

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 23-0724.01 Chelsea Princell x4335

HOUSE BILL 23-1205

HOUSE SPONSORSHIP

Lynch and Bacon,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE OFFICE OF THE JUDICIAL**
102 **DISCIPLINE OMBUDSMAN.**

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>.)

The bill establishes the office of the judicial discipline ombudsman (office) as an independent office in the commission on judicial discipline (commission) that is operated pursuant to a memorandum of understanding between the office and the commission. The judicial discipline ombudsman is the director of the office.

The bill establishes the judicial discipline ombudsman selection

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

board (board) to be made up of 7 board members who must be appointed not later than January 1, 2024. The duties and responsibilities of the board include:

- Overseeing personnel decisions of the ombudsman, which include appointing a person to serve as the ombudsman, filling a vacancy in the ombudsman position, evaluating the ombudsman's performance, and developing a complaint process concerning the ombudsman's performance;
- Overseeing and advising the ombudsman on the strategic direction of the office and its mission;
- Working cooperatively with the ombudsman to provide fiscal oversight of the general operating budget of the office;
- Ensuring compliance with the provisions of the bill, the memorandum of understanding, and state and federal laws;
- Promoting the mission of the office; and
- Providing assistance to the ombudsman when requested.

The powers and duties of the ombudsman include:

- Creating and maintaining an anonymous reporting system for judicial personnel to submit complaints;
- Helping complainants understand their rights and options in reporting and filing a complaint with the commission and other appropriate authorities;
- Providing complainants with necessary referrals for additional support services and care if needed or requested;
- Reporting appropriate cases to the commission, the office of attorney regulation counsel, law enforcement, and the judicial department;
- Serving in an advisory capacity to the commission and the judicial department on rule-making;
- Ensuring accountability and consistency in the operating policies and procedures of the office; and
- Serving as a liaison for communications between a complainant and the commission or the judicial department.

The bill requires that, to be appointed, the ombudsman must have prior experience serving as an ombudsman; have a deep understanding of and expertise in organizational culture and diversity, equity, and inclusion; have professional experience working with human resources; and possess the ability to act in a nonpartisan manner.

The bill requires all communications and information disclosed to the ombudsman by a complainant to be kept confidential unless the complainant gives the ombudsman permission to disclose the information. Disclosed information and records are not discoverable if the information and records are received during and within the scope of the ombudsman's

duties and responsibilities.

The bill requires the ombudsman to disclose a complaint that alleges judicial misconduct and to keep the identity of the complainant confidential unless the complainant gives permission to disclose the complainant's identity.

The records related to complaints received by the office are not subject to the "Colorado Open Records Act".

The bill authorizes the office to promulgate rules necessary to implement the requirements of the bill and to ensure confidentiality of disclosures made to the office by complainants.

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

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

4 (a) An ombudsman acts as an independent, impartial, neutral,
5 unbiased, informal, and confidential resource for an organization and
6 assists people through voluntary consultation and provides information,
7 guidance, and assistance in determining options to address the person's
8 concerns;

9 (b) An ombudsman must fairly and objectively consider issues and
10 people who may be affected when dealing with assisting people with
11 concerns;

12 (c) An ombudsman promotes equitably administered processes but
13 does not advocate on behalf of anyone;

14 (d) An ombudsman office is helpful when there are significant
15 power disparities and complex systems that people may not be able to
16 easily navigate in order to vindicate their rights; and

17 (e) Helping judicial personnel navigate those systems and
18 vindicate their rights promotes a better functioning judicial discipline
19 process.

20 (2) Therefore, the general assembly declares that establishing the

1 office of the judicial discipline ombudsman will allow judicial personnel
2 impacted by judicial misconduct to raise their concerns and get the
3 direction and support they need.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 24-50-147 as
5 follows:

6 **24-50-147. Office of the judicial discipline ombudsman**
7 **established - judicial discipline advisory board - qualifications of**
8 **ombudsman - powers and duties - confidentiality - rules - definitions.**

9 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "BOARD" MEANS THE JUDICIAL DISCIPLINE OMBUDSMAN
12 SELECTION BOARD, ESTABLISHED IN SUBSECTION (6) OF THIS SECTION.

13 (b) "COMMISSION" MEANS THE COMMISSION ON JUDICIAL
14 DISCIPLINE CREATED IN SECTION 13-5.3-102.

15 (c) "DEPARTMENT" MEANS THE JUDICIAL DEPARTMENT
16 ESTABLISHED IN ARTICLE 3 OF TITLE 13.

17 (d) "JUDICIAL PERSONNEL" MEANS CURRENT AND FORMER
18 EMPLOYEES OF THE JUDICIAL DEPARTMENT, JUDGES, JUDICIAL
19 DEPARTMENT STAFF, AND PERSONS WHO WORK WITH JUDICIAL EMPLOYEES
20 AND STAFF, AND INCLUDES, BUT IS NOT LIMITED TO, BAILIFFS, LITIGATING
21 ATTORNEYS, INTERNS, AND VOLUNTEERS.

22 (e) "OFFICE OF THE OMBUDSMAN" MEANS THE OFFICE OF THE
23 JUDICIAL DISCIPLINE OMBUDSMAN, CREATED IN SUBSECTION (2) OF THIS
24 SECTION.

25 (f) "OMBUDSMAN" MEANS THE PERSON THAT SERVES AS BOTH THE
26 JUDICIAL DISCIPLINE OMBUDSMAN AND THE DIRECTOR OF THE OFFICE OF
27 THE OMBUDSMAN.

1 (2) THE INDEPENDENT OFFICE OF THE JUDICIAL DISCIPLINE
2 OMBUDSMAN IS ESTABLISHED IN THE JUDICIAL DEPARTMENT AS AN
3 INDEPENDENT AGENCY FOR THE PURPOSE OF ENSURING THE GREATEST
4 PROTECTIONS FOR JUDICIAL PERSONNEL. THE PURPOSE OF THE OFFICE OF
5 THE OMBUDSMAN IS TO ACT AS AN INDEPENDENT, NEUTRAL, AND
6 NONPARTISAN OFFICE THAT RESPONDS TO QUESTIONS OR CONCERNS FROM
7 JUDICIAL PERSONNEL ABOUT MISCONDUCT THAT OCCURS WITHIN THE
8 DEPARTMENT, TO SUPPORT JUDICIAL PERSONNEL IN FILING FORMAL AND
9 INFORMAL COMPLAINTS AND GRIEVANCES AGAINST MEMBERS OF THE
10 DEPARTMENT, AND TO ANALYZE DATA FROM THE OFFICE OF THE
11 OMBUDSMAN IN ORDER TO REPORT COMPLAINT AND GRIEVANCE
12 TRENDS, SYSTEMIC PROBLEMS, AND ORGANIZATIONAL ISSUES TO THE
13 COMMISSION, THE DEPARTMENT, AND THE GENERAL ASSEMBLY. THE
14 OFFICE OF THE OMBUDSMAN SHALL HELP JUDICIAL PERSONNEL
15 UNDERSTAND HOW TO SAFELY NAVIGATE THE COMPLAINT PROCESS.

16 (3) THE OFFICE OF THE OMBUDSMAN AND THE DEPARTMENT SHALL
17 OPERATE PURSUANT TO A MEMORANDUM OF UNDERSTANDING BETWEEN
18 THE TWO ENTITIES TO FURTHER THE PURPOSES OF THIS SECTION. THE
19 MEMORANDUM OF UNDERSTANDING MUST CONTAIN, AT A MINIMUM:

20 (a) A REQUIREMENT THAT THE OFFICE OF THE OMBUDSMAN HAVE
21 ITS OWN PERSONNEL RULES;

22 (b) A REQUIREMENT THAT THE OMBUDSMAN HAVE INDEPENDENT
23 HIRING AND TERMINATION AUTHORITY OVER OFFICE OF THE OMBUDSMAN
24 EMPLOYEES;

25 (c) A REQUIREMENT THAT THE OFFICE OF THE OMBUDSMAN
26 FOLLOW JUDICIAL FISCAL RULES;

27 (d) A REQUIREMENT THAT THE DEPARTMENT OFFER THE OFFICE OF

1 THE OMBUDSMAN LIMITED SUPPORT WITH RESPECT TO:

2 (I) PERSONNEL MATTERS;

3 (II) RECRUITMENT;

4 (III) PAYROLL;

5 (IV) BENEFITS;

6 (V) BUDGET SUBMISSIONS, AS NEEDED; AND

7 (VI) ACCOUNTING; AND

8

9 (e) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE SUPPORT
10 THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE OF THE
11 OMBUDSMAN.

12 (4) THE OFFICE OF THE OMBUDSMAN SHALL MAINTAIN OFFICE
13 SPACE THAT IS NOT PHYSICALLY LOCATED IN THE RALPH L. CARR
14 COLORADO JUDICIAL CENTER AND NOT OWNED OR MANAGED BY THE
15 RALPH L. CARR JUDICIAL CENTER.

16 (5) THE OFFICE OF THE OMBUDSMAN AND THE BOARD ESTABLISHED
17 IN SUBSECTION (6) OF THIS SECTION SHALL OPERATE WITH AUTONOMY,
18 CONTROL, AND AUTHORITY OVER OPERATIONS, BUDGET, AND PERSONNEL
19 DECISIONS RELATED TO THE OFFICE OF THE OMBUDSMAN, BOARD, AND
20 OMBUDSMAN.

21 (6) (a) THERE IS ESTABLISHED AN INDEPENDENT, NONPARTISAN
22 JUDICIAL DISCIPLINE OMBUDSMAN SELECTION BOARD. THE BOARD
23 CONSISTS OF FIVE MEMBERS AND MUST INCLUDE LAWYERS, AND PEOPLE
24 WITH A PROFESSIONAL BACKGROUND IN HUMAN RESOURCES, PERSONNEL
25 MANAGEMENT, FINANCIAL MANAGEMENT, AND PROFESSIONAL
26 OMBUDSMAN EXPERIENCE. TO THE EXTENT PRACTICABLE, THE BOARD
27 SHOULD BE MADE UP OF PERSONS FROM DIFFERENT JUDICIAL DISTRICTS,

1 PERSONS WITH DISABILITIES, AND PERSONS WITH EXPERIENCE IN
2 CULTURALLY RELEVANT PRACTICES, AND REFLECT THE GEOGRAPHIC,
3 ETHNIC, AND GENDER DIVERSITY OF THE STATE.

4 (b) BOARD MEMBERS MUST BE APPOINTED ON OR BEFORE JANUARY
5 1, 2024, AS FOLLOWS:

6 [REDACTED]
7 (I) THE GOVERNOR SHALL APPOINT ONE INDIVIDUAL WHO IS EITHER
8 A RETIRED COLORADO JUDGE OR A FORMER COLORADO JUDGE IN GOOD
9 STANDING;

10 (II) THE PRESIDENT OF THE COLORADO SENATE AND THE MINORITY
11 LEADER OF THE COLORADO SENATE SHALL EACH APPOINT ONE MEMBER
12 WITH EXPERIENCE LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS
13 SECTION; AND

14 (III) THE SPEAKER OF THE COLORADO HOUSE OF REPRESENTATIVES
15 AND THE MINORITY LEADER OF THE COLORADO HOUSE OF
16 REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER WITH EXPERIENCE
17 LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS SECTION.

18 (c) BOARD MEMBERS MUST HAVE EXPERIENCE IN AT LEAST ONE OF
19 THE FOLLOWING:

- 20 (I) PERSONNEL MANAGEMENT;
- 21 (II) HUMAN RESOURCES;
- 22 (III) FINANCIAL MANAGEMENT; OR
- 23 (IV) EXPERIENCE AS A PROFESSIONAL OMBUDSMAN.

24 (d) IN APPOINTING BOARD MEMBERS PURSUANT TO SUBSECTIONS
25 (6)(b)(II) AND (6)(b)(III) OF THIS SECTION, AT LEAST ONE APPOINTEE FROM
26 THE COLORADO HOUSE OF REPRESENTATIVES AND ONE APPOINTEE FROM
27 THE COLORADO SENATE MUST BE LICENSED COLORADO ATTORNEYS IN

1 GOOD STANDING.

2 (e) BOARD MEMBERS SERVE TERMS OF FOUR YEARS; EXCEPT THAT
3 INITIAL TERMS MUST BE STAGGERED SO THAT NO MORE THAN THREE
4 MEMBERS' TERMS EXPIRE IN THE SAME YEAR. THREE OF THE INITIAL
5 APPOINTMENTS WILL HAVE FOUR-YEAR TERMS, AND TWO INITIAL
6 APPOINTMENTS WILL HAVE TWO-YEAR TERMS. THE APPOINTING
7 AUTHORITY SHALL DESIGNATE THE INITIAL TERMS. THE APPOINTING
8 OFFICIAL SHALL FILL ANY VACANCIES ON THE BOARD FOR THE REMAINDER
9 OF ANY UNEXPIRED TERM.

10 (f) THE BOARD SHALL MEET A MINIMUM OF TWO TIMES PER YEAR
11 AND ADDITIONALLY AS NEEDED.

12 (g) BOARD MEMBERS SERVE WITHOUT COMPENSATION BUT MAY BE
13 REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES INCURRED IN THE
14 PERFORMANCE OF THEIR DUTIES.

15 (h) BOARD MEMBERS MAY BE REAPPOINTED TO SERVE ONE
16 ADDITIONAL TERM.

17 (7) EXPENSES INCURRED FOR THE BOARD MUST BE PAID FROM THE
18 GENERAL OPERATING BUDGET OF THE OFFICE OF THE OMBUDSMAN.

19 (8) THE BOARD HAS THE FOLLOWING DUTIES AND
20 RESPONSIBILITIES:

21 (a) TO OVERSEE THE FOLLOWING PERSONNEL DECISIONS RELATED
22 TO THE OMBUDSMAN:

23 (I) ON OR BEFORE MARCH 1, 2024, AND AS NECESSARY
24 THEREAFTER, APPOINTING A PERSON TO SERVE AS THE OMBUDSMAN. THE
25 OMBUDSMAN APPOINTED BY THE BOARD ON OR BEFORE MARCH 1, 2024,
26 SHALL ASSUME THE OMBUDSMAN'S POSITION ON THE EFFECTIVE DATE OF
27 THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMISSION AND

1 THE OFFICE OF THE OMBUDSMAN. THE BOARD MAY DISCHARGE AN
2 OMBUDSMAN FOR CAUSE. A TWO-THIRDS MAJORITY VOTE OF THE BOARD
3 IS REQUIRED TO HIRE OR DISCHARGE THE OMBUDSMAN. THE GENERAL
4 ASSEMBLY SHALL SET THE OMBUDSMAN'S COMPENSATION, AND THE
5 COMPENSATION MUST NOT BE REDUCED DURING THE TERM OF THE
6 OMBUDSMAN'S APPOINTMENT.

7 (II) FILLING A VACANCY IN THE OMBUDSMAN POSITION;

8 (III) EVALUATING THE OMBUDSMAN'S PERFORMANCE AS
9 NECESSARY BASED ON FEEDBACK RECEIVED FROM JUDICIAL PERSONNEL
10 ABOUT THE OMBUDSMAN; AND

11 (IV) DEVELOPING A COMPLAINT PROCESS RELATED TO THE
12 OMBUDSMAN'S PERFORMANCE;

13 (b) TO OVERSEE AND ADVISE THE OMBUDSMAN ON THE STRATEGIC
14 DIRECTION OF THE OFFICE OF THE OMBUDSMAN AND ITS MISSION AND TO
15 HELP PROMOTE THE USE OF, ENGAGEMENT WITH, AND ACCESS TO THE
16 OFFICE OF THE OMBUDSMAN;

17 (c) TO WORK COOPERATIVELY WITH THE OMBUDSMAN TO PROVIDE
18 FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE OF
19 THE OMBUDSMAN AND ENSURE THAT THE OFFICE OF THE OMBUDSMAN
20 OPERATES IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, THE
21 MEMORANDUM OF UNDERSTANDING, AND STATE AND FEDERAL LAWS;

22 (d) TO PROMOTE THE MISSION OF THE OFFICE OF THE OMBUDSMAN
23 TO THE PUBLIC; AND

24 (e) TO PROVIDE ASSISTANCE, AS PRACTICABLE AND AS REQUESTED
25 BY THE OMBUDSMAN, TO FACILITATE THE STATUTORY INTENT OF THIS
26 SECTION.

27 (9) MEETINGS OF THE BOARD ARE SUBJECT TO THE PROVISIONS OF

1 SECTION 24-6-402, EXCEPT FOR EXECUTIVE PERSONNEL ACTIONS OR
2 MEETINGS THAT REQUIRE THE PROTECTION OF CONFIDENTIALITY AND
3 COMPLIANCE WITH STATE PRIVACY LAWS.

4 (10) THE OMBUDSMAN HAS THE FOLLOWING DUTIES AND
5 FUNCTIONS:

6 (a) CREATE AND MAINTAIN AN ANONYMOUS REPORTING SYSTEM
7 AND HOTLINE FOR JUDICIAL PERSONNEL TO SUBMIT COMPLAINTS. THE
8 REPORTING SYSTEM MUST BE EQUIPPED TO RETAIN AND COLLECT
9 AGGREGATED AND DISAGGREGATED DATA REGARDING THE REPORTED
10 COMPLAINTS THAT INCLUDES THE FOLLOWING:

11 (I) THE NUMBER OF ALLEGATIONS OF JUDICIAL MISCONDUCT
12 RECEIVED, REGARDLESS OF FORM;

13 (II) THE TYPES OF JUDICIAL MISCONDUCT COMPLAINTS RECEIVED
14 BY THE OFFICE OF THE OMBUDSMAN AND TO WHAT ENTITY THE COMPLAINT
15 WAS FORWARDED, IF APPLICABLE; AND

16 (III) THE DEMOGRAPHICS, INCLUDING THE GENDER, AGE, RACE,
17 ETHNICITY, OR DISABILITY, OF JUDGES WHO ARE THE SUBJECT OF THE
18 COMPLAINT AND THOSE DIRECTLY AFFECTED BY THE CLAIMED JUDICIAL
19 MISCONDUCT.

20 (b) HELP A COMPLAINANT UNDERSTAND THE COMPLAINANT'S
21 RIGHTS AND OPTIONS IN REPORTING AND FILING A COMPLAINT WITH THE
22 COMMISSION AND ANY OTHER APPROPRIATE AUTHORITY. THIS ASSISTANCE
23 MUST:

24 (I) INCLUDE AN EXPLANATION OF THE JUDICIAL DISCIPLINE
25 PROCESS, INCLUDING THE STEPS IN THE PROCESS, THE AVAILABILITY OF
26 CONFIDENTIAL REPORTING, AND CONFIDENTIALITY REQUIREMENTS DURING
27 EACH STEP OF THE PROCESS; AND

1 (II) BE AVAILABLE THROUGHOUT THE ENTIRE COMPLAINT
2 PROCESS, IF REQUESTED BY THE COMPLAINANT.

3 (c) PROVIDE THE COMPLAINANT WITH REFERRALS TO PHYSICAL
4 AND MENTAL HEALTH-CARE RESOURCES, COMMUNITY-BASED ADVOCACY
5 SERVICES, PRO-BONO OR LOW-COST LEGAL ASSISTANCE OR
6 REPRESENTATION, OR ANY OTHER RESOURCE, AS NECESSARY OR
7 REQUESTED;

8 (d) RECEIVE COMPLAINTS FROM COMPLAINANTS; INITIATE
9 CONTACT WITH A COMPLAINANT, IF APPLICABLE; AND INITIATE A REQUEST
10 FOR RESOLUTION OF THE COMPLAINT WITH THE APPROPRIATE PARTY. THIS
11 SUBSECTION (10)(d) DOES NOT PREVENT THE COMMISSION FROM ALSO
12 RECEIVING COMPLAINTS.

13 (e) REPORT APPROPRIATE CASES TO THE COMMISSION, THE OFFICE
14 OF ATTORNEY REGULATION COUNSEL, LAW ENFORCEMENT, AND THE
15 JUDICIAL DEPARTMENT AS REQUIRED BY LAW, RULE, OR AT THE DIRECTION
16 AND CONSENT OF THE COMPLAINANT;

17 (f) GATHER AND EVALUATE DATA RECEIVED BY THE OFFICE OF THE
18 OMBUDSMAN [REDACTED] THROUGH THE REPORTING SYSTEM AND HOTLINE,
19 CREATED IN SUBSECTION (10)(a) OF THIS SECTION, TO PROVIDE INSIGHTS
20 INTO WORK ENVIRONMENT TRENDS OF THE JUDICIAL DEPARTMENT ON AN
21 ANNUAL BASIS. TO THE EXTENT POSSIBLE, DATA MUST BE DISAGGREGATED
22 BY GENDER, ETHNICITY, AND JUDICIAL DISTRICT. FINDINGS FROM THE
23 DATA MUST BE REPORTED TO THE DEPARTMENT, COMMISSION, AND
24 GENERAL ASSEMBLY AS PART OF THE DEPARTMENT OF PERSONNEL'S
25 "SMART ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. DURING
26 THE FIRST TWO YEARS OF OPERATION OF THE OFFICE OF THE OMBUDSMAN,
27 THE REPORT MUST INCLUDE INFORMATION AND FEEDBACK FROM THE

1 OFFICE OF THE OMBUDSMAN ON THE EFFICACY OF THE OFFICE OF THE
2 OMBUDSMAN AND PROVIDE RECOMMENDATIONS FOR IMPROVEMENTS OR
3 ADJUSTMENTS. THE REPORT MUST BE MADE PUBLIC ON THE OFFICE OF THE
4 OMBUDSMAN'S WEBSITE.

5 (g) SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION AND
6 THE DEPARTMENT ON RULE-MAKING AND PROVIDE INSIGHTS AND
7 RECOMMENDATIONS TO THE COMMISSION AND DEPARTMENT ON CHANGES
8 TO THEIR RESPECTIVE RULES AND HUMAN RESOURCE POLICIES. THIS
9 INFORMATION MUST BE MADE PUBLIC ON THE OFFICE OF THE
10 OMBUDSMAN'S WEBSITE.

11 (h) COMPLY WITH ALL CONFIDENTIALITY PROVISIONS SET BY THE
12 COMMISSION;

13 (i) ENSURE ACCOUNTABILITY AND CONSISTENCY IN THE
14 OPERATING POLICIES AND PROCEDURES OF THE OFFICE OF THE
15 OMBUDSMAN, INCLUDING REASONABLE RULES RELATED TO THE
16 ADMINISTRATION OF THE PROVISIONS OF THIS SECTION AND ANY OTHER
17 STANDARDS OF CONDUCT AND REPORTING REQUIREMENTS AS PROVIDED
18 BY LAW; AND

19 (j) SERVE AS A LIAISON FOR COMMUNICATIONS BETWEEN A
20 COMPLAINANT AND THE COMMISSION OR THE DEPARTMENT AND, IF
21 REQUESTED BY THE COMPLAINANT, ENSURE THE COMPLAINANT'S
22 ANONYMITY.

23 (11) THE OMBUDSMAN HAS DISCRETION OVER WHETHER OR HOW
24 TO ENGAGE REGARDING INDIVIDUAL, GROUP, OR SYSTEMATIC CONCERNS
25 AND MAY BRING A CONCERN TO THE ATTENTION OF APPROPRIATE
26 INDIVIDUALS AS THE OMBUDSMAN DEEMS APPROPRIATE.

27 (12) THE OMBUDSMAN SHALL BE AVAILABLE TO ALL JUDICIAL

1 PERSONNEL TO DISCUSS COMPLAINTS RELATED TO THE CONDUCT OF ANY
2 JUDICIAL PERSONNEL.

3 (13) TO BE APPOINTED AS THE OMBUDSMAN, A PERSON MUST
4 POSSESS THE FOLLOWING QUALITIES AND QUALIFICATIONS:

5 (a) PRIOR EXPERIENCE SERVING AS AN OMBUDSMAN OR IN AN
6 OMBUDSMAN CAPACITY;

7 (b) A DEEP UNDERSTANDING OF AND EXPERTISE IN
8 ORGANIZATIONAL CULTURE AND DIVERSITY, EQUITY, AND INCLUSION;

9 (c) AT LEAST TWO YEARS OF PROFESSIONAL EXPERIENCE WORKING
10 WITH HUMAN RESOURCES;

11 (d) AT LEAST TWO YEARS OF VICTIM ADVOCACY EXPERIENCE OR
12 COMPLETION OF SUBSTANTIAL VICTIM ADVOCACY TRAINING; AND

13 (e) THE ABILITY TO ACT IN A NONPARTISAN MANNER.

14 (14) ALL CONVERSATIONS AND INFORMATION DISCLOSED TO THE
15 OMBUDSMAN BY A COMPLAINANT ARE CONFIDENTIAL, UNLESS THE
16 COMPLAINANT GIVES THE OMBUDSMAN PERMISSION TO DISCLOSE THE
17 INFORMATION TO A THIRD PARTY. IF THE COMPLAINANT HAS NOT
18 CONSENTED TO DISCLOSURE, THE OMBUDSMAN SHALL FORGO
19 CONFIDENTIALITY WHEN THE DISCLOSURE INVOLVES AN IMMINENT THREAT
20 OF BODILY HARM TO THE COMPLAINANT OR ANOTHER PERSON.
21 INFORMATION IS NOT DISCOVERABLE IF RECEIVED DURING AND WITHIN THE
22 SCOPE OF THE OMBUDSMAN'S DUTIES AND RESPONSIBILITIES. THE
23 OMBUDSMAN IS EXEMPT FROM MANDATORY REPORTING RULES, STATUTES,
24 AND POLICIES AND SHALL NOT REPORT AN INCIDENT MADE KNOWN TO THE
25 OMBUDSMAN BY A COMPLAINANT UNLESS THE COMPLAINANT PROVIDES
26 CONSENT.

27 (15) THE OMBUDSMAN SHALL DISCLOSE A COMPLAINT ALLEGING

1 JUDICIAL MISCONDUCT TO THE COMMISSION WITHIN A REASONABLE TIME.
2 IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS, THE OMBUDSMAN
3 SHALL SHARE THE INFORMATION WITH THE COMMISSION IN AN
4 UNIDENTIFIABLE MANNER.

5 (16) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE OFFICE
6 OF THE OMBUDSMAN, AND ALL OTHER COMMUNICATIONS BETWEEN THE
7 OMBUDSMAN AND A COMPLAINANT, ARE NOT SUBJECT TO PUBLIC
8 DISCLOSURE AS REQUIRED BY ARTICLE 72 OF THIS TITLE 24.

9 (17) THE OFFICE OF THE OMBUDSMAN IS AUTHORIZED TO
10 PROMULGATE RULES NECESSARY TO IMPLEMENT THE REQUIREMENTS OF
11 THIS SECTION AND TO ENSURE CONFIDENTIALITY OF THE DISCLOSURES
12 MADE TO THE OFFICE OF THE OMBUDSMAN BY COMPLAINANTS.

13 (18) IN THE PERFORMANCE OF THE OMBUDSMAN'S DUTIES, THE
14 OMBUDSMAN SHALL ACT INDEPENDENTLY OF THE DEPARTMENT AND
15 COMMISSION. ANY RECOMMENDATIONS MADE OR POSITIONS TAKEN BY
16 THE OMBUDSMAN OR THE OFFICE OF THE OMBUDSMAN DO NOT REFLECT
17 THOSE OF THE DEPARTMENT OR THE COMMISSION.

18 **SECTION 3.** In Colorado Revised Statutes, 24-72-202, **amend**
19 (6)(b)(XIV) and (6)(b)(XV); and **add** (6)(b)(XVI) as follows:

20 **24-72-202. Definitions.** As used in this part 2, unless the context
21 otherwise requires:

22 (6) (b) "Public records" does not include:

23 (XIV) Pursuant to the "Colorado Partnership for Quality Jobs and
24 Services Act", part 11 of article 50 of this title 24, records created in
25 compliance with the requirements of a state employee partnership
26 agreement as specified in section 24-50-1111 (3)(d) and documents
27 created in connection with the dispute resolution process for an employee

1 partnership agreement as specified in section 24-50-1113 (2)(e); or

2 (XV) Granular coverage data, as defined in and submitted to the
3 office of information technology pursuant to section 24-37.5-119 (9)(m);

4 OR

5 (XVI) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE
6 OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN PURSUANT TO SECTION
7 24-50-147.

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