

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

INTRODUCED

LLS NO. 17-0360.01 Gregg Fraser x4325

SENATE BILL 17-185

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Gray,

Senate Committees

Finance

House Committees

A BILL FOR AN ACT

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

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 district attorney of each judicial district, with the approval of the boards of county commissioners comprising the district, currently fixes the salaries of any assistant district attorney, chief deputy district attorney, and deputy district attorney in the district. There are currently no minimum salary amounts in law for these positions. The bill establishes minimum salary amounts for these positions based upon the salary ranges

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.

of certain employees of the state public defender's office.

The county or counties making up a judicial district currently pay the entire amount of the salaries of all deputy, chief deputy, and assistant district attorneys working in the district. The bill requires the state to pay a percentage of the salaries, starting at a lower percentage and scaling up to the following percentages after 4 years:

- ! Assistant district attorney - 80%;
- ! Chief deputy district attorney - 50%;
- ! Deputy district attorney - 20%.

The bill allows the boards of county commissioners of the counties within a 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 such case, the state would pay 80% and the counties would pay 20% of the employer contribution for an assistant district attorney.

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 AS PROVIDED IN THIS SECTION by the district attorney with the
8 approval of the board of county commissioners or boards of county
9 commissioners of multicounty districts or the city council of a city and
10 county affected, and each county comprising such judicial district shall
11 pay such deputies, chief deputies, assistants, and part-time assistants
12 salaries in the proportion which the population of such county bears to the
13 whole population of such judicial district.

14 (2) THE ASSISTANT DISTRICT ATTORNEY IN EACH JUDICIAL
15 DISTRICT SHALL RECEIVE AS SALARY FOR HIS OR HER SERVICES A SUM OF
16 NOT LESS THAN THE MIDPOINT OF THE SALARY RANGE OF A SUPERVISING

1 STATE PUBLIC DEFENDER. EACH CHIEF DEPUTY DISTRICT ATTORNEY IN
2 EACH JUDICIAL DISTRICT SHALL RECEIVE AS SALARY FOR HIS OR HER
3 SERVICES A SUM OF NOT LESS THAN THE MIDPOINT OF THE SALARY RANGE
4 OF A LEAD DEPUTY STATE PUBLIC DEFENDER. EACH DEPUTY DISTRICT
5 ATTORNEY WHO IS NOT A CHIEF DEPUTY DISTRICT ATTORNEY OR AN
6 ASSISTANT DISTRICT ATTORNEY SHALL RECEIVE AS SALARY FOR HIS OR
7 HER SERVICES A SUM OF NOT LESS THAN THE LOWEST SALARY PAID TO AN
8 ENTRY-LEVEL DEPUTY STATE PUBLIC DEFENDER.

9 **SECTION 2.** In Colorado Revised Statutes, 20-1-205, **repeal** (3)
10 as follows:

11 **20-1-205. Assistant district attorneys.** (3) ~~The salaries~~
12 ~~authorized by subsection (1) of this section shall be paid monthly and~~
13 ~~shall be paid by the counties comprising such judicial district out of the~~
14 ~~ordinary revenues of such counties. Every county shall pay in proportion~~
15 ~~as the population of such county bears to the whole population of such~~
16 ~~judicial district, according to the latest federal census.~~

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 20-1-306 as
18 follows:

19 **20-1-306. Salaries paid from state and county funds.** (1) The
20 salaries of district attorneys of the several judicial districts of the state as
21 set forth in section 20-1-301 (1)(a) shall be paid in twelve equal monthly
22 installments of which the state shall contribute eighty percent ~~annually~~
23 EACH FISCAL YEAR and the counties making up each district the balance,
24 WITH each county's payment to be in the same proportion as provided in
25 section 20-1-302.

26 (2) THE SALARIES OF ASSISTANT DISTRICT ATTORNEYS OF EACH
27 JUDICIAL DISTRICT SHALL BE PAID IN TWELVE EQUAL MONTHLY

1 INSTALLMENTS OF WHICH THE STATE SHALL CONTRIBUTE SIXTY PERCENT
2 IN THE 2017-18 FISCAL YEAR, SIXTY-SEVEN PERCENT IN THE 2018-19
3 FISCAL YEAR, SEVENTY-TWO PERCENT IN THE 2019-20 FISCAL YEAR, AND
4 EIGHTY PERCENT IN THE 2020-21 FISCAL YEAR AND EACH FISCAL YEAR
5 THEREAFTER AND THE COUNTIES MAKING UP EACH DISTRICT THE BALANCE
6 EACH FISCAL YEAR, WITH EACH COUNTY'S PAYMENT TO BE IN THE SAME
7 PROPORTION AS PROVIDED IN SECTION 20-1-302.

8 (3) THE SALARIES OF CHIEF DEPUTY DISTRICT ATTORNEYS OF EACH
9 JUDICIAL DISTRICT SHALL BE PAID IN TWELVE EQUAL MONTHLY
10 INSTALLMENTS OF WHICH THE STATE SHALL CONTRIBUTE THIRTY PERCENT
11 IN THE 2017-18 FISCAL YEAR, THIRTY-SEVEN PERCENT IN THE 2018-19
12 FISCAL YEAR, FORTY-TWO PERCENT IN THE 2019-20 FISCAL YEAR, AND
13 FIFTY PERCENT IN THE 2020-21 FISCAL YEAR AND EACH FISCAL YEAR
14 THEREAFTER AND THE COUNTIES MAKING UP EACH DISTRICT THE BALANCE
15 EACH FISCAL YEAR, WITH EACH COUNTY'S PAYMENT TO BE IN THE SAME
16 PROPORTION AS PROVIDED IN SECTION 20-1-302.

17 (4) THE SALARIES OF DEPUTY DISTRICT ATTORNEYS OF EACH
18 JUDICIAL DISTRICT SHALL BE PAID IN TWELVE EQUAL MONTHLY
19 INSTALLMENTS OF WHICH THE STATE SHALL CONTRIBUTE TEN PERCENT IN
20 THE 2017-18 FISCAL YEAR, FOURTEEN PERCENT IN THE 2018-19 FISCAL
21 YEAR, SEVENTEEN PERCENT IN THE 2019-20 FISCAL YEAR, AND TWENTY
22 PERCENT IN THE 2020-21 FISCAL YEAR AND EACH FISCAL YEAR
23 THEREAFTER AND THE COUNTIES MAKING UP EACH DISTRICT THE BALANCE
24 EACH FISCAL YEAR, WITH EACH COUNTY'S PAYMENT TO BE IN THE SAME
25 PROPORTION AS PROVIDED IN SECTION 20-1-302.

26 **SECTION 4.** In Colorado Revised Statutes, **add** 24-51-305.3 as
27 follows:

1 **24-51-305.3. Assistant district attorneys.** (1) THE BOARDS OF
2 COUNTY COMMISSIONERS OF THE COUNTIES WITHIN A JUDICIAL DISTRICT,
3 IN CONSULTATION WITH THE DISTRICT ATTORNEY FOR THE JUDICIAL
4 DISTRICT, MAY MAKE A ONE-TIME IRREVOCABLE ELECTION TO REQUIRE
5 ANY ASSISTANT DISTRICT ATTORNEY IN THE JUDICIAL DISTRICT HIRED INTO
6 THAT POSITION AFTER SUCH ELECTION TO BECOME A MEMBER OF THE
7 ASSOCIATION'S DEFINED BENEFIT PLAN.

8 (2) AN ASSISTANT DISTRICT ATTORNEY EMPLOYED ON THE DATE
9 THE BOARD OF COUNTY COMMISSIONERS MADE AN ELECTION PURSUANT TO
10 SUBSECTION (1) OF THIS SECTION SHALL HAVE SIXTY DAYS FROM SUCH
11 DATE TO MAKE AN ELECTION TO PARTICIPATE IN THE ASSOCIATION'S
12 DEFINED BENEFIT PLAN OR TO CONTINUE PARTICIPATION IN HIS OR HER
13 EXISTING RETIREMENT PLAN. IN THE ABSENCE OF SUCH ELECTION, SUCH
14 PERSON SHALL CONTINUE TO PARTICIPATE IN HIS OR HER EXISTING
15 RETIREMENT PLAN.

16 (3) AN ASSISTANT DISTRICT ATTORNEY WHO BECOMES A MEMBER
17 OF THE ASSOCIATION SHALL BE A MEMBER OF THE STATE DIVISION.

18 (4) ON BEHALF OF AN ASSISTANT DISTRICT ATTORNEY, THE STATE
19 SHALL CONTRIBUTE EIGHTY PERCENT OF THE EMPLOYER CONTRIBUTIONS
20 AND THE COUNTIES SHALL CONTRIBUTE TWENTY PERCENT OF THE
21 EMPLOYER CONTRIBUTIONS BASED ON THE RATE FOR THE STATE DIVISION
22 SET FORTH IN SECTION 24-51-401 (1.7). ONE HUNDRED PERCENT OF
23 MEMBER CONTRIBUTIONS SHALL BE PAID FROM THE SALARY OF SUCH
24 ASSISTANT DISTRICT ATTORNEY.

25 **SECTION 5. Effective date - applicability.** This act takes effect
26 July 1, 2017, and applies to salaries paid to assistant district attorneys,
27 chief deputy district attorneys, and deputy district attorneys on or after

1 said date.

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