



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

It is my distinct pleasure this afternoon to testify before this committee in support of HB15-1101 sponsored by Representatives Fields and Lawrence.

It is unfortunate that this legislation has been linked to controversial issues such as the death penalty. I do not support the death penalty and have publicly testified before this committee and elsewhere in opposition to it. The reality is the death penalty is a very expensive remedy in our court system whether the Public Defenders' office is forthright about its expenditures or not.

I support this bill because this bill is a step forward for transparency and good government. The Public Defenders' office is an essential component of the State of Colorado's justice system and the people of Colorado should be proud that we have an excellent and well-funded Public Defenders' office that provides vigorous and effective representation for the indigent. However, like every other public office, the budget of this office should be transparent. Recently, through many decisions by the Joint Budget Committee and other legislative action by this body, the Public Defenders' budget has increased quite dramatically. I have supported all of those increases in the budget, in particular, the recent "Rothgery Bill" which assured the provision of counsel for the indigent much earlier in the process than had previously been provided under Colorado law.

There is a developing crisis with funding of prosecutors in Colorado, particularly in our rural areas. Because prosecutors are dependent not on the steady treasury of the state government, but on local property tax generated in fluctuating amounts dependent on fortunes of local economies, it has been virtually impossible for District Attorney budgets in Colorado to keep pace with the Public Defenders' office. Increased staff in the Public Defenders' office, increased salaries, and better long term career prospects in the Public Defenders' office than in a District Attorney's office has put enormous pressure on District Attorneys across the state. In Colorado, because District Attorneys are funded locally, each District Attorney has an obligation annually to appear before our various county commissions and make a case for what our budget should be. Because we don't have access to the Public Defenders' budget, we are often hamstrung in our ability to make that case, even if our counties have the funds to be able to adequately take care of prosecution needs. A balanced judicial system is in everyone's interest. It is incumbent on public safety that the Public Defenders' budget be transparent and that District Attorneys be adequately funded.

I have expressed to the sponsors to this legislation and others that the current version of this bill is not ideal. I would support a version of this bill that included appropriate protections for the

Public Defender similar to what District Attorneys have under the Colorado Criminal Justice Records Act 24-72-301 et seq. so that they would feel no pressure to make disclosures on pending cases and to withhold appropriate information that is attorney client privileged.

However, transparency regarding budgetary matters is essential and appropriate funding for District Attorneys must be addressed by this body and that's why I support this bill.

A handwritten signature in black ink, appearing to read 'Stan Garnett', written over a horizontal line.

Stan Garnett
District Attorney