

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 20-0150.01 Jerry Barry x4341

HOUSE BILL 20-1026

HOUSE SPONSORSHIP

Van Winkle and Weissman,

SENATE SPONSORSHIP

Fields and Gardner,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A TWENTY-THIRD JUDICIAL DISTRICT.**

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>.)

Effective January 1, 2025, the bill:

- ! Removes Douglas, Elbert, and Lincoln counties from the eighteenth judicial district;
- ! Creates a twenty-third judicial district composed of those counties;
- ! Specifies the number of district court judges for that district; and
- ! Reduces the number of district court judges for the

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

eighteenth judicial district.

Effective July 1, 2025, the bill increases the number of judges in the twenty-third judicial district by one.

The bill specifies that at the election in November of 2024:

- ! There will be an election for the district attorney for the eighteenth judicial district from the electors of Arapahoe county;
- ! There will be an election for the district attorney for the twenty-third judicial district from the electors of the counties of Douglas, Elbert, and Lincoln; and
- ! Any district court judge of the eighteenth judicial district who is eligible for retention may stand for retention election from the electors of the eighteenth judicial district.

The bill clarifies that a district judge of the current eighteenth judicial district who is not up for a retention election in 2024 continues to serve as a district court judge for the remainder of the judge's current term, but the judge serves in the judicial district in which the judge resides.

For the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings from 2021 through 2025, the bill directs the judicial department to consult with the counties of the eighteenth judicial district and report on its progress in making the system changes necessary to create the twenty-third judicial district, and for the SMART Act hearing in 2026, directs the judicial department to prepare a final report on how the creation of the new district went including recommendations to the general assembly on how future changes to a judicial district might be made.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Since statehood, the Colorado constitution has allowed the
5 general assembly, by a two-thirds vote, to revise judicial district
6 boundaries;

7 (b) Judicial district boundaries have from time to time been
8 revised as Colorado has grown, rising from four districts at the time of
9 statehood to twenty-two districts in 2019;

10 (c) The number of judicial districts has remained at twenty-two for

1 more than fifty years, although Colorado's population has increased by 3.5
2 million people during that time;

3 (d) The eighteenth judicial district, composed of Arapahoe,
4 Douglas, Elbert, and Lincoln counties, has grown more than any other
5 Colorado judicial district during that time and now has a population
6 exceeding one million people;

7 (e) No other judicial district has a population exceeding 750,000
8 people, and no other judicial district has approached the rate of growth of
9 the eighteenth judicial district;

10 (f) For these reasons, the general assembly determines that it is
11 appropriate to revise the judicial district boundaries for Arapahoe,
12 Douglas, Elbert, and Lincoln counties;

13 (g) The general assembly recognizes that Arapahoe, Douglas,
14 Elbert, and Lincoln counties will face one-time transition costs through
15 the revision of judicial district boundaries and the general assembly will
16 make its best effort to understand those costs and assist Arapahoe,
17 Douglas, Elbert, and Lincoln counties in the transition; and

18 (h) In revising judicial district boundaries, the general assembly
19 intends, in accordance with sections 10 and 11 of article VI of the state
20 constitution, that judges in the existing eighteenth judicial district will
21 remain eligible to continue in office provided that they remain residents
22 of the district in which they serve as judges. The general assembly does
23 not intend to create any vacancy in any district judgeship through the
24 revision of judicial district boundaries.

25 **SECTION 2.** In Colorado Revised Statutes, **amend** 13-5-101 as
26 follows:

27 **13-5-101. Judicial districts and terms.** The state is divided into

1 ~~twenty-two~~ TWENTY-THREE judicial districts as prescribed by this part 1.
2 Terms of court shall be fixed by rules adopted by the district court in each
3 district; except that at least one term of court shall be held each calendar
4 year in each county within the district, at the county seat of such county.


5 **SECTION 3.** In Colorado Revised Statutes, 13-5-119, **amend** (1);
6 and **add** (2)(d)(VII) as follows:

7 **13-5-119. Eighteenth district.** (1) The eighteenth judicial district
8 shall be composed of ~~the counties of Arapahoe Douglas, Elbert, and~~
9 ~~Lincoln~~ COUNTY.

10 (2) (d) (VII) SUBJECT TO AVAILABLE APPROPRIATIONS, EFFECTIVE
11 JANUARY 1, 2025, THE NUMBER OF JUDGES FOR THE EIGHTEENTH JUDICIAL
12 DISTRICT IS SEVENTEEN.

13 **SECTION 4.** In Colorado Revised Statutes, **add** 13-5-123.1 as
14 follows:

15 **13-5-123.1. Twenty-third district.** (1) THE TWENTY-THIRD
16 JUDICIAL DISTRICT SHALL BE COMPOSED OF THE COUNTIES OF DOUGLAS,
17 ELBERT, AND LINCOLN.

18 (2)  SUBJECT TO AVAILABLE APPROPRIATIONS, THE NUMBER OF
19 JUDGES FOR THE TWENTY-THIRD JUDICIAL DISTRICT IS EIGHT.

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21 **SECTION 5.** In Colorado Revised Statutes, **add** 13-5-123.2 as
22 follows:

23 **13-5-123.2. Twenty-third judicial district - elections in 2024 -**
24 **reports - repeal.** (1) (a) NOTWITHSTANDING SECTION 24-1-136
25 (11)(a)(I), COMMENCING WITH THE PRESENTATION IN 2021 AND EACH
26 PRESENTATION THEREAFTER TO AND INCLUDING THE PRESENTATION IN
27 2025, AT THE JOINT HEARINGS CONDUCTED PURSUANT TO THE "STATE

1 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
2 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, THE
3 JUDICIAL DEPARTMENT SHALL REPORT ON ITS PROGRESS TOWARD MAKING
4 THE SYSTEM CHANGES AND OTHER STEPS NECESSARY FOR THE CREATION
5 OF THE TWENTY-THIRD JUDICIAL DISTRICT. PRIOR TO THESE
6 PRESENTATIONS, THE JUDICIAL DEPARTMENT SHALL REQUEST INPUT FROM
7 EACH OF THE COUNTIES IN THE THEN-EXISTING EIGHTEENTH JUDICIAL
8 DISTRICT AND INCLUDE THEIR INPUT IN THE PRESENTATION.

9 (b) FOR STATE FISCAL YEARS 2020-21 TO 2024-25, AS PART OF ITS
10 ANNUAL BUDGET REQUESTS TO THE JOINT BUDGET COMMITTEE OF THE
11 GENERAL ASSEMBLY, THE JUDICIAL DEPARTMENT SHALL INCLUDE DETAILS
12 ABOUT ANY BUDGET REQUESTS RELATED TO THE PREPARATION FOR AND
13 CREATION OF THE TWENTY-THIRD JUDICIAL DISTRICT.

14 (c) AT ITS PRESENTATION IN 2026, AT THE JOINT HEARINGS
15 CONDUCTED PURSUANT TO THE "STATE MEASUREMENT FOR
16 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
17 GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, THE JUDICIAL
18 DEPARTMENT SHALL PREPARE A FINAL REPORT DETAILING THE ENTIRE
19 TRANSITION PROCESS FROM THE ENACTMENT OF HOUSE BILL 20-____,
20 ENACTED IN 2020, TO THE EFFECTIVE DATE OF THE CREATION OF THE
21 TWENTY-THIRD JUDICIAL DISTRICT, DETAILING WHAT ASPECTS WENT
22 RELATIVELY SMOOTHLY, WHAT ASPECTS CREATED ISSUES, AND ANY
23 RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING HOW ANY
24 FUTURE REVISION OF JUDICIAL DISTRICT LINES MIGHT BE MADE EASIER.

25 (2) DUE TO THE CREATION OF THE TWENTY-THIRD JUDICIAL
26 DISTRICT IN 2025, AT THE GENERAL ELECTION IN NOVEMBER OF 2024:

27 (a) A QUESTION SHALL BE PRESENTED TO THE ELECTORS OF

1 ARAPAHOE COUNTY CONCERNING THE ELECTION OF THE DISTRICT
2 ATTORNEY FOR THE EIGHTEENTH JUDICIAL DISTRICT WHO WILL TAKE
3 OFFICE IN JANUARY OF 2025;

4 (b) A QUESTION SHALL BE PRESENTED TO THE ELECTORS OF THE
5 COUNTIES OF DOUGLAS, ELBERT, AND LINCOLN CONCERNING THE
6 ELECTION OF THE DISTRICT ATTORNEY FOR THE TWENTY-THIRD JUDICIAL
7 DISTRICT WHO WILL TAKE OFFICE IN JANUARY OF 2025; AND

8 (c) ANY DISTRICT COURT JUDGE OF THE EIGHTEENTH JUDICIAL
9 DISTRICT WHO IS ELIGIBLE FOR RETENTION AT THE NOVEMBER 2024
10 ELECTION MAY STAND FOR A RETENTION ELECTION FROM THE ELECTORS
11 OF THE EIGHTEENTH JUDICIAL DISTRICT.

12 (3) (a) EFFECTIVE JANUARY 1, 2025, ANY DISTRICT COURT JUDGE
13 WHO ON THAT DATE WAS SERVING AS A DISTRICT COURT JUDGE IN THE
14 EIGHTEENTH JUDICIAL DISTRICT AND WHO LIVES WITHIN THE BOUNDARIES
15 OF THE NEW TWENTY-THIRD JUDICIAL DISTRICT SHALL, PURSUANT TO
16 SECTION 10 OF ARTICLE VI OF THE STATE CONSTITUTION, COMPLETE THE
17 TERM FOR WHICH THE JUDGE WAS LAST ELECTED OR APPOINTED AS A
18 DISTRICT COURT JUDGE IN THE TWENTY-THIRD JUDICIAL DISTRICT. SUCH
19 DISTRICT COURT JUDGES ARE ELIGIBLE FOR A RETENTION ELECTION IN THE
20 TWENTY-THIRD JUDICIAL DISTRICT IN THE SAME YEAR THAT THEY WOULD
21 HAVE BEEN ELIGIBLE FOR A RETENTION ELECTION IN THE EIGHTEENTH
22 JUDICIAL DISTRICT BUT FOR THE CREATION OF THE TWENTY-THIRD
23 JUDICIAL DISTRICT.

24 (b) ON AND AFTER JANUARY 1, 2025, ASSIGNMENT OF JUDGES
25 SHALL BE PURSUANT TO SECTIONS 10 AND 11 OF ARTICLE VI OF THE STATE
26 CONSTITUTION.

27 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

1 **SECTION 6. Act subject to petition - effective date.** Sections
2 2 to 4 of this act take effect January 1, 2025, and the remainder takes
3 effect September 1, 2020; except that, if a referendum petition is filed
4 pursuant to section 1 (3) of article V of the state constitution against this
5 act or an item, section, or part of this act within the ninety-day period
6 after final adjournment of the general assembly, then the act, item,
7 section, or part will not take effect unless approved by the people at the
8 general election to be held in November 2020 and, in such case, will take
9 effect on the date of the official declaration of the vote thereon by the
10 governor; except that sections 2 to 4 of this act take effect January 1,
11 2025.