

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

REREVISED

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

LLS NO. 25-0463.01 Michael Dohr x4347

HOUSE BILL 25-1147

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENSURE THAT MUNICIPAL COURT**
102 **DEFENDANTS ARE SUBJECT TO SIMILAR CONDITIONS AS STATE**
103 **COURT DEFENDANTS.**

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 bill caps the maximum incarceration sentence for a municipal violation that has a comparable state law crime at the same length as the state-level offense. When there is no comparable state-level offense, the maximum period of incarceration is capped at the maximum for a state-level petty offense. Mandatory minimums and increased penalties

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.

SENATE
3rd Reading Unamended
April 4, 2025

SENATE
Amended 2nd Reading
April 3, 2025

HOUSE
3rd Reading Unamended
March 7, 2025

HOUSE
Amended 2nd Reading
March 5, 2025

based on prior convictions are prohibited unless the person is convicted of a municipal offense for which there is a comparable state offense or of an infraction that allows imposition of the same mandatory minimum or increased penalties based on prior convictions. The bill also caps a consecutive municipal sentence at 2 times the highest charge in the case.

The bill clarifies that municipal court defendants have a right to counsel and that municipal defense counsel have the same notice, case information, and opportunity to meet with their clients as do state-level defense counsel. Current law prohibits paying indigent municipal defense counsel on a fixed or flat-fee payment structure if the municipality prosecutes domestic violence cases. The bill applies the prohibition to all municipalities.

All municipal court proceedings are required to be open to public observation. Virtual observation is required for all in-custody proceedings, and prompt resolution of municipal cases is required.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Fair and consistent criminal sentencing, access to counsel for
5 indigent people accused of crimes, and transparency of court proceedings
6 across Colorado are matters of statewide concern;

7 (b) Disparities in criminal sentencing reduce the fairness,
8 rationality, and equity of Colorado's criminal justice system;

9 (c) In 2020, Governor Jared Polis, in his Biennial Topics Letter,
10 directed the Colorado Commission on Criminal and Juvenile Justice to
11 propose comprehensive reform to Colorado's sentencing laws, explaining:
12 "Our sentencing scheme should be rational, just, and consistent so that the
13 punishment fits the conduct";

14 (d) In this letter, Governor Polis listed as "values" to guide
15 sentencing reform: "Ensuring fair and consistent treatment" and
16 "Eliminating unjustified disparities in sentencing";

17 (e) Following Governor Polis' directive, the Colorado

1 Commission on Criminal and Juvenile Justice recommended passage of
2 Senate Bill 21-271, which standardized and rationalized sentencing for
3 misdemeanors in state court. The bill was silent with regard to application
4 to municipal courts;

5 (f) Senate Bill 21-271 passed with bipartisan, law enforcement,
6 and criminal justice reformer support;

7 (g) Since the passage of Senate Bill 21-271, some municipal
8 courts have exercised their authority to sentence defendants to jail for up
9 to 364 days for crimes related to poverty, which are capped at a 10-day
10 jail sentence in state court under Senate Bill 21-271;

11 (h) The sentencing disparities between municipal and state courts
12 is a matter of statewide concern, requiring action to align sentences to
13 avoid irrational, unjust, and excessive punishments that are out of step
14 with Colorado values and legal standards; ==

15 (i) The sentencing disparities between municipal and state courts
16 creates a 2-tiered system of justice that ensures unequal treatment under
17 the law, which is inconsistent with Colorado values and legal standards;
18 and

19 (j) With respect to domestic violence offenses, implementing
20 these changes as of April 1, 2026, permits municipalities to revise their
21 ordinances to ensure the adequate protection of domestic violence victims
22 and to promote consistent sentencing practices across all such cases.

23 (2) Therefore, the general assembly expressly declares that there
24 is a need to end sentencing disparities between state and municipal courts
25 in order to ensure equal treatment under the law for all Coloradans.

26 **SECTION 2.** In Colorado Revised Statutes, 13-1-132, **amend**
27 (3.5)(a)(III) and (4); and **add** (3.5)(a)(III.5), (3.5)(g.5), and (3.5)(h) as

1 follows:

2 **13-1-132. Use of interactive audiovisual devices and**
3 **communication technology in court proceedings.** (3.5) (a) All
4 Colorado courts, including municipal courts, shall make any criminal
5 court proceeding conducted in open court available for remote public
6 viewing and listening in real time, at no cost to the public, through an
7 online platform, which may include a participatory web conferencing
8 platform, and post prominently on the court's website the links for remote
9 observation, unless:

10 (III) ~~Technology or Staffing or internet~~ issues limit or prevent
11 remote observation; ~~or~~

12 (III.5) ~~TEMPORARY OR INTERMITTENT INTERNET OR TECHNOLOGY~~
13 ~~ISSUES LIMIT OR PREVENT REMOTE OBSERVATION; OR~~

14 (g.5) THE EXCEPTIONS TO REMOTE OBSERVATION DESCRIBED IN
15 SUBSECTION (3.5)(a) OF THIS SECTION ARE CASE SPECIFIC AND FACT
16 SPECIFIC, SO A COURT SHALL NOT ADOPT BLANKET RULES PROHIBITING
17 REMOTE OBSERVATION FOR ANY CATEGORIES OF CASES OR TYPES OF
18 PROCEEDINGS.

19 (h) THE EXCEPTIONS DESCRIBED IN SUBSECTIONS (3.5)(a)(I) AND
20 (3.5)(a)(III) OF THIS SECTION DO NOT APPLY TO COURT PROCEEDINGS IN
21 WHICH THE DEFENDANT IS IN CUSTODY.

22 (4) THE REQUIREMENTS OF THIS SECTION SUPERSEDE ANY
23 STATUTE, JUDICIAL GUIDANCE, OR CHIEF JUSTICE DIRECTIVE LIMITING
24 REMOTE PUBLIC OBSERVATION OF CRIMINAL COURTS, INCLUDING CHIEF
25 JUSTICE DIRECTIVE 23-02 ADOPTED BEFORE THE EFFECTIVE DATE OF
26 HOUSE BILL 25-1147. The supreme court may prescribe rules of
27 procedure pursuant to section 13-2-109 to implement this section, BUT

1 THE RULES MUST NOT NARROW OR CONFLICT WITH THE REQUIREMENTS OF
2 THIS SECTION.

3 **SECTION 3.** In Colorado Revised Statutes, **amend** 13-10-103 as
4 follows:

5 **13-10-103. Applicability.** This article 10 applies to and governs
6 the operation of municipal courts in the cities and towns of this state.
7 Except for the provisions relating to the method of salary payment for
8 municipal judges; the incarceration of children pursuant to sections
9 19-2.5-305 and 19-2.5-1511; the appearance of the parent, guardian, or
10 lawful custodian of any child under eighteen years of age who is charged
11 with a municipal offense as required by section 13-10-111; the right to a
12 trial by jury for petty offenses pursuant to section 16-10-109; relief from
13 improperly entered guilty pleas pursuant to section 18-1-410.6; the
14 prosecution of an alleged act of domestic violence, as defined in section
15 18-6-800.3; making a criminal court proceeding conducted in open court
16 available for remote public viewing and listening in real time; rules of
17 procedure ~~promulgated~~ ADOPTED by the supreme court; and appellate
18 procedure; SENTENCING LIMITATIONS IN SECTION 13-10-113; AND THE
19 RIGHT TO COUNSEL FOR CERTAIN INDIGENT DEFENDANTS PURSUANT TO
20 SECTION 13-10-114.5, this article 10 may be superseded by charter or
21 ordinance enacted by a home rule city.

22 **SECTION 4.** In Colorado Revised Statutes, 13-10-111.5, **amend**
23 (2), (3)(a) introductory portion, and (3)(a)(I); and **add** (3)(c) as follows:

24 **13-10-111.5. Notice to municipal courts of municipal holds.**
25 (2) Once a municipal court receives notice that ~~the~~ A defendant is being
26 held solely on the basis of a municipal hold, the municipal court shall
27 hold a hearing within forty-eight hours after the receipt of ~~such a~~ THE

1 notice. The county sheriff OR MUNICIPAL JAIL ADMINISTRATOR shall make
2 the in-custody defendant available to appear in a timely manner before a
3 municipal judge for a hearing required by this subsection (2) at the date
4 and time mutually agreed to by the county sheriff and municipal court.
5 This subsection (2) must not be construed to require the county sheriff OR
6 MUNICIPAL JAIL ADMINISTRATOR to transport the in-custody defendant to
7 the municipal court. It is not a violation of this section if a bond hearing
8 is not held within forty-eight hours when the delay is caused by
9 circumstances in which the defendant refuses to attend court, is unable to
10 attend court due to drug or alcohol use, a serious medical or behavioral
11 health emergency, or when the delay is caused by an emergency that
12 requires the court to close. When ~~the~~ A defendant is unable to attend
13 court, the sheriff OR MUNICIPAL JAIL ADMINISTRATOR shall provide the
14 court AND MUNICIPAL PUBLIC DEFENDER'S OFFICE, IF ONE EXISTS, with a
15 list of people subject to this section who did not timely attend court, the
16 date of the person's arrest, and the location where the person is in custody.
17 The sheriff OR MUNICIPAL JAIL ADMINISTRATOR shall document the length
18 of the delay, the reason for the delay, and the efforts to abate the
19 emergency. As soon as the emergency has sufficiently abated, the sheriff
20 OR MUNICIPAL JAIL ADMINISTRATOR shall make the in-custody defendant
21 available to appear before the municipal court at the next scheduled bond
22 hearing. Use of audiovisual conferencing technology is permissible to
23 expedite the hearing. When high-speed internet access is unavailable,
24 making audiovisual conferencing impossible, the court may conduct the
25 hearing telephonically.

26 (3) (a) At the hearing required ~~in~~ PURSUANT TO subsection (2) of
27 this section, the municipal court shall either:

1 (I) Arraign the defendant, INCLUDING ADVISEMENT, BOND
2 SETTING, AND PLEA, UNLESS THE DEFENDANT SEEKS A PLEA CONTINUANCE;
3 or

4 (c) (I) AT THE HEARING REQUIRED PURSUANT TO SUBSECTION (2)
5 OF THIS SECTION, THE DEFENDANT HAS THE RIGHT TO BE REPRESENTED BY
6 COURT-APPOINTED INDIGENT DEFENSE COUNSEL PURSUANT TO SECTION
7 13-10-114.5.

8 (II) BEFORE THE HEARING REQUIRED PURSUANT TO SUBSECTION (2)
9 OF THIS SECTION, THE COURT SHALL NOTIFY INDIGENT DEFENSE COUNSEL
10 OF EACH PERSON IN CUSTODY AND PROVIDE INDIGENT DEFENSE COUNSEL
11 SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN INDIVIDUALIZED
12 ARGUMENT REGARDING THE TYPE OF BOND AND CONDITIONS OF RELEASE
13 AT THE HEARING, CONSISTENT WITH THE COURT'S DOCKET AND
14 SCHEDULING PRIORITIES.

15 (III) THE MUNICIPAL COURT SHALL NOTIFY THE PROSECUTING
16 ATTORNEY OF EACH PERSON WHOSE MATTER IS SET FOR A HEARING
17 REQUIRED PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE
18 PROSECUTING ATTORNEY MAY APPEAR AT ALL INITIAL HEARINGS TO
19 PROVIDE THE PROSECUTING ATTORNEY'S POSITION REGARDING THE TYPE
20 OF BOND AND CONDITIONS OF RELEASE, AND THE COURT SHALL PROVIDE
21 THE PROSECUTING ATTORNEY SUFFICIENT TIME TO PREPARE FOR AND
22 PRESENT ANY RELEVANT ARGUMENT, CONSISTENT WITH THE COURT'S
23 DOCKET AND SCHEDULING PRIORITIES.

24 (IV) PRIOR TO THE HEARING REQUIRED PURSUANT TO SUBSECTION
25 (2) OF THIS SECTION, ANY PRETRIAL SERVICES AGENCY OPERATING IN THAT
26 MUNICIPALITY, OR ANY OTHER AGENCY THAT REPORTS TO THE COURT,
27 THAT HAS CONDUCTED A PRETRIAL RELEASE ASSESSMENT OR GATHERED

1 INFORMATION FOR THE COURT'S CONSIDERATION AT THE HEARING SHALL
2 PROVIDE THE PROSECUTING ATTORNEY AND THE DEFENDANT'S ATTORNEY
3 ALL INFORMATION PROVIDED TO THE COURT REGARDING THE DEFENDANT
4 IN CUSTODY, WHICH MUST INCLUDE, IF PROVIDED TO THE COURT, THE
5 ARREST WARRANT, THE PROBABLE CAUSE STATEMENT, AND THE
6 DEFENDANT'S CRIMINAL HISTORY.

7 (V) BEFORE THE HEARING REQUIRED PURSUANT TO SUBSECTION
8 (2) OF THIS SECTION, THE SHERIFF AND JAIL PERSONNEL SHALL PROVIDE
9 INDIGENT DEFENSE COUNSEL ACCESS TO THE DEFENDANT WHO WILL BE
10 APPEARING AT THE HEARING AND SHALL ALLOW INDIGENT DEFENSE
11 COUNSEL SUFFICIENT TIME WITH THE DEFENDANT PRIOR TO THE HEARING
12 IN ORDER TO PREPARE FOR THE HEARING.

13 **SECTION 5.** In Colorado Revised Statutes, 13-10-112, **add** (3)
14 and (4) as follows:

15 **13-10-112. Powers and procedures.** (3) EACH MUNICIPAL COURT
16 SHALL ENSURE ALL COURT PROCEEDINGS, INCLUDING COURT PROCEEDINGS
17 FOR DEFENDANTS IN CUSTODY, ARE ACCESSIBLE TO ANY MEMBER OF THE
18 PUBLIC FOR PUBLIC OBSERVATION.

19 (4) IF A MUNICIPAL COURT RECEIVES NOTICE THAT A DEFENDANT
20 WHO HAS A CRIMINAL OR TRAFFIC MATTER PENDING BEFORE THE COURT IS
21 IN CUSTODY IN COLORADO FOR ANY REASON, THE MUNICIPAL COURT
22 SHALL MAKE DILIGENT EFFORTS TO TIMELY RESOLVE THE MUNICIPAL
23 MATTER, INCLUDING TAKING REASONABLE STEPS TO PROMPTLY BRING THE
24 DEFENDANT BEFORE THE COURT. THE COURT SHALL ASSIGN INDIGENT
25 DEFENSE COUNSEL IN THE SAME MANNER AS REQUIRED BY SECTION
26 13-10-114.5. A MUNICIPAL COURT SHALL NOT DENY A DEFENDANT THE
27 ABILITY TO APPEAR BEFORE THE MUNICIPAL COURT BECAUSE THE

1 DEFENDANT IS IN CUSTODY FOR ANOTHER, NON-MUNICIPAL MATTER. FOR
2 A HEARING OTHER THAN A TRIAL OR FOR THE PURPOSE OF RESOLUTION BY
3 PLEA, THE COURT MAY PERMIT COUNSEL TO APPEAR ON BEHALF OF THE
4 DEFENDANT PURSUANT TO THE COLORADO MUNICIPAL COURT RULES AND
5 PERMIT APPEARANCE THROUGH AUDIOVISUAL OR TELEPHONIC MEANS, IF
6 AVAILABLE. THIS SUBSECTION (4) DOES NOT PRECLUDE A DEFENDANT
7 FROM EXPRESSLY AGREEING TO DELAY A MATTER ONCE THE DEFENDANT
8 APPEARS BEFORE THE MUNICIPAL COURT.

9 **SECTION 6.** In Colorado Revised Statutes, 13-10-113, **amend**
10 (1), (1.5), and (2) as follows:

11 **13-10-113. Fines and penalties.** (1) (a) ~~Except as provided in~~
12 ~~subsection (1)(b) of this section, Any~~ A person convicted of violating a
13 municipal ordinance in a municipal court of record may be incarcerated
14 for a period not to exceed three hundred sixty-four days or fin
15 amount not to exceed two thousand six hundred fifty dollars, or both,
16 SUBJECT TO THE LIMITATIONS IN SUBSECTIONS (1)(b) TO (1)(e) OF THIS
17 SECTION.

18 =====
19 (b) (I) The limitation on municipal court fines set forth in
20 paragraph (a) of this subsection (1) SUBSECTION (1)(a) OF THIS SECTION
21 shall be adjusted for inflation on January 1, 2014, and on January 1 of
22 each year thereafter.

23 (II) As used in this paragraph (b) SUBSECTION (1)(b), "inflation"
24 means the annual percentage change in the United States department of
25 labor, bureau of labor statistics, consumer price index for
26 Denver-Boulder, all items, all urban consumers, or its successor index.

27 (c) A MUNICIPAL COURT OF RECORD SHALL NOT IMPOSE A

1 SENTENCE OF INCARCERATION FOR A DEFENDANT CONVICTED OF
2 VIOLATING A MUNICIPAL ORDINANCE FOR A PERIOD THAT EXCEEDS THE
3 MAXIMUM PENALTY ALLOWED FOR ANY COMPARABLE MISDEMEANOR,
4 PETTY OFFENSE, CIVIL INFRACTION, TRAFFIC OFFENSE, OR TRAFFIC
5 INFRACTION PURSUANT TO STATE LAW. FOR CONVICTIONS BASED ON A
6 VIOLATION OF A MUNICIPAL ORDINANCE FOR WHICH THERE IS NO
7 COMPARABLE MISDEMEANOR, PETTY OFFENSE, CIVIL INFRACTION, TRAFFIC
8 OFFENSE, OR TRAFFIC INFRACTION PURSUANT TO STATE LAW, THE
9 MUNICIPAL COURT SHALL NOT IMPOSE A SENTENCE OF INCARCERATION
10 THAT EXCEEDS THE MAXIMUM SENTENCE FOR A PETTY OFFENSE PURSUANT
11 TO STATE LAW. A MUNICIPALITY SHALL NOT REQUIRE IMPOSITION OF A
12 MANDATORY MINIMUM JAIL SENTENCE UNLESS THE PERSON IS CONVICTED
13 OF A MUNICIPAL OFFENSE FOR WHICH THERE IS A COMPARABLE STATE
14 OFFENSE OR INFRACTION THAT REQUIRES IMPOSITION OF THE SAME
15 MANDATORY MINIMUM JAIL SENTENCE. A MUNICIPALITY SHALL NOT
16 IMPOSE INCREASED PENALTIES BASED ON A PRIOR CONVICTION UNLESS THE
17 PERSON IS CONVICTED OF A MUNICIPAL OFFENSE FOR WHICH THERE IS A
18 COMPARABLE STATE OFFENSE OR INFRACTION THAT ALLOWS IMPOSITION
19 OF THE SAME INCREASED PENALTIES BASED ON A PRIOR CONVICTION.

20 (d) A MUNICIPAL COURT SHALL NOT IMPOSE A FINE THAT EXCEEDS
21 THE MAXIMUM FINE FOR ANY COMPARABLE STATE OFFENSE OR
22 INFRACTION UNDER STATE LAW. FOR CONVICTIONS BASED ON A MUNICIPAL
23 ORDINANCE FOR WHICH THERE IS NO COMPARABLE STATE OFFENSE OR
24 INFRACTION AND FOR WHICH THE MUNICIPAL CODE ALLOWS FOR A
25 POSSIBLE SENTENCE OF INCARCERATION, THE MUNICIPAL COURT SHALL
26 NOT IMPOSE A FINE THAT EXCEEDS THE MAXIMUM FINE FOR A PETTY
27 OFFENSE PURSUANT TO STATE LAW.

1 (e) A MUNICIPAL COURT SHALL NOT IMPOSE A MAXIMUM
2 CONSECUTIVE SENTENCE OF INCARCERATION FOR MUNICIPAL OFFENSES
3 CHARGED IN A SINGLE CASE THAT IS MORE THAN TWICE THE MAXIMUM
4 SENTENCE FOR THE HIGHEST CHARGE IN THE CASE.

5 (f) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
6 PROVISIONS OF SUBSECTIONS (1)(b) TO (1)(d) OF THIS SECTION,
7 SUBSECTION (1.5) OF THIS SECTION, AND SUBSECTION (2) OF THIS SECTION
8 DO NOT APPLY TO A VIOLATION OF A MUNICIPAL ORDINANCE WITH AN
9 UNDERLYING FACTUAL BASIS THAT INCLUDES AN ACT OF DOMESTIC
10 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, COMMITTED BEFORE APRIL
11 1, 2026.

12 (1.5) ~~Any~~ A MUNICIPAL COURT SHALL NOT SENTENCE TO
13 INCARCERATION A person convicted of violating a municipal ordinance in
14 a municipal court ~~which~~ THAT is not of record ~~may be incarcerated for a~~
15 ~~period not to exceed ninety days or fined~~ OR FINE THE PERSON IN an
16 amount ~~not to exceed~~ THAT EXCEEDS three hundred dollars. ~~or both~~

17 (2) In sentencing or fining a violator, the municipal ~~judge~~ COURT
18 shall ~~not exceed the sentence or fine limitations established by ordinance~~
19 SENTENCE THE VIOLATOR USING THE SENTENCING OR FINE LIMITATIONS
20 ESTABLISHED BY EITHER MUNICIPAL ORDINANCE OR STATE LAW, BASED ON
21 WHICHEVER LIMITATION IS LOWER. Any other provision of the law to the
22 contrary notwithstanding, the municipal ~~judge~~ COURT may suspend the
23 sentence or fine of ~~any~~ A violator and place ~~him~~ THE VIOLATOR on
24 probation for a period not to exceed one year.

25 **SECTION 7.** In Colorado Revised Statutes, **amend as it exists**
26 **until July 1, 2025,** 13-10-114.5 as follows:

27 **13-10-114.5. Representation by counsel - independent indigent**

1 **defense - definitions.** (1) ~~At the time of first appearance on a municipal~~
2 ~~charge, if the defendant is in custody and the charged offense includes a~~
3 ~~possible sentence of incarceration, the court shall appoint counsel to~~
4 ~~represent the defendant for purposes of the initial appearance unless, after~~
5 ~~a full advisement pursuant to C.M.C.R. 210 and section 16-7-207, C.R.S.,~~
6 ~~the defendant makes a knowing, intelligent, and voluntary waiver of his~~
7 ~~or her right to counsel.~~ A MUNICIPALITY SHALL PROVIDE DEFENSE
8 COUNSEL FOR EACH INDIGENT DEFENDANT CHARGED WITH A MUNICIPAL
9 VIOLATION FOR WHICH THE MUNICIPAL CODE ALLOWS A POSSIBLE
10 SENTENCE OF INCARCERATION UNLESS, AFTER BEING FULLY ADVISED
11 PURSUANT TO C.M.C.R. 210 AND SECTION 16-7-207, THE DEFENDANT
12 MAKES A KNOWING, INTELLIGENT, AND VOLUNTARY WAIVER OF THE RIGHT
13 TO COUNSEL.

14 (2) ~~If the defendant remains in custody, the appointment of~~
15 ~~counsel continues until the defendant is released from custody. If the~~
16 ~~defendant is released from custody, he or she may apply for~~
17 ~~court-appointed counsel, and the court shall appoint counsel if the court~~
18 ~~determines that the defendant is indigent and the charged offense includes~~
19 ~~a possible sentence of incarceration.~~ AN IN-CUSTODY MUNICIPAL
20 DEFENDANT IS PRESUMED INDIGENT AND AUTOMATICALLY ENTITLED TO
21 REPRESENTATION BY COURT-APPOINTED COUNSEL AT AND DURING EVERY
22 IN-CUSTODY COURT APPEARANCE. A MUNICIPALITY THAT AUTHORIZES
23 LAW ENFORCEMENT TO ARREST AN INDIVIDUAL FOR AN ALLEGED
24 MUNICIPAL CODE VIOLATION SHALL ENSURE INDIGENT DEFENSE COUNSEL
25 IS PRESENT AND AVAILABLE TO REPRESENT AN IN-CUSTODY DEFENDANT
26 AT ALL COURT APPEARANCES AND THAT COURT APPEARANCES OCCUR
27 WITHIN THE TIME FRAMES ESTABLISHED IN SECTION 13-10-111.5 (2). FOR

1 A COURT APPEARANCE AT WHICH THE MUNICIPAL COURT IS REQUIRED TO
2 SET A PERSONAL RECOGNIZANCE BOND, THE RIGHT TO INDIGENT DEFENSE
3 COUNSEL AT THE HEARING REMAINS IN PLACE, AS DOES THE REQUIREMENT
4 THAT THE COURT CONDUCT PROCEEDINGS BEFORE SETTING BOND AS
5 REQUIRED BY SECTION 13-10-111.5 (3).

6 (3) IF A DEFENDANT IS IN CUSTODY, CANNOT POST BAIL OR IS NOT
7 ALLOWED TO POST BAIL, AND HAS A MUNICIPAL HOLD, INDIGENT DEFENSE
8 COUNSEL FOR THE HOLDING MUNICIPALITY MAY AUTOMATICALLY ELECT
9 TO REPRESENT THE DEFENDANT IN THE MUNICIPAL CASE AND SHALL
10 NOTIFY THE MUNICIPAL COURT EITHER VERBALLY OR IN WRITING OF THE
11 REPRESENTATION. IF A MUNICIPAL COURT RECEIVES NOTICE, INCLUDING
12 FROM AN INCARCERATED DEFENDANT, JAIL, OR CORRECTIONAL FACILITY,
13 OF A DEFENDANT IN CUSTODY WHO CANNOT POST BAIL OR IS NOT
14 ALLOWED TO POST BAIL, AND HAS A MUNICIPAL HOLD, THE HOLDING
15 MUNICIPAL COURT SHALL EITHER APPOINT INDIGENT DEFENSE COUNSEL TO
16 REPRESENT THE DEFENDANT IN THE MUNICIPAL CASE WHILE THE
17 DEFENDANT IS IN CUSTODY OR NOTIFY THE DEFENDANT'S INDIGENT
18 DEFENSE COUNSEL TO ALLOW INDIGENT DEFENSE COUNSEL THE
19 OPPORTUNITY TO AUTOMATICALLY ELECT TO REPRESENT THE DEFENDANT
20 WHILE THE DEFENDANT IS IN CUSTODY.

21 (3.5) AT THE TIME OF A DEFENDANT'S FIRST OUT-OF-CUSTODY
22 APPEARANCE IN MUNICIPAL COURT FOR A VIOLATION FOR WHICH THE
23 MUNICIPAL CODE ALLOWS A POSSIBLE SENTENCE OF INCARCERATION, THE
24 COURT SHALL ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO
25 COUNSEL. THE COURT MAY INQUIRE AND MAKE A DETERMINATION AS TO
26 INDIGENCE IMMEDIATELY UPON REQUEST OR SHALL ADVISE THE
27 DEFENDANT OF THE PROCEDURE TO APPLY FOR COURT-APPOINTED

1 INDIGENT DEFENSE COUNSEL. IF THE COURT DETERMINES THE DEFENDANT
2 IS INDIGENT, THE COURT SHALL APPOINT INDIGENT DEFENSE COUNSEL IN
3 THE MUNICIPAL CASE UNLESS, AFTER BEING FULLY ADVISED PURSUANT TO
4 RULE 210 OF THE COLORADO MUNICIPAL COURT RULES AND SECTION
5 16-7-207, THE DEFENDANT MAKES A KNOWING, INTELLIGENT, AND
6 VOLUNTARY WAIVER OF THE RIGHT TO COUNSEL. NOTHING IN THIS
7 SECTION PREVENTS THE COURT FROM MAKING A DETERMINATION OF
8 INDIGENCE IN ADVANCE OF AN OUT-OF-CUSTODY HEARING OR AT THE
9 SAME HEARING WHEN THE DEFENDANT REQUESTS APPOINTMENT OF
10 COUNSEL.

11 (3) (4) (a) On and after January 1, 2020, each municipality shall
12 provide independent indigent defense for each indigent defendant charged
13 with a municipal code violation for which there is a possible sentence of
14 incarceration. Independent indigent defense requires, at minimum, that a
15 nonpartisan entity independent of the municipal court and municipal
16 officials oversee or evaluate indigent defense counsel.

17 (b) (I) Because the office of alternate defense counsel created in
18 section 21-2-101 is an independent system of indigent defense overseen
19 by an independent commission, provision of indigent defense by lawyers
20 evaluated or overseen by the office of alternate defense counsel satisfies
21 the requirement described in subsection (3)(a) SUBSECTION (4)(a) of this
22 section.

23 (II) Because a legal aid clinic at any Colorado law school
24 accredited by the American bar association is an independent system of
25 indigent defense overseen by the dean of the law school with which it is
26 affiliated, any A provision or oversight of indigent defense through a legal
27 aid clinic associated with any Colorado law school accredited by the

1 American bar association satisfies the requirement described in
2 ~~subsection (3)(a)~~ SUBSECTION (4)(a) of this section.

3 (c) To satisfy the requirement described in ~~subsection (3)(a)~~
4 SUBSECTION (4)(a) of this section, a municipality that contracts directly
5 with one or more defense attorneys to provide counsel to indigent
6 defendants shall ensure that:

7 (I) The process to select indigent defense attorneys is transparent
8 and based on merit; and

9 (II) Each contracted indigent defense attorney is periodically
10 evaluated by an independent entity for competency and independence.
11 The municipality shall evaluate each newly hired defense attorney as soon
12 as practicable but no later than one year after ~~he or she~~ THE DEFENSE
13 ATTORNEY is hired. Otherwise, the municipality shall evaluate each
14 defense attorney at least every three years. An independent entity that
15 evaluates defense attorneys pursuant to this ~~subsection (3)(c)(II)~~
16 SUBSECTION (4)(c)(II) shall provide evaluation results and any
17 recommendations for corrective action in writing to the municipality. For
18 the purpose of this ~~subsection (3)~~ SUBSECTION (4), "independent entity"
19 means:

20 (A) The office of alternate defense counsel;

21 (B) An attorney or a group of attorneys, each of whom has
22 substantial experience practicing criminal defense in Colorado within the
23 preceding five years, so long as the attorney or group of attorneys is not
24 affiliated with the municipality receiving the services, including ~~any~~ A
25 municipal judge, prosecutor, or indigent defense attorney; or

26 (C) A local or regional independent indigent defense commission,
27 as described in ~~subsection (3)(d)~~ SUBSECTION (4)(d) of this section.

1 (d) (I) To satisfy the requirement described in ~~subsection (3)(a)~~
2 SUBSECTION (4)(a) of this section, a municipality may establish a local
3 independent indigent defense commission or coordinate with one or more
4 other municipalities to establish a regional independent indigent defense
5 commission. Any local or regional independent indigent defense
6 commission in existence as of January 1, 2018, is deemed to be in
7 compliance with this ~~subsection (3)(d)~~ SUBSECTION (4)(d) and may
8 continue as established.

9 (II) Each local or regional independent indigent defense
10 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) must
11 include at least three members, each of whom is selected by the chief
12 municipal judge in consultation with the Colorado criminal defense bar,
13 the office of alternate defense counsel, or the office of the state public
14 defender. Prior to serving on a commission, any commission member who
15 is selected by a chief municipal judge must be approved by the office of
16 alternate defense counsel. The office of alternate defense counsel shall
17 approve such appointed commission members whom the office, in its
18 discretion, deems likely to promote the provision of competent and
19 independent indigent defense.

20 (III) The terms and procedures for the members of a local or
21 regional independent indigent defense commission ~~must be~~ ESTABLISHED
22 PURSUANT TO THIS SUBSECTION (4)(d) ARE determined by the municipality
23 or municipalities that ~~establish~~ ESTABLISHED the independent indigent
24 defense commission.

25 (IV) A local or regional independent indigent defense commission
26 established pursuant to this ~~subsection (3)(d)~~ SUBSECTION (4)(d) has the
27 responsibility and exclusive authority to appoint indigent defense counsel

1 for a term of at least one year or more to be served until a successor is
2 appointed. The independent indigent defense commission retains sole
3 authority to supervise the indigent defense counsel and discharge ~~him or~~
4 ~~her~~ THEM for cause.

5 (V) A local or regional independent indigent defense commission
6 ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d), through its ability to
7 supervise, appoint, and discharge the indigent defense counsel PURSUANT
8 TO SUBSECTION (4)(d)(IV) OF THIS SECTION, shall ensure that indigent
9 defendants accused of violations of municipal ordinances for which there
10 is a possible sentence of incarceration are represented independently of
11 any political considerations or private interests, that ~~such~~ THE indigent
12 defendants receive legal services that are commensurate with those
13 available to nonindigent defendants, and that municipal indigent defense
14 attorneys provide representation in accordance with the Colorado rules of
15 professional conduct and the American bar association standards relating
16 to the administration of criminal justice.

17 (VI) A local or regional independent indigent defense commission
18 ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall not interfere
19 with the discretion, judgment, and zealous advocacy of indigent defense
20 attorneys in specific cases.

21 (VII) A local or regional independent indigent defense
22 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall
23 make recommendations to its municipality or municipalities regarding the
24 provision of adequate monetary resources to provide legal services to
25 indigent defendants accused of violations of such municipal ordinances.

26 (VIII) The members of an independent indigent defense
27 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall

1 serve without compensation; except that a municipality that establishes
2 a local independent indigent defense commission or that coordinates with
3 one or more other municipalities to establish a regional independent
4 indigent defense commission shall reimburse the members of the
5 commission for actual and reasonable expenses incurred in the
6 performance of their duties.

7 (5) IF A DEFENDANT REMAINS IN CUSTODY, THE APPOINTMENT OF
8 COUNSEL CONTINUES UNTIL THE DEFENDANT IS RELEASED FROM CUSTODY.
9 IF A DEFENDANT IS RELEASED FROM CUSTODY, THE DEFENDANT MAY
10 APPLY FOR COURT-APPOINTED COUNSEL, AND THE COURT SHALL APPOINT
11 COUNSEL IF THE COURT DETERMINES THAT THE DEFENDANT IS INDIGENT
12 AND THE CHARGED OFFENSE INCLUDES A POSSIBLE SENTENCE OF
13 INCARCERATION.

14 **SECTION 8.** In Colorado Revised Statutes, **amend as it will**
15 **become effective July 1, 2025,** 13-10-114.5 as follows:

16 **13-10-114.5. Representation by counsel - independent indigent**
17 **defense - definitions.** (1) ~~At the time of first appearance on a municipal~~
18 ~~charge, if the defendant is in custody and the charged offense includes a~~
19 ~~possible sentence of incarceration, the court shall appoint counsel to~~
20 ~~represent the defendant for purposes of the initial appearance unless, after~~
21 ~~a full advisement pursuant to C.M.C.R. 210 and section 16-7-207, C.R.S.,~~
22 ~~the defendant makes a knowing, intelligent, and voluntary waiver of his~~
23 ~~or her right to counsel.~~ A MUNICIPALITY SHALL PROVIDE DEFENSE
24 COUNSEL FOR EACH INDIGENT DEFENDANT CHARGED WITH A MUNICIPAL
25 VIOLATION FOR WHICH THE MUNICIPAL CODE ALLOWS A POSSIBLE
26 SENTENCE OF INCARCERATION UNLESS, AFTER BEING FULLY ADVISED
27 PURSUANT TO C.M.C.R. 210 AND SECTION 16-7-207, THE DEFENDANT

1 MAKES A KNOWING, INTELLIGENT, AND VOLUNTARY WAIVER OF THE RIGHT
2 TO COUNSEL.

3 (2) ~~If the defendant remains in custody, the appointment of~~
4 ~~counsel continues until the defendant is released from custody. If the~~
5 ~~defendant is released from custody, he or she may apply for~~
6 ~~court-appointed counsel, and the court shall appoint counsel if the court~~
7 ~~determines that the defendant is indigent and the charged offense includes~~
8 ~~a possible sentence of incarceration.~~ AN IN-CUSTODY MUNICIPAL
9 DEFENDANT IS PRESUMED INDIGENT AND AUTOMATICALLY ENTITLED TO
10 REPRESENTATION BY COURT-APPOINTED COUNSEL AT AND DURING EVERY
11 IN-CUSTODY COURT APPEARANCE. A MUNICIPALITY THAT AUTHORIZES
12 LAW ENFORCEMENT TO ARREST AN INDIVIDUAL FOR AN ALLEGED
13 MUNICIPAL CODE VIOLATION SHALL ENSURE INDIGENT DEFENSE COUNSEL
14 IS PRESENT AND AVAILABLE TO REPRESENT AN IN-CUSTODY DEFENDANT
15 AT ALL COURT APPEARANCES AND THAT COURT APPEARANCES OCCUR
16 WITHIN THE TIME FRAMES ESTABLISHED IN SECTION 13-10-111.5 (2). FOR
17 A COURT APPEARANCE AT WHICH THE MUNICIPAL COURT IS REQUIRED TO
18 SET A PERSONAL RECOGNIZANCE BOND, THE RIGHT TO INDIGENT DEFENSE
19 COUNSEL AT THE HEARING REMAINS IN PLACE, AS DOES THE REQUIREMENT
20 THAT THE COURT CONDUCT PROCEEDINGS BEFORE SETTING BOND AS
21 REQUIRED BY SECTION 13-10-111.5 (3).

22 (3) IF A DEFENDANT IS IN CUSTODY, CANNOT POST BAIL OR IS NOT
23 ALLOWED TO POST BAIL, AND HAS A MUNICIPAL HOLD, INDIGENT DEFENSE
24 COUNSEL FOR THE HOLDING MUNICIPALITY MAY AUTOMATICALLY ELECT
25 TO REPRESENT THE DEFENDANT IN THE MUNICIPAL CASE AND SHALL
26 NOTIFY THE MUNICIPAL COURT EITHER VERBALLY OR IN WRITING OF THE
27 REPRESENTATION. IF A MUNICIPAL COURT RECEIVES NOTICE, INCLUDING

1 FROM AN INCARCERATED DEFENDANT, JAIL, OR CORRECTIONAL FACILITY,
2 OF A DEFENDANT IN CUSTODY WHO CANNOT POST BAIL OR IS NOT
3 ALLOWED TO POST BAIL, AND HAS A MUNICIPAL HOLD, THE HOLDING
4 MUNICIPAL COURT SHALL EITHER APPOINT INDIGENT DEFENSE COUNSEL TO
5 REPRESENT THE DEFENDANT WHILE THE DEFENDANT IS IN CUSTODY OR
6 NOTIFY THE DEFENDANT'S INDIGENT DEFENSE COUNSEL TO ALLOW
7 INDIGENT DEFENSE COUNSEL THE OPPORTUNITY TO AUTOMATICALLY
8 ELECT TO REPRESENT THE DEFENDANT WHILE THE DEFENDANT IS IN
9 CUSTODY.

10 (3.5) AT THE TIME OF A DEFENDANT'S FIRST OUT-OF-CUSTODY
11 APPEARANCE IN MUNICIPAL COURT FOR A VIOLATION FOR WHICH THE
12 MUNICIPAL CODE ALLOWS A POSSIBLE SENTENCE OF INCARCERATION, THE
13 COURT SHALL ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO
14 COUNSEL. THE COURT MAY INQUIRE AND MAKE A DETERMINATION AS TO
15 INDIGENCE IMMEDIATELY UPON REQUEST OR SHALL ADVISE THE
16 DEFENDANT OF THE PROCEDURE TO APPLY FOR COURT-APPOINTED
17 INDIGENT DEFENSE COUNSEL. IF THE COURT DETERMINES THE DEFENDANT
18 IS INDIGENT, THE COURT SHALL APPOINT INDIGENT DEFENSE COUNSEL IN
19 THE MUNICIPAL CASE UNLESS, AFTER BEING FULLY ADVISED PURSUANT TO
20 RULE 210 OF THE COLORADO MUNICIPAL COURT RULES AND SECTION
21 16-7-207, THE DEFENDANT MAKES A KNOWING, INTELLIGENT, AND
22 VOLUNTARY WAIVER OF THE RIGHT TO COUNSEL. NOTHING IN THIS
23 SECTION PREVENTS THE COURT FROM MAKING A DETERMINATION OF
24 INDIGENCE IN ADVANCE OF AN OUT-OF-CUSTODY HEARING OR AT THE
25 SAME HEARING WHEN THE DEFENDANT REQUESTS APPOINTMENT OF
26 COUNSEL.

27 (3) (4) (a) On and after January 1, 2020, each municipality shall

1 provide independent indigent defense for each indigent defendant charged
2 with a municipal code violation for which there is a possible sentence of
3 incarceration. Independent indigent defense requires, at minimum, that a
4 nonpartisan entity independent of the municipal court and municipal
5 officials oversee or evaluate indigent defense counsel.

6 (b) (I) Because the office of alternate defense counsel created in
7 section 21-2-101 is an independent system of indigent defense overseen
8 by an independent commission, provision of indigent defense by lawyers
9 evaluated or overseen by the office of alternate defense counsel satisfies
10 the requirement described in ~~subsection (3)(a)~~ SUBSECTION (4)(a) of this
11 section.

12 (II) Because a legal aid clinic at any Colorado law school
13 accredited by the American bar association is an independent system of
14 indigent defense overseen by the dean of the law school with which it is
15 affiliated, ~~any~~ THE provision or oversight of indigent defense through a
16 legal aid clinic associated with any Colorado law school accredited by the
17 American bar association satisfies the requirement described in
18 ~~subsection (3)(a)~~ SUBSECTION (4)(a) of this section.

19 (c) To satisfy the requirement described in ~~subsection (3)(a)~~
20 SUBSECTION (4)(a) of this section, a municipality that contracts directly
21 with one or more defense attorneys to provide counsel to indigent
22 defendants shall ensure that:

23 (I) The process to select indigent defense attorneys is transparent
24 and based on merit;

25 (II) Each contracted indigent defense attorney is periodically
26 evaluated by an independent entity for competency and independence.
27 The municipality shall evaluate each newly hired defense attorney as soon

1 as practicable but no later than one year after ~~he or she~~ THE DEFENSE
2 ATTORNEY is hired. Otherwise, the municipality shall evaluate each
3 defense attorney at least every three years. An independent entity that
4 evaluates defense attorneys pursuant to this ~~subsection (3)(c)(H)~~
5 SUBSECTION (4)(c)(II) shall provide evaluation results and any
6 recommendations for corrective action in writing to the municipality. For
7 the purpose of this ~~subsection (3)~~ SUBSECTION (4), "independent entity"
8 means:

9 (A) The office of alternate defense counsel;

10 (B) An attorney or a group of attorneys, each of whom has
11 substantial experience practicing criminal defense in Colorado within the
12 preceding five years, so long as the attorney or group of attorneys is not
13 affiliated with the municipality receiving the services, including ~~any~~ A
14 municipal judge, prosecutor, or indigent defense attorney; or

15 (C) A local or regional independent indigent defense commission,
16 as described in ~~subsection (3)(d)~~ SUBSECTION (4)(d) of this section.

17 (III) (A) The contract does not use a fixed or flat-fee payment
18 structure for indigent defense services but instead uses the same payment
19 structure and rates that are paid by the state of Colorado to attorneys and
20 other interdisciplinary team members under contract with the office of
21 alternate defense counsel created in section 21-2-101 and that are
22 consistent with chief justice directive 04-04, or any successor chief justice
23 directive.

24 (B) ~~This subsection (3)(c)(H) only applies to a municipality that~~
25 ~~prosecutes an act of domestic violence, as defined in section 18-6-800.3.~~

26 (C) For the purposes of this ~~subsection (3)(c)~~ SUBSECTION (4)(c),
27 "fixed or flat-fee payment structure" means a fee paid as a **MAXIMUM**

1 fixed amount for specified legal services, regardless of the time or effort
2 involved, but does not include an amount paid as a salary or on a salary
3 basis.

4 (d) (I) To satisfy the requirement described in ~~subsection (3)(a)~~
5 SUBSECTION (4)(a) of this section, a municipality may establish a local
6 independent indigent defense commission or coordinate with one or more
7 other municipalities to establish a regional independent indigent defense
8 commission. ~~Any~~ A local or regional independent indigent defense
9 commission in existence as of January 1, 2018, is deemed to be in
10 compliance with this ~~subsection (3)(d)~~ SUBSECTION (4)(d) and may
11 continue as established.

12 (II) Each local or regional independent indigent defense
13 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) must
14 include at least three members, each of whom is selected by the chief
15 municipal judge in consultation with the Colorado criminal defense bar,
16 the office of alternate defense counsel, or the office of the state public
17 defender. Prior to serving on a commission, any commission member who
18 is selected by a chief municipal judge must be approved by the office of
19 alternate defense counsel. The office of alternate defense counsel shall
20 approve such appointed commission members whom the office, in its
21 discretion, deems likely to promote the provision of competent and
22 independent indigent defense.

23 (III) The terms and procedures for the members of a local or
24 regional independent indigent defense commission ~~must be~~ ESTABLISHED
25 PURSUANT TO THIS SUBSECTION (4)(d) ARE determined by the municipality
26 or municipalities that ~~establish~~ ESTABLISHED the independent indigent
27 defense commission.

1 (IV) A local or regional independent indigent defense commission
2 established pursuant to this ~~subsection (3)(d)~~ SUBSECTION (4)(d) has the
3 responsibility and exclusive authority to appoint indigent defense counsel
4 for a term of at least one year or more to be served until a successor is
5 appointed. The independent indigent defense commission retains sole
6 authority to supervise the indigent defense counsel and discharge ~~him or~~
7 ~~her~~ THEM for cause.

8 (V) A local or regional independent indigent defense commission
9 ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d), through its ability to
10 supervise, appoint, and discharge the indigent defense counsel PURSUANT
11 TO SUBSECTION (4)(d)(IV) OF THIS SECTION, shall ensure that indigent
12 defendants accused of violations of municipal ordinances for which there
13 is a possible sentence of incarceration are represented independently of
14 any political considerations or private interests, that such indigent
15 defendants receive legal services that are commensurate with those
16 available to nonindigent defendants, and that municipal indigent defense
17 attorneys provide representation in accordance with the Colorado rules of
18 professional conduct and the American bar association standards relating
19 to the administration of criminal justice.

20 (VI) A local or regional independent indigent defense commission
21 ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall not interfere
22 with the discretion, judgment, and zealous advocacy of indigent defense
23 attorneys in specific cases.

24 (VII) A local or regional independent indigent defense
25 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall
26 make recommendations to its municipality or municipalities regarding the
27 provision of adequate monetary resources to provide legal services to

1 indigent defendants accused of violations of such municipal ordinances.

2 (VIII) The members of an independent indigent defense
3 commission ESTABLISHED PURSUANT TO THIS SUBSECTION (4)(d) shall
4 serve without compensation; except that a municipality that establishes
5 a local independent indigent defense commission or that coordinates with
6 one or more other municipalities to establish a regional independent
7 indigent defense commission shall reimburse the members of the
8 commission for actual and reasonable expenses incurred in the
9 performance of their duties.

10 (5) IF A DEFENDANT REMAINS IN CUSTODY, THE APPOINTMENT OF
11 COUNSEL CONTINUES UNTIL THE DEFENDANT IS RELEASED FROM CUSTODY.
12 IF A DEFENDANT IS RELEASED FROM CUSTODY, THE DEFENDANT MAY
13 APPLY FOR COURT-APPOINTED COUNSEL, AND THE COURT SHALL APPOINT
14 COUNSEL IF THE COURT DETERMINES THAT THE DEFENDANT IS INDIGENT
15 AND THE CHARGED OFFENSE INCLUDES A POSSIBLE SENTENCE OF
16 INCARCERATION.

17 **SECTION 9.** In Colorado Revised Statutes, 21-2-103, **amend** (5)
18 as follows:

19 **21-2-103. Representation of persons who are indigent -**
20 **definition.** (5) The office of alternate defense counsel may, but is not
21 required to, evaluate the performance of attorneys providing indigent
22 defense in municipal courts at the request of any municipality, as
23 described in ~~section 13-10-114.5 (3)(c)(II)~~ SECTION 13-10-114.5
24 (4)(c)(II). The office of alternate defense counsel shall not perform any
25 such evaluations without sufficient funding for personnel to perform such
26 evaluations.

27 **SECTION 10.** In Colorado Revised Statutes, 21-2-108, **amend**

1 (2) as follows:

2 **21-2-108. Conflict-free defense for indigent persons in**

3 **municipal courts - fund created.** (2) A municipality that wants to utilize

4 the services of the office of alternate defense counsel to evaluate the

5 provision of defense counsel to indigent defendants as described in

6 ~~section 13-10-114.5 (3)(c)(II)(A)~~ SECTION 13-10-114.5 (4)(c)(II)(A)

7 during the next calendar year shall request such services on or before

8 September 1, 2018, and on or before September 1 each year thereafter.

9 **SECTION 11. Safety clause.** The general assembly finds,

10 determines, and declares that this act is necessary for the immediate

11 preservation of the public peace, health, or safety or for appropriations for

12 the support and maintenance of the departments of the state and state

13 institutions.