

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 23-1259

BY REPRESENTATIVE(S) Daugherty and Evans, Bird, Hamrick, Kipp, Duran, Snyder, McCluskie;  
also SENATOR(S) Zenzinger and Simpson, Pelton B.

CONCERNING PROVISIONS IN THE OPEN MEETINGS LAW FOR AN EXECUTIVE SESSION OF A LOCAL PUBLIC BODY, AND, IN CONNECTION THEREWITH, PROHIBITING AN AWARD OF COSTS OR ATTORNEY FEES IN CERTAIN CIRCUMSTANCES IN AN ACTION CHALLENGING A LOCAL PUBLIC BODY FOR A VIOLATION OF THE OPEN MEETINGS LAW RELATED TO AN EXECUTIVE SESSION.

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

**SECTION 1.** In Colorado Revised Statutes, 24-6-402, **amend** (9)(b); and **add** (9)(c) as follows:

**24-6-402. Meetings - open to public - legislative declaration - definitions.** (9) (b) The courts of record of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (9)(c) OF THIS SECTION, in any action in which the court finds a violation of this section, the court shall award the citizen prevailing in such action costs

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

and reasonable attorney fees. In the event the court does not find a violation of this section, it shall award costs and reasonable attorney fees to the prevailing party if the court finds that the action was frivolous, vexatious, or groundless.

(c) A PRO SE PLAINTIFF IN AN ACTION CHALLENGING A LOCAL PUBLIC BODY FOR A VIOLATION OF SUBSECTION (2)(d.5)(II) OR (4) OF THIS SECTION OR FOR A VIOLATION OF SUBSECTION (2)(d)(II) OF THIS SECTION ONLY AS IT RELATES TO AN EXECUTIVE SESSION HELD AT A MEETING, IS NOT ENTITLED TO AN AWARD OF COSTS OR ATTORNEY FEES, NOR MAY COSTS OR ATTORNEY FEES BE ASSESSED AGAINST A PRO SE PLAINTIFF UNLESS OTHERWISE ALLOWED BY SUBSECTION (9)(b) OF THIS SECTION.

**SECTION 2. Applicability.** This act applies to actions challenging a local public body for a violation of section 24-6-402 (2)(d.5)(II) or (4), C.R.S., or for a violation of section 24-6-402 (2)(d)(II), C.R.S., only as it relates to an executive session held at a meeting brought on or after the effective date of this act.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Steve Fenberg  
PRESIDENT OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO