



Courts and Judiciary

During the 2022 legislative session, the General Assembly considered measures related to the courts and the judiciary. Specifically, legislation addressed judicial misconduct, court-based programs and services for justice-involved individuals, court operations, and court-ordered restitution.

Judicial Discipline

State lawmakers made reforms to Colorado's judicial discipline system in the wake of recent events involving judicial misconduct. Among some of the changes, [Senate Bill 22-201](#) creates an Office of Judicial Discipline to support the existing Commission on Judicial Discipline. Funding is also allocated to increase the office's staffing and ability to independently investigate judicial misconduct complaints. Additionally, the bill includes confidential information sharing guidelines, particularly about alleged misconduct cases, between the Colorado Judicial Department and the new office. Further, the Colorado Supreme Court is required to give notice and solicit public feedback before making changes to disciplinary rules. Data collection is addressed as well, and commissioners on the Judicial Discipline Commission are granted legal immunity for carrying out their duties.

Lastly, the bill creates a legislative interim committee to study the effectiveness of Colorado's judicial discipline system and related best practices.

Court Programs

The Office of the State Court Administrator (SCAO) in the Judicial Department oversees an array of pre- and post-conviction programs to assist justice-involved individuals. The General Assembly expanded two of these programs in 2022.

Court reminder program. The SCAO currently operates an opt-in text program that reminds criminal defendants and juvenile participants about scheduled court appearances. [Senate Bill 22-018](#) changes this to an opt-out system and increases the number of reminders sent to program participants. The bill also requires the text to include a link to virtual court appearances when designated by the court, and forms a working group to assess the program and recommend changes.

Pretrial diversion. Pretrial diversion is an alternative to prosecution that seeks to divert certain offenders from the traditional criminal justice system into treatment or other support services. [Senate Bill 22-010](#) expands the scope of an existing diversion pilot program located in the SCAO that focuses on individuals with behavioral health disorders who committed low-level crimes. Under provisions in the bill, defendants in the program will not be charged with a crime if specified conditions are met, such as attending a treatment program and not getting arrested for a new crime during the

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program's six-month participation requirement.

Court Operations and Administration

Several statutory changes were made to better respond to individuals participating in the court system, with an emphasis on municipal court bond hearings, jury duty, criminal record sealing, and a new judicial district judges.

Municipal court bond hearings. Colorado law currently requires that individuals arrested for more serious offenses handled in state district courts be brought before a judge for bond setting within 48 hours of arrest. People accused of lower level municipal offenses, however, may wait up to six days to see a judge. [House Bill 22-1067](#) closes this loophole and requires municipal courts to adhere to the 48 hour bond hearing as well.

Jury service. College students who are residents of Colorado, but attend school out-of-state, may still be summoned to serve on a jury. However, these students may request a postponement, and [House Bill 22-1032](#) extends the postponement period to 12 months instead of 6 months.

Sealing criminal records. There is currently a process outlined in state law that allows for the automatic sealing of criminal justice records for certain drug offenses. [SB22-099](#) extends automatic sealing to all records that are eligible to be sealed under current law, including:

- civil infractions with four years since the final disposition;
- petty offenses or misdemeanors with seven years since the final disposition; and
- felonies with ten years since the final disposition.

If the defendant's records are not automatically sealed, the defendant may still make a motion to seal at no charge. The bill also requires the State Court Administrator to compile an initial

list of eligible cases by a certain date, and excludes the use of sealed records in consumer reports.

New judicial district judges. In 2020, the state legislature passed a law to create the 23rd Judicial District out of the existing 18th Judicial District. The law specified that judges who currently live within the new district boundaries will be reassigned to the new district. [House Concurrent Resolution 22-1005](#), appearing on the statewide ballot this November, addresses this same judicial transfer by adding constitutional provisions for the seating of 23rd district judges and ensures court services continue without interruption or uncertainty. Specifically, the resolution amends the state constitution to require the Governor to reassign judges from the 18th to the 23rd Judicial District.

Court-Ordered Restitution

Two bills addressed court-ordered restitution in an effort to streamline the process and better direct funds to victims.

Restitution to insurance companies. [House Bill 22-1373](#) prohibits a court from ordering a juvenile to pay restitution to insurance companies. A court may, however, still order restitution for a victim's pecuniary loss that is not covered by insurance.

Allowable expenses. [Senate Bill 22-043](#) expands what expenses are allowable to be computed into a restitution order if the damage was proximately caused by the crime. This includes but is not limited to long-term or ongoing medical expenses, insurance deductibles, and replacement costs. The bill additionally redirects federal stimulus payments meant for an inmate to payment of restitution. The Office of Restitution Services in the Judicial Department is also created and tasked with assisting victims with issues related to court-ordered restitution.