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0152 Compensation of District Attorneys and Assistant and Deputy District Attorneys

Report to the Colorado General Assembly:

**Compensation of District Attorneys
and
Assistant and Deputy District Attorneys**



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 152

November, 1970

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OF THE
COLORADO GENERAL ASSEMBLY

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* * * * *

The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

COMPENSATION OF DISTRICT ATTORNEYS
AND ASSISTANT AND DEPUTY
DISTRICT ATTORNEYS

Legislative Council
Report To The
Colorado General Assembly

Research Publication No. 152
November, 1970

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REP. BEN KLEIN
REP. CLARENCE QUINLAN

November 20, 1970

To Members of the Forty-eighth General Assembly:

In accordance with provisions of Senate Joint Resolution No. 37, 1970 regular session, the Legislative Council appointed a committee to study salaries of district attorneys and their assistants and deputies. The report of this committee, including a draft of suggested salary level legislation, is submitted herewith.

The committee submitted its report and draft of the proposed bill on November 20, 1970, at which time the report was accepted by the Legislative Council for transmittal to the General Assembly.

Respectfully Submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/mp

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ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

November 20, 1970

Representative C. P. (Doc) Lamb
Chairman
Colorado Legislative Council
Room 46, State Capitol
Denver, Colorado 80203

Dear Mr. Chairman:

Your committee appointed to study salaries of district attorneys and their assistants and deputies submits the accompanying report, containing a draft of suggested salary level legislation.

The committee's report indicates that there is a need for legislative action to raise the salary levels of district attorneys and their assistants and deputies.

Respectfully submitted,

/s/ Representative Ronald Strahle,
Chairman, Committee on Dis-
trict Attorneys

RS/mp

FOREWORD

Senate Joint Resolution No. 37, 1970 regular session, directed the Legislative Council to study salaries of district attorneys and their assistants and deputies. The membership of the committee appointed to carry out the assignment consisted of:

Representative Ronald Strahle,
Chairman
Representative Ben Klein,
Vice Chairman
Senator Clarence Decker
Senator Wayne Denny
Senator Harry Locke
Senator Vincent Massari
Senator Joe Shoemaker
Senator John Wogan

Representative John Carroll
Representative Betty Ann
Dittemore
Representative Earl Johnson
Representative Harold Koster
Representative Hiram McNeil
Representative Ed Newman
Representative Hubert Safran

Valuable assistance was given to the Committee by Mr. Vince Hogan of the Legislative Drafting Office. Mr. Richard Levengood, Senior Analyst for the Legislative Council, had primary responsibility for the staff work and the preparation of this report, with the aid of Mr. Richard Capra and Mr. Dennis Jakubowski, research assistants.

November 20, 1970

Lyle C. Kyle
Director

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SUMMARY OF COMMITTEE RECOMMENDATIONS

For the convenience of the members of the Forty-eighth General Assembly, given below is a summary of the recommendations contained in the accompanying report of the Committee on District Attorneys to the first regular session of the General Assembly pursuant to S.J.R. No. 37 (1970 Session).

In most cases, the page of the Report, in which a specific recommendation is discussed or more information is supplied, is given in the summary. A bill follows this summary and embodies the Committee recommendations.

(1) Full-time District Attorneys. The Committee recommends that effective January, 1973, all 22 Colorado district attorneys serve on a full-time basis and not be permitted to engage in the private practice of law, nor receive any income from any legal firm. (See pp. 6-11.)

Under present law, only district attorneys in judicial districts over 74,000 are required to serve full-time; according to the 1960 census, there are seven such districts. However, based on the 1970 preliminary population estimates of the U. S. Bureau of Census, two other districts have gained enough population since 1960 to require full-time district attorneys. Thus, by 1971, nine of the 22 judicial districts will have full-time district attorneys.

The Committee believes that Colorado has reached the point in time when it is no longer feasible to operate with a part-time district attorney system. The Committee notes that all district judges and many county judges are now full-time and the state has implemented a full-time public defender system. These developments were intended to improve the judicial system in Colorado. The Committee believes its recommendations are in accordance with these efforts; a full-time district attorney system would do much to improve the state's prosecutorial system.

Salaries would be stated as fixed amounts, according to the schedule below. The number of districts affected is also given. (Table IV, pages 19-22, of this Report contains a breakdown of the specific districts and counties affected.)

<u>District Population</u>	<u>No. of Dist.</u>	<u>1973 Recommended Salary Level</u>	<u>1970 Salary Level</u>
Over 400,000	1	\$26,000	\$18,000
50,000 to 400,000	10	23,500	18,000 (over 74,000) 10,000 (50,000 to 74,000)
Under 50,000	11	21,000	7,500 (25,000 to 50,000) 6,000 (under 25,000)

(2) Full-time Assistant, Chief Deputy, and Deputy District Attorneys. Generally speaking, the Committee believes that the system of part-time assistants and deputies should be abolished in the interest of attracting and returning more attorneys to the field of public prosecution. (See pages 11-12.)

(3) Part-time Assistant and Deputy District Attorneys. However, it is recognized that part-time staff members could adequately handle the workload in most districts with smaller populations in view of the fact that the district attorneys of such districts would be full-time. Therefore, the Committee recommends that district attorneys, in districts under 50,000, affecting eleven districts, be authorized to appoint a part-time Assistant District Attorney to serve on a district-wide basis. The Committee also recommends that in districts composed in part of counties of less than 25,000 population, the District Attorney be authorized to appoint part-time deputies to serve in those counties. Such part-time deputies, it is recommended, would continue to be paid by the county or counties for which they render legal services. Deputies and assistants, whether part-time or full-time, serving on a district-wide basis would be paid by the counties in the district in proportion to their respective populations.

(4) Chief Deputy District Attorney. It is recommended that the Chief Deputy District Attorney, as is now the case with an Assistant District Attorney, be designated as a district-wide officer and be paid by all the counties in a judicial district according to their respective populations. A Chief Deputy, by statute, is to assist the District Attorney in the trial of criminal cases in district court. (See pages 13-14.)

However, the Committee recommends that no provision be retained to authorize the appointment of a part-time Chief Deputy.

(5) Salary Schedules for Full-time and Part-time Assistant, Chief Deputy, and Deputy District Attorneys. The salary schedules recommended for assistants and deputies is listed below and existing maximum salaries are included in parenthesis.

	<u>Maximum Full-time Salary</u>	<u>Maximum Part-time Salary</u>
Assistant	\$20,000 (\$16,000)	\$12,000 (\$8,000, \$6,000, \$4,500)
Chief Deputy	\$19,000 (\$15,000)	--- (\$7,000)
Deputy	\$18,000 (\$14,000)	\$10,000 (\$7,000, \$5,200, \$4,000)

(The specific districts and counties affected by Committee recommendations (2), (3), (4), and (5) are shown in Table IV, pages 19-22.)

(6) Maximum Salaries -- Approved by County Commissioners. The Committee recommends that the District Attorney should appoint such deputies as he considers necessary, subject to the approval of the county commissioners.

The maximum salaries of deputies and assistants, it is recommended, should be approved by the county commissioners. As in present law, a District Attorney could appoint an Assistant District Attorney without prior approval; but, differing from present law, the Assistant's maximum salary would have to be approved.

Maximum salary amounts were recommended for assistants and deputies to give the District Attorney some flexibility in determining, for example, what salary an experienced deputy should receive versus a non-experienced deputy. It also would continue to give county commissioners a voice in determining the amount they wished to pay assistants and deputies.

(7) State and County Funding (See Pages 14-16). It is recommended that the effective date for the new salary schedules for assistants and deputies be July 1, 1971. The Committee believes it is incumbent that the new schedules become effective as early as possible to help retain deputies and assistants in the field of public prosecution. The new salary schedule for district attorneys, however, cannot become effective until January, 1973, due to constitutional limitations on increasing an elected officer's compensation during his term of office.

The Committee recommends that the state pay the entire salary of all 22 district attorneys. (Presently, the amount contributed by the state is \$1,200 per year per District Attorney,

or \$26,400 annually.) The Committee also recommends that the counties continue to pay the salaries of deputies and assistants. In view of the fact that the new schedules for deputies and assistants, effective July 1, 1971, may represent an additional burden on local financial resources, the Committee recommends that the state also commence paying the entire cost of district attorneys' salaries on July 1, 1971.

Since district attorneys' salaries are stated as fixed amounts, the fiscal impact for the state can be readily calculated. Conversely, the salaries for deputies and assistants are recommended to be set within statutory maximum amounts; hence, the total impact on county budgets resulting from the Committee's recommendations cannot be determined, except that some savings will occur when the state commences paying the entire salary of all district attorneys after July 1, 1971. The following table gives the amount of money the state will have to appropriate each fiscal year during the five and one-half years the Committee's recommendations on district attorneys' salaries would be in effect, July, 1971 to January, 1977:

State Appropriation Per Fiscal Year During
Life of Bill, July, 1971 to January, 1977

<u>Fiscal Year</u>	<u>Appropriation</u>
1971-72	\$ 255,500
1972-73	368,250 { \$127,750 - 1972 { \$240,500 - 1973 }
1973-74	481,000
1974-75	481,000
1975-76	481,000
1976 (July-Dec.)	240,500
Total Appropriations	<u>\$2,307,250</u>

(8) Bond Requirements -- Restrictions on Private Practice of Law. The Committee recommends that the District Attorney in all districts be authorized to determine which of his staff members should carry bonds. At present, deputies and assistants are required by law to carry bonds, even though they may never handle money.

In addition to prohibiting full-time district attorneys, assistants, and deputies from practicing law and receiving income from private legal firms, the Committee also recommends that all salaried members of a District Attorney's office be prohibited from defending any person in any judicial district in the state. These recommendations are intended to avoid possible conflict of interest situations and are intended to complement the full-time District Attorney concept being recommended.

A BILL FOR AN ACT

1 CONCERNING DISTRICT ATTORNEYS, AND DEPUTY AND ASSISTANT DISTRICT
2 ATTORNEYS.

3 Be it enacted by the General Assembly of the State of Colo-
4 rado:

5 SECTION 1. 45-1-1, Colorado Revised Statutes 1963, is
6 amended to read:

7 45-1-1. Bond and oath of district attorney and staff. (1)

8 Every district attorney, before entering upon the duties of his
9 office, shall take and subscribe an oath to support the consti-
10 tution of the United States, and the organic law of the state;
11 and that he will faithfully discharge the duties of his office;
12 and shall execute to the people of the state of Colorado a bond
13 in the sum of five thousand dollars, with a good and sufficient
14 security, to be approved by the secretary of state, conditioned
15 for the faithful discharge of the duties of his office, as the
16 same are or may be prescribed by law; and upon any breach of
17 such bond, an action shall lie thereon for the benefit of any
18 county fund or person injured thereby.

19 (2) AS THE DISTRICT ATTORNEY MAY DIRECT, THE ASSISTANT
20 AND DEPUTY DISTRICT ATTORNEYS AND OTHER EMPLOYEES APPOINTED PUR-
21 SUANT TO THIS CHAPTER MAY BE REQUIRED TO FILE WITH THE SECRETARY

1 OF STATE THE BOND REQUIRED BY LAW TO BE FILED BY DISTRICT ATTOR-
2 NEYS.

3 SECTION 2. 45-2-1, Colorado Revised Statutes 1963 (1967
4 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

5 45-2-1. Compensation of district attorneys. (1) In every
6 judicial district having a population in excess of four hundred
7 thousand persons, according to the latest federal census, the
8 district attorney shall receive as compensation for his services
9 the sum of twenty-six thousand dollars per annum.

10 (2) In every judicial district having a population in ex-
11 cess of fifty thousand but not exceeding four hundred thousand,
12 according to the latest federal census, the district attorney
13 shall receive as compensation for his services the sum of twenty-
14 three thousand five hundred dollars per annum.

15 (3) In every judicial district having a population not
16 exceeding fifty thousand, according to the latest federal census,
17 the district attorney shall receive as compensation for his ser-
18 vices the sum of twenty-one thousand dollars per annum.

19 (4) A district attorney shall not engage in the private
20 practice of law, nor shall he receive any income from any private
21 law firm.

22 (5) The changes in salaries and in time devoted to offici-
23 al duties authorized by this section for district attorneys shall
24 become effective on the second Tuesday in January, 1973.

25 SECTION 3. Article 2 of chapter 45, Colorado Revised Stat-
26 utes 1963, as amended, is amended BY THE ADDITION OF A NEW SEC-
27 TION to read:

28 45-2-9. Salaries paid from state and county funds. (1)

29

1 After July 1, 1971, the salaries of district attorneys of the
2 several judicial districts of the state as provided in section
3 45-2-1 shall be paid in twelve equal monthly installments from
4 state funds.

5 (2) The salaries of deputy, chief deputy, and assistant
6 district attorneys shall be paid out of the general funds of the
7 counties comprising said judicial districts as provided by sec-
8 tions 45-3-3 (2) and 45-3-8 (3).

9 SECTION 4. 45-3-1, Colorado Revised Statutes (1967 Supp.),
10 is amended to read:

11 45-3-1. Deputies - chief deputies - staff. (1) The dis-
12 trict attorney in every judicial district is authorized to ap-
13 point such deputy district attorneys as he deems necessary to
14 properly discharge the duties of his office, subject to the ap-
15 proval of the board of county commissioners of the county or the
16 city council of a city and county affected, and such deputies
17 shall hold their offices during the pleasure of such district at-
18 torney.

19 (2) The district attorney in every judicial district hav-
20 ~~ing-a-population-in-excess-of-seventy-four-thousand, according~~
21 ~~to-the-latest-federal-census,~~ may designate and appoint a chief
22 deputy district attorney, who shall be an attorney at law admit-
23 ted to practice within this state, to assist him in the trial of
24 criminal cases in the district court. A chief deputy district
25 attorney shall hold office at the pleasure of the district at-
26 torney.

27 (3) Before such deputy district attorneys or chief deputy
28 district attorneys enter upon the duties of their office, they
29

1 shall file with the secretary of state the ~~bond~~ and oath of of-
2 fice required by law to be filed by district attorneys AND MAY
3 BE REQUIRED, AS THE DISTRICT ATTORNEY SHALL DIRECT, TO FILE A
4 LIKE BOND AS THAT REQUIRED TO BE FILED BY DISTRICT ATTORNEYS.

5 (4) The district attorney shall provide that any member of
6 his staff be assigned regular duties or duty hours in accordance
7 with the schedule of compensation paid such staff member.

8 SECTION 5. 45-3-3, Colorado Revised Statutes 1963 (1967
9 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

10 45-3-3. Compensation of deputies and chief deputies. (1)

11 (a) In every judicial district, deputies of the district attor-
12 ney shall be entitled to receive as compensation for services
13 rendered by them, as the district attorney may direct, a sum not
14 to exceed the maximums as hereinafter provided, subject to the
15 approval of the county commissioners of the county or city coun-
16 cil of the city and county affected.

17 (b) Full time deputies of every judicial district shall
18 receive as compensation for services rendered by them a sum not
19 to exceed eighteen thousand dollars per annum; but the full time
20 chief deputy, appointed pursuant to section 45-3-1 (2), shall be
21 entitled to receive as compensation for his services a sum not to
22 exceed nineteen thousand dollars per annum. Such full time
23 chief deputy and deputy district attorneys shall not engage in
24 the private practice of law, nor receive any income from any
25 private law firm.

26 (c) The district attorney in every judicial district that
27 is composed in part of a county or counties of less than twenty-
28 five thousand population shall be authorized to appoint one or
29

1 more part time deputies to fulfill the duties of the district at-
2 torney which may arise in such county or counties. Such part
3 time deputies shall be entitled to receive as compensation for
4 services rendered a sum not to exceed ten thousand dollars per
5 annum, and may engage in the private practice of law.

6 (2) The salaries specified in subsection (1) of this sec-
7 tion shall be paid in twelve equal monthly installments and shall
8 be paid out of the ordinary revenues of the county or city and
9 county affected; except that in the case of the salaries speci-
10 fied for deputies serving in more than one county, each county
11 comprising such judicial district shall pay such deputy's salary
12 in proportion as the population of such county bears to the
13 whole population of such judicial district.

14 (3) Changes in salaries and in time devoted to official
15 duties authorized in this section for chief deputy and deputy
16 district attorneys shall take effect July 1, 1971.

17 SECTION 6. 45-3-8, Colorado Revised Statutes 1963 (1967
18 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

19 45-3-8. Assistant district attorneys. (1) (a) In every
20 judicial district, the district attorney is authorized to appoint
21 an assistant district attorney who shall be an attorney at law
22 admitted to practice within this state, and who shall actually
23 have practiced law in the courts of this state not less than two
24 years. Such assistant district attorney shall be entitled to
25 receive as compensation for services rendered by him, as the dis-
26 trict attorney may direct, a sum not to exceed the maximums as
27 hereinafter provided, subject to the approval of the county com-
28 missioners of the county or city council of the city and county
29 affected.

1 (b) A full time assistant in a judicial district shall re-
2 ceive as compensation for services rendered by him a sum not to
3 exceed twenty thousand dollars per annum.

4 (c) The district attorney in every judicial district hav-
5 ing a population not exceeding fifty thousand may appoint one
6 part time assistant district attorney, who shall be entitled to
7 receive as compensation for services rendered a sum not to exceed
8 twelve thousand dollars per annum. Such part time assistant may
9 engage in the private practice of law.

10 (2) Every such assistant district attorney, before enter-
11 ing upon the duties of office, shall file with the secretary of
12 state the oath of office required by law to be filed by district
13 attorneys, and shall hold office at the pleasure of the district
14 attorney by whom he is appointed. Such assistant district at-
15 torney before entering upon the duties of office, may be required,
16 as the district attorney may direct, to file like bond as that
17 required to be filed by district attorneys.

18 (3) The salaries authorized by subsection (1) of this sec-
19 tion shall be paid monthly and shall be paid by the counties com-
20 prising such judicial district out of the ordinary revenues of
21 such counties. Every county shall pay in proportion as the popu-
22 lation of such county bears to the whole population of such judi-
23 cial district, according to the latest federal census.

24 (4) All changes in salaries and in time devoted to offici-
25 al duties authorized in this section for assistant district at-
26 torneys shall take effect July 1, 1971.

27 SECTION 7. 45-3-14, Colorado Revised Statutes 1963, is
28 amended to read:

29

1 45-3-14. Prohibition of practice of law - associates -
2 members of district attorney's staff. (1) No attorney-at-law
3 practicing law in the state of Colorado who is a member of a pri-
4 vate law firm with which a district attorney, assistant district
5 attorney, or deputy district attorney is associated may defend
6 any person or persons who are being prosecuted by a salaried
7 staff member of the office of said district attorney; NOR MAY ANY
8 SUCH SALARIED STAFF MEMBER DEFEND ANY PERSON OR PERSONS WHO ARE
9 BEING PROSECUTED IN ANY JUDICIAL DISTRICT IN THE STATE OF COLO-
10 RADO.

11 SECTION 8. Repeals. (1) 45-2-3, 45-2-6, and 45-3-4,
12 Colorado Revised Statutes 1963, are repealed.

13 SECTION 9. Effective date. This act shall take effect
14 July 1, 1971.

15 SECTION 10. Safety clause. The general assembly hereby
16 finds, determines, and declares that this act is necessary for
17 the immediate preservation of the public peace, health, and
18 safety.

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COMMITTEE FINDINGS AND RECOMMENDATIONS

By action of the second regular session of the Forty-seventh General Assembly, the Legislative Council was directed to appoint a committee to study salaries of district attorneys and their assistants and deputies. The Council was directed under S.J.R. No. 37, to report its findings and recommendations to the first regular session of the Forty-eighth General Assembly on:

All aspects of the salary schedules of the district attorneys and their deputies and assistants; the method of payment of salaries for this office; the caseload of district attorneys in all districts; the geographical and population conditions as related to the size of the districts; and any other factors which will result in securing competent district attorneys in all areas of Colorado.

Background for Study - Committee Procedure

Background for Study. Article VI, Section 13 of the Colorado Constitution establishes the Office of District Attorney, and the District Attorney's term of office, qualifications, powers and duties, and method of being compensated:

District attorneys - election - term - salary - qualifications. -- In each judicial district there shall be a district attorney elected by the electors thereof, whose term of office shall be four years. District attorneys shall receive such salaries and perform such duties as provided by law. No person shall be eligible to the office of district attorney who shall not, at the time of his election possess all the qualifications of district court judges as provided in this article. All district attorneys holding office on the effective date of this amendment shall continue in office for the remainder of the respective terms for which they were elected or appointed.

Pursuant to Section 13, two bills were introduced in the 1970 Session which were intended to change the statutory salary schedules and provisions relating thereto for district attorneys, deputies, and assistants.

All district attorneys will be up for reelection in 1972, and Article V, Section 30 of the Constitution prohibits increasing an elective officer's pay during his current term of office.

Thus, salary increases for district attorneys will not take effect until the second Tuesday in January, 1973, the start of a new term of office for those elected or reelected in 1972. However, such restrictions do not apply to appointive members of the district attorney's staff, which include deputies and assistants, or to individuals appointed to fill vacancies that are brought about by the death or resignation of the elected district attorney, so long as the appointment occurs after the statutory increase. 1/ Therefore, salary increases for deputies and assistants can be made effective much earlier than is the case for district attorneys.

One of the salary bills, Senate Bill No. 81, was not acted upon by the Senate Appropriations Committee and at the end of the session was postponed indefinitely. Senate Bill No. 74, however, did pass both houses, but in different versions. In an attempt to resolve the differences between the House and Senate passed versions, the bill was sent to conference committee during the two-week recess between the end of formal business on March 12 and adjournment sine die on March 26. Thus, by the time the General Assembly reconvened on March 26, a conference committee bill had been prepared, bringing the total number of versions of Senate Bill No. 74 to four -- the original, plus the Senate, House, and Conference Committee.

Table I compares the provisions of the four versions of the bill with the present salary schedules. District populations are used as the basis for making up salary schedules and determining related provisions under present law. All of the versions of Senate Bill No. 74 continued to use population as the determining factor for establishing salaries, except that a classification of three population levels was used in all versions of Senate Bill No. 74 to replace the existing four population classifications.

As indicated in Table I, there were some substantial differences in the amount of salaries that district attorneys and their staffs should receive. Perhaps, however, the major areas of disagreement revolved around the differences in philosophies held by legislators, county commissioners, and district attorneys on a number of questions pertaining to salaries. These differences are summarized in the footnotes to Table I and can be enumerated in the following questions:

(1) Should district attorneys in districts with smaller populations be full-time or part-time? If full-time, should

1/ Lancaster v. Jefferson Co. (1946) 115 C. 261, 171 P.2d 987, Construing Article V, Section 30.

TABLE I

Comparison of Present Salary Schedules for District Attorneys and
Staffs with Original, Senate, House, and Conference Committee
Versions of Senate Bill No. 74 (1970 Session) 1/

	<u>District Attorney 2/</u>	<u>Assistant District Attorney 3/</u>	<u>Chief Deputy District Attorney 4/</u>	<u>Deputy District Attorney 4/</u>
<u>Over 100,000 Population:</u>				
<u>Present (over 74,000)</u>	\$18,000	\$16,000	\$15,000 (Full-time) \$7,000 (Part-time)	\$14,000 (Full-time) \$7,000 (Part-time)
<u>Senate Bill No. 74:</u>				
Original Version	(\$27,500) 5/ 25,000	\$22,500	\$21,000	\$18,000
Senate Passed Version	(\$25,000) 5/ 22,500	\$20,000	\$19,000	\$18,000
House Passed Version	(\$25,000) 5/ 22,500	\$20,000	\$19,000	\$18,000
Conference Committee Version	(\$25,000) 5/ 22,500	\$20,000	\$19,000	\$18,000
<u>Less Than 100,000 Population:</u>				
<u>Present:</u>				
74,000-100,000	(See above)			
50,000-74,000	\$10,000 (Part-time)	\$8,000 (Part-time)	---	\$7,000 (Part-time)
25,000-50,000	\$7,500 (Part-time)	\$6,000 (Part-time)	---	\$5,200 (Part-time)
Under 25,000	\$6,000 (Part-time)	\$4,500 (Part-time)	---	\$4,000 (Part-time)
<u>Senate Bill No. 74:</u>				
Original Version	\$25,000 (Full-time)	\$22,500 6/ (Full-time) \$12,000 (Part-time)	\$21,000 (Full-time) \$11,000 (Part-time)	\$18,000 (Full-time) \$10,000 (Part-time)
Senate Passed Version	\$20,000 (Full-time) \$10,000 (Part-time)	\$20,000 (Full-time) \$10,000 (Part-time)	\$19,000 (Full-time) \$11,000 (Part-time)	\$18,000 (Full-time) \$10,000 (Part-time)
House Passed Version	\$20,000 (Full-time)	\$20,000 (Full-time) \$11,000 (Part-time)	\$19,000 (Full-time) \$10,000 (Part-time)	\$18,000 (Full-time) \$9,000 (Part-time)
Conference Committee Version	\$20,000 (Full-time)	\$20,000 (Full-time) \$11,000 (Part-time)	\$19,000 (Full-time) \$10,000 (Part-time)	\$18,000 (Full-time) \$9,000 (Part-time)

FOOTNOTES: See page 6.

TABLE I
(Footnotes)

1/ Level of State and Local Funding

Present -- Section 45-2-6, C.R.S. 1963, state pays \$1,200 a year for the salary of each District Attorney.

Senate Bill 74 - Original -- No change from present system.

Senate Bill 74 - House and Conference Committee -- Salaries of District Attorneys, assistants, and deputies paid 50 percent by state and 50 percent by counties in district.

Senate Bill 74 - Senate -- No change from present system.

2/ District Attorneys' Salaries - Full-time or Part-time

Present -- All salaries fixed. District Attorneys in districts over 74,000 population required to work full-time, under 74,000 allowed to work part-time.

Senate Bill 74 - Original, House, and Conference Committee -- All salaries fixed and all District Attorneys full-time.

Senate Bill 74 - Senate -- All salaries stated as maximums, with discretion given to county commissioners to set salaries. In districts under 100,000, county commissioners may determine that district attorney should either work part-time or full-time.

3/ Assistant District Attorneys' Salaries - Full-time or Part-time

Present -- All salaries stated as maximums, with discretion given to District Attorney to fix salary.

Senate Bill 74 - Original -- No change from present system.

Senate Bill 74 - House and Conference Committee -- All salaries fixed, with discretion given to District Attorney in districts under 100,000 to determine whether full-time or part-time.

Senate Bill 74 - Senate -- All salaries stated as maximums and are subject to the approval of the county commissioners. Commissioners in districts under 100,000 given discretion to determine whether assistant works full-time or part-time.

4/ Deputies' Salaries - Full-time or Part-time

Present -- All deputies' salaries stated as maximums, subject to approval of the county commissioners. Deputies in districts over 74,000 and comprised of one county are full-time; all others may be part-time.

Senate Bill 74 - Original -- No change from present system.

Senate Bill 74 - House and Conference Committee -- All deputies' salaries fixed. District Attorneys in districts under 100,000 would determine whether staff is full-time or part-time, but county commissioners have final authority as to the number of full-time and part-time deputies in such districts.

Senate Bill 74 - Senate -- All deputies' salaries stated as maximums with discretion to set salaries given to the county commissioners. Commissioners in districts under 100,000 determine whether deputies are full-time or part-time.

5/ Denver District Attorney's Salary

Salary -- All versions of Senate Bill No. 74 would give Denver District Attorney figure in parenthesis.

6/ Senate Bill 74 - Original -- District Attorney in districts between 74,000 and 100,000 population only would be authorized to appoint a chief deputy. Salary applies only to these districts.

their salaries be stated by statute at fixed amounts or stated as maximum amounts, with county commissioners determining the maximum?

(2) Should provision be made to authorize appointment of full-time, as well as part-time, assistants and deputies in districts with smaller populations? Should the District Attorney or the County Commissioners determine whether they are full-time or part-time and the amount of their salaries? Should the District Attorney or the County Commissioners determine the total number of assistants and deputies in smaller districts? Should their salaries be stated as fixed amounts or stated as maximum amounts?

(3) Should the state assume all or a larger portion of financing salaries and other expenses of district attorneys?

Committee Procedure. At the Committee's first meeting it was agreed that the questions enumerated above should be resolved.

At each of the three meetings held by the Committee, the Committee conferred with district attorneys, both as individuals speaking on their own behalf and as representatives of the Colorado District Attorneys Association. These conferences were used to determine the views of district attorneys as well as obtain some insight into the problems and operations of district attorneys' offices. In addition, the Committee considered staff memoranda on district attorneys' budgets for 1970; caseloads of district judges; and data pertaining to district attorneys' workload (as well as caseload), derived by means of a questionnaire. Approximately 70 percent of the 22 district attorneys responded to the questionnaire and their responses are available for examination in the Legislative Council Office.

Since the jurisdiction of district attorneys is coterminous with judicial district boundaries, a question was raised as to whether the Committee should consider recommending adjustments in the size of judicial districts in order to equalize case and work loads. 2/

2/ Article VI, Section 10 provides that the "General Assembly may by law, whenever two-thirds of the members of each house concur therein, change the boundaries of any district or increase or diminish the number of judicial districts." The Supreme Court held in In re Interrogatories (1969) _____ C. _____, 452 P.2d, 382, that the size of a judicial district is limited to not more than seven counties, since Article VI, Section 24 (3) of the State Constitution provides that a judicial district nominating commission is to be comprised of not more than seven members, one from each county in a district.

The Committee conferred with the State Judicial Administrator to determine whether this approach was feasible. It was reported that when the last major judicial district reorganization occurred in 1964, the principal criteria considered in redrawing district boundaries were: 1) with some deviations, every judicial district should have at least two judges; 2) an attempt was made to minimize the number of miles that a judge was required to travel in the district; and 3) an attempt was made to put counties with smaller populations into the same judicial district as an adjacent county with a larger population.

Mr. Harry O. Lawson, Judicial Administrator, informed the Committee that some adjustments could be made in the boundaries of some districts, but any changes recommended should be carefully considered. For instance, the entire system of court administration in the state has largely been built around existing judicial boundaries. It was reported that the Supreme Court has exercised caution in fostering a completely centralized court system; instead, an attempt has been made to establish a system which emphasizes local administrative autonomy. The Court establishes general administrative guidelines under this system. Committee members also noted that the experience of the 1964 reorganization indicated that a great deal of work would be involved.

Since neither specific recommendations for change were made to the Committee by the Judicial Administrator nor sufficient time was available for the undertaking, the Committee did not pursue the matter further.

Committee Recommendations

Beginning on page xvii of this Report, is a bill the Committee recommends for adoption by the 1971 Session of the General Assembly. The Committee's recommendations are incorporated in the bill and are discussed below.

Full-time District Attorneys. The Committee recommends that district attorneys in all districts be full-time, and that they not be permitted to engage in the private practice of law, or receive any income from any legal firm.

Under present law, full-time district attorneys are required in those districts over 74,000 population, according to the latest federal census. District attorneys in districts under 74,000 population are all part-time. The seven districts that now have full-time district attorneys, along with the counties comprising those districts, are as follows:

<u>Judicial District No.</u>	<u>Counties</u>
First	Jefferson Clear Creek Gilpin
Second	Denver
Fourth	El Paso Teller
Tenth	Pueblo
Seventeenth	Adams
Eighteenth	Arapahoe Douglas Lincoln Elbert
Twentieth	Boulder

Based on preliminary population estimates for 1970, compiled by the U.S. Bureau of Census, two other districts gained enough population between 1960 and 1970 to require full-time district attorneys -- the Eighth Judicial District (Larimer and Jackson) and the Nineteenth Judicial District (Weld).

Under present law, the salary level for full-time district attorneys is fixed at \$18,000 per annum.

Districts under 74,000 population all have part-time district attorneys. Part-time district attorneys are permitted to engage in the private practice of law and are paid fixed salaries depending on where they fall in the following population breakdowns:

<u>District Population</u>	<u>District Attorney's Salary</u>
50,000 to 74,000	\$10,000
25,000 to 50,000	7,500
Under 25,000	6,000

In addition to recommending that all district attorneys be full-time, the Committee also recommends that salaries continue to be differentiated on the basis of the population of districts, as given below:

<u>District Population</u>	<u>District Attorney's Salary</u>
Over 400,000	\$26,000
50,000 to 400,000	23,500
Under 50,000	21,000

Arguments For and Against Full-time District Attorney System. It became apparent during the course of the Committee's work that not everyone endorsed the concept that Colorado should institute a full-time district attorney system. Objections were raised by some district attorneys from smaller districts outside the metropolitan area, both during discussions with the Committee and in returned questionnaires. For example, it was maintained that there is insufficient caseload in smaller districts to justify retention of district attorneys on a full-time basis. Others felt that there are too few lawyers available in smaller districts willing to serve on a full-time basis, since each would have to give up his private law practice. On the latter point, Mr. James H. Shelton, District Attorney for the Nineteenth Judicial District, responded that he "and all of my five deputies, will resign at the time the office becomes full-time pursuant to the 1970 census..."

Other district attorneys expressed the opinion that obtaining financing on the local level, to adequately pay the District Attorney for the loss of his privilege to engage in general law practice, poses a serious problem. A related problem is the fact that the District Attorney is an elected officer. Despite his best efforts in the job, it is argued, he may not be reelected. Thus, any reasonable salary recommended continues to be insufficient to attract many qualified lawyers to run for the office, since they may have to start all over again building a private practice if they are defeated in a bid for reelection.

As an alternative solution, it was suggested, more specialized and technical help could be supplied part-time district attorneys by the Attorney General, particularly in the areas of rendering advice on developments in criminal law and assisting them in the trial and appeal aspects of major felony cases.

Countering these arguments, however, is the view held by most Committee members that Colorado has reached the point in time when it is becoming increasingly important to have prosecutors serving on a full-time professional basis. The Committee notes that all district judges and many county judges are now full-time and that the state has implemented a full-time public defender system, both of which were intended to improve the judicial system in Colorado. The Committee believes its recommendations are in accordance with these efforts, which are buttressed

by the recommendation made this year by the Governor's Council on Crime Control -- that the part-time district attorney and assistant district attorney system should be abolished and a salary scale should be adopted which is commensurate with increasing responsibilities. ^{3/} For instance, caseloads are increasing, and constant self-education in the rapidly changing criminal law field is necessary and time consuming.

Not only have his official duties and caseload increased, but much of the District Attorney's attention, dictated by the very nature of the office, must be directed to matters which go beyond the scope of his statutory duties and responsibilities; he is a member of the community in which he lives and is necessarily involved in its problems. Several returned questionnaires indicated that proper law enforcement requires trained and educated law enforcement officers cooperating with the District Attorney, and much of the latter's time must be spent training these officers. The District Attorney also may be called upon to render assistance in such programs as drug abuse education given in local schools.

He and his staff are called upon constantly to render legal assistance to local officers and the public at large. One part-time District Attorney in his questionnaire noted that:

...all members of the District Attorney's staff are on 24-hour call from all law enforcement agencies in the district and these after-hour calls are numerous. Certain investigations into individual complaints, that would be handled by a police department in a more metropolitan area, are handled through the District Attorney's Office.

Another District Attorney from a smaller district noted the following about his Legal Aid Section:

Our record reflects 4,000 telephone calls from citizens regarding every type of problem imaginable. Actual time spent cannot be computed because a District Attorney who enjoys a position of public trust and the respect of the community is called upon to render opinions to concerned groups or individuals in connection with nearly every action taken by all political subdivisions, whether it is a matter of State concern or of local concern, such

^{3/} Governor's Council on Crime Control, 1970 Comprehensive Plan, Volume II, CLEAA, p. 841.

as a city council or the school board. This service is performed around the clock because the public expects an answer to problems and looks to this office for explanation and relief. I have found that this office acts as a counterweight to balance public opinion and to minimize the public concern about routine matters as well as controversial issues.

District Attorneys and Committee members alike expressed the view that potential conflict of interest situations do arise with a part-time system. The Task Force on the Administration of Justice for the President's Commission on Law Enforcement and Administration of Justice noted that:

...there are many indirect conflicts that almost inevitably arise. The attorneys he deals with as a public officer are the same ones with whom he is expected to maintain a less formal and more accommodating relationship as counsel to private clients. Similar problems may arise in the prosecutor's dealings with his private clients whose activities may come to his official attention. It is undesirable to place a prosecutor in a position in which he most always is conscious of this potential for conflict and be careful to avoid improprieties of the appearance of conflict. 4/

In recommending that district attorneys be made full-time, the Task Force also recognized that "the problems of low pay and part-time employment must be approached together":

...High quality attorneys who should be encouraged to seek the position will do so only if it offers reasonable economic rewards. Full-time devotion to duty cannot be demanded unless the pay is raised and salary scales are based on the assumption that the prosecutor will not have a second income from outside law practice. 5/

The Committee is of the belief that its differentiated salary recommendations are commensurate with the duties and responsibilities that would be required of full-time district

4/ Task Force Report: The Courts, the Task Force on the Administration of Justice; the President's Commission on Law Enforcement and Administration of Justice, p. 73.

5/ Ibid., p. 74.

attorneys in Colorado. As to eliminating possibilities of conflict of interest situations, the Committee also recommends that full-time district attorneys (and full-time assistants and deputies) be prohibited from receiving any income from any private legal firm.

The Committee also recognizes that if the state legislature, in the interest of acquiring a better prosecuting system in Colorado, is going to institute a full-time district attorney system, the state should pay a larger share of the cost than at present. Therefore, the Committee recommends that, effective July 1, 1971, the state pay the entire salary of all district attorneys.

Concerning the specific dollar amounts recommended, there was general agreement among Committee members that the Denver District Attorney should receive a higher salary than other district attorneys due his larger responsibilities. The \$26,000 recommended salary for the Denver District Attorney, it was noted, will be in effect between January, 1973 and January, 1977, and represents the same amount that the Attorney General will receive between January, 1971 and January, 1975.

The next salary level -- \$23,500 for district attorneys in the 50,000 to 400,000 population classification -- would affect 10 districts based on preliminary population estimates. (See Table IV, pp. 19-22.) Eleven district attorneys, serving districts under 50,000, would receive \$21,000. Each of these salary levels deviates from the next highest level by \$2,500. The lowest level for district attorneys (\$21,000) was set \$1,000 over the \$20,000 maximum salary a full-time Assistant District Attorney could receive under the Committee's recommendations. (See salary schedule for Assistant District Attorney, p. 12.)

Full-time Assistant, Chief Deputy, and Deputy District Attorneys. Many of the same arguments for and against full-time district attorneys appear to be equally valid regarding deputies and assistants. But in the interest of assuring continuity in the Office of District Attorney and professional service to local communities, the Committee believes there is a necessity to make more of an effort, than has been the case heretofore, in attracting and retaining assistants and deputies. The mere fact that these officers are appointed, means that deputies and assistants are in a better position than the District Attorney to think in terms of making public prosecution a career. But Colorado, essentially, has a system under which it is not really possible for an assistant or a deputy to think in terms of public prosecution as a career.

First, the present law provides that only in the seven districts listed on page 7 are deputies and assistants full-time. As in the case of district attorneys, in every other judicial

district, assistants and deputies serve part-time, with salaries ranging from a maximum of \$8,000 for assistants in districts in the 50,000 to 74,000 population bracket to \$4,000 for deputies in districts under 25,000 population. (See Table I.) Full-time assistants only receive \$16,000, while a full-time Chief Deputy and a full-time Deputy receive \$15,000 and \$14,000, respectively. District attorneys reported to the Committee that after a period of internship on a public prosecutor's staff, even full-time assistants and deputies find they can work for private legal firms at much higher salaries.

In an attempt to attract and retain more attorneys to the field of public prosecution, the Committee believes that increases in maximum salaries are necessary at the earliest practical date, i.e., July 1, 1971. The salary schedule recommended follows:

	<u>Maximum Full-time Salary</u>
Assistant District Attorney	\$20,000
Chief Deputy District Attorney	\$19,000
Deputy District Attorney	\$18,000

Second, there are really no added incentives that would help attract and retain qualified attorneys to public prosecution. An example of the lack of incentives is the absence of legislation authorizing members of a District Attorney's staff to affiliate with one of the public employees retirement programs, such as the state PERA plan or a county retirement plan. The Committee considered this problem, but did not recommend specific legislation on this matter. There are a number of complications connected with drafting legislation to authorize affiliation. It is anticipated that district attorneys, themselves, in consultation with representatives of PERA, will attempt to draft such legislation for introduction in the 1971 Session.

Part-time Assistant and Deputy District Attorneys. Generally speaking, the Committee believes that the system of part-time deputies and assistants should be replaced by a full-time system, particularly in districts with larger populations. But it is also recognized that part-time deputies could adequately handle the workload in most counties with smaller populations. Therefore, the Committee recommends that in judicial districts composed in part of a county or counties of less than 25,000 population, the District Attorney may appoint part-time deputy district attorneys to serve in those counties.

It is also recommended that in districts under 50,000 population, the District Attorney be authorized to appoint one part-time Assistant District Attorney. No provision for a part-time Chief Deputy is recommended.

The recommended salary schedule for part-time assistant and deputy district attorneys follows:

	<u>Maximum Part-time Salary</u>
Assistant District Attorney	\$12,000
Deputy District Attorney	\$10,000

As in the case of full-time deputies and assistants, the effective date for these schedules is recommended to be July 1, 1971.

Appointment and Salaries Approved by County Commissioners.

The maximum salaries of deputies and assistants, it is recommended, should be approved by the county commissioners. As in present law, a District Attorney could appoint an Assistant District Attorney without prior approval; but, differing from present law, the Assistant's maximum salary would have to be approved.

As noted at the outset, one of the questions to be answered pertained to whether salaries of deputies and assistants should be stated in the statutes as maximum amounts or as fixed amounts. It is believed that having the salaries stated as maximum amounts affords the District Attorney some flexibility in determining, for example, what salary an experienced deputy should receive versus a non-experienced deputy.

The Committee also believes that the Office of District Attorney, while having some aspects that are applicable to a state-wide office, is basically local in nature and emphasis, and that local units of government should continue to have a voice in its operation. Therefore, the local representatives of the community served by a District Attorney should be charged with a responsibility for approving the total number of deputies the community needs and the maximum amount of compensation each receives. The Committee believes that, along with this responsibility, goes the continued obligation of financing their salaries and other expenses of the Office of District Attorney.

Chief Deputy -- District Officer. The Committee recommends that the Deputy District Attorney continue to be paid by the county or counties he serves. However, with respect to the Chief Deputy, who is appointed to assist in the trial of criminal cases in district court (Section 45-3-1 (2), C.R.S. 1963), the

Committee recommends that the statute be amended to designate him as a district officer, as is now the case with the Assistant District Attorney. With this change, his salary would be paid by the counties in the judicial district in proportion to their respective populations.

Bond Requirements -- Restrictions on Legal Practice. District attorneys questioned the necessity of requiring deputies and assistants to file bonds. Usually, it was pointed out, no one but the District Attorney himself handles money and the annual bonding fee is a waste. The Committee recommends that while the District Attorney should continue to be bonded, it be left to the discretion of the District Attorney as to whether other members of his staff should also carry bonds.

In addition to forbidding full-time members of a staff to practice law or to obtain income from law firms, the Committee also recommends that a salaried member of the District Attorney should be prohibited from defending any person in any judicial district in the state.

Fiscal Impact of Recommendations on District Attorneys' Salaries

Impact on County and State Budgets. Table II shows the projected fiscal impact that the recommendations on district attorneys' salaries would have on state and local budgets for calendar years 1970 through 1973. The fiscal implications of district attorneys' salaries can be readily calculated since they are stated in fixed amounts. Conversely, the salaries for deputies and assistants are recommended to be set within statutory maximum amounts; hence, the impact on county budgets could be determined only as far as district attorneys' salaries are concerned. The increased maximums for deputies and assistants could substantially affect county budgets.

The total salaries paid district attorneys by state and county governments will be \$239,500 in calendar year 1970. But in calendar year 1971, the total will increase to \$255,500, due to the population changes that occurred between 1960 and 1970 in the third, eighth, ninth, and nineteenth judicial districts, resulting, under present law, in three district attorneys receiving more compensation and one receiving less compensation. (See Table IV.)

As provided by present law, in calendar year 1970, the state will have contributed \$1,200 toward payment of the annual salary of each of the 22 district attorneys. The total annual state contribution is \$26,400.

Table II

Projected Fiscal Impact of District Attorneys'
Salaries on State and County Budgets
Calendar Years 1970-1973

	<u>Calendar 1970</u>	<u>Calendar 1971</u>	<u>Calendar 1972</u>	<u>Calendar 1973</u>
Paid by Counties	\$213,100	\$114,550 (First 6 months)	----	----
Paid by State	\$ 26,400	\$ 26,400 (All year)	\$255,500	\$481,000
		\$114,550 (Second 6 months)		
Total Salaries	\$239,500	\$255,500	\$255,500	\$481,000

However, as previously stated, the Committee recommends that, effective July 1, 1971, the state should pay the entire amount for all district attorneys' salaries. Originally, the Committee recommended that the state assume the cost of district attorneys' salaries on the same date that the recommended salary increase for district attorneys could constitutionally take effect, i.e., the second Tuesday of January, 1973. But the recommended increases for assistants and deputies would become effective July 1, 1971, and would be paid by counties alone, resulting in increased demands on county financial resources. Therefore, in order to provide some relief to local governments, the Committee believes that the state's assumption of district attorneys' salaries should coincide with the effective date of the salary increases for assistants and deputies.

In 1971, the state would pay the \$26,400 it would normally pay toward salaries if no change in law were made. But, due to the Committee's recommendation, the state will also have to appropriate an additional \$114,550 for the last six months of the year. [The \$114,550 is 50 percent of the total amount (\$229,100) the counties would have to pay if the state did not assume salaries of district attorneys.]

In calendar year 1972, the state would pay the entire existing salary schedule, or \$255,500; and by 1973, the first year of the new salary schedules, the state would have to appropriate \$481,000, which is approximately \$450,000 more per year than at present.

Table II presents a breakdown of costs to state and local governments for a four calendar-year period. Table III, however, gives the amounts the state would have to appropriate for each fiscal year during the five and one-half years the Committee's recommendations on district attorneys' salaries would be in effect, July, 1971 to January, 1977.

Table III

State Appropriations Per Fiscal Year During
Life of Bill, July, 1971 to January, 1977

<u>Fiscal Year</u>	<u>Appropriation</u>
1971-72	\$ 255,500
1972-73	368,250 (\$127,750 - 1972) (\$240,500 - 1973)
1973-74	481,000
1974-75	481,000
1975-76	481,000
1976 (July-Dec.)	240,500
Total Appropriations	\$2,307,250

If the state's present annual contribution -- \$26,400 -- were not changed during this same five and one-half year period, the state would be required to appropriate only a total of \$145,200. Thus, the Committee's recommendation on district attorneys' salaries by January, 1977, will cost the state approximately \$2.2 million more than under existing law.

Present and Recommended Salary Schedules Compared. In order to facilitate comparison of salary schedules on a district-by-district basis. Table IV (pp. 19-22) provides both the present and recommended salaries for district attorneys and their assistants and deputies.

1970 District Attorney Budgets. Table V of this report (pp. 23-27) details the 1970 budgets of the state's 22 district attorneys' offices and the individual appropriation of each county within the judicial district. Also included in Table V, is the population of each judicial district and the counties therein and the per capita expenditure for district attorneys' offices.

JUDICIAL DISTRICTS OF COLORADO

EFFECTIVE JANUARY 1971

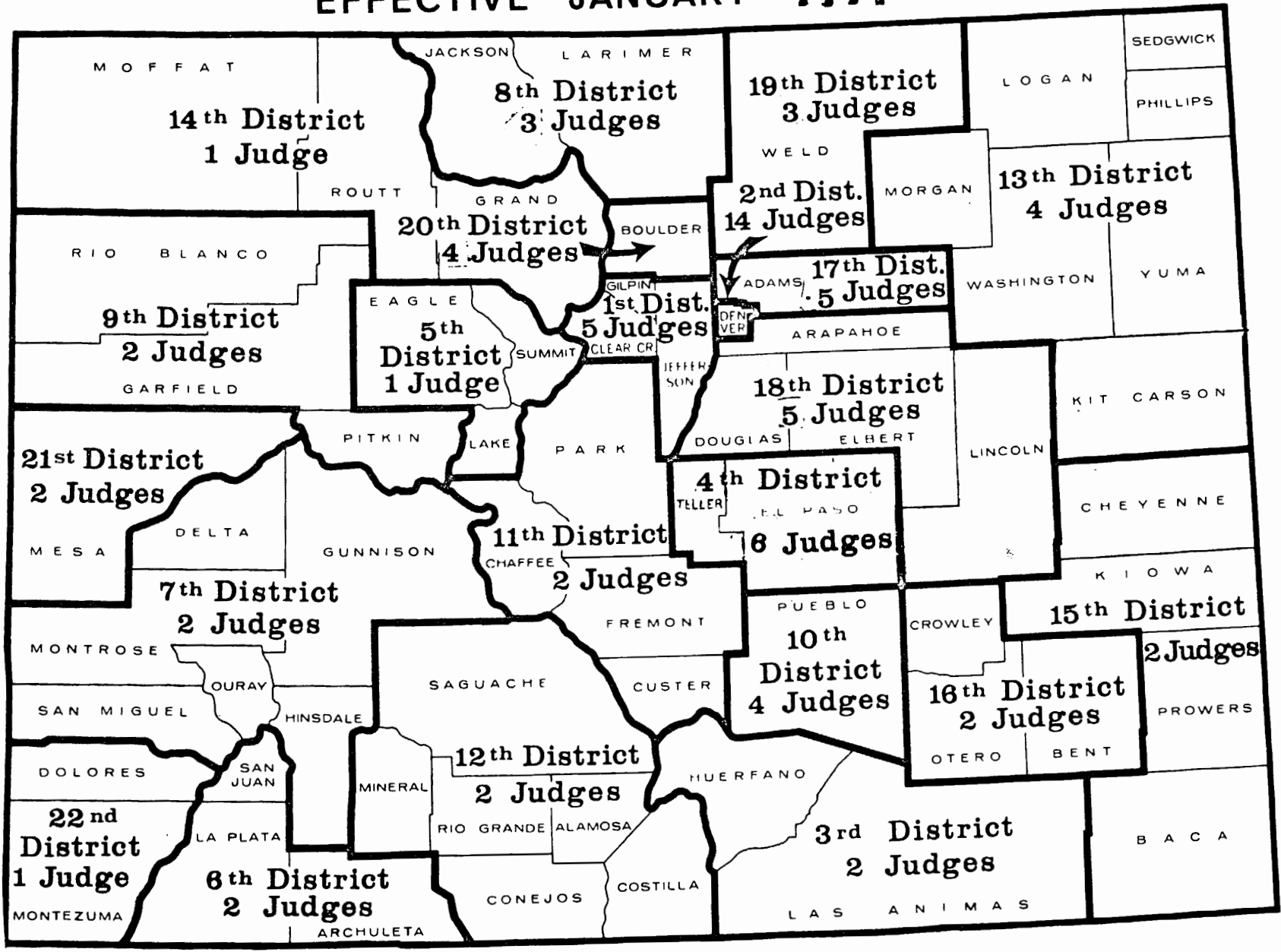


Table IV

COMPARISON OF PRESENT AND RECOMMENDED SALARY SCHEDULES 1/

Districts	1970 Population Estimate U.S. Census	District Attorney		Assistant District Attorney		Chief Deputy District Attorney		Deputy District Attorney	
		Present	Recommended	Present	Recommended 2/	Present	Recommended	Present	Recommended 3/
<u>1st Judicial District</u>	258,020	\$ 18,000	\$ 23,500	\$16,000	\$20,000	\$15,000 7,000 (PT)	\$19,000	\$14,000 7,000 (PT)	\$18,000 10,000 (PT)
Jefferson	252,232								
Clear Creek	4,668								
Gilpin	1,120								
<u>2nd Judicial District</u>	512,691	\$ 18,000	\$ 26,000	\$16,000	\$20,000	\$15,000	\$19,000	\$14,000	\$18,000
Denver	512,691								
<u>3rd Judicial District 4/</u>	21,701	\$ 6,000	\$ 21,000	\$ 4,500	\$20,000 12,000 (PT)	---	\$19,000	\$ 4,000	\$18,000 10,000 (PT)
Las Animas	15,291								
Huerfano	6,410								
<u>4th Judicial District</u>	232,146	\$ 18,000	\$ 23,500	\$16,000	\$20,000	\$15,000 7,000 (PT)	\$19,000	\$14,000 7,000 (PT)	\$18,000 10,000 (PT)
El Paso	229,113								
Teller	3,033								
<u>5th Judicial District</u>	17,649	\$ 6,000	\$ 21,000	\$ 4,500	\$20,000 12,000 (PT)	---	\$19,000	\$ 4,000	\$18,000 10,000 (PT)
Lake	8,138								
Eagle	7,103								
Summit	2,408								
<u>6th Judicial District</u>	22,369	\$ 6,000	\$ 21,000	\$ 4,500	\$20,000 12,000 (PT)	---	\$19,000	\$ 4,000	\$18,000 10,000 (PT)
La Plata	18,977								
Archuleta	2,581								
San Juan	811								
<u>7th Judicial District</u>	43,415	\$ 7,500	\$ 21,000	\$ 6,000	\$20,000 12,000 (PT)	---	\$19,000	\$ 5,200	\$18,000 10,000 (PT)
Montrose	17,876								
Delta	14,868								
Gunnison	7,244								
San Miguel	1,763								
Ouray	1,470								
Hinsdale	194								

Table IV (continued)

Districts	1970 Population Estimate U.S. Census	District Attorney		Assistant District Attorney		Chief Deputy District Attorney		Deputy District Attorney	
		Present	Recommended	Present	Recommended 2/	Present	Recommended	Present	Recommended 3/
<u>8th Judicial District 4/</u>	90,378	\$ 18,000	\$ 23,500	\$16,000	\$20,000	\$15,000 7,000 (PT)	\$19,000	\$14,000 7,000 (PT)	\$18,000 10,000 (PT)
Larimer	88,664								
Jackson	1,714								
<u>9th Judicial District 4/</u>	25,353	\$ 7,500	\$ 21,000	\$ 6,000	\$20,000 12,000 (PT)	---	\$19,000	\$ 5,200	\$18,000 10,000 (PT)
Garfield	14,568								
Pitkin	6,024								
Rio Blanco	4,761								
<u>10th Judicial District</u>	117,212	\$ 18,000	\$ 23,500	\$16,000	\$20,000	\$15,000	\$19,000	\$14,000	\$18,000
Pueblo	117,212								
<u>11th Judicial District</u>	32,760	\$ 7,500	\$ 21,000	\$ 6,000	\$20,000 12,000 (PT)	---	\$19,000	\$ 5,200	\$18,000 10,000 (PT)
Fremont	20,220								
Chaffee	9,663								
Park	1,849								
Custer	1,028								
<u>12th Judicial District</u>	36,373	\$ 7,500	\$ 21,000	\$ 6,000	\$20,000 12,000 (PT)	---	\$19,000	\$ 5,200	\$18,000 10,000 (PT)
Alamosa	11,211								
Rio Grande	10,275								
Conejos	7,663								
Saguache	3,627								
Costilla	2,879								
Mineral	718								
<u>13th Judicial District</u>	66,621	\$ 10,000	\$ 23,500	\$ 8,000	\$20,000	---	\$19,000	\$ 7,000	\$18,000 10,000 (PT)
Morgan	19,708								
Logan	18,390								
Yuma	8,366								
Kit Carson	7,379								
Washington	5,309								
Phillips	4,126								
Sedgwick	3,343								

Table IV (continued)

Districts	1970 Population Estimate U.S. Census	District Attorney		Assistant District Attorney		Chief Deputy District Attorney		Deputy District Attorney	
		Present	Recommended	Present	Recommended ^{2/}	Present	Recommended	Present	Recommended ^{3/}
<u>14th Judicial District</u>	16,373	\$ 6,000	\$ 21,000	\$ 4,500	\$20,000 12,000 (PT)	---	\$19,000	\$ 4,000	\$18,000 10,000 (PT)
Moffat	6,380								
Routt	6,344								
Grand	3,649								
<u>15th Judicial District</u>	22,714	\$ 6,000	\$ 21,000	\$ 4,500	\$20,000 12,000 (PT)	---	\$19,000	\$ 4,000	\$18,000 10,000 (PT)
Prowers	12,877								
Baca	5,516								
Cheyenne	2,315								
Kiowa	2,006								
<u>16th Judicial District</u>	32,114	\$ 7,500	\$ 21,000	\$ 6,000	\$20,000 12,000 (PT)	---	\$19,000	\$ 5,200	\$18,000 10,000 (PT)
Otero	22,824								
Bent	6,343								
Crowley	2,947								
<u>17th Judicial District</u>	187,787	\$ 18,000	\$ 23,500	\$16,000	\$20,000	\$15,000	\$19,000	\$14,000	\$18,000
Adams	187,787								
<u>18th Judicial District</u>	178,974	\$ 18,000	\$ 23,500	\$16,000	\$20,000	\$15,000 7,000 (PT)	\$19,000	\$14,000 7,000 (PT)	\$18,000 10,000 (PT)
Arapahoe	162,207								
Douglas	8,315								
Lincoln	4,664								
Elbert	3,788								
<u>19th Judicial District</u> ^{4/}	89,086	\$ 18,000	\$ 23,500	\$16,000	\$20,000	\$15,000	\$19,000	\$14,000	\$18,000
Weld	89,086								
<u>20th Judicial District</u>	134,134	\$ 18,000	\$ 23,500	\$16,000	\$20,000	\$15,000	\$19,000	\$14,000	\$18,000
Boulder	134,134								
<u>21st Judicial District</u>	52,598	\$ 10,000	\$ 23,500	\$ 8,000	\$20,000	---	\$19,000	\$ 7,000	\$18,000
Mesa	52,598								

Table IV (continued)

Districts	1970 Population Estimate U.S. Census	District Attorney		Assistant District Attorney		Chief Deputy District Attorney		Deputy District Attorney	
		Present	Recommended	Present	Recommended 2/	Present	Recommended	Present	Recommended 3/
22nd Judicial District	14,154	\$ 6,000	\$ 21,000	\$ 4,500	\$20,000 12,000 (PT)	---	\$19,000	\$ 4,000	\$18,000 10,000 (PT)
Montezuma	12,604								
Dolores	1,550								
Total Salaries Paid		\$255,500 5/	\$481,000						
Total Paid by State		\$ 26,400 6/	\$481,000 7/						
Total Paid by Counties		\$229,100	---						

- 1/ The salaries for district attorney are fixed by statute, but the salaries for the assistant, chief deputy, and deputy district attorneys are to be determined within a statutory maximum.
- 2/ According to the recommended bill, districts under 50,000 population may have a part-time assistant district attorney.
- 3/ According to the recommended bill, districts composed in part of a county or counties of less than 25,000 population may appoint one or more part-time deputy district attorneys to such county or counties.
- 4/ Certain districts due to population changes from 1960 to 1970 (estimate) according to the U.S. Census have shifted into different population categories, therefore, causing changes in salary levels for the district attorney and staff. Thus, the salaries shown in the Table for four districts are those that will probably apply in 1971, when the census becomes official. The salaries now in effect for each of these districts, based on the 1960 census, are as follows:

	1960 Population	District Attorney	Assistant District Attorney	Chief Deputy District Attorney	Deputy District Attorney
<u>3rd Judicial District</u>	27,850	\$ 7,500	\$6,000	---	\$5,200
Las Animas	19,983				
Huerfano	7,867				
<u>8th Judicial District</u>	55,101	\$10,000	\$8,000	---	\$7,000
Larimer	53,343				
Jackson	1,758				
<u>9th Judicial District</u>	19,548	\$ 6,000	\$4,500	---	\$4,000
Garfield	12,017				
Pitkin	5,150				
Rio Blanco	2,381				
<u>19th Judicial District</u>	72,344	\$10,000	\$8,000	---	\$7,000
Weld	72,344				

- 5/ Total salaries shown are for 1971 and are based upon 1970 population estimates.
- 6/ The state presently contributes \$1,200 per year to the annual salary of each district attorney. Effective July 1, 1971, the state would assume county share also.
- 7/ To be paid by state as of January, 1973.

Table V

DISTRICT ATTORNEYS BUDGETS FOR CALENDAR YEAR 1970*

(1) Districts	(2) Full-time Salaries	(3) Part-time and Other Salaries	(4) Related Personnel Expenses 1/	(5) Other Expenses 2/	(6) Total Calendar 1970 Budget	(7) 1970 U.S. Census Population Estimate 3/	(8) Per Capita Expenditure Estimate (6) ÷ (7)
<u>1st Judicial District</u>							
Jefferson	\$ 235,767	\$ --	\$12,496	\$ 54,858	\$ 303,121	252,232	\$1.20
Clear Creek	7,123	600	--	3,025	10,748	4,668	2.30
Gilpin	3,084	257	160	1,470	4,971	1,120	4.44
Totals	\$ 245,974	\$ 857	\$12,656	\$ 59,353	\$ 318,840	258,020	\$1.24
<u>2nd Judicial District</u>							
Denver	\$ 671,920	\$ 7,200	\$ --	\$ 57,380	\$ 736,500	512,691	\$1.44
<u>3rd Judicial District</u>							
Las Animas	\$ 21,730	\$ 2,310	\$ --	\$ 4,929	\$ 28,969	15,291	\$1.96
Huerfano	11,844	--	--	1,750	13,594	6,410	2.12
Totals	\$ 33,574	\$ 2,310	\$ --	\$ 6,679	\$ 42,563	21,701	\$2.02
<u>4th Judicial District</u>							
El Paso	\$ 244,727	\$ --	\$ --	\$ 68,693	\$ 313,420	229,113	\$1.37
Teller	3,600	1,115	173	1,009	5,897	3,033	1.94
Totals	\$ 248,327	\$ 1,115	\$ 173	\$ 69,702	\$ 319,317	232,146	\$1.38
<u>5th Judicial District</u>							
Lake	\$ 9,083	\$ --	\$ 436	\$ 2,930	\$ 12,449	8,138	\$1.53
Eagle	6,620	2,340	430	3,830	13,220	7,103	1.86
Summit	2,055	1,200	157	975	4,387	2,408	1.82
Totals	\$ 17,758	\$ 3,540	\$ 1,023	\$ 7,735	\$ 30,056	17,649	\$1.70
<u>6th Judicial District</u>							
La Plata	\$ 24,539	\$ 5,000	\$ 1,200	\$ 9,072	\$ 39,811	18,977	\$2.10
Archuleta	3,599	1,640	--	1,673	6,912	2,581	2.68
San Juan	1,142	369	--	1,731	3,242	811	4.00
Totals	\$ 29,280	\$ 7,009	\$ 1,200	\$ 12,476	\$ 49,965	22,369	\$2.23
<u>7th Judicial District</u>							
Montrose	\$ 9,392	\$ --	\$ --	\$ 2,190	\$ 11,582	17,876	\$.65
Delta	8,905	--	--	2,778	11,683	14,868	.79
Gunnison	5,956	2,270	--	1,374	9,600	7,244	1.33
San Miguel	2,841	--	--	1,450	4,291	1,763	2.43
Ouray	1,800	600	--	1,200	3,600	1,470	2.45
Hinsdale	750	--	--	750	1,500	194	7.73
Totals	\$ 29,644	\$ 2,870	\$ --	\$ 9,742	\$ 42,256	43,415	\$.97

*SOURCE: 1970 Judicial and District Attorney General Fund Expenditures.

Table V (continued)

(1) Districts	(2) Full-time Salaries	(3) Part-time and Other Salaries	(4) Related Personnel Expenses 1/	(5) Other Expenses 2/	(6) Total Calendar 1970 Budget	(7) 1970 U.S. Census Population Estimate 3/	(8) Per Capita Expenditure Estimate (6) + (7)
<u>8th Judicial District</u>							
Larimer	\$ 57,734	\$ --	\$ --	\$ 13,000	\$ 70,734	88,664	\$.80
Jackson	4,600	--	--	360	4,960	1,714	2.89
Totals	\$ 62,334	\$ --	\$ --	\$ 13,360	\$ 75,694	90,378	\$.84
<u>9th Judicial District</u>							
Garfield	\$ 13,366	\$ 2,400	\$ 1,171	\$ 2,768	\$ 19,705	14,568	\$1.35
Rio Blanca	9,148	1,800	646	1,543	13,137	4,761	2.76
Pitkin	7,780	--	--	2,660	10,440	6,024	1.73
Totals	\$ 30,294	\$ 4,200	\$ 1,817	\$ 6,971	\$ 43,282	25,353	\$1.71
<u>10th Judicial District</u>							
Pueblo	\$ 142,400	\$ 1,500	\$ --	\$ 19,400	\$ 163,300	117,212	\$1.39
<u>11th Judicial District</u>							
Fremont	\$ 30,189	\$ --	\$ 1,449	\$ 7,935	\$ 39,573	20,220	\$1.96
Chaffee	7,347	5,041	--	3,612	16,000	9,663	1.66
Park	1,249	1,432	--	704	3,385	1,849	1.83
Custer	1,920	--	--	514	2,434	1,028	2.37
Totals	\$ 40,705	\$ 6,473	\$ 1,449	\$ 12,765	\$ 61,392	32,760	\$1.87
<u>12th Judicial District</u>							
Alamosa	\$ 10,035	\$ 155	\$ 301	\$ 4,003	\$ 14,494	11,211	\$1.29
Rio Grande	11,281	174	888	4,498	16,841	10,275	1.64
Conejos	9,151	--	--	3,335	12,486	7,663	1.63
Saguache	4,803	--	--	1,799	6,602	3,627	1.82
Costilla	4,345	--	337	1,706	6,388	2,879	2.22
Mineral	434	--	21	171	626	718	.87
Totals	\$ 40,049	\$ 329	\$ 1,547	\$ 15,512	\$ 57,437	36,373	\$1.58
<u>13th Judicial District</u>							
Morgan	\$ 10,460	\$ 2,610	\$ 190	\$ 6,842	\$ 20,102	19,708	\$1.02
Logan	10,196	1,000	537	2,951	14,684	18,390	.80
Yuma	4,056	1,692	76	1,661	7,485	8,366	.89
Kit Carson	9,000	--	450	4,000	13,450	7,379	1.82
Washington	3,200	1,750	57	1,580	6,587	5,309	1.24
Phillips	4,392	1,424	38	918	6,772	4,126	1.64
Sedgwick	6,292	500	328	920	8,040	3,343	2.41
Totals	\$ 47,596	\$ 8,976	\$ 1,676	\$ 18,872	\$ 77,120	66,621	\$1.16
<u>14th Judicial District</u>							
Moffatt	\$ 7,267	\$ --	\$ --	\$ 5,270	\$ 12,537	6,380	\$1.97
Routt	6,090	1,800	150	1,680	9,720	6,344	1.53
Grand	2,709	2,265	--	3,140	8,114	3,649	2.22
Totals	\$ 16,066	\$ 4,065	\$ 150	\$ 10,090	\$ 30,371	16,373	\$1.85

Table V (continued)

(1) Districts	(2) Full-time Salaries	(3) Part-time and Other Salaries	(4) Related Personnel Expenses 1/	(5) Other Expenses 2/	(6) Total Calendar 1970 Budget	(7) 1970 U.S. Census Population Estimate 3/	(8) Per Capita Expenditure Estimate (6) ÷ (7)
<u>15th Judicial District</u>							
Prowers	\$ 10,952	\$ --	\$ 1,000	\$ 2,227	\$ 14,179	12,877	\$1.10
Baca	7,268	--	360	1,000	8,628	5,516	1.56
Cheyenne	4,930	--	--	466	5,396	2,315	2.33
Kiowa	5,249	--	--	1,350	6,599	2,006	3.29
Totals	\$ 28,399	\$ --	\$ 1,360	\$ 5,043	\$ 34,802	22,714	\$1.53
<u>16th Judicial District</u>							
Otero	\$ 26,044	\$ 2,540	\$ 307	\$ 11,823	\$ 40,714	22,824	\$1.78
Bent	6,586	3,750	496	2,940	13,772	6,343	2.17
Crowley	--	100	--	320	420	2,947	.14
Totals	\$ 32,630	\$ 6,390	\$ 803	\$ 15,083	\$ 54,906	32,114	\$1.71
<u>17th Judicial District</u>							
Adams	\$ 200,700	\$ 1,575	\$16,467	\$ 53,966	\$ 272,708	187,787	\$1.45
<u>18th Judicial District</u>							
Arapahoe	\$ 57,305	\$ 90,600	\$18,058	\$ 28,491	\$ 194,454	162,207	\$1.20
Douglas	13,813	--	470	1,467	15,750	8,315	1.89
Lincoln	8,244	--	359	1,450	10,053	4,664	2.16
Elbert	5,738	--	251	946	6,935	3,788	1.83
Totals	\$ 85,100	\$ 90,600	\$19,138	\$ 32,354	\$ 227,192	178,974	\$1.27
<u>19th Judicial District</u>							
Weld	\$ 54,820	\$ --	\$ --	\$ 10,680	\$ 65,500	89,086	\$.74
<u>20th Judicial District</u>							
Boulder	\$ 169,441	\$ --	\$ --	\$ 29,454	\$ 198,895	134,134	\$1.48
<u>21st Judicial District</u>							
Mesa	\$ 48,040	\$ --	\$ --	\$ 4,463	\$ 52,503	52,598	\$1.00
<u>22nd Judicial District</u>							
Montezuma	\$ 21,837	\$ 3,000	\$ 1,650	\$ 11,030	\$ 37,517	12,604	\$2.98
Dolores	3,485	--	--	1,633	5,118	1,550	3.30
Totals	\$ 25,322	\$ 3,000	\$ 1,650	\$ 12,663	\$ 42,635	14,154	\$3.01
Total of all Districts	\$2,300,373	\$152,009	\$61,109	\$483,743	\$2,997,234	2,204,622	\$1.36

1/ Retirement, Social Security, and Workmen's Compensation.

2/ Office supplies, other services and charges, capital outlay, and miscellaneous.

3/ U.S. Bureau of Census Preliminary 1970 Census Count, as revised 8/20/70.