

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB26-1288 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 13-3-121 as
4 follows:

5 **13-3-121. Jury selection working group - creation - members**
6 **- duties - report - definition - repeal.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES, "WORKING GROUP" MEANS THE JURY SELECTION WORKING
9 GROUP CREATED IN SUBSECTION (2) OF THIS SECTION.

10 (2) THERE IS CREATED IN THE JUDICIAL DEPARTMENT THE JURY
11 SELECTION WORKING GROUP TO MAKE FINDINGS AND RECOMMENDATIONS
12 CONCERNING JURY SELECTION.

13 (3) (a) THE WORKING GROUP CONSISTS OF:

14 (I) THE STATE PUBLIC DEFENDER, OR THEIR DESIGNEE;

15 (II) THE ATTORNEY GENERAL, OR THEIR DESIGNEE;

16 (III) THE FOLLOWING MEMBERS, WHO ARE APPOINTED BY THE
17 ASSOCIATION THAT THEY REPRESENT, WHICH ASSOCIATION IS CHOSEN BY
18 THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT:

19 (A) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
20 DISTRICT ATTORNEYS;

21 (B) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
22 MUNICIPAL JUDGES;

23 (C) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
24 CIVIL TRIAL LAWYERS;

25 (D) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
26 CIVIL DEFENSE LAWYERS;

27 (E) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
28 CRIMINAL DEFENSE LAWYERS;

29 (F) ONE MEMBER WHO IS A MEMBER OF A STATEWIDE ASSOCIATION
30 OF LAWYERS AND WHO HAS EXPERIENCE WITH REPRESENTING CLIENTS IN
31 COMPLEX COMMERCIAL LITIGATION INVOLVING PRIVATE PARTIES; AND

32 (G) ONE MEMBER WHO IS AN INSTRUCTOR AT AN INSTITUTION OF
33 HIGHER EDUCATION AND HAS EXPERT KNOWLEDGE OF, AND RESEARCH
34 EXPERIENCE WITH, JURY SELECTION; AND

35 (IV) THE FOLLOWING MEMBERS, APPOINTED BY THE CHIEF JUSTICE
36 OF THE COLORADO SUPREME COURT:

37 (A) A JUSTICE OR JUDGE;

38 (B) THE CHAIR OF THE RULES OF CRIMINAL PROCEDURE
39 COMMITTEE;

40 (C) THE CHAIR OF THE CIVIL RULES COMMITTEE;

41 (D) FOUR JUDGES, WHO IN FULL REPRESENT DISTRICT COURT,

1 COUNTY COURT, RURAL JURISDICTION, AND URBAN JURISDICTION;
2 (E) ONE JURY COMMISSIONER WHO REPRESENTS AN URBAN
3 JUDICIAL DISTRICT; AND
4 (F) ONE JURY COMMISSIONER WHO REPRESENTS A RURAL JUDICIAL
5 DISTRICT.
6 (b) TO THE EXTENT PRACTICABLE, THE APPOINTING AUTHORITIES
7 SHALL ATTEMPT TO APPOINT WORKING GROUP MEMBERS WHO REFLECT
8 THE DIVERSITY OF THE STATE WITH REGARD TO GEOGRAPHY, RACE,
9 ETHNICITY, GENDER, AND AREAS OF PRACTICE.
10 (c) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS TO
11 THE WORKING GROUP NO LATER THAN JUNE 15, 2026.
12 (d) (I) THE JUSTICE OR JUDGE APPOINTED PURSUANT TO
13 SUBSECTION (3)(a)(IV)(A) OF THIS SECTION SERVES AS A CO-CHAIR OF THE
14 WORKING GROUP.
15 (II) THE WORKING GROUP SHALL SELECT A MEMBER DESCRIBED IN
16 SUBSECTION (3)(a)(I), (3)(a)(II), OR (3)(a)(III) OF THIS SECTION TO SERVE
17 AS A CO-CHAIR OF THE WORKING GROUP.
18 (e) MEMBERS SERVE WITHOUT COMPENSATION BUT MAY BE
19 REIMBURSED FOR EXPENSES DIRECTLY RELATING TO THEIR SERVICE TO THE
20 WORKING GROUP.
21 (4) THE WORKING GROUP SHALL:
22 (a) SOLICIT INPUT FROM RELEVANT COMMUNITIES AND
23 STAKEHOLDERS TO ASSIST THE WORKING GROUP WITH THE PERFORMANCE
24 OF ITS DUTIES PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION;
25 (b) IDENTIFY BEST PRACTICES CONCERNING:
26 (I) THE AMOUNT OF TIME PROVIDED TO ATTORNEYS TO PERFORM
27 VOIR DIRE;
28 (II) THE USE OF CASE-SPECIFIC OR MODEL QUESTIONNAIRES FOR
29 POTENTIAL JURORS;
30 (III) THE USE OF RULES FOR THE PROCESS AND EFFECTIVENESS OF
31 REHABILITATING JURORS;
32 (IV) THE ELIMINATION OF BIAS IN JURY SELECTION;
33 (V) THE USE OF MODEL BENCHBOOK SCRIPTS FOR JURY SELECTION;
34 (VI) TRAINING FOR JUDGES AND LAWYERS REGARDING JURY
35 SELECTION; AND
36 (VII) ANY OTHER MATTER RELATED TO JURY SELECTION DEEMED
37 APPROPRIATE BY THE WORKING GROUP; AND
38 (c) CONSIDER MAKING RECOMMENDATIONS FOR STATUTORY OR
39 RULE CHANGES TO IMPROVE JURY SELECTION.
40 (5) (a) ON OR BEFORE DECEMBER 1, 2026, THE WORKING GROUP
41 SHALL SUBMIT A PROGRESS REPORT OF ITS IDENTIFIED BEST PRACTICES
42 PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, AND
43 RECOMMENDATIONS FOR STATUTORY OR RULE CHANGES PURSUANT TO
44 SUBSECTION (4)(c) OF THIS SECTION, IF ANY, TO THE JUDICIARY

1 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
2 ANY SUCCESSOR COMMITTEES, AND EACH COLORADO SUPREME COURT
3 JUSTICE.

4 (b) ON OR BEFORE DECEMBER 1, 2026, THE JUDICIAL DEPARTMENT
5 SHALL POST THE REPORT DESCRIBED IN SUBSECTION (5)(a) OF THIS
6 SECTION ON ITS WEBSITE FOR PUBLIC ACCESS.

7 (6) (a) ON OR BEFORE A DATE DETERMINED BY THE WORKING
8 GROUP'S CO-CHAIRS THAT IS SUFFICIENT TO ALLOW THE COLORADO
9 SUPREME COURT TO RESPOND PURSUANT TO SUBSECTION (7) OF THIS
10 SECTION, THE WORKING GROUP SHALL SUBMIT A FINAL REPORT OF ITS
11 IDENTIFIED BEST PRACTICES PURSUANT TO SUBSECTION (4)(b) OF THIS
12 SECTION, AND RECOMMENDATIONS FOR STATUTORY OR RULE CHANGES
13 PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION, IF ANY, TO THE
14 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
15 SENATE, OR ANY SUCCESSOR COMMITTEES, AND EACH COLORADO
16 SUPREME COURT JUSTICE.

17 (b) WITHIN ONE WEEK OF RECEIVING THE FINAL REPORT
18 DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION, THE JUDICIAL
19 DEPARTMENT SHALL POST THE REPORT DESCRIBED IN SUBSECTION (6)(a)
20 OF THIS SECTION ON ITS WEBSITE FOR PUBLIC ACCESS.

21 (7) (a) IF ANY RECOMMENDATIONS FOR RULE CHANGES ARE MADE,
22 THEN ON OR BEFORE JUNE 15, 2027, THE COLORADO SUPREME COURT
23 SHALL RESPOND TO THE WORKING GROUP'S RECOMMENDATIONS FOR RULE
24 CHANGES TO IMPROVE JURY SELECTION.

25 (b) ON OR BEFORE JUNE 15, 2027, THE JUDICIAL DEPARTMENT
26 SHALL POST THE RESPONSE DESCRIBED IN SUBSECTION (7)(a) OF THIS
27 SECTION ON ITS WEBSITE FOR PUBLIC ACCESS.

28 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

29 **SECTION 2. Safety clause.** The general assembly finds,
30 determines, and declares that this act is necessary for the immediate
31 preservation of the public peace, health, or safety or for appropriations for
32 the support and maintenance of the departments of the state and state
33 institutions."

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