

**NOTE: The governor signed this measure on 5/19/2014.**

# An Act

SENATE BILL 14-174

BY SENATOR(S) Heath and Johnston, Aguilar, Crowder, Guzman, Herpin, Hodge, Kefalas, King, Nicholson, Rivera, Schwartz, Todd; also REPRESENTATIVE(S) McLachlan and Pabon, Buckner, Fields, Gardner, Kagan, Labuda, Lee, Mitsch Bush, Moreno, Pettersen, Rosenthal, Ryden, Williams, Wright.

CONCERNING THE CREATION OF THE PROSECUTION FELLOWSHIP PROGRAM.

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

encourage recent law school graduates to consider seeking careers as prosecutors in rural areas of the state.

(2) It is therefore the intent of the general assembly in enacting article 19.3 of title 23, Colorado Revised Statutes, to create a prosecution fellowship fund within the department of higher education that uses state moneys appropriated by the general assembly to fund a fellowship program to be administered by the Colorado district attorneys' council. The program will provide six, one-year fellowships for students chosen from the university of Colorado school of law and students from the university of Denver Sturm college of law each year. These fellowships will provide for the costs, salary, and benefits comparable to a newly hired deputy district attorney. Each of the selected fellows will be placed in a rural district attorney's office in Colorado pursuant to a selection process to be determined by a committee to be chaired by the executive director of the Colorado district attorneys' council, along with six other committee members, including the dean of each of the two law schools and four elected district attorneys or their designees.

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

**ARTICLE 19.3**  
**Prosecution Fellowship Program**

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

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

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

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

**23-19.3-102. Prosecution fellowship program - creation - committee - administration - conditions.** (1) (a) THERE IS CREATED THE PROSECUTION FELLOWSHIP PROGRAM IN THE DEPARTMENT TO PROVIDE

MONEYS TO THE COLORADO DISTRICT ATTORNEYS' COUNCIL TO FUND FELLOWSHIPS FOR PERSONS WHO HAVE RECENTLY GRADUATED FROM A LAW SCHOOL IN COLORADO AND ALLOW THEM TO PURSUE CAREERS AS PROSECUTORS IN RURAL COLORADO. THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS TO THE DEPARTMENT FOR DISTRIBUTION TO THE COLORADO DISTRICT ATTORNEYS' COUNCIL TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

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

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

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

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

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

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

(IV) FOUR ELECTED DISTRICT ATTORNEYS OR THEIR DESIGNEES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT

ATTORNEYS' COUNCIL.

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

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

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

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

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

(4) BY JANUARY 1, 2019, THE COLORADO DISTRICT ATTORNEYS' COUNCIL SHALL PROVIDE A REPORT TO THE HOUSE OF REPRESENTATIVES AND SENATE JUDICIARY COMMITTEES, OR THEIR SUCCESSOR COMMITTEES, REGARDING THE PROSECUTION FELLOWSHIP PROGRAM. THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION REGARDING THE PLACEMENT OF THE FELLOWS:

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

URBAN DISTRICT ATTORNEY'S OFFICE;

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

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

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

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO