

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0153.01 Bob Lackner x4350

**SENATE BILL 17-040**

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**SENATE SPONSORSHIP**

**Kefalas**, Gardner

**HOUSE SPONSORSHIP**

**Pabon**,

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**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 CONCERNING PUBLIC ACCESS TO FILES MAINTAINED BY  
102 GOVERNMENTAL BODIES, AND, IN CONNECTION THEREWITH,  
103 MAKING AN APPROPRIATION.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Section 2** of the bill modifies the "Colorado Open Records Act" (CORA) by creating new procedures governing the inspection of public records that are stored as structured data. **Section 1** defines key terms including "structured data", which the bill defines as digital data that is stored in a fixed field within a record or file that is capable of being

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

automatically read, processed, or manipulated by a computer.

If public records are stored as structured data, section 2 requires the custodian of the public records to provide an accurate copy of the public records in a structured data format when requested. If public records are not stored as structured data but are stored in an electronic or digital form and are searchable in their native format, the custodian is required to provide a copy of the public records in a format that is searchable when requested.

Section 2 specifies the circumstances that exempt the custodian from having to produce records in a searchable or structured data format.

If a custodian is not able to comply with a request to produce public records in a requested format, the custodian is required to produce the records in an alternate format and to provide a written declaration attesting to the reasons the custodian is not able to produce the records in the requested format. If a court subsequently rules the custodian should have provided the data in the requested format but that the custodian reasonably believed, based upon the reasons stated in the written declaration, that the data could not be produced in the requested format, attorney fees may be awarded only if the custodian's action was arbitrary or capricious.

Nothing in the bill requires a custodian to produce records in their native format.

**Section 3** expands the grounds permitting the filing of a civil action seeking inspection of a public record to include an allegation of a violation of the digital format provisions in the bill or a violation of record transmission provisions specified in CORA. This section also specifies that altering an existing record, or excising fields of information, to remove information that the custodian is required or allowed to withhold does not constitute the creation of a new public record. Such alteration or excision may be subject to a research and retrieval fee or a fee for the programming of data as allowed under existing provisions of CORA.

**Section 4** modifies CORA provisions governing the copy, printout, or photograph of a public record and the imposition of a research and retrieval fee. Among these modifications:

- ! The bill deletes existing statutory language permitting the custodian to charge the same fee for services rendered in supervising the copying, printing out, or photographing of a public record as the custodian may charge for furnishing a copy, printout, or photograph;
- ! The bill replaces a reference in the statute to the phrase "manipulation of data" with the phrase "programming, coding, or custom search queries so as to convert a record into a structured data or searchable format";
- ! In connection with determining the amount of the fee for a

paper or electronic copy of a public record, the bill specifies that, if a custodian performs programming, coding, or custom search queries to create a public record, the fee for a paper or electronic copy of that record may be based on recovery of the actual or incremental costs of performing the programming, coding, or custom search queries, together with a reasonable portion of the costs associated with building and maintaining the information systems; and

- ! When a person makes a request to inspect or make copies or images of original public records, the bill permits the custodian to charge a fee for the time required for the custodian to supervise the handling of the records, when such supervision is necessary to protect the integrity or security of the original records.

**Section 5** repeals the existing criminal misdemeanor offense and penalty for a willful and knowing violation of CORA.

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

2 **SECTION 1. Legislative declaration.** The general assembly  
3 finds, determines, and declares that Colorado has a long and strong  
4 tradition of open and transparent government. For Colorado taxpayers to  
5 have confidence in the actions and activities of their government, it is  
6 imperative that they have access to the public records of these  
7 governments. The "Colorado Open Records Act" provides, with very  
8 specific exceptions, access to government records to members of the  
9 public. As technology now allows the public to access records in digital  
10 formats, it is important that Colorado law reflect the new technology to  
11 give the public access to records in digital formats that make it easier for  
12 them to see and understand government records. Senate Bill 17-040 sets  
13 parameters for information to be released in digital formats while  
14 ensuring that records custodians provide public records in ways that  
15 ensure that only those public records that are subject to disclosure are  
16 released. Senate Bill 17-040 makes no changes to what public records are

1 available for, or protected from disclosure, regardless of the medium in  
2 which the public records are maintained, consistent with existing law.  
3 Current law governing which public records are confidential and not  
4 subject to disclosure and those that must be released remains unchanged.

5 **SECTION 2.** In Colorado Revised Statutes, 24-72-202, **amend**  
6 **(6)(a)(I) and (7);** and **add** (2.3), (6.3), and (6.4) as follows:

7 **24-72-202. Definitions.** As used in this part 2, unless the context  
8 otherwise requires:

9 (2.3) "NATIVE FORMAT" MEANS THE FORMAT IN WHICH A FILE OR  
10 DATABASE CONFIGURATION OR SCHEMA WAS ORIGINALLY CREATED OR IS  
11 STORED ON THE CUSTODIAN'S COMPUTER OR SERVER.

12 (6) (a) (I) "Public records" means and includes all writings made,  
13 maintained, or kept by the state, any agency, institution, a nonprofit  
14 corporation incorporated pursuant to section 23-5-121 (2), C.R.S., or  
15 political subdivision of the state, or that are described in section 29-1-902  
16 C.R.S., and held by any local-government-financed entity for use in the  
17 exercise of functions required or authorized by law or administrative rule  
18 or involving the receipt or expenditure of public funds. FOR PURPOSES OF  
19 THIS PART 2, THE TERMS "STATE" AND "AGENCY" INCLUDE THE JUDICIAL  
20 DEPARTMENT OF STATE GOVERNMENT.

21 (6.3) "SEARCHABLE" MEANS CAPABLE OF BEING READ BY A  
22 COMPUTER.

23 (6.4) "STRUCTURED DATA" MEANS DIGITAL DATA THAT IS STORED  
24 IN A FIXED FIELD WITHIN A RECORD OR FILE THAT IS CAPABLE OF BEING  
25 AUTOMATICALLY READ, PROCESSED, OR MANIPULATED BY A COMPUTER.  
26 "STRUCTURED DATA" INCLUDES DATA CONTAINED IN RELATIONAL  
27 DATABASES AND SPREADSHEETS.

1 (7) "Writings" means and includes all books, papers, maps,  
2 photographs, cards, tapes, recordings, or other documentary materials,  
3 regardless of physical form or characteristics. "Writings" includes  
4 digitally stored data, including without limitation electronic mail  
5 messages. ~~but does not include computer software.~~ "WRITINGS" DOES NOT  
6 INCLUDE A COMPUTER PROGRAM OR SOFTWARE, BUT DOES INCLUDE THE  
7 INFORMATION USED AS INPUT FOR THE COMPUTER PROGRAM AND THE  
8 INFORMATION PRODUCED AS A PRODUCT OF THE COMPUTER PROGRAM,  
9 EXCEPT AS OTHERWISE PROVIDED BY LAW.

10 **SECTION 3.** In Colorado Revised Statutes, 24-72-203, **add**  
11 **(2)(c)** as follows:

12 **24-72-203. Public records open to inspection.** (2) (c) IF THE  
13 CUSTODIAN HAS MADE THE REQUESTED RECORDS PUBLICLY AVAILABLE IN  
14 A STRUCTURED DATA FORMAT, THE CUSTODIAN MAY SATISFY THE  
15 REQUEST BY REDIRECTING THE REQUESTER, IN WRITING AND IN DETAIL, TO  
16 THE LOCATION OF THE RECORDS.

17 **SECTION 4.** In Colorado Revised Statutes, **add** 24-72-203.5 as  
18 follows:

19 **24-72-203.5. Storage of records as structured data - request**  
20 **for copies - definition.** (1) (a) EXCEPT AS OTHERWISE REQUIRED BY  
21 SUBSECTION (1)(b) OF THIS SECTION:

22 (I) IF PUBLIC RECORDS ARE STORED AS STRUCTURED DATA, THE  
23 CUSTODIAN SHALL PROVIDE AN ACCURATE COPY OF THE PUBLIC RECORDS  
24 IN A STRUCTURED DATA FORMAT WHEN REQUESTED; AND

25 (II) IF PUBLIC RECORDS ARE NOT STORED AS STRUCTURED DATA  
26 BUT ARE STORED IN AN ELECTRONIC OR DIGITAL FORM AND ARE  
27 SEARCHABLE IN THEIR NATIVE FORMAT, THE CUSTODIAN SHALL PROVIDE

1 A COPY OF THE PUBLIC RECORDS IN A FORMAT THAT IS SEARCHABLE WHEN  
2 REQUESTED.

3 (b) A CUSTODIAN IS NOT REQUIRED TO PRODUCE RECORDS IN A  
4 SEARCHABLE OR STRUCTURED DATA FORMAT IN ACCORDANCE WITH  
5 SUBSECTION (1)(a) OF THIS SECTION IF:

6 (I) AFTER MAKING REASONABLE INQUIRIES WITHIN THE ENTITY,  
7 THE CUSTODIAN CONCLUDES THAT IT IS NOT TECHNOLOGICALLY OR  
8 PRACTICALLY FEASIBLE TO PRODUCE AN ACCURATE COPY OF THE  
9 REQUESTED INFORMATION IN A SEARCHABLE OR STRUCTURED FORMAT;

10 (II) THE CUSTODIAN WOULD BE REQUIRED TO PURCHASE  
11 SOFTWARE OR HARDWARE, OR TO CREATE ADDITIONAL PROGRAMMING OR  
12 FUNCTIONALITY IN ITS EXISTING SOFTWARE OR HARDWARE, TO  
13 ACCOMMODATE THE REQUEST;

14 (III) PRODUCING THE DATA IN THE REQUESTED FORMAT WOULD  
15 VIOLATE THE TERMS OF ANY COPYRIGHT OR LICENSING AGREEMENT  
16 BETWEEN THE CUSTODIAN AND A THIRD PARTY OR RESULT IN THE RELEASE  
17 OF A THIRD PARTY'S PROPRIETARY INFORMATION; OR

18 (IV) IT IS NOT TECHNOLOGICALLY FEASIBLE TO PERMANENTLY  
19 REMOVE INFORMATION THAT THE CUSTODIAN IS REQUIRED OR ALLOWED  
20 TO WITHHOLD WITHIN THE REQUESTED FORMAT, OR THE CUSTODIAN  
21 WOULD BE REQUIRED TO PURCHASE SOFTWARE OR CREATE ADDITIONAL  
22 PROGRAMMING OR FUNCTIONALITY IN ITS EXISTING SOFTWARE TO REMOVE  
23 THE INFORMATION.

24 (2) IF A CUSTODIAN IS NOT ABLE TO COMPLY WITH A REQUEST TO  
25 PRODUCE PUBLIC RECORDS THAT ARE SUBJECT TO DISCLOSURE IN A  
26 REQUESTED FORMAT SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION, THE  
27 CUSTODIAN MUST PRODUCE THE RECORDS IN AN ALTERNATE FORMAT OR

1 ISSUE A DENIAL UNDER SECTION 24-72-204 AND SHALL PROVIDE A  
2 WRITTEN DECLARATION ATTESTING TO THE REASONS THE CUSTODIAN IS  
3 NOT ABLE TO PRODUCE THE RECORDS IN THE REQUESTED FORMAT. IF A  
4 COURT SUBSEQUENTLY RULES THE CUSTODIAN SHOULD HAVE PROVIDED  
5 THE DATA IN THE REQUESTED FORMAT, ATTORNEY FEES MAY BE AWARDED  
6 ONLY IF THE CUSTODIAN'S ACTION WAS ARBITRARY OR CAPRICIOUS.

7 (3) NOTHING IN THIS SECTION REQUIRES A CUSTODIAN TO PRODUCE  
8 RECORDS IN THEIR NATIVE FORMAT OR TO RELEASE METADATA.

9 (4) WHEN A CUSTODIAN PRODUCES RECORDS IN A SEARCHABLE OR  
10 STRUCTURED FORMAT IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS  
11 SECTION, THE CHOICE OF FORMAT IS IN THE SOLE DISCRETION OF THE  
12 CUSTODIAN.

13 (5) FOR PURPOSES OF THIS SECTION, "ACCURATE COPY" MEANS A  
14 RECORD THAT IS A TRUE AND CORRECT REPRESENTATION OF THE ORIGINAL  
15 DATA AT THE TIME THE COPY IS GENERATED.

16 (6) NOTHING IN THIS SECTION RELIEVES OR MITIGATES THE  
17 OBLIGATIONS OF A CUSTODIAN TO PRODUCE RECORDS IN A FORMAT  
18 ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES IN ACCORDANCE WITH  
19 TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT", 42  
20 U.S.C. SEC. 12131 ET. SEQ., AND OTHER FEDERAL OR STATE LAWS.

21 **SECTION 5.** In Colorado Revised Statutes, 24-72-204, **amend**  
22 **(5); and add (2)(a)(X), (2)(a)(XI), and (9) as follows:**

23 **24-72-204. Allowance or denial of inspection - grounds -**  
24 **procedure - appeal - definitions.** (2) (a) The custodian may deny the  
25 right of inspection of the following records, unless otherwise provided by  
26 law, on the ground that disclosure to the applicant would be contrary to  
27 the public interest:

1           (X) SOFTWARE PROGRAMS; NETWORK AND SYSTEMS  
2           ARCHITECTURAL DESIGNS; SOURCE CODE; SOURCE DOCUMENTATION;  
3           INFORMATION IN TANGIBLE OR INTANGIBLE FORM RELATING TO RELEASED  
4           AND UNRELEASED SOFTWARE OR HARDWARE, DATABASE DESIGN  
5           STRUCTURES, DATABASE SCHEMA AND ARCHITECTURE, SECURITY  
6           STRUCTURES AND ARCHITECTURE, AND DATA STORED IN SUPPORT  
7           STRUCTURES; AGENCY ORIGINAL DESIGN IDEAS; NONPUBLIC BUSINESS  
8           POLICIES AND PRACTICES RELATING TO SOFTWARE DEVELOPMENT AND  
9           USE; AND THE TERMS AND CONDITIONS OF ANY ACTUAL OR PROPOSED  
10           LICENSE AGREEMENT OR OTHER AGREEMENT CONCERNING THE PRODUCTS  
11           AND LICENSING NEGOTIATIONS.

12           (XI) ANY RECORDS THE INSPECTION OF WHICH IS REASONABLY  
13           LIKELY TO COMPROMISE THE SAFETY OR SECURITY OF ANY NATURAL  
14           PERSON.

15           (5) Except as provided in subsection (5.5) of this section, any  
16           person denied the right to inspect any record covered by this part 2, OR  
17           WHO ALLEGES A VIOLATION OF DIGITAL FORMAT PROVISIONS UNDER  
18           SECTION 24-72-203.5 OR A VIOLATION OF RECORD TRANSMISSION  
19           PROVISIONS SPECIFIED IN SECTION 24-72-205, may apply to the district  
20           court of the district wherein the record is found for an order directing the  
21           custodian of such record to show cause why the custodian should not  
22           permit the inspection of such record; except that, at least three business  
23           days prior to filing an application with the district court, the person who  
24           has been denied the right to inspect the record shall file a written notice  
25           with the custodian who has denied the right to inspect the record  
26           informing said custodian that the person intends to file an application  
27           with the district court. Hearing on such application shall be held at the



1 earliest practical time. Unless the court finds that the denial of the right  
2 of inspection was proper, it shall order the custodian to permit such  
3 inspection and shall award court costs and reasonable attorney fees to the  
4 prevailing applicant in an amount to be determined by the court; except  
5 that no court costs and attorney fees shall be awarded to a person who has  
6 filed a lawsuit against a state public body or local public body and who  
7 applies to the court for an order pursuant to this subsection (5) for access  
8 to records of the state public body or local public body being sued if the  
9 court finds that the records being sought are related to the pending  
10 litigation and are discoverable pursuant to chapter 4 of the Colorado rules  
11 of civil procedure. In the event the court finds that the denial of the right  
12 of inspection was proper, the court shall award court costs and reasonable  
13 attorney fees to the custodian if the court finds that the action was  
14 frivolous, vexatious, or groundless. IN ANY CASE ALLEGING A VIOLATION  
15 OF DIGITAL FORMAT PROVISIONS, THE ATTORNEY FEE PROVISIONS  
16 SPECIFIED IN SECTION 24-72-203.5 (2) MUST APPLY.

17 (9) ALTERING AN EXISTING PUBLIC RECORD, OR EXCISING FIELDS OF  
18 INFORMATION, TO REMOVE INFORMATION THAT THE CUSTODIAN IS  
19 REQUIRED OR ALLOWED TO WITHHOLD DOES NOT CONSTITUTE THE  
20 CREATION OF A NEW PUBLIC RECORD. SUCH ALTERATION OR EXCISION MAY  
21 BE SUBJECT TO A RESEARCH AND RETRIEVAL FEE OR A FEE FOR THE  
22 PROGRAMMING OF DATA AS ALLOWED UNDER SECTION 24-72-205.

23 **SECTION 6.** In Colorado Revised Statutes, **amend** 24-72-205 as  
24 follows:

25 **24-72-205. Copy, printout, or photograph of a public record**  
26 **- imposition of research and retrieval fee.** (1) (a) In all cases in which  
27 a person has the right to inspect a public record, the person may request

1 a copy, printout, or photograph of the record. The custodian shall furnish  
2 a copy, printout, or photograph and may charge a fee determined in  
3 accordance with ~~subsection (5)~~ of this section; except that, when the  
4 custodian is the secretary of state, fees shall be determined and collected  
5 pursuant to section 24-21-104 (3), and when the custodian is the  
6 executive director of the department of personnel, fees shall be  
7 determined and collected pursuant to section 24-80-102 (10). Where the  
8 fee for a certified copy or other copy, printout, or photograph of a record  
9 is specifically prescribed by law, the specific fee shall apply.

10 (b) Upon request for records transmission by a person seeking a  
11 copy of any public record, the custodian shall transmit a copy of the  
12 record by United States mail, other delivery service, facsimile, or  
13 electronic mail. No transmission fees may be charged to the record  
14 requester for transmitting public records via electronic mail. Within the  
15 period specified in section 24-72-203 (3)(a), the custodian shall notify the  
16 record requester that a copy of the record is available but will only be sent  
17 to the requester once the custodian either receives payment or makes  
18 arrangements for receiving payment for all costs associated with records  
19 transmission and for all other fees lawfully allowed, unless recovery of  
20 all or any portion of such costs or fees has been waived by the custodian.  
21 Upon either receiving such payment or making arrangements to receive  
22 such payment at a later date, the custodian shall send the record to the  
23 requester as soon as practicable but no more than three business days after  
24 receipt of, or making arrangements to receive, such payment.

25 (2) If the custodian does not have facilities for making a copy,  
26 printout, or photograph of a record that a person has the right to inspect,  
27 the person shall be granted access to the record for the purpose of making

1 a copy, printout, or photograph. The copy, printout, or photograph shall  
2 be made while the record is in the possession, custody, and control of the  
3 custodian thereof and shall be subject to the supervision of the custodian.  
4 When practical, the copy, printout, or photograph shall be made in the  
5 place where the record is kept, but if it is impractical to do so, the  
6 custodian may allow arrangements to be made for the copy, printout, or  
7 photograph to be made at other facilities. If other facilities are necessary,  
8 the cost of providing them shall be paid by the person desiring a copy,  
9 printout, or photograph of the record. The custodian may establish a  
10 reasonable schedule of times for making a copy, printout, or photograph.  
11 ~~and may charge the same fee for the services rendered in supervising the~~  
12 ~~copying, printing out, or photographing as the custodian may charge for~~  
13 ~~furnishing a copy, printout, or photograph under subsection (5) of this~~  
14 ~~section.~~

15 (3) If, in response to a specific request, the state or any of its  
16 agencies, institutions, or political subdivisions has performed a  
17 ~~manipulation of data~~ PROGRAMMING, CODING, OR CUSTOM SEARCH  
18 QUERIES SO AS TO CONVERT A RECORD INTO A STRUCTURED DATA OR  
19 SEARCHABLE FORMAT so as to generate a record in a form not used by the  
20 state or by said agency, institution, or political subdivision, a reasonable  
21 fee may be charged to the person making the request. Such fee shall not  
22 exceed the actual cost of ~~manipulating the said data~~ PROGRAMMING,  
23 CODING, OR CUSTOM SEARCH QUERIES and generating the said record in  
24 accordance with the request. Persons making subsequent requests for the  
25 same or similar records may be charged a fee not in excess of the original  
26 fee.

27 (4) ~~If the public record is a result of computer output other than~~

1 ~~word processing, the fee for a copy, printout, or photograph thereof may~~  
2 ~~be based on recovery of the actual incremental costs of providing the~~  
3 ~~electronic services and products together with a reasonable portion of the~~  
4 ~~costs associated with building and maintaining the information system.~~  
5 ~~Such fee may be reduced or waived by the custodian if the electronic~~  
6 ~~services and products are to be used for a public purpose, including public~~  
7 ~~agency program support, nonprofit activities, journalism, and academic~~  
8 ~~research. Fee reductions and waivers shall be uniformly applied among~~  
9 ~~persons who are similarly situated~~ IF A CUSTODIAN PERFORMS  
10 PROGRAMMING, CODING, OR CUSTOM SEARCH QUERIES TO CREATE A PUBLIC  
11 RECORD, THE FEE FOR A PAPER OR ELECTRONIC COPY OF THAT RECORD MAY  
12 BE BASED ON RECOVERY OF THE ACTUAL OR INCREMENTAL COSTS OF  
13 PERFORMING THE PROGRAMMING, CODING, OR CUSTOM SEARCH QUERIES,  
14 TOGETHER WITH A REASONABLE PORTION OF THE COSTS ASSOCIATED WITH  
15 BUILDING AND MAINTAINING THE INFORMATION SYSTEMS.

16 (5) (a) A custodian may charge a fee not to exceed twenty-five  
17 cents per standard page for a PAPER copy of a public record or a fee not to  
18 exceed the actual cost of providing a copy, printout, or photograph of a  
19 public record in a format other than a standard page.

20 (b) Notwithstanding ~~paragraph (a) of this subsection (5)~~  
21 SUBSECTIONS (4) AND (5)(a) OF THIS SECTION, an institution, as defined in  
22 section 24-72-202 (1.5), that is the custodian of scholastic achievement  
23 data on an individual person may charge a reasonable fee for a certified  
24 transcript of the data.

25 (6) (a) A custodian may impose a fee in response to a request for  
26 the research and retrieval of public records only if the custodian has, prior  
27 to the date of receiving the request, either posted on the custodian's

1 website or otherwise published a written policy that specifies the  
2 applicable conditions concerning the research and retrieval of public  
3 records by the custodian, including the amount of any current fee. Under  
4 any such policy, the custodian shall not impose a charge for the first hour  
5 of time expended in connection with the research and retrieval of public  
6 records. After the first hour of time has been expended, the custodian may  
7 charge a fee for the research and retrieval of public records that shall not  
8 exceed thirty dollars per hour.

9 (b) WHEN A PERSON HAS MADE A REQUEST TO INSPECT OR MAKE  
10 COPIES OR IMAGES OF ORIGINAL PUBLIC RECORDS, THE CUSTODIAN MAY  
11 CHARGE A FEE IN ACCORDANCE WITH SUBSECTION (6)(a) OF THIS SECTION  
12 FOR THE TIME REQUIRED FOR THE CUSTODIAN TO SUPERVISE THE HANDLING  
13 OF THE RECORDS, WHEN SUCH SUPERVISION IS NECESSARY TO PROTECT THE  
14 INTEGRITY OR SECURITY OF THE ORIGINAL RECORDS.

15 ~~(b)~~ (c) On July 1, 2019, and by July 1 of every five-year period  
16 thereafter, the director of research of the legislative council appointed  
17 pursuant to section 2-3-304 (1) C.R.S., shall adjust the maximum hourly  
18 fee specified in ~~paragraph (a) of this subsection (6)~~ SUBSECTION (6)(a) OF  
19 THIS SECTION in accordance with the percentage change over the period  
20 in the United States department of labor, bureau of labor statistics,  
21 consumer price index for Denver-Boulder-Greeley, all items, all urban  
22 consumers, or its successor index. The director of research shall post the  
23 adjusted maximum hourly fee on the website of the general assembly.

24 **SECTION 7.** In Colorado Revised Statutes, **repeal** 24-72-206 as  
25 follows:

26 **24-72-206. Violation - penalty.** ~~Any person who willfully and~~  
27 ~~knowingly violates the provisions of this part 2 is guilty of a misdemeanor~~

1 and, upon conviction thereof, shall be punished by a fine of not more than  
2 one hundred dollars, or by imprisonment in the county jail for not more  
3 than ninety days, or by both such fine and imprisonment.

4 **SECTION 8. Appropriation.** (1) For the 2017-18 state fiscal  
5 year, \$50,810 is appropriated to the judicial department for use by the  
6 office of the state public defender. This appropriation is from the general  
7 fund. To implement this act, the office may use this appropriation as  
8 follows:

9 (a) \$44,492 for for personal services, which amount is based on an  
10 assumption that the office will require an additional 0.8 FTE;

11 (b) \$5,463 for operating expenses; and

12 (c) \$855 for the purchase of legal services.

13 (2) For the 2017-18 state fiscal year, \$855 is appropriated to the  
14 department of law. This appropriation is from reappropriated funds  
15 received from the office of the state public defender in the judicial  
16 department under subsection (1)(c) of this section. To implement this act,  
17 the department of law may use this appropriation to provide legal services  
18 for the office of the state public defender in the judicial department.

19 **SECTION 9. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly (August  
22 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
23 referendum petition is filed pursuant to section 1 (3) of article V of the  
24 state constitution against this act or an item, section, or part of this act  
25 within such period, then the act, item, section, or part will not take effect  
26 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.