFICES APPLICATION PROCESS AND DETERMINE THE
6 SELECTION CRITERIA FOR FELLOWS AND DISTRICT ATTORNEYS' OFFICE
7 LOCATIONS.

8 (c) THE COMMITTEE SHALL MEET AT LEAST ONCE A YEAR, AND THE
9 MEETING SHALL BE SET BY THE CHAIR OF THE COMMITTEE.

10 (d) THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT
11 COMPENSATION.

12 (e) THE COMMITTEE SHALL REVIEW APPLICATIONS RECEIVED BY
13 THE PROGRAM, SELECT UP TO SIX FELLOWS FOR THE PARTICULAR FISCAL
14 YEAR PLUS ANY BACK-UP CANDIDATES AS DETERMINED NECESSARY BY
15 THE COMMITTEE, AND SELECT UP TO SIX DISTRICT ATTORNEYS' OFFICE
16 LOCATIONS. AFTER SELECTING THE FELLOWS AND THE DISTRICT
17 ATTORNEYS' OFFICE LOCATIONS, THE COMMITTEE SHALL MATCH THE
18 FELLOWS WITH A PARTICULAR DISTRICT ATTORNEY'S OFFICE. ■ ■

19 (3) IN THE EVENT THAT THE FELLOW WHO IS RECEIVING A
20 FELLOWSHIP LEAVES THE POSITION, THE COLORADO DISTRICT ATTORNEYS'
21 COUNCIL SHALL ALLOCATE ANY REMAINING AWARDED PROGRAM MONEYS
22 TO FUNDING A NEW FELLOW, IF THE POSITION IS FILLED IMMEDIATELY, OR
23 TO FUND ANOTHER FELLOWSHIP. IF THE POSITION IS NOT FILLED
24 IMMEDIATELY OR ANOTHER VACANT POSITION DOES NOT EXIST, THE
25 COLORADO DISTRICT ATTORNEYS' COUNCIL SHALL RETURN ANY
26 UNEXPENDED PROGRAM MONEYS TO THE DEPARTMENT.

27 (4) BY JANUARY 1, 2019, THE COLORADO DISTRICT ATTORNEYS'

1 COUNCIL SHALL PROVIDE A REPORT TO THE HOUSE OF REPRESENTATIVES
2 AND SENATE JUDICIARY COMMITTEES, OR THEIR SUCCESSOR COMMITTEES,
3 REGARDING THE PROSECUTION FELLOWSHIP PROGRAM. THE REPORT MUST
4 INCLUDE THE FOLLOWING INFORMATION REGARDING THE PLACEMENT OF
5 THE FELLOWS:

6 (a) FOR EACH FELLOW PLACED, WHETHER THE FELLOW OBTAINED
7 DEPUTY DISTRICT EMPLOYMENT WITH THE OFFICE WHERE HE OR SHE WAS
8 PLACED, WITH A DIFFERENT RURAL DISTRICT ATTORNEY'S OFFICE, OR AN
9 URBAN DISTRICT ATTORNEY'S OFFICE;

10 (b) A QUANTIFICATION OF THE DECREASE IN WORKLOAD FOR THE
11 DEPUTY DISTRICT ATTORNEYS BY HAVING THE FELLOW PLACED IN THE
12 PARTICULAR RURAL DISTRICT ATTORNEY'S OFFICE;

13 (c) PROSECUTORIAL INNOVATIONS AND OFFICE IMPROVEMENTS IN
14 THE RURAL DISTRICT ATTORNEYS' OFFICES AS THE RESULT OF HOSTING
15 FELLOWS; AND

16 (d) ANY OTHER INFORMATION REGARDING THE EFFICACY OF THE
17 FELLOWSHIP PROGRAM.

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 (August
21 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2014 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.