

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

REVISED

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

LLS NO. 13-0830.01 Michael Dohr x4347

SENATE BILL 13-229

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Kagan,

Senate Committees
Judiciary

House Committees
Judiciary
Finance

A BILL FOR AN ACT

101 **CONCERNING PART-TIME DEPUTY DISTRICT ATTORNEYS.**

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>.)

Section 1. Under current law, the fiscal note for a bill that creates a new crime includes an analysis of that new crime. The bill adds a description of gender and minority data related to the new crime to the analysis.

Section 2. The bill changes the definition of felony complaint to require the complaint to be signed by the prosecutor. The change corresponds to a change in the Colorado rules of criminal procedure.

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 2nd Reading
May 6, 2013

SENATE
3rd Reading Unamended
April 18, 2013

SENATE
Amended 2nd Reading
April 17, 2013

Section 3. For security fraud offenses, the bill states the statute of limitations begins to run on the discovery of the criminal act.

Section 4. The bill requires that if requested by the prosecution or defense that the probation department provide the presentence report at least 7 days prior to sentencing. If the probation department can't meet that deadline, the court shall grant the probation department an additional 7 days to provide the presentence report.

Under current law, a presentence report regarding a sex offender must include a sex offender evaluation. There are some exceptions to this requirement. The bill adds an additional exception for cases in which there is a court-accepted stipulation by the sex offender and prosecutor to jail time or the sex offender is already serving a sentence in the department of corrections.

Section 5. The bill makes clarifying changes to when a person convicted of a sex offense as a juvenile can petition to discontinue sex offender registration.

Section 6. The bill corrects an incorrect internal citation.

Section 7. The bill adds to the definition of restitution to include health care costs covered by a government agency or insurer.

Section 8. Under current law, a person may commit first degree burglary if he or she possesses a deadly weapon during the burglary. The bill amends the crime so that a person must use or threaten the use of a deadly weapon to commit first degree burglary.

Sections 9 and 10. Under current law, a juvenile committed to a staff secure placement who turns 18 in custody and who walks away can be charged with a class 3 felony. The bill creates a new offense for that situation that is a class 3 misdemeanor.

Section 11. The bill directs that a juvenile who is subject to a direct file or transfer must be held in a county jail once the juvenile turns 18.

Section 12. The bill clarifies some provisions in the aggravated juvenile offender statute.

Section 13. Under current law, the district attorney or a probation officer may apply for entry of conviction and imposition of sentence for a deferred prosecution within the term of the deferred prosecution and up to 30 days after the term. The bill clarifies that time period also applies to juvenile deferred adjudications.

Sections 14 and 15. The bill allows the district attorney to appoint part-time district attorneys who do not practice criminal defense in the jurisdiction to fulfill the duties of the district attorney without the approval of the county commissioners. The bill adds that the appointed attorneys may be attorneys employed by the Colorado district attorneys' council. The bill eliminates the requirement that part-time district attorneys be paid by the county they serve.

Section 16. The bill clarifies that in a record-sealing petition based

on a dismissal that is not the result of a completion of deferred disposition or multi-case disposition, the court shall order the record sealed if the petition on its face is sufficient. The bill clarifies that in records-sealing cases, a person may petition for sealing one record every 12-month period.

Sections 17 and 18. The bill clarifies that in drug conviction records-sealing cases, a person may petition for sealing one record every 12-month period.

Sections 19 through 24. The bill specifies that the attorney general has concurrent jurisdiction with local district attorneys to prosecute persons for crimes related to air and water quality, hazardous waste and substances, and solid waste.

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

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 **SECTION 1.** In Colorado Revised Statutes, 20-1-201, **amend** (1)
6 (b) and (1) (c) as follows:

7 **20-1-201. Deputies - chief deputies - staff.** (1) (b) The district
8 attorney in every judicial district ~~that is composed in part of a county or~~
9 ~~counties of less than twenty-five thousand population may~~ IS AUTHORIZED
10 TO appoint with the MAJORITY approval of the board of county
11 commissioners of such county or counties one or more part-time deputies
12 to fulfill the duties of the district attorney. ~~which may arise in such county~~
13 ~~or counties.~~ Such THE part-time deputies shall be entitled to receive as
14 compensation for services rendered a sum as provided in section
15 20-1-203. Such THE part-time deputies DEPUTY may engage in the private
16 practice of law; EXCEPT THAT HE OR SHE MAY NOT ENGAGE IN THE
17 PRACTICE OF CRIMINAL DEFENSE IN THE SAME JUDICIAL DISTRICT AS THE
18 DISTRICT ATTORNEY'S OFFICE WHERE HE OR SHE IS EMPLOYED.

19 (c) The district attorney in every judicial district is authorized to

1 appoint such special deputy district attorneys as he deems necessary to
2 properly discharge the duties of his office, and such special deputies shall
3 hold their offices during the pleasure of such district attorney. Such
4 special deputies shall receive no compensation for their services from the
5 county or counties of the judicial district; except that such special
6 deputies may be reimbursed their ordinary and necessary expenses,
7 including travel. Such special deputies shall only be appointed from
8 among those persons holding office as attorney general, deputy attorney
9 general, assistant attorney general, or special assistant attorney general of
10 the state of Colorado, or as district attorney, assistant district attorney,
11 chief deputy district attorney, or deputy district attorney of another
12 judicial district, or as United States attorney or assistant United States
13 attorney for the district of Colorado, or as city attorney or assistant city
14 attorney of a city and county in this state, OR AN ATTORNEY EMPLOYED BY
15 THE COLORADO DISTRICT ATTORNEYS' COUNCIL AND ACTIVELY LICENSED
16 TO PRACTICE LAW IN THE STATE OF COLORADO.

17 **SECTION 2.** In Colorado Revised Statutes, **amend** 20-1-203 as
18 follows:

19 **20-1-203. Compensation of deputy, chief deputy, and assistant**
20 **district attorneys.** Compensation for all deputy, chief deputy, part-time
21 deputy, assistant, and part-time assistant district attorneys shall be fixed
22 by the district attorney with the approval of the board of county
23 commissioners or boards of county commissioners of multicounty
24 districts or the city council of a city and county affected, and each county
25 comprising such judicial district shall pay such deputies, chief deputies,
26 assistants, and part-time assistants salaries in the proportion which the
27 population of such county bears to the whole population of such judicial

1 district. ~~except that part-time deputies shall be paid by the county or~~
2 ~~counties they serve.~~

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6 **SECTION 3. Effective date.** This act takes effect July 1, 2013.

7 **SECTION 4. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.