

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 26, 2023  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB23-1205 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 3, after line 13 insert:
- 2       "(d) An ombudsman is not adversarial and does not perform
- 3 investigations. An ombudsman does not replace the roles of the relevant
- 4 investigatory bodies, such as the Commission on Judicial Discipline, but
- 5 instead provides resources for complainants to access those investigatory
- 6 bodies."
  
- 7 Reletter succeeding paragraphs accordingly.
  
- 8 Page 3, line 17, strike "judicial personnel" and substitute "a complainant".
  
- 9 Page 4, line 2, strike "judicial personnel" and substitute "a complainant".
  
- 10 Page 4, line 5, strike "24-50-147" and substitute "13-3-118".
  
- 11 Page 4, line 7, strike "**24-50-147.**" and substitute "**13-3-118.**".
  
- 12 Page 4, after line 15, insert:
- 13       "(c) "COMPLAINANT" MEANS CURRENT AND FORMER EMPLOYEES
- 14 OF THE JUDICIAL DEPARTMENT, JUDGES, JUDICIAL DEPARTMENT STAFF,
- 15 AND PERSONS WHO WORK WITH JUDICIAL EMPLOYEES AND STAFF, AND
- 16 INCLUDES, BUT IS NOT LIMITED TO, BAILIFFS, LITIGATING ATTORNEYS,
- 17 INTERNS, AND VOLUNTEERS.
  
- 18 Reletter succeeding paragraphs accordingly.
  
- 19 Page 4, strike lines 18 through 22.

- 1 Reletter succeeding paragraphs accordingly.
- 2 Page 5, line 5, strike "JUDICIAL PERSONNEL." and substitute "A  
3 COMPLAINANT."
- 4 Page 5, line 6, after "INDEPENDENT," insert "CONFIDENTIAL, INFORMAL,  
5 IMPARTIAL,".
- 6 Page 5, line 16, after "PROCESS." insert "THE OMBUDSMAN SHALL  
7 CONSIDER THE STANDARDS OF PRACTICE AND CODE OF ETHICS  
8 ESTABLISHED BY THE INTERNATIONAL OMBUDS ASSOCIATION FOR AN  
9 ORGANIZATIONAL OMBUDSMAN, TO THE EXTENT PRACTICABLE. THE  
10 OMBUDSMAN SHALL NOT BE ADVERSARIAL TO THE DEPARTMENT OR THE  
11 COMMISSION. THE OMBUDSMAN SHALL NOT REQUEST RECORDS FROM THE  
12 DEPARTMENT OR THE COMMISSION RELATED TO SPECIFIC EMPLOYEES,  
13 JUDGES, OR JUSTICES, EXCEPT AT THE DISCRETION OF THE COMPLAINANT."
- 14 Page 6, line 14, strike "THE RALPH L. CARR".
- 15 Page 6, strike lines 15 and 16 and substitute "ANY BUILDING THAT IS  
16 MAINTAINED BY THE JUDICIAL DEPARTMENT."
- 17 Page 6, line 25, strike "RESOURCES," and substitute "RESOURCES OR".
- 18 Page 6, line 26, after "FINANCIAL MANAGEMENT," add "OR EXPERIENCE  
19 WITH EMPLOYEE HARASSMENT OR DISCRIMINATION CASES OR AS A  
20 VICTIMS' RIGHTS ADVOCATE,".
- 21 Page 7, line 9, after "RETIRED COLORADO JUDGE" add "IN GOOD  
22 STANDING".
- 23 Page 7, line 23, strike "OR".
- 24 Page 7, line 24, strike "OMBUDSMAN." and substitute "OMBUDSMAN;  
25 (V) EXPERIENCE WITH EMPLOYEE HARASSMENT OR  
26 DISCRIMINATION AS AN EMPLOYMENT LAW ATTORNEY; OR  
27 (VI) EXPERIENCE AS A VICTIMS' RIGHTS ADVOCATE."
- 28 Page 9, line 1, strike "COMMISSION" and substitute "DEPARTMENT".

- 1 Page 9, line 10, Strike "JUDICIAL PERSONNEL" and substitute  
2 "COMPLAINANTS".
- 3 Page 10, line 8, Strike "JUDICIAL PERSONNEL" and substitute  
4 "COMPLAINANTS".
- 5 Page 11, lines 9 through 11, strike "COMPLAINANTS; INITIATE CONTACT  
6 WITH A COMPLAINANT, IF APPLICABLE; AND INITIATE A REQUEST FOR  
7 RESOLUTION OF THE COMPLAINT WITH THE APPROPRIATE PARTY." and  
8 substitute "COMPLAINANTS, AND FACILITATE COMMUNICATION WITH A  
9 COMPLAINANT AND THE APPROPRIATE PARTY."
- 10 Page 11, strike lines 14 and 15 and substitute:  
11 "(e) FACILITATE SUBMISSION OF COMPLAINTS TO THE APPROPRIATE  
12 ENTITY OR PARTY, ONLY AT THE DISCRETION AND CONSENT OF THE  
13 COMPLAINANT;"
- 14 Page 11, line 21, strike "DISTRICT." and substitute "DISTRICT WHILE  
15 MAINTAINING THE CONFIDENTIALITY OF THOSE INVOLVED IN THE  
16 COMPLAINT."
- 17 Page 11, line 23, strike "DEPARTMENT OF PERSONNEL'S" and substitute  
18 "JUDICIAL DEPARTMENT'S".
- 19 Page 11, line 24, after "24-7-203." insert "THE DATA MUST BE PRESENTED  
20 IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF EVERYONE  
21 INVOLVED. THE REPORT OUTLINED IN THIS SUBSECTION (10)(f) SHALL NOT  
22 INCLUDE PERSONAL IDENTIFYING INFORMATION, INCLUDING GENDER,  
23 RACE, OR ETHNICITY DATA, IF THAT COULD POTENTIALLY IDENTIFY THE  
24 COMPLAINANT, THE SUBJECT OF THE COMPLAINT, OR ANY OTHER PEOPLE  
25 INVOLVED IN THE COMPLAINT."
- 26 Page 13, line 22, after "STATUTES," insert "INCLUDING SECTION  
27 13-5.3-106, OR AS PERMITTED BY SUBSECTION (11) OF THIS SECTION."
- 28 Page 13, strike lines 26 and 27.
- 29 Page 14, strike lines 1 through 3.
- 30 Renumber succeeding subsections accordingly.
- 31 Page 14, line 7, strike "TITLE 24." and substitute "TITLE 24, AND ARE NOT  
32 SUBJECT TO THE JUDICIAL DEPARTMENT'S RULES REGARDING PUBLIC

1 RECORD DISCLOSURE."

2 Page 15, line 6, strike "24-50-147." and substitute "13-3-118, INCLUDING  
3 ANY RECORD THAT NAMES OR OTHERWISE IDENTIFIES A SPECIFIC  
4 COMPLAINANT OR OTHER PERSON INVOLVED IN THE COMPLAINT."

5 Strike "JUDICIAL PERSONNEL" and substitute "A COMPLAINANT" on: **Page**  
6 **5**, lines 8, 9, and 15; **Page 12**, lines 26 and 27.

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