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0172 Committee on Criminal Justice, Part I

Report to the Colorado General Assembly

## COMMITTEE ON CRIMINAL JUSTICE

### Part I



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 172

November, 1971

LEGISLATIVE COUNCIL  
OF THE  
COLORADO GENERAL ASSEMBLY

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C. P. (Doc) Lamb  
Chairman  
Ralph Cole  
Phillip Massari  
Harold McCormick  
Hiram McNeil  
Clarence Quinlan  
John Fuhr, Speaker  
of the House

Senators

Fay DeBerard, Vice  
Chairman  
Fred Anderson  
Joe Calabrese  
George Jackson  
Vincent Massari  
Ruth Stockton  
William Armstrong,  
Senator Majority  
Leader

\* \* \* \* \*

The Legislative Council, which is composed of six Senators, six Representatives, plus the Speaker of the House and the Majority Leader of the Senate, 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.

COMMITTEE ON  
CRIMINAL JUSTICE

Part I

Legislative Council  
Report to the  
Colorado General Assembly

Research Publication No. 172  
November, 1971

# COLORADO GENERAL ASSEMBLY



## LEGISLATIVE COUNCIL

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

November 15, 1971

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SEN. WILLIAM L. ARMSTRONG  
SEN. JOSEPH V. CALABRESE  
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SEN. VINCENT MASSARI  
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*Senior Analyst*  
RICHARD LEVINGOOD  
*Senior Analyst*  
MITCHEL BEVILLE  
*Research Associate*  
KAY MILLER  
*Research Associate*  
WALLACE PULLIAM  
*Research Associate*

To Members of the Forty-eighth General Assembly:

Under direction of House Joint Resolution No. 1033, Forty-eighth General Assembly (1971), the Legislative Council appointed the Committee on Criminal Justice to conduct a study of law enforcement, including organized crime problems, and the administration of criminal justice. The report of this committee, which contains the committee's recommendations and drafts of proposed legislation, is submitted herewith.

The committee submitted its report and draft of the proposed bills to the Legislative Council on November 8, 1971. This report is transmitted, without comment, by the Legislative Council to the Forty-eighth General Assembly.

Respectfully submitted,

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

CPL/mp

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REP. CLARENCE QUINLAN

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

Dear Mr. Chairman:

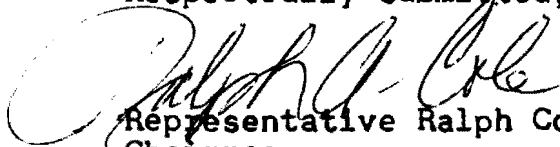
Your Committee on Criminal Justice, appointed to study the problems of law enforcement, including organized crime, and the administration of criminal justice, submits the accompanying report and draft legislation.

The primary work of the Committee this year has been directed toward the preparation of legislation to provide better tools for law enforcement in combating organized crime. Three bills are submitted to achieve this goal: revision of wiretapping and eavesdropping legislation; a proposed act to provide penalties for loanshark activities; and a special offenders sentencing act.

Other bills have been prepared with the view toward strengthening the criminal justice system in Colorado. These bills include provision for full-time district attorneys, changes to provide a rational salary schedule for county judges, and recommendations concerning two part-time county judgeships and the addition of one district judge.

Finally, two proposed bills concern the regulation of firearms and another would extend the jurisdiction of misdemeanor offenses involving marijuana to county courts.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ralph Cole".

Representative Ralph Cole  
Chairman  
Committee on Criminal Justice

RC/mp



## FOREWORD

The Legislative Council's Committee on Criminal Justice was created pursuant to House Joint Resolution No. 1033 of the First Regular Session, Forty-eighth General Assembly (1971). The directive for the study included the topics of law enforcement, organized crime problems, and the administration of criminal justice.

Members appointed to this committee are:

|                                       |                      |
|---------------------------------------|----------------------|
| Rep. Ralph Cole<br>Chairman           | Rep. Betty Dittemore |
| Sen. John Bermingham<br>Vice-Chairman | Rep. Don Horst       |
| Sen. Fay DeBerard                     | Rep. Gerald Kopel    |
| Sen. Ben Klein                        | Rep. Harold Koster   |
| Sen. Tony Vollack                     | Rep. Charles Lindley |
|                                       | Rep. Hubert Safran   |
|                                       | Rep. Ron Strahle     |

Primary attention this year was devoted to organized crime, although other matters of concern to the administration of criminal justice were also under study. For example, the Legislative Council specifically directed that the Committee review the issues concerning full-time district attorneys and the committee is submitting its recommendations on this subject.

Legislative Council staff members Stanley Elofson, Principal Analyst, and Allan Green, Senior Research Assistant, were assigned to assist this Committee. Vincent C. Hogan, Staff Attorney in the Legislative Drafting Office, provided excellent assistance in the preparation of the Committee bills.

November 15, 1971

Lyle C. Kyle  
Director

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*W. A. ...*  
**REPORT OF THE  
COMMITTEE ON CRIMINAL JUSTICE**

The Committee on Criminal Justice devoted primary effort this year toward two issues: organized crime and full-time district attorneys. The Committee recommends action on these two items and the addition of a district court judge in the ninth judicial district, revision of salaries for part-time county judges, additional legislation concerning the regulation of hand guns, and provision for the consolidation of county courts in metropolitan municipalities. Enactment of these recommendations will lead to a more efficient system of criminal justice in the State of Colorado.

Numerous law enforcement officials, including representatives of the Colorado Bureau of Investigation, Colorado Attorney General, Denver District Attorney, the Division of Criminal Justice, and Colorado Association of District Attorneys, testified before the Committee concerning the problem of organized crime in Colorado. Broad consensus was expressed that organized crime is a serious problem in this state and that each year organized criminals engage in illegal activities involving many millions of dollars.

Persons testifying before the Committee indicated that there are two major thrusts necessary to combat organized crime. First, there must be a reduction in the activities of organized crime in order to reduce the extent of economic damage and the greater public awareness will be the public support of the effort to combat organized crime and increased public resistance to the activities of such criminals. Secondly, it was indicated that more legislative authority is needed to give law enforcement agencies more tools to combat organized crime.

The Committee endorses the efforts of law enforcement and related agencies who are engaged in the effort to increase public awareness of the dangers of organized crime. Further, the enactment by the Colorado General Assembly of three legislative proposals would assist these agencies in combating organized crime.

The three recommendations to aid law enforcement agencies in dealing with organized crime would broaden wiretapping authority, provide felony penalties for loan-sharking, and provide special sentences for organized criminals.

*W. A. ...*

A BOND  
N A BOND

After reviewing Federal statutes and receiving testimony from various law enforcement agencies, the Committee concluded that revisions in the present Colorado wiretapping and eavesdropping statutes were needed for several reasons.

(1) State statutes on this subject must be in conformity with Federal law which grants to the States the authority to enact laws under specific guidelines. Presently there are inconsistencies between the Federal statute and that of Colorado. The proposal contains changes in the specifically enumerated offenses for which the state may permit wiretapping and eavesdropping Colorado's statute into conformity with the Federal law.

(2) Testimony from law enforcement agencies indicated that there is need for the addition of certain offenses to those crimes for which wiretapping can be authorized by courts in the State of Colorado. These offenses, assault in the first or second degree, bribery, and gambling, are recommended by the Committee for addition to the wiretap statute in order that law enforcement agencies will be able to more effectively combat these crimes. If the proposed bill concerning wiretapping and eavesdropping (introduction) is enacted, the Federal law will be extended to include crimes to the enumerated crimes for which courts could not authorize wiretapping and eavesdropping.

(3) Provisions have been added requiring counsel, carriers, landlords, tenants, and other persons to cooperate with law enforcement agencies holding wiretap authorization. Also, additional provisions are included to grant immunity from criminal liability for persons required to cooperate. These provisions will bring the Colorado law in conformity with Federal law and will provide protection in the placement of authorized wiretaps. Further, the proposal will assure persons who cooperate that they will not be subject to civil or criminal liability.

(4) Finally, the proposed legislation would add a section providing the reports to be submitted by state courts to the State Court Administrator concerning the filing and disposition of wiretapping requests. The Committee believes that these provisions will assist the Supreme Court, the General Assembly, and the public to be informed of the extent of use and types of activity for which wiretapping and eavesdropping have been authorized by Colorado courts.

A BOND  
N A BOND



Offenses in the Making, Financing, or Collection of Loans  
(Loansharking) (Bill 8)

The Committee recommends that legislation be enacted which would establish felony penalties for offenses commonly known as loansharking. These offenses include extortionate extension of credit, criminal usury, financing extortionate extension of credit, financing criminal usury, and possession of records of criminal usury.

Testimony received by the Committee indicates that loansharking is a major activity of organized crime. Victims of loansharks are frequently persons in a desperate financial situation who are subject to unscrupulous financial practices. Because of the nature of such financial transactions, evidence to convict loansharks is difficult to obtain. Therefore, the recommendation provides for the introduction of presumptive evidence in the trial of a person charged under the proposed statute.

The interest rate which would constitute criminal usury would be established at 45 percent. Interest charged above the maximum allowed by the UCCB (36 percent) and criminal usury (45 percent) would remain as a misdemeanor offense. The 45 percent figure is consistent with federal legislation. While the Committee does not condone interest charged in excess of that allowed by law, this legislation is primarily concerned with loansharks who frequently charge interest which can exceed 1,000 percent on a per annum basis.

Special Offender Legislation (Bill 9)

It is recommended that legislation be enacted which would provide special penalties for those persons determined to be "special offenders". The purpose of the proposed statute is to provide law enforcement authorities with an additional tool in combating organized crime -- that of an additional sentence to be imposed for crimes which are most commonly associated with organized crime.

Those crimes for which the special offender legislation may be applied are those crimes, common to organized crime, for which wiretapping is authorized. An individual may be sentenced as a special offender if it is established:

- (1) That the defendant engaged in a criminal conspiracy with three or more persons;

(2) If more than one-half of his income in a one year period was derived from a source directly related to the offense committed;

(3) If the defendant has been previously convicted of one of the crimes in the special offender statute.

The sentence for a special offender would not be less than the minimum set forth in the statute penalty for the offense for which the defendant was convicted.

This proposed legislation is similar to existing statutes for habitual offenders and sex offenders, except that unlike the sex offenders act, the special offender statute does not provide for indeterminate sentencing.

### District Attorneys (Bill D)

The Committee recommends that all district attorneys in Colorado be placed on a full-time basis as of July 1, 1977, and that the salary of each district attorney be established at \$24,000 per year.

Fast studies of the district attorney question were reviewed by the Committee and testimony was heard from district attorneys, other members of the General Assembly, and others. The testimony received by the Committee indicates that there is now broad consensus throughout the state that all district attorneys should be on a full-time basis. The Committee believes that such a policy will lead to more efficient administration of justice and alleviate serious potential conflicts of interests which now face part-time district attorneys. Existing conditions in the state believe that the system of part-time district attorneys is flawed and does not receive value for money paid to district attorneys.

The Committee recommends that all district attorneys be paid a salary of \$24,000 per year, with 60 percent of the cost to be born by the state and the remaining 40 percent by the counties, on a proportional basis. These salaries will remain in effect until 1977, as required by the Colorado Constitution. In the opinion of the Committee, this salary would represent a level to provide adequate compensation in the face of increased living cost.

The Committee recommendation further provides for county commissioners to authorize the district attorney to defend county officers and employees in any state or federal court. Although this is not a new provision in the statute, the state, testimony has indicated instances in which counties



counsel was necessitated, even though the county officer was conducting public business. This recommendation will clarify the policy of use of district attorneys in civil cases involving county officers and provide that the county commissioners shall determine the legitimate use of the district attorneys for this purpose.

#### Additional Judgeship for Ninth Judicial District (Bill 6)

Testimony was presented to the Committee pertaining to the need for an additional district judgeship in the ninth judicial district which includes Pitkin, Garfield, and Rio Blanco Counties. An additional judgeship is needed because of the heavy caseload due to large seasonal population concentrations in the Aspen, Carbondale, and Glenwood Springs area. Also the size of the district results in extensive travel requirements, and one of the two district judges is now forced to handle water cases almost exclusively.

The Committee recommends that an additional district judge be provided for the ninth judicial district.

#### Issues Concerning Part-time County Judges (Bills F and G)

The Committee received information from the State Judicial Department concerning salaries paid to the part-time judges in smaller counties. The information made evident the fact that there are great discrepancies, according to caseloads, among the salaries of the county judges. The Committee recommends legislation to provide a more rational salary schedule for these judges. Briefly, six categories would be involved, with the recommended salary ranging from a high of \$12,000 to a low of \$2,000. The new schedule would be based on the average filings made in the county court in recent years as projected through fiscal year 1973. Further information on this proposal is appended to this report.

The cost to the state of this proposal initially would total just over \$20,000, as the effective date of the act would be January, 1973. Increased cost in succeeding fiscal years would be slightly over \$40,500. A total of 33 courts would receive salary increases, seven would remain the same, and 13 salaries would be reduced. The reason that some judges' salaries would be reduced is to provide more uniformity in the relationship between salaries and caseload.

Two additional changes in part-time county judgeships are included in Bill G. Information from the Judicial Department indicated that the caseload was not sufficient to





concerning a misdemeanor offense, the Committee recommends that county courts be granted jurisdiction in addition to district and juvenile courts. In effect, this legislation could remove some misdemeanor cases from the caseload of district courts.



## MINORITY REPORT

Representative Strahle

This minority report is confined to the two gun control bills recommended by the Committee. No dissent from the remainder of the Committee's report should be inferred.

In my opinion, the recommendation by the Committee of these bills is objectionable on both procedural and substantive grounds. Procedurally, the recommendation of the bills is objectionable because it was done in the absence of a quorum. Only six members of a Committee of twelve were present. Additionally, only three of those present, Representatives Dittmore and Kopsal, and Senator Velleck, voted for one of the bills. Representatives Cole and Koster did not vote. Representative Strahle voted no. Thus, the recommendation was made on the basis of an affirmative vote of three members of a total of twelve. The other bill received affirmative votes from four members of a total of twelve.

I submit the following substantive objections to the bills:

- (1) The dangerous criminal, whose possession of a loaded handgun might endanger the life of a police officer, would not be deterred by the penalties of a misdemeanor. If he is willing to use a gun to take the life of another, he would not be concerned about the relatively minor penalties contained in the bill. Alternatively, the law-abiding citizen, who may need a handgun in his vehicle for his or his family's protection, would be at the mercy of whatever criminal he might encounter.
- (2) The definition of public highway is objectionably vague. The language of the bill creates the possibility that a loaded firearm could not be possessed by any citizen within the entire right-of-way of a highway, including borrow pits and roadside parks. If this is the case, motorists whose vehicles are disabled, and roadside campers, would be deprived of the right of self-protection. In my opinion, such a result is unacceptable to a majority of Colorado's citizens.

(3) The Bill requiring a report of retail business sales would unfairly burden the retailer by requiring every business retailer in Colorado. The burden of research and inquiry by this bill would be an undue and unfair burden upon the retailer and, further, would accomplish no beneficial purpose since the Colorado Bureau of Investigation, through undercover agents, could not possibly collect or disseminate the information.

(4) At no time during the brief committee deliberations were any facts advanced to prove the existence of a problem which would be solved by either of these bills. Apparently, the bills arise out of a mere hope, vaguely substantiated by the fact that a problem exists, and the bills do not solve the problem. Legislation should be based on fact and not on mere wishing. Neither of these bills passes this test.

Respectfully submitted,

*Donald H. Stahl*  
Representative Donald H. Stahl

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MINORITY REPORT

Senator DeBarard

This minority report is submitted to indicate that I concur with the views of Representative Strahle with regard to deficiencies of the proposed legislation which would limit the carrying of loaded firearms in vehicles. Paragraphs (1) and (2) of Representative Strahle's minority report state clearly the objections which I hold toward this proposed legislation and I endorse his minority views toward Bill N.

I do not object to proposed Bill I requiring retailers to submit reports of firearm transactions to the Colorado Bureau of Investigation. Centralized records of firearm transactions would be helpful to law enforcement officers in investigations and would hopefully result in swifter apprehension of suspects. Thus, I concur with the majority of the Committee in regard to Bill I.

Respectfully submitted,

*Fay D. DeBarard*

Senator Fay DeBarard

BILL A

A BILL FOR AN ACT

CONCERNING COURT ORDERS AUTHORIZING WIRETAPPING AND EAVESDROPPING  
RELATING TO CRIMINAL ACTIVITIES.

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

SECTION 1. 39-24-2 (1), Colorado Revised Statutes 1963, as enacted by section 2 of chapter 121, Session Laws of Colorado 1971, is amended to read:

39-24-2. Ex parte order for wiretapping and eavesdropping. (1)

An ex parte order for wiretapping or eavesdropping, or both, AS SUCH ACTS ARE DESCRIBED IN SECTIONS 40-9-302 TO 40-9-304, C.R.S. 1963, may be issued by any judge of competent jurisdiction of the state of Colorado upon application of the attorney general OR a district attorney, ~~or--the--United--States--attorney~~; stating that there is probable cause to believe that evidence may WILL be obtained of the commission of the crime of murder, kidnapping, extortion, ~~armed-or~~ aggravated robbery, rape, arson, burglary, ASSAULT IN THE FIRST OR

Federal law, which sets guidelines for states to follow in authorizing wiretapping and eavesdropping, requires a specific enumeration of all crimes for which such activity may be permitted. The amendments to this section bring Colorado law into conformity with federal requirements.

The crimes of assault in the first or second degree, bribery, and gambling would be added to

SECOND DEGREE, BRIBERY, OR GAMBLING, or A ~~an-organized~~ criminal conspiracy to commit any of the aforementioned, or FELONY violations set forth in ~~section~~ SECTIONS 48-5-20 AND 48-8-10, C.R.S. 1963, CONCERNING NARCOTIC OR DANGEROUS DRUGS, ~~or--a--crime--endangering--the national--security;~~ or that ~~the-same~~ ONE OF THE ABOVE SPECIFIED CRIMES ~~may~~ WILL be committed; ~~or-that-such--evidence--is--necessary--to--save human-life;~~ or that the communication, conversation, or discussion, as the case may be, is itself an element of a specified crime. FOR PURPOSES OF THIS SECTION, "GAMBLING" MEANS PROFESSIONAL GAMBLING AS DEFINED IN SECTION 40-10-102 (3), AND SUBJECT TO PROSECUTION UNDER SECTION 40-10-103 (2), AND "EXTORTION" MEANS MENACING BY USE OF A DEADLY WEAPON AS DEFINED IN SECTION 40-3-206, THEFT BY MEANS OTHER THAN THE USE OF FORCE, THREAT, OR INTIMIDATION, AS DEFINED IN SECTION 40-4-401 (5), OR CRIMINAL INTIMIDATION AS DEFINED IN SECTION 40-3-207. RAPE, MENACING BY USE OF A DEADLY WEAPON, ARSON, BURGLARY, ASSAULT IN THE FIRST OR SECOND DEGREE, OR CRIMINAL CONSPIRACY TO COMMIT ANY SUCH CRIMES ARE DECLARED TO BE CRIMES DANGEROUS TO LIFE, LIMB, OR PROPERTY. FOR PURPOSES OF THIS SECTION, "BRIBERY" INCLUDES BRIBERY AS DEFINED IN SECTION 40-8-302, COMPENSATION FOR PAST OFFICIAL BEHAVIOR AS DEFINED IN SECTION 40-8-303, TRADING IN PUBLIC OFFICE AS DEFINED IN SECTION

those enumerated crimes for which wiretapping and eavesdropping are authorized.

The provision for the United States Attorney to apply for wiretapping authorization is removed as unnecessary.

40-8-305, ATTEMPT TO INFLUENCE A PUBLIC SERVANT AS DEFINED IN SECTION 40-8-306, DESIGNATION OF SUPPLIER AS DEFINED IN SECTION 40-8-307, AND MISUSE OF OFFICIAL INFORMATION AS DEFINED IN SECTION 40-8-402. FOR PURPOSES OF THIS SECTION, "ARSON" INCLUDES ARSON AS DEFINED IN SECTIONS 40-4-102, 40-4-103, 40-4-104, AND 40-4-105 AS SUCH ACTS ARE SUBJECT TO PROSECUTION AS FELONIES.

SECTION 2. Article 24 of chapter 39, Colorado Revised Statutes 1963, as enacted by section 2 of chapter 121, Session Laws of Colorado 1971, is amended BY THE ADDITION OF A NEW SECTION to read:

39-24-3. Order may direct others to furnish assistance. An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian, or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier, landlord, custodian, or other person is according the person whose communications are to be intercepted. Any communication common carrier, landlord, custodian, or other person furnishing such facilities or technical assistance shall be compensated therefor by

**This section requires communication common carriers, landlords, custodians, and others, to furnish assistance with wiretap implementation. Such a requirement is provided in the federal statute. Such persons are not liable to civil or criminal action under 40-9-305.**



the applicant at the prevailing rates.

SECTION 3. Article 24 of chapter 39, Colorado Revised Statutes 1963, as enacted by section 2 of chapter 121, Session Laws of Colorado 1971, is amended BY THE ADDITION OF A NEW SECTION to read:

39-24-4. Reports to state court administrator. (1) Courts of competent jurisdiction shall report to the state court administrator information on the number of applications for orders permitting wiretapping and eavesdropping granted or denied each year and such other detailed information as the supreme court may require by rule or otherwise request.

(2) The state court administrator, as authorized by the chief justice, shall submit statistical information or data in an annual report or as requested by the general assembly, or committees thereof, pertaining to the number and type of wiretap and eavesdrop applications requested, approved, and denied each year.

SECTION 4. 40-9-305 (3), Colorado Revised Statutes 1963, as enacted by section 1 of chapter 121, Session Laws of Colorado 1971, is REPEALED AND REENACTED, WITH AMENDMENTS, and said section 40-9-305 is further amended BY THE ADDITION OF A NEW SUBSECTION to read:

40-9-305. Exceptions. (3) It shall not be unlawful under

Information concerning the number of applications, disposition, and other information on applications for wiretap and eavesdrop authorizations would be available to the supreme court. Information on the use of wiretaps, for example, may be useful in further legislative consideration of this subject.

This section would pro...

sections 40-9-302 through 40-9-304 for an officer, employee, or agent of any communication common carrier, landlord, custodian, or other person to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, pursuant to section 39-24-2, is authorized to intercept a wire or oral communication.

(4) A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under provisions of sections 40-9-302 through 40-9-304, or under any other law of the state of Colorado.

SECTION 5. Effective date. This act shall take effect July 1, 1972.

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

vide civil and criminal immunity for those persons who are directed to assist with a lawful wiretap or eavesdrop. Language is taken from the federal statute.

BILL B

A BILL FOR AN ACT

CONCERNING CRIMES AND PUNISHMENTS RELATING TO THE MAKING, FINANCING,  
AND COLLECTION OF LOANS.

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

SECTION 1. Chapter 40, Colorado Revised Statutes 1963, as  
reenacted by section 1 of chapter 121, Session Laws of Colorado 1971,  
is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 14

OFFENSES IN THE MAKING, FINANCING, OR COLLECTION OF LOANS

40-14-101. Definitions. (1) As used in this article, unless  
the context otherwise indicates:

**Self explanatory.**

(2) To "extend credit" means to make or renew any loan, or to  
enter into any agreement, express or implied, whereby the repayment or  
satisfaction of any debt or claim, whether acknowledged or disputed,  
valid or invalid, and however arising, may or will be deferred.

(3) "Creditor" means any person who extends credit, or any person claiming by, under, or through any such person.

(4) "Debtor" means any person who receives an extension of credit, or any person who guarantees the repayment of an extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person who receives an extension of credit to repay the same.

(5) "Repayment" of an extension of credit includes the repayment, satisfaction, or discharge, in whole or in part, of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(6) To "collect" an extension of credit means to induce in any way any person to make repayment thereof.

(7) An "extortionate means" is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

40-14-102. Extortionate extensions of credit - penalty. Any person who makes any extension of credit in any amount at any rate of interest with respect to which is the understanding of the creditor

**Class 4 felony offense for extortionate extension of credit. "Extortionate means" are defined above in 40-14-101 (7).**

and the debtor at the time it is made that delay in making repayment or failure to make repayment will result in the use of extortionate means of collection is guilty of extortionate extension of credit which is a class 4 felony.

40-14-103. Presumption that extension of credit is extortionate.

(1) The provisions of this section are nonexclusive and in no way limit the effect or applicability of section 40-14-102.

(2) In any prosecution under section 40-14-102, if it is shown that the factors enumerated in paragraphs (a), (b), and (c) of this subsection (2) were present in connection with the making of the extension of credit in question, there shall arise a presumption that the extension of credit was extortionate:

(a) The extension of credit was made at a rate of interest in excess of that established for criminal usury:

(b) At the time credit was extended, the debtor reasonably believed that either:

(i) One or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment thereof had been punished by extortionate means; or

(ii) The creditor had a reputation for the use of extortionate

Testimony indicated that evidence of criminal loansharking and other such financial activities is rarely available as in a legitimate financial transaction. The loan-shark is apt to prey upon persons in desperate financial circumstances by providing loans with interest charges exceeding 1,000 per cent per annum.

Because of the nature of such transactions, the act provides for the introduction of presumptive evidence. Three factors constitute the basis for presumptive evidence. They are: (1) interest rate in excess of that established for criminal usury; (2) belief by debtor that extortion had been attempted or a reputation of the creditor for the use of extortion; and (3) extension of credit in excess of \$100.

means to collect extensions of credit or to punish the nonrepayment thereof.

(c) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded one hundred dollars.

(3) In any prosecution under section 40-14-102, if evidence has been introduced tending to show the existence of the factors specified in subsection (2) of this section, and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing the understanding of the debtor and creditor at the time the extension of credit was made, the court may, in its discretion, allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension.

(4) The presumption created by subsection (2) of this section shall have the following consequences:

(a) In the absence of evidence tending to show the innocence of the transaction, the offense shall be treated as established beyond a

**Permits court to allow introduction of evidence concerning reputation of creditor when direct evidence is not available.**

**Provides that in the absence of evidence tending to show the innocence of the transaction, the three factors of presumptive evidence would establish the offense beyond a reasonable doubt.**

reasonable doubt of the three factors giving rise to the presumption;  
and

(b) When there is evidence tending to show the innocence of the transaction, the issue of whether the extension of credit was extortionate shall be submitted to the jury unless, giving weight to the three factors giving rise to the presumption and to the legislative finding that such facts, standing alone, are, in general, strong evidence of the presumed offense, the court is satisfied that the evidence as a whole clearly negates the presumed offense;

(c) When the issue of whether the extension of credit was extortionate is submitted to the jury, the court shall charge the jury that while the presumed offense must on all the evidence be proved beyond a reasonable doubt, the law declares that the three factors enumerated in subsection (2) of this section giving rise to the presumption are, in general, strong evidence of a presumed violation of section 40-30-3.

40-14-104. Engaging in criminal usury. (1) Any person who knowingly charges, takes, or receives any money or other property as interest on the loan or forbearance of any money or other property at a rate exceeding forty-five percent per annum or the equivalent rate

When there is evidence tending to show the innocence of the transaction, the issue shall be submitted to a jury, unless the court is satisfied that the evidence as a whole clearly negates the presumed offense.

When the issue is submitted to a jury, the court shall charge the jury that, while the offense must be proved beyond a reasonable doubt, the law declares that the three factors (the presumptions that extension of credit is extortionate) are, in general, strong evidence of presumed violation.

Class 5 felony for criminal usury -- charging interest in excess of 45 per cent.

for a longer or shorter period commits the crime of criminal usury, which is a class 5 felony.

(2) The term interest includes the sum of all charges payable directly or indirectly by a debtor and imposed directly or indirectly by a lender as an incident to or as a condition of the extension of credit to the debtor, whether paid or payable by the debtor, the lender, or any other person on behalf of the debtor to the lender or to a third party.

40-14-105. Financing extortionate extensions of credit. Any person who knowingly advances money or property, whether as a gift, loan, or an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, to any person, with reasonable grounds to believe that it is the intention of the person to whom the advance is made to use the money or property, directly or indirectly, for the purpose of making extortionate extension of credit, commits financing extortionate extensions of credit, which is a class 4 felony.

**Class 4 felony for financing extortionate extensions of credit.**

40-14-106. Financing criminal usury. Any person who knowingly advances money or property, whether as a gift, loan, or an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, to any person, with reasonable grounds to believe that it is the

**Class 5 felony for financing criminal usury.**



intention of the person to whom the advance is made to use the money or property, directly or indirectly, for the purpose of engaging in criminal usury, commits financing criminal usury, which is a class 5 felony.

40-14-107. Collection of extensions of credit by extortionate means. (1) It is unlawful for any person knowingly to participate in any way, or to conspire to do so, in the use of any extortionate means to collect or to attempt to collect any extension of credit; or to punish any person for the nonrepayment of any extension of credit.

(2) Any person who violates the provisions of subsection (1) of this section commits collection of extensions of credit by extortionate means, which is a class 4 felony.

(3) In any prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment of an extension of credit was punished by extortionate means.

(4) In any prosecution under this section, if evidence has been

**Class 4 felony for knowing participation or conspiracy to use extortionate means to (1) collect or attempt to collect any extension of credit or (2) punish for nonrepayment.**

**Allows presumptive evidence (as provided in 40-14-103) to be introduced in the absence of direct evidence.**

introduced tending to show the existence, at the time credit was extended, of the circumstances set forth in subsection (2) (a) of section 40-14-103, and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implied threat, the court may, in its discretion, allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.

40-14-108. Possession or concealment of records of criminal usury. (1) Any person who possesses or conceals any writing, paper, instrument, or article used to record criminally usurious transactions, and who knows or has reasonable grounds to know that the contents have been used, are being used, or are intended to be used to conduct a criminally usurious transaction, or possesses or conceals such instruments with intent to aid, assist, or facilitate criminal usury, commits possession or concealment of records of criminal usury, which is a class 5 felony.

**Class 5 felony to possess  
or conceal records of  
criminal usury.**

(2) This section is not applicable to any person who may take possession of any such documents while acting on behalf of another as attorney or in a related capacity with respect to judicial proceedings already commenced.

**Attorneys and others acting in behalf of person not subject to above.**

SECTION 2. 73-5-301, Colorado Revised Statutes 1963, as enacted by section 1 of chapter 207, Session Laws of Colorado 1971, is amended to read:

73-5-301. Willful violations. (1) (a) A supervised lender who willfully makes charges in excess of those permitted by the provisions of the article on loans (article 3) applying to supervised loans (sections 73-3-501 to 73-3-514) BUT WHICH CHARGES DO NOT EXCEED AN ANNUAL PERCENTAGE RATE OF FORTY-FIVE PERCENT is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five thousand dollars or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment.

**Amends Uniform Consumer Credit Code to provide that misdemeanor penalty applies to interest not in excess of 45 per cent.**

(b) A SUPERVISED LENDER WHO WILLFULLY MAKES CHARGES IN EXCESS OF AN ANNUAL PERCENTAGE RATE OF FORTY-FIVE PERCENT ON ANY SUCH LOAN IS GUILTY OF CRIMINAL USURY, AND IS SUBJECT TO THE PENALTY SET FORTH IN SECTION 40-14-104, C.R.S. 1963.

**Any supervised lender charging in excess of 45 per cent would be subject to this new act.**

(2) A person, other than a supervised financial organization, who

**Extends new act to apply**

willfully engages in the business of making supervised loans without a license in violation of the provisions of this code applying to authority to make supervised loans (section 73-3-502) is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five thousand dollars or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, BUT IF IN ANY SUCH TRANSACTION SUCH PERSON MAKES CHARGES IN EXCESS OF AN ANNUAL PERCENTAGE RATE OF FORTY-FIVE PERCENT HE IS GUILTY OF CRIMINAL USURY AND IS SUBJECT TO THE PENALTY SET FORTH IN SECTION 40-14-104, C.R.S. 1963.

**to any person other than  
a supervised lender.**

(3) (a) A person who willfully engages in the business of making consumer credit sales, consumer leases, or consumer loans, or of taking assignments of rights against debtors arising therefrom and undertakes direct collection of payments or enforcement of these rights without complying with the provisions of this code concerning notification (section 73-6-202) or payment of fees (section 73-6-203), is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed one thousand dollars.

**Extends new act to apply  
to those making consumer  
credit sales, leases, or  
loans.**

(b) IF ANY SUCH COLLECTION INVOLVES A TRANSACTION IN WHICH CHARGES WERE MADE IN EXCESS OF AN ANNUAL PERCENTAGE RATE OF FORTY-FIVE

PERCENT, SUCH PERSON IS GUILTY OF CRIMINAL USURY AND IS SUBJECT TO THE PENALTY SET FORTH IN SECTION 40-14-104, C.R.S. 1963, AND IF ANY SUCH COLLECTION IS MAKE BY EXTORTIONATE MEANS AS DEFINED IN SECTION 40-14-107, C.R.S. 1963, SUCH PERSON IS SUBJECT TO THE PENALTY SET FORTH IN SAID SECTION, REGARDLESS OF THE INTEREST CHARGED.

(4) (a) A CREDITOR WHO WILLFULLY MAKES CHARGES IN EXCESS OF THOSE PERMITTED BY THE PROVISIONS OF SECTION 73-3-602 (2) FOR CONSUMER RELATED LOANS, BUT WHICH CHARGES DO NOT EXCEED A LOAN FINANCE CHARGE OF FORTY-FIVE PERCENT PER YEAR, IS GUILTY OF A MISDEMEANOR, AND UPON CONVICTION SHALL BE PUNISHED BY A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL NOT TO EXCEED ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT.

(b) A CREDITOR WHO WILLFULLY CONTRACTS FOR THE PAYMENT OF LOAN FINANCE CHARGES ON A CONSUMER RELATED LOAN IN EXCESS OF FORTY-FIVE PERCENT PER YEAR IS GUILTY OF CRIMINAL USURY, AND IS SUBJECT TO THE PENALTY SET FORTH IN SECTION 40-14-104, C.R.S. 1963.

SECTION 3. 73-3-603, Colorado Revised Statutes 1963, as enacted by section 1 of chapter 207, Session Laws of Colorado 1971, is amended to read:

73-3-603. Applicability of other provisions to consumer related

**Misdemeanor penalty for consumer related loans in excess of interest rate permitted by UCCC.**

**Extends new act to apply to consumer related loans.**

**Self explanatory.**

loans. Except for the rate of the loan finance charge and the rights to prepay and to rebate upon prepayment, the provisions of sections 73-3-201 to 73-3-210 apply to a consumer related loan AS DO THE WILFULL VIOLATION PROVISIONS OF SECTION 73-5-301 (4).

SECTION 4. 73-3-605, Colorado Revised Statutes 1963, as enacted by section 1 of chapter 207, Session Laws of Colorado 1971, is amended to read:

73-3-605. Loan finance charge for other loans. With respect to a loan other than a consumer loan or a consumer related loan, the parties may contract for the payment by the debtor of any loan finance charge UP TO BUT NOT EXCEEDING FORTY-FIVE PERCENT PER ANNUM.

**Self explanatory.**

SECTION 5. 73-12-3, Colorado Revised Statutes 1963, as amended by section 1 of chapter 207, Session Laws of Colorado 1971, is amended to read:

73-12-3. Greater rate may be stipulated. (1) The parties to any bond, bill, promissory note, or other instrument of writing, may stipulate therein for the payment of a greater or higher rate of interest than six percent per annum, BUT NOT EXCEEDING FORTY-FIVE PERCENT PER ANNUM, and any such stipulation may be enforced in any court of competent jurisdiction in the state, except as otherwise

**Self explanatory.**

provided in articles 1 through 6 of this chapter.

(2) THE TERM INTEREST INCLUDES THE SUM OF ALL CHARGES PAYABLE DIRECTLY OR INDIRECTLY BY A DEBTOR AND IMPOSED DIRECTLY OR INDIRECTLY BY A LENDER AS AN INCIDENT TO OR AS A CONDITION OF THE EXTENSION OF CREDIT TO THE DEBTOR, WHETHER PAID OR PAYABLE BY THE DEBTOR, THE LENDER, OR ANY OTHER PERSON ON BEHALF OF THE DEBTOR TO THE LENDER OR TO A THIRD PARTY.

**Definition of term "interest".**

SECTION 6. Severability. If any provision of this act shall be held unconstitutional, illegal, or void, such finding shall not affect any other provision of this act.

SECTION 7. Effective date - applicability. This act shall take effect July 1, 1972, and shall apply only to transactions entered into on or after such date, and only to unlawful acts alleged to have been committed on or after such date.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

**BILL C**

A BILL FOR AN ACT

ENACTING THE "COLORADO SPECIAL OFFENDER ACT OF 1972".

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

SECTION 1. Chapter 39, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 25

SPECIAL OFFENDER SENTENCING

39-25-1. Short title. This article may be cited as the "Colorado Special Offender Sentencing Act of 1972".

39-25-2. Legislative declaration. The general assembly finds that certain criminal activity in this state forms a pattern of conduct embracing criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated events. Certain crimes, specified in this article, are

The legislative declaration provides the rationale for the act which provides increased sentences for persons convicted of certain crimes and who are members of organized crime.

The first portion of the declaration is identical



declared by the general assembly to be common to such pattern of criminal activity and the general assembly finds it necessary for the public health, safety, and welfare that an additional procedure be available to provide increased sentences of persons convicted of the crimes specified in this article and who are found to be special offenders under the circumstances specified in this article.

39-25-3. Definitions. (1) As used in this article, unless the context otherwise requires:

(2) "Special offender" means a defendant who committed a special offense as defined in subsection (3) of this section.

(3) (a) "Special offense" means any of the following crimes: Repeating gambling offender as defined in section 40-10-102 (9), menacing by use of a deadly weapon as defined in section 40-3-206; theft by means other than the use of force, threat, or intimidation as defined in section 40-4-401 (5); bribery as defined in section 40-8-302; first degree arson as defined in section 40-4-102; compensation for past official behavior as defined in section 40-8-303; attempt to influence a public servant as defined in section 40-8-306; or designation of supplier by public servant as defined in section 40-8-307; when any such offense was committed:

to the federal Organized Crime Control Act of 1970 (T. 18, Ch. 227, § 3575).

Testimony to the Committee indicated that certain offenses are common to organized crime and constitute a "pattern of criminal activity" as stated in the legislative declaration. These felony offenses are subject to the increased sentences provided in the act.

(b) By a defendant in furtherance of a conspiracy with three or more other persons to engage in a pattern of conduct criminal under applicable laws of any jurisdiction, and the defendant did, or agree that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or conduct, or give or receive a bribe or use force as all or part of such conduct; or

(c) By a defendant who has had in his own name or under his control income or property in any one year period of which more than one-half was derived from a source directly related to the offense committed, or embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events; or

(d) By a defendant who has been previously once convicted upon charges separately brought for the commission of one of the crimes set forth in paragraph (a) of this subsection.

39-25-4. Sentencing under this article. (1) The district court having jurisdiction may, subject to the requirements of this article and in lieu of the sentence otherwise provided by law, sentence a special offender to imprisonment for a term not less than the maximum

Criteria for use of this act would be the commission of one of the specified offenses plus the finding of a conspiracy as outlined in this paragraph. Language is from federal Organized Crime Control Act of 1970 (T. 18, Ch. 227, § 3575).

Alternative criterion of income of the special offender from organized crime could be used for purpose of determining whether the special sentencing procedures would be used. Language taken generally from 1970 federal act.

Additional alternative for sentencing under this act would be for the second conviction of one of the specified crimes.

Sentence of not less than the maximum sentence nor more than twice the maximum sentence for the crime of which the special offender is convicted. Federal act autho-

sentence nor more than twice the maximum sentence provided by law for crime of which he is convicted.

(2) This article is not applicable in any prosecution brought under the provisions of article 13 or 19 of this chapter involving habitual criminals or sex offenders.

39-25-5. Requirements before acceptance of a plea. Before the district court may accept a plea from any person charged with any of the crimes specified in section 39-25-3 (3) (a), the court shall, in addition to any other requirement of law, advise the defendant that he may be subject to the penalties authorized in section 39-25-4 as a special offender.

39-25-6. Special sentencing - instituting procedures. (1) (a) Upon acceptance by the court of a plea of guilty or of nolo contendere to any of the crimes specified in section 39-25-3 (3) (a), or upon a conviction upon trial for any such crime, special sentencing proceedings may be instituted by the district attorney by motion filed within twenty days after any such conviction, and the district attorney shall thereupon serve personally upon the defendant a notice of the commencement of such proceedings.

(b) In any case wherein such motion is not filed within twenty

**izes additional sentences of up to 25 years.**

**This provision completely separates this act from the habitual criminal and sex offenders acts.**

**Defendant must be informed that he may be subject to this act. Concept similar to sex offenders act.**

**Procedure for special sentencing under this act. Similar to sex offenders act.**

days, sentencing shall proceed as otherwise provided by law.

39-25-7. Defendant to be advised of rights. (1) (a) Upon the commencement of special sentencing proceedings, the court shall advise the defendant, orally and in writing, that in such proceeding:

(b) The defendant has a right to counsel, and, if the defendant is indigent, counsel will be appointed to represent him;

(c) The defendant has a right to remain silent;

(d) An evidentiary hearing will be held pursuant to section 39-25-9, and the defendant and his counsel will be furnished with copies of all reports prepared for the court pursuant to section 39-25-8 at least ten days prior to the evidentiary hearing.

39-25-8. Report of probation department. (1) Upon the commencement of special sentencing proceedings under this article, the court shall order an investigation made by the probation department as provided in section 39-16-2.

(2) The report shall be filed with the court within seventy-five days after the commencement of such proceedings, and this time may not be enlarged by the court.

39-25-9. Evidentiary hearing. (1) (a) The court shall set a hearing date at least ten days and no more than twenty days after

**Self explanatory. Similar to sex offenders act.**

**Self explanatory.**

**Procedure by which hearing is conducted. Similar to sex offenders act.**

service upon the defendant and his counsel of the reports required by section 39-25-8.

(b) The court may, in its discretion, upon the motion of the defendant, continue the hearing an additional twenty days.

(2) (a) The court shall, upon motion of the district attorney or the defendant, subpoena all witnesses required by the moving party in accordance with the Colorado rules of criminal procedure.

(b) The district attorney shall serve upon the defendant and his counsel a list of all witnesses to be called by the district attorney at least ten days before the evidentiary hearing.

(3) When such proceeding is against a person alleged to be a special offender by virtue of a prior conviction under section 39-25-3 (3) (d), a duly authenticated copy of the record of the former conviction and judgment of any court of record for said crime shall be prima facie evidence of such past conviction and may be used in evidence against such party.

(4) In the evidentiary hearing, the court shall receive evidence bearing on the issue of whether the defendant is a special offender under the provisions of section 39-25-3 (2).

(5) (a) In the evidentiary hearing, the following procedures

shall be available to the extent necessary to accomplish a full and fair hearing under the rules of evidence in criminal trials:

(b) The district attorney may call and examine witnesses and the defendant shall be allowed to cross-examine such witnesses.

(c) The defendant may call and examine witnesses and the district attorney shall be allowed to cross-examine such witnesses.

(d) The defendant may call and cross-examine as an adverse witness any probation officer who has filed a report pursuant to section 39-25-8.

(6) The report of the probation officer filed with the court pursuant to section 39-25-8, may be received into evidence.

39-25-10. Findings of fact and conclusions of law. (1) After the evidentiary hearing, the court shall, within five days, make oral or written findings of fact and conclusions of law.

(2) If the court finds beyond a reasonable doubt that the defendant is a special offender the court shall sentence the defendant in accordance with the provisions of section 39-25-4.

(3) If the court does not find as provided in subsection (2) of this section, it shall terminate proceedings under this article, and proceed with sentencing as otherwise provided by law, deducting the

**Self explanatory. Similar to sex offenders act.**

time from the commencement of proceedings under this article to the termination thereof from the minimum sentence of the defendant.

(4) If the findings and conclusions are oral, they shall be reduced to writing and filed within ten days, and the defendant shall not be transferred to the state penitentiary until the findings and conclusions are filed.

39-25-11. Appeal. The defendant may appeal an adverse finding made pursuant to section 39-25-10 in the same manner as is provided by law for other criminal appeals.

**Self explanatory.**

SECTION 2. Effective date - applicability. (1) This act shall take effect on July 1, 1972.

(2) The provisions of this act do not apply to or govern the construction of, prosecution for, or punishment for any offense committed prior to July 1, 1972, or the construction and application of any defense to a prosecution for such an offense.

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

BILL D

A BILL FOR AN ACT

CONCERNING THE DUTIES AND COMPENSATION OF DISTRICT ATTORNEYS.

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

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

45-1-5. Opinions to county officers - representation. (1) The district attorney, upon request of any county officer of any county within his district, without fee, shall give his opinion in writing upon all questions of law having references to the duties of such officer which may be submitted; and shall file and preserve in his office a copy of all such opinions.

(2) THE DISTRICT ATTORNEY, UPON A REQUEST IN THE FORM OF A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY WITHIN HIS DISTRICT, SHALL REPRESENT ANY COUNTY OFFICER ENUMERATED IN CHAPTER 35, C.R.S. 1963, OR THE EMPLOYEES OF ANY SUCH OFFICER IN THE DEFENSE

**Provides that, upon the request of the county commissioners, the district attorney shall represent any designated county officer or employee of such officer in any state or federal court in**



OF ANY CIVIL SUIT OR CIVIL PROCEEDING BROUGHT AGAINST SUCH OFFICER IN ANY COURT OF THIS STATE OR ANY FEDERAL COURT IF SUCH ACTION DIRECTLY RELATES TO THE DUTIES OF THE COUNTY OFFICER.

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

45-2-1. Compensation of district attorneys. (1) In every judicial district the district attorney shall receive as compensation for his services the sum of twenty-four thousand dollars per annum.

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

(3) The changes in salaries and in time devoted to official duties authorized by this section for district attorneys shall become effective on the second Tuesday in January, 1973.

SECTION 3. Article 2 of chapter 45, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

45-2-9. Salaries paid from state and county funds. (1) After July 1, 1972, the salaries of district attorneys of the several judicial districts of the state as set forth in section 45-2-1 shall be paid in twelve equal monthly installments of which the state shall contribute sixty percent and the counties making up each district the

a civil suit directly related to his official duties. While this amendment would conform with practice in most judicial districts, the statutes should specifically provide for such practice.

Establishes salary of every district attorney at \$24,000 per annum.

Prohibits any district attorney from engaging in private practice. Thus, all district attorneys would serve on a full-time basis, with greater assurance that conflicts of interest will not arise.

Provides that the state contribute 60 per cent of the salaries of district attorneys, the remaining 40 per cent to be assumed by the counties of each district on a proportional basis. Total state appropriation for

balance, each county's payment to be in the proportion its population bears to the whole population of the district according to the latest federal census.

the first full year (1972)  
would be \$316,800.

SECTION 4. Effective date. This act shall take effect July 1, 1972.

SECTION 5. Safety clause. The general assembly hereby finds determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

BILL E  
A BILL FOR AN ACT

CONCERNING DISTRICT JUDGES AND CHANGING THE NUMBER OF DISTRICT JUDGES  
IN THE NINTH JUDICIAL DISTRICT.

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

SECTION 1. 37-12-10 (2), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

37-12-10. Ninth district. (2) The number of judges for the ninth judicial district shall be ~~two~~ THREE.

SECTION 2. Effective date. This act shall take effect July 1, 1972.

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

Bill would provide for an additional district judge for the judicial district comprised of Garfield, Pitkin, and Rio Blanco Counties. Factors contributing to the caseload include heavy seasonal population, a number of water cases to be handled, and the area of the district.

**BILL F**

**A BILL FOR AN ACT**

CONCERNING THE SALARIES OF COUNTY JUDGES OF CLASS C AND D COUNTIES, AS  
DEFINED IN SECTION 37-14-1, C.R.S. 1963, AS AMENDED, AND MAKING  
AN APPROPRIATION THEREFOR.

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

SECTION 1. 56-7-3 (9), Colorado Revised Statutes 1963, as  
enacted by section 1 of chapter 140, Session Laws of Colorado 1971, is  
REPEALED AND REENACTED, WITH AMENDMENTS, to read:

56-7-3. Compensation of justices and judges. (9) (a) The annual  
salaries of the judges of the county courts in class C and D counties,  
as defined in section 37-14-1, C.R.S. 1963, shall be as follows:

- (b) In Otero county, twelve thousand seven hundred dollars.
- (c) In Clear Creek, Fremont, LaPlata, Logan, Las Animas, Morgan,  
Montrose, and Summit counties, twelve thousand dollars.
- (d) In Alamosa, Chaffee, Douglas, Garfield, Gunnison, Huerfano,

**New categories for the  
compensation of justices  
and judges are based, in  
large part, on caseload  
to provide a more ration-  
al basis for judicial  
salaries. The new cate-  
gories provide salary in-  
creases for 33 judges,  
reductions for 13 judges,  
and no change for 7  
judges. (See appendix to  
this report.)**

Lake, Montezuma, Pitkin, Prowers, and Rio Grande counties, ten thousand dollars.

(e) In Baca, Bent, Delta, Conejos, Eagle, Elbert, Grand, Kit Carson, Lincoln, Moffat, Routt, and Yuma counties, eight thousand dollars.

(f) In Sedgwick county, six thousand five hundred dollars.

(g) In Archuleta, Cheyenne, Costilla, Gilpin, Park, Rio Blanco, Saguache, and Washington counties, six thousand dollars.

(h) In Custer, Crowley, Dolores, Jackson, Kiowa, Mineral, Ouray, Phillips, San Miguel, San Juan, and Teller counties, five thousand dollars.

(i) In Hinsdale county, two thousand dollars.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the fiscal year beginning July 1, 1972, to the judicial department, the sum of eighteen thousand four hundred thirty-four dollars (\$18,434), or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Effective date. This act shall take effect on the second Tuesday of January, 1973.

As the new salaries provided by this bill do not take effect until January 1, 1973, the cost to the state for the first year would be \$18,434. In subsequent years the cost would be double that amount.

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

**BILL G**

**A BILL FOR AN ACT**

**CONCERNING ASSOCIATE AND ASSISTANT COUNTY JUDGES IN RIO BIANCO AND MORGAN COUNTIES.**

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

SECTION 1. 37-14-10, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

37-14-10. Assistant county judges - designated counties. (5)  
In the county of Rio Blanco there shall be an assistant county judge who shall maintain his official residence and court chambers in the city of Rangely.

SECTION 2. Repeals. 37-14-9 (4) and (5), Colorado Revised Statutes 1963 (1965 Supp.), are repealed.

SECTION 3. Effective date. This act shall take effect the second Tuesday of January, 1973.

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

**Provides for assistant county judge in the city of Rangely, Rio Blanco County. An assistant judge receives a salary equal to one-fourth the salary of the county judge.**

**Repeals provision for associate judges in Rangely and city of Brush, Morgan County. Testimony to the Committee indicated that there is not sufficient caseload in Rangely to justify a judge receiving a salary equal to one-half the salary of the county judge. Because of the close proximity and easy access of Brush to Fort Morgan, the position of associate judge in Brush is repealed.**



BILL H

A BILL FOR AN ACT

CONCERNING THE CARRYING OF LOADED FIREARMS IN VEHICLES AND THE  
CRIMINAL PENALTIES THEREFOR.

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

SECTION 1. 40-12-105 (1), Colorado Revised Statutes 1963, as enacted by section 1 of chapter 121, Session Laws of Colorado 1971, is amended, and said section 40-12-105 is further amended BY THE ADDITION OF A NEW SUBSECTION to read:

40-12-105. Unlawfully carrying a concealed weapon. (1) A person commits a class 2 1 misdemeanor if he knowingly and unlawfully:

- (a) Carries a knife concealed on or about his person; or
- (b) Carries a firearm concealed on or about his person.

(3) No affirmative defense raised under paragraph (b) of subsection (2) shall be deemed sufficient in any case involving the carrying of a loaded firearm in a vehicle in violation of section 40-12-109.

**Increases penalty for carrying a concealed weapon from a class 2 to a class 1 misdemeanor.**

SECTION 2. 40-12-106 (1), Colorado Revised Statutes 1963, as enacted by section 1 of chapter 121, Session Laws of Colorado 1971, is amended to read:

40-12-106. Prohibited use of weapons. (1) A person commits a class 2 1 misdemeanor if:

(a) He intentionally and unlawfully aims a firearm at another person; or

(b) Recklessly or with criminal negligence he discharges a firearm or shoots a bow and arrow; or

(c) He sets a loaded gun, trap, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or

(d) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under 40-12-105 (2) (c), is no defense to a violation of this subsection.

SECTION 3. 40-12-107, Colorado Revised Statutes 1963, as enacted by section 1 of chapter 121, Session Laws of Colorado 1971, is amended to read:

40-12-107. Penalty for second offense. Any person who has

**Increases penalty for prohibited use of weapons from a class 2 to a class 1 misdemeanor.**

**Includes new section re-**

within five years previously been convicted of a violation under sections 40-12-102 to 40-12-106 OR UNDER SECTION 40-12-109, shall for a second or subsequent offense under the same section be guilty of a class 5 felony.

SECTION 4. 40-12-108, Colorado Revised Statutes 1963, as enacted by section 1 of chapter 121, Session Laws of Colorado 1971, is amended to read:

40-12-108. Possession of weapons by previous offenders. Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release from incarceration, whichever is greater, who shall possess, use, or carry upon his person a firearm or other weapon mentioned in sections 40-12-101 to 40-12-106 OR UNDER SECTION 40-12-109, commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

SECTION 5. Article 12 of chapter 40, Colorado Revised Statutes 1963, as enacted by section 1 of chapter 121, Session Laws of Colorado

garding carrying of loaded firearms in a vehicle, added by this bill, in penalty for second offense.

Includes new section, added by this bill, regarding carrying of loaded firearms in a vehicle, in penalty for possession of weapons by previous offenders.

1971, is amended BY THE ADDITION OF A NEW SECTION to read:

40-12-109. Unlawfully carrying a loaded firearm - vehicle. (1)

A person commits a class 1 misdemeanor if he carries a loaded firearm in a vehicle on any street or highway, or on any property used by the public for purposes of vehicular travel.

(2) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

SECTION 6. Effective date. This act shall take effect July 1, 1972.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Provides class 1 misdemeanor for carrying a loaded firearm in a vehicle on a public street or highway.

Definition of loaded firearm.

BILL I

A BILL FOR AN ACT

CONCERNING PERIODIC REPORTS OF THE FIREARM TRANSACTION RECORDS

REQUIRED BY SECTION 53-3-2, COLORADO REVISED STATUTES 1963.

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

SECTION 1. 53-3-2, Colorado Revised Statutes 1963 is amended to read:

53-3-2. Retail dealers - record - inspection. (1) Every individual, firm or corporation engaged, within this state, in the SALE AT AUCTION, retail sale, rental or exchange of firearms, pistols or revolvers, shall keep a record of each pistol or revolver sold, rented or exchanged at retail. The record shall be made at the time of the transaction in a book kept for that purpose and shall include the name of the person to whom the pistol or revolver is sold or rented, or with whom exchanged; his age, occupation, residence, MOTOR VEHICLE OPERATOR'S LICENSE NUMBER, OR OTHER POSITIVE PROOF OF

**Requires retailer to record positive proof of identification at the time of sale of firearms.**

IDENTIFICATION; and, if residing in a city, the street and number therein where he resides; the make, caliber and finish of said pistol, revolver, together with its number and serial letter, if any; the date of the sale, rental or exchange of said revolver; and the name of the employee or other person making such sale, rental or exchange. The record book shall be open at all times to the inspection of any duly authorized police officer.

(2) COPIES OF EACH SALE, RENTAL, OR EXCHANGE RECORD SHALL BE FILED BY EVERY RETAIL DEALER WITH THE COLORADO BUREAU OF INVESTIGATION WITHIN FORTY-EIGHT HOURS OF THE TRANSACTION.

(3) COPIES OF ANY SALE, RENTAL, OR EXCHANGE RECORD SHALL BE PROVIDED UPON REQUEST TO ANY PEACE OFFICER AS DEFINED IN SECTION 40-1-1001 (1) BY THE COLORADO BUREAU OF INVESTIGATION.

SECTION 2. 53-3-3, Colorado Revised Statutes 1963 is amended to read:

53-3-3. Record - failure to make - penalty. Every AUCTIONEER, individual, firm, or corporation failing to keep the record provided for in section 53-3-2 or who shall refuse to exhibit such record when requested by a police officer, and any purchaser, lessee or exchanger of a pistol or revolver, who, in connection with the making of such

**Requires retailer to file record of firearm sale with the CBI within 48 hours of the transaction.**

**Requires the CBI to provide copies of such records to peace officers upon request.**

record, shall give false information, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars, or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment.

SECTION 3. Effective date. This act shall take effect July 1, 1972.

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

BILL J

A BILL FOR AN ACT

CONCERNING THE JURISDICTION OF COURTS OVER CHARGES OF POSSESSION OF CANNABIS UNDER SECTION 48-5-20 (7) (f), COLORADO REVISED STATUTES 1963, AS AMENDED.

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

SECTION 1. 48-5-20 (7) (f), Colorado Revised Statutes 1963, as amended by section 17 of chapter 131, Session Laws of Colorado 1971, is amended to read:

48-5-20. Violations - penalties. (7) (f) Exclusive jurisdiction over charges of possession of cannabis in violation of section 48-5-2 is hereby vested in the district, COUNTY, or juvenile courts of this state.

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

Currently, this statute is unique as it is the only statute which vests exclusive jurisdiction over a misdemeanor charge with district or juvenile courts. The amendment would add the jurisdiction of county courts to the statute concerning possession of marijuana.



APPENDIX

County Court Caseload and  
Salary Data -- Part Time  
County Judges in Colorado

(The table on the following pages provides caseload and salary data for county courts in Colorado. The tabulation was prepared from data supplied by the Judicial Department for the Committee's consideration of the salary schedule for part-time county judges as revised to conform with the recommendations of the Committee on Criminal Justice.)

APPENDIX A

County Court Caseload and Salary Data --  
Part-time County Judges in Colorado

| (1)<br>County | (2)<br>Lawyer - x<br>Non-lawyer<br>- o | (3)<br>Election<br>in<br>1972 | (4)<br>Cases<br>Filed<br>in FY<br>1971 | (5)<br>Present<br>Salary | (6)<br>Salary<br>per Case<br>FY 1971 | (7)<br>Recommended<br>Salary | (8)<br>Salary<br>Change | (9)<br>Additional<br>Appro-<br>priation |
|---------------|--|-------------------------------|--|--------------------------|--------------------------------------|------------------------------|-------------------------|---|
| Morgan        | x                                      | Y                             | 1,817                                  | \$10,000                 | \$ 9.26                              | \$ 12,000                    | \$ 2,000                | \$ 2,240                                |
| assoc. 1/     | x                                      | Y                             |  | 5,000                    |                                      | --                           | (5,000)                 | (5,600)                                 |
| La Plata      | x                                      | Y                             | 1,546                                  | 10,000                   | 6.47                                 | 12,000                       | 2,000                   | 2,240                                   |
| Logan         | x                                      | Y                             | 1,476                                  | 10,000                   | 6.78                                 | 12,000                       | 2,000                   | 2,240                                   |
| Montrose      | x                                      | Y                             | 1,390                                  | 10,000                   | 10.79                                | 12,000                       | 2,000                   | 2,240                                   |
| assoc.        | o                                      | Y                             |  | 5,000                    |                                      | 6,000                        | 1,000                   | 1,120                                   |
| Summit        | o                                      | Y                             | 1,374                                  | 5,600                    | 4.08                                 | 12,000                       | 6,400                   | 7,168                                   |
| Las Animas    | x                                      | N                             | 1,352                                  | 10,000                   | 7.40                                 | 12,000                       | 2,000                   | 2,240                                   |
| Clear Creek   | x                                      | Y                             | 1,336                                  | 7,400                    | 5.54                                 | 12,000                       | 4,600                   | 5,152                                   |
| Fremont       | x                                      | N                             | 1,290                                  | 10,000                   | 7.75                                 | 12,000                       | 2,000                   | 2,240                                   |
| Otero         | x                                      | N                             | 1,217                                  | 12,700                   | 10.44                                | 12,700/12,000                | --                      | --                                      |
|               |  |                               |  |                          |                                      | TOTALS                       | \$19,000                | \$21,280                                |
| Douglas       | o                                      | Y                             | 3,001                                  | 8,800                    | 2.93                                 | 10,000                       | 1,200                   | 1,344                                   |
| Eagle         | o                                      | Y                             | 1,185                                  | 6,600                    | 6.96                                 | 10,000                       | 3,400                   | 3,808                                   |
| asst.         | o                                      | N                             |  | 1,650                    |                                      | 2,500                        | 850                     | 952                                     |
| Garfield      | x                                      | N                             | 1,169                                  | 9,400                    | 12.06                                | 10,000                       | 600                     | 672                                     |
| assoc.        | x                                      | N                             |  | 4,700                    |                                      | 5,000                        | 300                     | 336                                     |
| Alamosa       | x                                      | Y                             | 1,116                                  | 9,400                    | 8.42                                 | 10,000                       | 600                     | 672                                     |
| Chaffee       | x                                      | Y                             | 1,093                                  | 9,400                    | 8.60                                 | 10,000                       | 600                     | 672                                     |
| Montezuma     | x                                      | Y                             | 1,089                                  | 9,400                    | 8.63                                 | 10,000                       | 600                     | 672                                     |
| Prowers       | x                                      | Y                             | 1,079                                  | 9,400                    | 8.71                                 | 10,000                       | 600                     | 672                                     |
| Gunnison      | x                                      | N                             | 1,026                                  | 6,600                    | 6.43                                 | 10,000                       | 3,400                   | 3,808                                   |
| Rio Grande    | x                                      | Y                             | 991                                    | 9,400                    | 9.49                                 | 10,000                       | 600                     | 672                                     |
| Huerfano      | x                                      | Y                             | 936                                    | 8,100                    | 8.66                                 | 10,000                       | 1,900                   | 2,128                                   |
| Lake          | x                                      | Y                             | 855                                    | 7,800                    | 9.12                                 | 10,000                       | 2,200                   | 2,464                                   |
| Pitkin        | x                                      | Y                             | 853                                    | 6,000                    | 7.03                                 | 10,000                       | 4,000                   | 4,480                                   |
|               |  |                               |  |                          |                                      | TOTALS                       | \$20,850                | \$23,352                                |

| (1)<br>County | (2)<br>Lawyer - x<br>Non-lawyer<br>- o | (3)<br>Election<br>in<br>1972 | (4)<br>Cases<br>Filed<br>in FY<br>1971 | (5)<br>Present<br>Salary | (6)<br>Salary<br>per Case<br>FY 1971 | (7)<br>Recommended<br>Salary | (8)<br>Salary<br>Change | (9)<br>Additional<br>Appropriation |
|---------------|--|-------------------------------|--|--------------------------|--------------------------------------|------------------------------|-------------------------|------------------------------------|
| Moffat        | o                                      | Y                             | 836                                    | 7,800                    | \$ 11.66                             | \$ 8,000                     | \$ 200                  | \$ 224                             |
| asst.         | o                                      | Y                             |  | 1,950                    |                                      | 2,000                        | 50                      | 56                                 |
| Grand         | o                                      | Y                             | 776                                    | 6,500                    | 8.38                                 | 8,000                        | 1,500                   | 1,680                              |
| Delta         | x                                      | Y                             | 747                                    | 9,400                    | 12.58                                | 8,000                        | (1,400)                 | (1,568)                            |
| Routt         | o                                      | Y                             | 659                                    | 7,800                    | 11.84                                | 8,000                        | 200                     | 224                                |
| Lincoln       | o                                      | Y                             | 629                                    | 6,600                    | 10.49                                | 8,000                        | 1,400                   | 1,568                              |
| Conejos       | o                                      | Y                             | 518                                    | 8,100                    | 15.64                                | 8,000                        | (100)                   | (112)                              |
| Kit Carson    | o                                      | Y                             | 507                                    | 7,800                    | 15.38                                | 8,000                        | 200                     | 224                                |
| Yuma          | x                                      | Y                             | 470                                    | 8,100                    | 17.23                                | 8,000                        | (100)                   | (112)                              |
| Elbert        | o                                      | Y                             | 419                                    | 6,500                    | 15.51                                | 8,000                        | 1,500                   | 1,680                              |
| Baca          | x                                      | Y                             | 373                                    | 7,800                    | 20.91                                | 8,000                        | 200                     | 224                                |
| Bent          | x                                      | Y                             | 341                                    | 7,800                    | 22.87                                | 8,000                        | 200                     | 224                                |
| TOTALS        |  |                               |  |                          |                                      |                              | \$ 3,850                | \$ 4,312                           |
| Costilla      | o                                      | Y                             | 304                                    | 6,500                    | 21.38                                | 6,000                        | (500)                   | (560)                              |
| Saguache      | o                                      | Y                             | 295                                    | 6,500                    | 22.03                                | 6,000                        | (500)                   | (560)                              |
| Rio Blanco    | o                                      | Y                             | 295                                    | 6,600                    | 33.56                                | 6,000                        | (600)                   | (672)                              |
| assoc. 2/     | x                                      | Y                             |  | 3,300                    |                                      | 1,500                        | (1,800)                 | (2,016)                            |
| Park          | o                                      | Y                             | 293                                    | 5,600                    | 19.11                                | 6,000                        | 400                     | 448                                |
| Archuleta     | o                                      | Y                             | 279                                    | 6,000                    | 21.51                                | 6,000                        | --                      | --                                 |
| Cheyenne      | o                                      | Y                             | 273                                    | 6,000                    | 21.98                                | 6,000                        | --                      | --                                 |
| Washington    | o                                      | Y                             | 268                                    | 7,800                    | 29.10                                | 6,000                        | (1,800)                 | (2,016)                            |
| Gilpin        | x                                      | Y                             | 265                                    | 4,800                    | 18.11                                | 6,000                        | 1,200                   | 1,344                              |
| TOTALS        |  |                               |  |                          |                                      |                              | \$(3,600)               | \$(4,032)                          |
| Teller        | o                                      | Y                             | 216                                    | 6,000                    | 27.78                                | 5,000                        | (1,000)                 | (1,120)                            |
| Sedgwick      | x                                      | N                             | 214                                    | 6,500                    | 30.37                                | 6,500/5,000                  | --                      | --                                 |
| Kiowa         | o                                      | Y                             | 178                                    | 6,000                    | 33.71                                | 5,000                        | (1,000)                 | (1,120)                            |
| Jackson       | x                                      | N                             | 170                                    | 5,000                    | 29.41                                | 5,000                        | --                      | --                                 |
| Mineral       | o                                      | Y                             | 159                                    | 1,900                    | 11.95                                | 5,000                        | 3,100                   | 3,472                              |
| Crowley       | o                                      | Y                             | 148                                    | 6,500                    | 43.92                                | 5,000                        | (1,500)                 | (1,680)                            |
| San Miguel    | o                                      | Y                             | 129                                    | 6,500                    | 50.39                                | 5,000                        | (1,500)                 | (1,680)                            |
| Phillips      | x                                      | Y                             | 125                                    | 6,500                    | 52.00                                | 5,000                        | (1,500)                 | (1,680)                            |
| Ouray         | x                                      | Y                             | 114                                    | 5,000                    | 43.86                                | 5,000                        | --                      | --                                 |

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| (1)<br>County | (2)<br>Lawyer - x<br>Non-lawyer<br>- o | (3)<br>Election<br>in<br>1972 | (4)<br>Cases<br>Filed<br>in FY<br>1971 | (5)<br>Present<br>Salary | (6)<br>Salary<br>per Case<br>FY 1971 | (7)<br>Recommended<br>Salary                                   | (8)<br>Salary<br>Change | (9)<br>Additional<br>Appro-<br>priation |
|---------------|--|-------------------------------|--|--------------------------|--------------------------------------|--|-------------------------|---|
| San Juan      | o                                      | N                             | 12                                     | 4,800                    | \$ 45.28                             | \$ 5,000   | \$ 200                  | \$ 224                                  |
| Dolores       | o                                      | Y                             | 86                                     | 5,600                    | 65.12                                | 5,000  | (600)                   | (672)                                   |
| Custer        | o                                      | Y                             | 50                                     | 5,000                    | 100.00                               | 5,000  | --                      | --                                      |
|               |  |                               |  |                          |                                      | TOTALS   | \$(3,800)               | \$(4,256)                               |
| Hinsdale      | o                                      | Y                             | 18                                     | 1,900                    | 105.56                               | 2,000  | 100                     | 112                                     |
|               |  |                               |  |                          |                                      | GRAND TOTALS   | \$36,400                | \$40,768                                |
|               |  |                               |  |                          |                                      | TOTALS FOR<br>LAST ONE-HALF<br>FY 1973<br>(January-June, 1973) | \$18,200                | \$20,384                                |

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- 1/ Recommendation is to eliminate the office of associate county judge located in Brush, Morgan County.
- 2/ Recommendation is to reduce office of associate to assistant county judge located in Rangely, Rio Blanco County.

Explanation of Columns for Appendix A

- 1) Counties listed according to caseload and proposed salary. Associate and assistant listings below a county refer to the preceding county and in addition to the regular county judge.
- 2) An "x" in column 2 indicates that the county judge is a lawyer; and "o" means the judge is a non-lawyer. (The Gilpin County judge is a lawyer, but has not been admitted to practice in Colorado.)

- 3) A "Y" indicates that the position of county judge is to be elected in 1972. A "N" indicates no such election. This information is important, because the salary of a county judge cannot be reduced during his term of office. In those counties, electing a judge in 1972, where a salary reduction is suggested, this reduction could become effective on the second Tuesday in January.
- 4) Cases filed in the particular counties in 1971.
- 5) Present salary. (Associate judges receive one-half and assistant judges receive one-fourth the salary of the county judge.)
- 6) Salary per case during Fiscal Year 1971, determined by dividing the salary by the number of cases. (Salaries and cases are combined for counties with associate or assistant judges.)
- 7) Recommended salary.
- 8) Change from present salary.
- 9) Additional appropriation including salary increase plus 12 percent retirement contribution.