

## CHAPTER 47

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**PROBATE, TRUSTS, AND FIDUCIARIES**

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**HOUSE BILL 26-1189**

BY REPRESENTATIVE(S) Espenosa, Duran, Lindsay, Marshall, Soper;  
also SENATOR(S) Snyder, Amabile, Carson, Frizzell, Jodeh, Lindstedt, Coleman.

**AN ACT**

**CONCERNING PROPERTY HELD BY A COMMUNITY PROPERTY SPOUSE SUBJECT TO THE "UNIFORM COMMUNITY PROPERTY DISPOSITION AT DEATH ACT".**

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

**SECTION 1.** In Colorado Revised Statutes, 15-20-103, **amend** (1)(a)(III); and **add** (1)(b) as follows:

**15-20-103. Included and excluded property.**

(1) Subject to subsection (3)(b) of this section, this act applies to the following property of a community property spouse, without regard to how the property is titled or held:

(a) If a decedent was domiciled in this state at the time of death:

(III) Personal property traceable to property described in subsection (1)(a)(I) or (1)(a)(II) of this section; AND

(b) REGARDLESS OF WHETHER A DECEDENT WAS DOMICILED IN THIS STATE AT THE TIME OF DEATH:

(I) ALL OR A PROPORTIONATE PART OF EACH ITEM OF REAL PROPERTY LOCATED IN THIS STATE TRACEABLE TO COMMUNITY PROPERTY OR ACQUIRED WITH COMMUNITY PROPERTY UNDER THE LAW OF THE JURISDICTION WHERE THE DECEDENT OR THE SURVIVING COMMUNITY PROPERTY SPOUSE WAS DOMICILED WHEN THE PROPERTY:

(A) WAS ACQUIRED; OR

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(B) AFTER ACQUISITION, BECAME COMMUNITY PROPERTY; AND

(II) INCOME, RENT, PROFIT, APPRECIATION, OR OTHER INCREASE DERIVED FROM OR TRACEABLE TO PROPERTY DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 13, 2026