

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB22-201 be amended as follows:

- 1 Amend printed bill, page 5, line 27, strike "THE OFFICE OF ATTORNEY
2 REGULATION COUNSEL;".
- 3 Page 10, strike line 24 and substitute "CENTER. THROUGH JUNE 30, 2023,
4 THE DEPARTMENT OR THE OFFICE OF ATTORNEY REGULATION COUNSEL
5 SHALL PROVIDE THE COMMISSION AND THE OFFICE WITH ACCOUNTING
6 SUPPORT, INFORMATION TECHNOLOGY SUPPORT,".
- 7 Page 11, strike lines 2 through 4.
- 8 Page 13, line 5, strike "ALL SUCH INFORMATION" and substitute "THE
9 PORTION OF THE COMPLAINT ALLEGING JUDICIAL MISCONDUCT".
- 10 Page 13, line 6, after "TIME." insert "THEREAFTER, THE COMMISSION MAY
11 REQUEST FURTHER MATERIAL OR INFORMATION THAT THE OVERSIGHT
12 ENTITY HOLDS RELATING TO THE ALLEGATION OF JUDICIAL MISCONDUCT.".
- 13 Page 14, strike lines 3 through 6 and substitute "ADMINISTRATIVE
14 PERSONNEL, JUDICIAL DISTRICTS, CLERKS OF COURT, AND OTHERS,
15 RECEIVES A COMPLAINT FROM AN EMPLOYEE, VOLUNTEER, OR
16 CONTRACTOR FOR THE DEPARTMENT, THE DEPARTMENT".
- 17 Page 15, after line 16, insert:
18 (4) IF THE DEPARTMENT RECEIVES A COMPLAINT ALLEGING
19 JUDICIAL MISCONDUCT FROM AN INDIVIDUAL OR ENTITY THAT IS NOT AN
20 EMPLOYEE, VOLUNTEER, OR CONTRACTOR FOR THE DEPARTMENT, THE
21 DEPARTMENT SHALL NOTIFY THE COMPLAINANT OF THE ROLE OF THE
22 COMMISSION AND PROVIDE THE COMPLAINANT WITH THE COMMISSION'S
23 CONTACT INFORMATION. IF THE COMPLAINANT SUBMITS WRITTEN OR
24 ELECTRONIC MATERIALS IN CONNECTION WITH A COMPLAINT, THE
25 DEPARTMENT SHALL FORWARD THOSE MATERIALS TO THE COMMISSION.
26 EACH JUDICIAL DISTRICT, THE APPELLATE COURTS, AND THE STATE COURT
27 ADMINISTRATOR'S OFFICE SHALL ADOPT A WRITTEN POLICY TO IMPLEMENT
28 THIS PROVISION.".
- 29 Renumber succeeding subsections accordingly.
- 30 Page 16, line 9, strike "PRIVILEGE," and substitute "PRIVILEGE HELD BY
31 THE DEPARTMENT,".
- 32 Page 16, line 13, after "OBLIGATION" insert ARISING AFTER THE EFFECTIVE

1 DATE OF THIS ACT".

2 Page 16, line 14, after "AGREEMENT;" insert "OR".

3 Page 16, line 21, strike "OVERSIGHT; OR" and substitute "OVERSIGHT.".

4 Page 16, strike lines 22 through 25 and substitute:

5 "(c) THE DEPARTMENT AND THE OFFICE OF ATTORNEY REGULATION
6 COUNSEL WILL RESPECT THE CONFIDENTIALITY OF THE COMMISSION'S
7 COMMUNICATIONS AND RECORDS.

8 (d) NOTWITHSTANDING SUBSECTION (5)(b)(II) OF THIS SECTION,
9 THE DEPARTMENT MAY WITHHOLD FROM DISCLOSURE TO THE COMMISSION
10 MATERIALS AND INFORMATION WHOSE DISCLOSURE IS PROHIBITED BY
11 FEDERAL LAW, INFORMATION COVERED BY JUDICIAL DELIBERATION
12 PRIVILEGE, AND MATERIALS AND INFORMATION IN THE DEPARTMENT'S
13 CUSTODY OR CONTROL THROUGH AN ESTABLISHED AND CONFIDENTIALITY
14 BASED MENTAL HEALTH OR PROFESSIONAL DEVELOPMENT PROGRAM. FOR
15 ANY MATERIALS OR INFORMATION WITHHELD BY THE DEPARTMENT UNDER
16 THIS SUBSECTION, THE DEPARTMENT SHALL DISCLOSE TO THE COMMISSION
17 THE NATURE OF THE MATERIALS WITHHELD, THE REASON THE ITEMS ARE
18 WITHHELD AND, IF REQUESTED BY THE COMMISSION, A PRIVILEGE OR
19 CONFIDENTIALITY LOG COMPLIANT WITH THE STANDARDS GOVERNING
20 CIVIL LITIGATION DISCOVERY.".

21 Reletter succeeding paragraph accordingly.

22 Page 17, line 2, after the period, add "WHEN THE DEPARTMENT DISCLOSES
23 MATERIALS OR INFORMATION IT ASSERTS IS PRIVILEGED OR CONFIDENTIAL,
24 THE DEPARTMENT AND THE COMMISSION SHALL ENTER AN AGREEMENT
25 UNDER RULE 502 OF THE COLORADO RULES OF EVIDENCE IMPLEMENTING
26 THIS PARAGRAPH (c), IN WHICH THE DEPARTMENT AND THE COMMISSION
27 AGREE THAT THE DISCLOSURE DOES NOT WAIVE, BY ITSELF, ANY
28 OTHERWISE VALID CLAIM OF PRIVILEGE OR CONFIDENTIALITY HELD BY THE
29 DEPARTMENT, AND THAT THE COMMISSION SHALL HOLD THE MATERIALS
30 AND INFORMATION AS CONFIDENTIAL UNDER THE COMMISSION'S
31 PROCEDURES AND NOT DISCLOSE PRIVILEGED OR CONFIDENTIAL
32 INFORMATION TO A THIRD PARTY EXCEPT AS MAY BE REQUIRED THROUGH
33 THE INVESTIGATIVE AND DISCIPLINARY PROCESS. THE DEPARTMENT AND
34 THE COMMISSION MAY ADD FURTHER TERMS TO ADDRESS THE INDIVIDUAL
35 CIRCUMSTANCES OF THE MATTER IF THEY AGREE.".

36 Page 22, after line 14, insert:

37 "(l) THE BENEFITS OF A VICTIM-CENTERED APPROACH TO JUDICIAL

- 1 MISCONDUCT COMPLAINTS THAT ALLOWS THE VICTIM TO HAVE A VOICE IN
- 2 HOW COMPLAINTS ARE HANDLED AND RESOLVED;".
- 3 Reletter succeeding paragraphs accordingly.

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