

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

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

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

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/bills summaries>.)

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.

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 three students
23 chosen from the university of Colorado school of law and three 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.

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

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

19 (I) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT
20 ATTORNEYS' COUNCIL, WHO SHALL SERVE AS THE CHAIR OF THE
21 COMMITTEE;

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

23 (III) THE DEAN OF THE UNIVERSITY OF DENVER STURM COLLEGE
24 OF LAW; AND

25 (IV) FOUR ELECTED DISTRICT ATTORNEYS OR THEIR DESIGNEES
26 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT
27 ATTORNEYS' COUNCIL.

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

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

7 (d) THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT
8 COMPENSATION.

9 (e) THE COMMITTEE SHALL REVIEW APPLICATIONS RECEIVED BY
10 THE PROGRAM, SELECT UP TO SIX FELLOWS FOR THE PARTICULAR FISCAL
11 YEAR PLUS ANY BACK-UP CANDIDATES AS DETERMINED NECESSARY BY
12 THE COMMITTEE, AND SELECT UP TO SIX DISTRICT ATTORNEYS' OFFICE
13 LOCATIONS. AFTER SELECTING THE FELLOWS AND THE DISTRICT
14 ATTORNEYS' OFFICE LOCATIONS, THE COMMITTEE SHALL MATCH THE
15 FELLOWS WITH A PARTICULAR DISTRICT ATTORNEY'S OFFICE. WHEN THE
16 COMMITTEE SELECTS THE FELLOWS, THE COMMITTEE SHALL SELECT AN
17 EQUAL NUMBER OF FELLOWS FROM THE TWO LAW SCHOOLS UNLESS THE
18 COMMITTEE SELECTS AN ODD NUMBER OF FELLOWS. THEN THE COMMITTEE
19 SHALL SELECT ONLY ONE MORE FELLOW FROM ONE OF THE LAW SCHOOLS
20 THAN FROM THE OTHER.

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

1 UNEXPENDED PROGRAM MONEYS TO THE DEPARTMENT.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2014 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.