

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 26, 2023
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB23-1019 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 3, after line 7, insert:

2 "SECTION 2. In Colorado Revised Statutes, 13-5.3-102, amend
3 (2) as follows:

4 **13-5.3-102. Commission on judicial discipline - powers and**
5 **duties.** (2) (a) Members of the commission are appointed and serve
6 pursuant to section 23 (3)(a) and (3)(b) of article VI of the Colorado
7 constitution.

8 (b) PURSUANT TO SECTION 23 (3)(a) OF ARTICLE VI OF THE
9 COLORADO CONSTITUTION, THE MEMBERS OF THE COMMISSION WHO ARE
10 JUDGES OF THE DISTRICT COURTS AND JUDGES OF COUNTY COURTS ARE
11 APPOINTED BY THE ACTIVE DISTRICT JUDGES AND COUNTY COURT JUDGES
12 OF THE STATE. THE STATEWIDE ASSOCIATIONS OF DISTRICT AND COUNTY
13 COURT JUDGES SHALL JOINTLY DETERMINE THE PROCESS FOR APPOINTING
14 THE JUDGE MEMBERS OF THE COMMISSION BY THE DISTRICT AND COUNTY
15 COURT JUDGES OF THE STATE AND SHALL JOINTLY ADMINISTER THE
16 APPOINTMENT PROCESS. THE ASSOCIATIONS SHALL REPORT TO THE
17 COMMISSION WHEN A DISTRICT OR COUNTY COURT JUDGE IS APPOINTED TO
18 THE COMMISSION.

19 **SECTION 3.** In Colorado Revised Statutes, 13-5.3-105, amend
20 (3) as follows:

21 **13-5.3-105. Information-sharing with judicial oversight**
22 **entities - legislative declaration.** (3) (a) When a judicial oversight entity
23 receives information indicating or alleging potential judicial misconduct,
24 the entity shall share the portion of the complaint alleging judicial
25 misconduct with the commission within a reasonable time. Thereafter, the
26 commission may request further material or information that the oversight
27 entity holds relating to the allegation of judicial misconduct. THE

1 JUDICIAL OVERSIGHT ENTITY SHALL PROVIDE THE REQUESTED MATERIAL
2 OR INFORMATION TO THE COMMISSION WITHIN FOURTEEN CALENDAR DAYS
3 AFTER THE COMMISSION'S REQUEST. A JUDICIAL OVERSIGHT ENTITY MAY
4 NOT WITHHOLD REQUESTED MATERIAL OR INFORMATION THROUGH A
5 CLAIM OF PRIVILEGE OR CONFIDENTIALITY THAT IT HOLDS. Any
6 information or materials received from the entity are subject to the
7 commission's rules of confidentiality.

8 (b) A PROVISION IN A CONTRACT, INCLUDING IN A NONDISCLOSURE
9 AGREEMENT, ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS ACT THAT
10 PROHIBITS A JUDICIAL OVERSIGHT ENTITY FROM DISCLOSING TO THE
11 COMMISSION INFORMATION DESCRIBED IN THIS SUBSECTION (3) IS VOID AS
12 AGAINST PUBLIC POLICY AND IS UNENFORCEABLE."

13 Renumber succeeding sections accordingly.

14 Page 9, line 9, strike "and 7" and substitute "4, and 9".

15 Page 9, line 14, strike "and 7" and substitute "4, and 9".

** ** ** ** **