

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0724.01 Chelsea Princell x4335

HOUSE BILL 23-1205

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE OFFICE OF THE JUDICIAL**
102 **DISCIPLINE OMBUDSMAN, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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.

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.*

SENATE
Amended 2nd Reading
April 28, 2023

HOUSE
3rd Reading Unamended
April 6, 2023

HOUSE
Amended 2nd Reading
April 5, 2023

The bill establishes the judicial discipline ombudsman selection 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 is not adversarial and does not perform
15 investigations. An ombudsman does not replace the roles of the relevant
16 investigatory bodies, such as the Commission on Judicial Discipline, but
17 instead provides resources for complainants to access those investigatory
18 bodies.

19 (e) An ombudsman office is helpful when there are significant

1 power disparities and complex systems that people may not be able to
2 easily navigate in order to vindicate their rights; and

3 (f) Helping a complainant navigate those systems and vindicate
4 their rights promotes a better functioning judicial discipline process.

5 (2) Therefore, the general assembly declares that establishing the
6 office of the judicial discipline ombudsman will allow a complainant
7 impacted by judicial misconduct to raise their concerns and get the
8 direction and support they need.

9 **SECTION 2.** In Colorado Revised Statutes, **add 13-3-118** as
10 follows:

11 **13-3-118. Office of the judicial discipline ombudsman**
12 **established - judicial discipline advisory board - qualifications of**
13 **ombudsman - powers and duties - confidentiality - rules - definitions.**

14 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

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

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

20 (c) "COMPLAINANT" MEANS CURRENT AND FORMER EMPLOYEES OF
21 THE JUDICIAL DEPARTMENT, JUDGES, JUDICIAL DEPARTMENT STAFF, AND
22 PERSONS WHO WORK WITH JUDICIAL EMPLOYEES AND STAFF, AND
23 INCLUDES, BUT IS NOT LIMITED TO, BAILIFFS, LITIGATING ATTORNEYS,
24 INTERNS, AND VOLUNTEERS.

25 (d) "DEPARTMENT" MEANS THE JUDICIAL DEPARTMENT
26 ESTABLISHED IN ARTICLE 3 OF TITLE 13.

27

1 (e) "OFFICE OF THE OMBUDSMAN" MEANS THE OFFICE OF THE
2 JUDICIAL DISCIPLINE OMBUDSMAN, CREATED IN SUBSECTION (2) OF THIS
3 SECTION.

4 (f) "OMBUDSMAN" MEANS THE PERSON THAT SERVES AS BOTH THE
5 JUDICIAL DISCIPLINE OMBUDSMAN AND THE DIRECTOR OF THE OFFICE OF
6 THE OMBUDSMAN.

7 (2) THE INDEPENDENT OFFICE OF THE JUDICIAL DISCIPLINE
8 OMBUDSMAN IS ESTABLISHED IN THE JUDICIAL DEPARTMENT AS AN
9 INDEPENDENT AGENCY FOR THE PURPOSE OF ENSURING THE GREATEST
10 PROTECTIONS FOR A COMPLAINANT. THE PURPOSE OF THE OFFICE OF THE
11 OMBUDSMAN IS TO ACT AS AN INDEPENDENT, CONFIDENTIAL, INFORMAL,
12 IMPARTIAL, NEUTRAL, AND NONPARTISAN OFFICE THAT RESPONDS TO
13 QUESTIONS OR CONCERNS FROM A COMPLAINANT ABOUT MISCONDUCT
14 THAT OCCURS WITHIN THE DEPARTMENT, TO SUPPORT A COMPLAINANT IN
15 FILING FORMAL AND INFORMAL COMPLAINTS AND GRIEVANCES AGAINST
16 MEMBERS OF THE DEPARTMENT, AND TO ANALYZE DATA FROM THE OFFICE
17 OF THE OMBUDSMAN IN ORDER TO REPORT COMPLAINT AND GRIEVANCE
18 TRENDS, SYSTEMIC PROBLEMS, AND ORGANIZATIONAL ISSUES TO THE
19 COMMISSION, THE DEPARTMENT, AND THE GENERAL ASSEMBLY. THE
20 OFFICE OF THE OMBUDSMAN SHALL HELP A COMPLAINANT UNDERSTAND
21 HOW TO SAFELY NAVIGATE THE COMPLAINT PROCESS. THE OMBUDSMAN
22 SHALL CONSIDER THE STANDARDS OF PRACTICE AND CODE OF ETHICS
23 ESTABLISHED BY THE INTERNATIONAL OMBUDS ASSOCIATION FOR AN
24 ORGANIZATIONAL OMBUDSMAN, TO THE EXTENT PRACTICABLE. THE
25 OMBUDSMAN SHALL NOT BE ADVERSARIAL TO THE DEPARTMENT OR THE
26 COMMISSION. THE OMBUDSMAN SHALL NOT REQUEST RECORDS FROM THE
27 DEPARTMENT OR THE COMMISSION RELATED TO SPECIFIC EMPLOYEES,

1 JUDGES, OR JUSTICES, EXCEPT AT THE DISCRETION OF THE COMPLAINANT.

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

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

8 (b) A REQUIREMENT THAT THE OMBUDSMAN HAVE INDEPENDENT
9 HIRING AND TERMINATION AUTHORITY OVER OFFICE OF THE OMBUDSMAN
10 EMPLOYEES;

11 (c) A REQUIREMENT THAT THE OFFICE OF THE OMBUDSMAN
12 FOLLOW JUDICIAL FISCAL RULES;

13 (d) A REQUIREMENT THAT THE DEPARTMENT OFFER THE OFFICE OF
14 THE OMBUDSMAN LIMITED SUPPORT WITH RESPECT TO:

15 (I) PERSONNEL MATTERS;

16 (II) RECRUITMENT;

17 (III) PAYROLL;

18 (IV) BENEFITS;

19 (V) BUDGET SUBMISSIONS, AS NEEDED; AND

20 (VI) ACCOUNTING; AND

21

22 (e) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE SUPPORT
23 THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE OF THE
24 OMBUDSMAN.

25 (4) THE OFFICE OF THE OMBUDSMAN SHALL MAINTAIN OFFICE
26 SPACE THAT IS NOT PHYSICALLY LOCATED IN ANY BUILDING THAT IS
27 MAINTAINED BY THE JUDICIAL DEPARTMENT.

1 (5) THE OFFICE OF THE OMBUDSMAN AND THE BOARD ESTABLISHED
2 IN SUBSECTION (6) OF THIS SECTION SHALL OPERATE WITH AUTONOMY,
3 CONTROL, AND AUTHORITY OVER OPERATIONS, BUDGET, AND PERSONNEL
4 DECISIONS RELATED TO THE OFFICE OF THE OMBUDSMAN, BOARD, AND
5 OMBUDSMAN.

6 (6) (a) THERE IS ESTABLISHED AN INDEPENDENT, NONPARTISAN
7 JUDICIAL DISCIPLINE OMBUDSMAN SELECTION BOARD. THE BOARD
8 CONSISTS OF FIVE MEMBERS AND MUST INCLUDE LAWYERS, AND PEOPLE
9 WITH A PROFESSIONAL BACKGROUND IN HUMAN RESOURCES OR
10 PERSONNEL MANAGEMENT, FINANCIAL MANAGEMENT, OR EXPERIENCE
11 WITH EMPLOYEE HARASSMENT OR DISCRIMINATION CASES OR AS A
12 VICTIMS' RIGHTS ADVOCATE, AND PROFESSIONAL OMBUDSMAN
13 EXPERIENCE. TO THE EXTENT PRACTICABLE, THE BOARD SHOULD BE MADE
14 UP OF PERSONS FROM DIFFERENT JUDICIAL DISTRICTS, PERSONS WITH
15 DISABILITIES, AND PERSONS WITH EXPERIENCE IN CULTURALLY RELEVANT
16 PRACTICES, AND REFLECT THE GEOGRAPHIC, ETHNIC, AND GENDER
17 DIVERSITY OF THE STATE.

18 (b) BOARD MEMBERS MUST BE APPOINTED ON OR BEFORE JANUARY
19 1, 2024, AS FOLLOWS:

20 [REDACTED]
21 (I) THE GOVERNOR SHALL APPOINT ONE INDIVIDUAL WHO IS EITHER
22 A RETIRED COLORADO JUDGE IN GOOD STANDING OR A FORMER COLORADO
23 JUDGE IN GOOD STANDING;

24 (II) THE PRESIDENT OF THE COLORADO SENATE AND THE MINORITY
25 LEADER OF THE COLORADO SENATE SHALL EACH APPOINT ONE MEMBER
26 WITH EXPERIENCE LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS
27 SECTION; AND

1 (III) THE SPEAKER OF THE COLORADO HOUSE OF REPRESENTATIVES
2 AND THE MINORITY LEADER OF THE COLORADO HOUSE OF
3 REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER WITH EXPERIENCE
4 LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS SECTION.

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

7 (I) PERSONNEL MANAGEMENT;

8 (II) HUMAN RESOURCES;

9 (III) FINANCIAL MANAGEMENT;

10 (IV) EXPERIENCE AS A PROFESSIONAL OMBUDSMAN;

11 (V) EXPERIENCE WITH EMPLOYEE HARASSMENT OR
12 DISCRIMINATION AS AN EMPLOYMENT LAW ATTORNEY; OR

13 (VI) EXPERIENCE AS A VICTIMS' RIGHTS ADVOCATE.

14 (d) IN APPOINTING BOARD MEMBERS PURSUANT TO SUBSECTIONS
15 (6)(b)(II) AND (6)(b)(III) OF THIS SECTION, AT LEAST ONE APPOINTEE FROM
16 THE COLORADO HOUSE OF REPRESENTATIVES AND ONE APPOINTEE FROM
17 THE COLORADO SENATE MUST BE LICENSED COLORADO ATTORNEYS IN
18 GOOD STANDING.

19 (e) BOARD MEMBERS SERVE TERMS OF FOUR YEARS; EXCEPT THAT
20 INITIAL TERMS MUST BE STAGGERED SO THAT NO MORE THAN THREE
21 MEMBERS' TERMS EXPIRE IN THE SAME YEAR. THREE OF THE INITIAL
22 APPOINTMENTS WILL HAVE FOUR-YEAR TERMS, AND TWO INITIAL
23 APPOINTMENTS WILL HAVE TWO-YEAR TERMS. THE APPOINTING
24 AUTHORITY SHALL DESIGNATE THE INITIAL TERMS. THE APPOINTING
25 OFFICIAL SHALL FILL ANY VACANCIES ON THE BOARD FOR THE REMAINDER
26 OF ANY UNEXPIRED TERM.

27 (f) THE BOARD SHALL MEET A MINIMUM OF TWO TIMES PER YEAR

1 AND ADDITIONALLY AS NEEDED.

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

5 (h) BOARD MEMBERS MAY BE REAPPOINTED TO SERVE ONE
6 ADDITIONAL TERM.

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

9 (8) THE BOARD HAS THE FOLLOWING DUTIES AND
10 RESPONSIBILITIES:

11 (a) TO OVERSEE THE FOLLOWING PERSONNEL DECISIONS RELATED
12 TO THE OMBUDSMAN:

13 (I) ON OR BEFORE MARCH 1, 2024, AND AS NECESSARY
14 THEREAFTER, APPOINTING A PERSON TO SERVE AS THE OMBUDSMAN. THE
15 OMBUDSMAN APPOINTED BY THE BOARD ON OR BEFORE MARCH 1, 2024,
16 SHALL ASSUME THE OMBUDSMAN'S POSITION ON THE EFFECTIVE DATE OF
17 THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT AND
18 THE OFFICE OF THE OMBUDSMAN. THE BOARD MAY DISCHARGE AN
19 OMBUDSMAN FOR CAUSE. A TWO-THIRDS MAJORITY VOTE OF THE BOARD
20 IS REQUIRED TO HIRE OR DISCHARGE THE OMBUDSMAN. THE GENERAL
21 ASSEMBLY SHALL SET THE OMBUDSMAN'S COMPENSATION, AND THE
22 COMPENSATION MUST NOT BE REDUCED DURING THE TERM OF THE
23 OMBUDSMAN'S APPOINTMENT.

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

25 (III) EVALUATING THE OMBUDSMAN'S PERFORMANCE AS
26 NECESSARY BASED ON FEEDBACK RECEIVED FROM COMPLAINANTS ABOUT
27 THE OMBUDSMAN; AND

1 (IV) DEVELOPING A COMPLAINT PROCESS RELATED TO THE
2 OMBUDSMAN'S PERFORMANCE;

3 (b) TO OVERSEE AND ADVISE THE OMBUDSMAN ON THE STRATEGIC
4 DIRECTION OF THE OFFICE OF THE OMBUDSMAN AND ITS MISSION AND TO
5 HELP PROMOTE THE USE OF, ENGAGEMENT WITH, AND ACCESS TO THE
6 OFFICE OF THE OMBUDSMAN;

7 (c) TO WORK COOPERATIVELY WITH THE OMBUDSMAN TO PROVIDE
8 FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE OF
9 THE OMBUDSMAN AND ENSURE THAT THE OFFICE OF THE OMBUDSMAN
10 OPERATES IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, THE
11 MEMORANDUM OF UNDERSTANDING, AND STATE AND FEDERAL LAWS;

12 (d) TO PROMOTE THE MISSION OF THE OFFICE OF THE OMBUDSMAN
13 TO THE PUBLIC; AND

14 (e) TO PROVIDE ASSISTANCE, AS PRACTICABLE AND AS REQUESTED
15 BY THE OMBUDSMAN, TO FACILITATE THE STATUTORY INTENT OF THIS
16 SECTION.

17 (9) MEETINGS OF THE BOARD ARE SUBJECT TO THE PROVISIONS OF
18 SECTION 24-6-402, EXCEPT FOR EXECUTIVE PERSONNEL ACTIONS OR
19 MEETINGS THAT REQUIRE THE PROTECTION OF CONFIDENTIALITY AND
20 COMPLIANCE WITH STATE PRIVACY LAWS.

21 (10) THE OMBUDSMAN HAS THE FOLLOWING DUTIES AND
22 FUNCTIONS:

23 (a) CREATE AND MAINTAIN AN ANONYMOUS REPORTING SYSTEM
24 AND HOTLINE FOR COMPLAINANTS TO SUBMIT COMPLAINTS. THE
25 REPORTING SYSTEM MUST BE EQUIPPED TO RETAIN AND COLLECT
26 AGGREGATED AND DISAGGREGATED DATA REGARDING THE REPORTED
27 COMPLAINTS THAT INCLUDES THE FOLLOWING:

1 (I) THE NUMBER OF ALLEGATIONS OF JUDICIAL MISCONDUCT
2 RECEIVED, REGARDLESS OF FORM;

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

6 (III) THE DEMOGRAPHICS, INCLUDING THE GENDER, AGE, RACE,
7 ETHNICITY, OR DISABILITY, OF JUDGES WHO ARE THE SUBJECT OF THE
8 COMPLAINT AND THOSE DIRECTLY AFFECTED BY THE CLAIMED JUDICIAL
9 MISCONDUCT.

10 (b) HELP A COMPLAINANT UNDERSTAND THE COMPLAINANT'S
11 RIGHTS AND OPTIONS IN REPORTING AND FILING A COMPLAINT WITH THE
12 COMMISSION AND ANY OTHER APPROPRIATE AUTHORITY. THIS ASSISTANCE
13 MUST:

14 (I) INCLUDE AN EXPLANATION OF THE JUDICIAL DISCIPLINE
15 PROCESS, INCLUDING THE STEPS IN THE PROCESS, THE AVAILABILITY OF
16 CONFIDENTIAL REPORTING, AND CONFIDENTIALITY REQUIREMENTS DURING
17 EACH STEP OF THE PROCESS; AND

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

20 (c) PROVIDE THE COMPLAINANT WITH REFERRALS TO PHYSICAL
21 AND MENTAL HEALTH-CARE RESOURCES, COMMUNITY-BASED ADVOCACY
22 SERVICES, PRO-BONO OR LOW-COST LEGAL ASSISTANCE OR
23 REPRESENTATION, OR ANY OTHER RESOURCE, AS NECESSARY OR
24 REQUESTED;

25 (d) RECEIVE COMPLAINTS FROM COMPLAINANTS, AND FACILITATE
26 COMMUNICATION WITH A COMPLAINANT AND THE APPROPRIATE PARTY.

27 THIS SUBSECTION (10)(d) DOES NOT PREVENT THE COMMISSION FROM

1 ALSO RECEIVING COMPLAINTS.

2 (e) FACILITATE SUBMISSION OF COMPLAINTS TO THE APPROPRIATE
3 ENTITY OR PARTY, ONLY AT THE DISCRETION AND CONSENT OF THE
4 COMPLAINANT;

5 (f) GATHER AND EVALUATE DATA RECEIVED BY THE OFFICE OF THE
6 OMBUDSMAN [REDACTED] THROUGH THE REPORTING SYSTEM AND HOTLINE,
7 CREATED IN SUBSECTION (10)(a) OF THIS SECTION, TO PROVIDE INSIGHTS
8 INTO WORK ENVIRONMENT TRENDS OF THE JUDICIAL DEPARTMENT ON AN
9 ANNUAL BASIS. TO THE EXTENT POSSIBLE, DATA MUST BE DISAGGREGATED
10 BY GENDER, ETHNICITY, AND JUDICIAL DISTRICT WHILE MAINTAINING THE
11 CONFIDENTIALITY OF THOSE INVOLVED IN THE COMPLAINT. FINDINGS
12 FROM THE DATA MUST BE REPORTED TO THE DEPARTMENT, COMMISSION,
13 AND GENERAL ASSEMBLY AS PART OF THE JUDICIAL DEPARTMENT'S
14 "SMART ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. THE DATA
15 MUST BE PRESENTED IN A MANNER THAT PROTECTS THE CONFIDENTIALITY
16 OF EVERYONE INVOLVED. THE REPORT OUTLINED IN THIS SUBSECTION
17 (10)(f) SHALL NOT INCLUDE PERSONAL IDENTIFYING INFORMATION,
18 INCLUDING GENDER, RACE, OR ETHNICITY DATA, IF THAT COULD
19 POTENTIALLY IDENTIFY THE COMPLAINANT, THE SUBJECT OF THE
20 COMPLAINT, OR ANY OTHER PEOPLE INVOLVED IN THE COMPLAINT. DURING
21 THE FIRST TWO YEARS OF OPERATION OF THE OFFICE OF THE OMBUDSMAN,
22 THE REPORT MUST INCLUDE INFORMATION AND FEEDBACK FROM THE
23 OFFICE OF THE OMBUDSMAN ON THE EFFICACY OF THE OFFICE OF THE
24 OMBUDSMAN AND PROVIDE RECOMMENDATIONS FOR IMPROVEMENTS OR
25 ADJUSTMENTS. THE REPORT MUST BE MADE PUBLIC ON THE OFFICE OF THE
26 OMBUDSMAN'S WEBSITE.

27 (g) SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION AND

1 THE DEPARTMENT ON RULE-MAKING AND PROVIDE INSIGHTS AND
2 RECOMMENDATIONS TO THE COMMISSION AND DEPARTMENT ON CHANGES
3 TO THEIR RESPECTIVE RULES AND HUMAN RESOURCE POLICIES. THIS
4 INFORMATION MUST BE MADE PUBLIC ON THE OFFICE OF THE
5 OMBUDSMAN'S WEBSITE.

6 (h) COMPLY WITH ALL CONFIDENTIALITY PROVISIONS SET BY THE
7 COMMISSION;

8 (i) ENSURE ACCOUNTABILITY AND CONSISTENCY IN THE
9 OPERATING POLICIES AND PROCEDURES OF THE OFFICE OF THE
10 OMBUDSMAN, INCLUDING REASONABLE RULES RELATED TO THE
11 ADMINISTRATION OF THE PROVISIONS OF THIS SECTION AND ANY OTHER
12 STANDARDS OF CONDUCT AND REPORTING REQUIREMENTS AS PROVIDED
13 BY LAW; AND

14 (j) SERVE AS A LIAISON FOR COMMUNICATIONS BETWEEN A
15 COMPLAINANT AND THE COMMISSION OR THE DEPARTMENT AND, IF
16 REQUESTED BY THE COMPLAINANT, ENSURE THE COMPLAINANT'S
17 ANONYMITY.

18 (11) THE OMBUDSMAN HAS DISCRETION OVER WHETHER OR HOW
19 TO ENGAGE REGARDING INDIVIDUAL, GROUP, OR SYSTEMATIC CONCERNS
20 AND MAY BRING A CONCERN TO THE ATTENTION OF APPROPRIATE
21 INDIVIDUALS AS THE OMBUDSMAN DEEMS APPROPRIATE.

22 (12) THE OMBUDSMAN SHALL BE AVAILABLE TO ALL A
23 COMPLAINANT TO DISCUSS COMPLAINTS RELATED TO THE CONDUCT OF
24 ANY JUDICIAL PERSONNEL.

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

27 (a) PRIOR EXPERIENCE SERVING AS AN OMBUDSMAN OR IN AN

1 OMBUDSMAN CAPACITY;

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

4 (c) AT LEAST TWO YEARS OF PROFESSIONAL EXPERIENCE WORKING
5 WITH HUMAN RESOURCES;

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

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

9 (14) ALL CONVERSATIONS AND INFORMATION DISCLOSED TO THE
10 OMBUDSMAN BY A COMPLAINANT ARE CONFIDENTIAL, UNLESS THE
11 COMPLAINANT GIVES THE OMBUDSMAN PERMISSION TO DISCLOSE THE
12 INFORMATION TO A THIRD PARTY. IF THE COMPLAINANT HAS NOT
13 CONSENTED TO DISCLOSURE, THE OMBUDSMAN SHALL FORGO
14 CONFIDENTIALITY WHEN THE DISCLOSURE INVOLVES AN IMMINENT THREAT
15 OF BODILY HARM TO THE COMPLAINANT OR ANOTHER PERSON.
16 INFORMATION IS NOT DISCOVERABLE IF RECEIVED DURING AND WITHIN THE
17 SCOPE OF THE OMBUDSMAN'S DUTIES AND RESPONSIBILITIES. THE
18 OMBUDSMAN IS EXEMPT FROM MANDATORY REPORTING RULES, STATUTES,
19 INCLUDING SECTION 13-5.3-106, OR AS PERMITTED BY SUBSECTION (11) OF
20 THIS SECTION. AND POLICIES AND SHALL NOT REPORT AN INCIDENT MADE
21 KNOWN TO THE OMBUDSMAN BY A COMPLAINANT UNLESS THE
22 COMPLAINANT PROVIDES CONSENT.

23

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24 (15) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE OFFICE
25 OF THE OMBUDSMAN, AND ALL OTHER COMMUNICATIONS BETWEEN THE
26 OMBUDSMAN AND A COMPLAINANT, ARE NOT SUBJECT TO PUBLIC
27 DISCLOSURE AS REQUIRED BY ARTICLE 72 OF THIS TITLE 24, AND ARE NOT

1 SUBJECT TO THE JUDICIAL DEPARTMENT'S RULES REGARDING PUBLIC
2 RECORD DISCLOSURE.

3 (16) THE OFFICE OF THE OMBUDSMAN IS AUTHORIZED TO
4 PROMULGATE RULES NECESSARY TO IMPLEMENT THE REQUIREMENTS OF
5 THIS SECTION AND TO ENSURE CONFIDENTIALITY OF THE DISCLOSURES
6 MADE TO THE OFFICE OF THE OMBUDSMAN BY COMPLAINANTS.

7 (17) IN THE PERFORMANCE OF THE OMBUDSMAN'S DUTIES, THE
8 OMBUDSMAN SHALL ACT INDEPENDENTLY OF THE DEPARTMENT AND
9 COMMISSION. ANY RECOMMENDATIONS MADE OR POSITIONS TAKEN BY
10 THE OMBUDSMAN OR THE OFFICE OF THE OMBUDSMAN DO NOT REFLECT
11 THOSE OF THE DEPARTMENT OR THE COMMISSION.

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

14 **24-72-202. Definitions.** As used in this part 2, unless the context
15 otherwise requires:

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

17 (XIV) Pursuant to the "Colorado Partnership for Quality Jobs and
18 Services Act", part 11 of article 50 of this title 24, records created in
19 compliance with the requirements of a state employee partnership
20 agreement as specified in section 24-50-1111 (3)(d) and documents
21 created in connection with the dispute resolution process for an employee
22 partnership agreement as specified in section 24-50-1113 (2)(e); ~~or~~

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

26 (XVI) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE
27 OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN PURSUANT TO SECTION

1 13-3-118, INCLUDING ANY RECORD THAT NAMES OR OTHERWISE
2 IDENTIFIES A SPECIFIC COMPLAINANT OR OTHER PERSON INVOLVED IN THE
3 COMPLAINT.

4 **SECTION 4. Appropriation.** (1) For the 2023-24 state fiscal
5 year, \$100,453 is appropriated to the judicial department. This
6 appropriation is from the general fund. To implement this act, the
7 department may use this appropriation for the purchase of legal services.

8 (2) For the 2023-24 state fiscal year, \$100,453 is appropriated to
9 the department of law. This appropriation is from reappropriated funds
10 received from the judicial department under subsection (1) of this section
11 and is based on an assumption that the department of law will require an
12 additional 0.5 FTE. To implement this act, the department of law may use
13 this appropriation to provide legal services for the judicial department.

14 **SECTION 5. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.