

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0579.01 Conrad Imel x2313

HOUSE BILL 20-1130

HOUSE SPONSORSHIP

Soper and Weissman, Bird, Bockenfeld, Carver, Cutter, Gonzales-Gutierrez, Herod, McCluskie, Rich, Roberts, Snyder, Van Winkle

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A BILL FOR AN ACT

101 **CONCERNING THE ONLINE AVAILABILITY OF OPINIONS ISSUED BY**
102 **COLORADO COURTS.**

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 requires the judicial department to publish opinions of the Colorado supreme court and the Colorado court of appeals online. The opinions must be published online in a searchable format and be made available free of charge. Colorado supreme court and court of appeals opinions that are not published pursuant to state law or court rules are exempt from the online publishing requirement.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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) Every person is presumed to know the law and to follow the
5 law at all times;

6 (b) The Colorado constitution, Colorado revised statutes,
7 Colorado court rules, and state administrative regulations are available,
8 free of charge, online;

9 (c) Colorado supreme court opinions are case law that other state
10 court judges are bound to follow, and published opinions of the Colorado
11 court of appeals are case law that must be followed as precedent by all
12 lower court judges in Colorado; and

13 (d) Colorado supreme court opinions and published opinions of
14 the Colorado court of appeals should be available online in the same
15 manner as other sources of law.

16 **SECTION 2.** In Colorado Revised Statutes, **amend** 13-2-122 as
17 follows:

18 **13-2-122. Supreme court and court of appeals opinions**
19 **published.** (1) The opinions of the supreme court of the state of
20 Colorado and of the court of appeals ~~shall~~ **MUST** be published in volumes
21 of the size, as nearly as may be, as present volumes of the Colorado
22 reports, and containing not less than six hundred fifty pages each.

23 (2) (a) IN ADDITION TO THE PUBLISHING REQUIRED PURSUANT TO
24 SUBSECTION (1) OF THIS SECTION, **ON OR BEFORE MARCH 1, 2022,** THE
25 JUDICIAL DEPARTMENT SHALL PUBLISH ONLINE, IN A SEARCHABLE
26 FORMAT, AND MAKE AVAILABLE FREE OF **CHARGE,** EVERY OPINION OF THE

1 SUPREME COURT OF THE STATE OF COLORADO AND THE COURT OF
2 APPEALS.

3
4 (b) AN OPINION OF THE SUPREME COURT OF THE STATE OF
5 COLORADO THAT IS NOT PUBLISHED PURSUANT TO SUBSECTION (1) OF THIS
6 SECTION AND ANY COURT OF APPEALS OPINION NOT DESIGNATED FOR
7 OFFICIAL PUBLICATION PURSUANT TO THE COLORADO APPELLATE RULES
8 IS NOT REQUIRED TO BE PUBLISHED ONLINE PURSUANT TO THIS
9 SUBSECTION (2).

10 **SECTION 3.** In Colorado Revised Statutes, 13-2-124, **amend** (1)
11 as follows:

12 **13-2-124. Publication of reports.** (1) In lieu of the publication
13 of the opinions of the supreme court and the court of appeals ~~as provided~~
14 ~~for in this article~~ PURSUANT TO SECTION 13-2-122 (1), the supreme court
15 may designate the published volumes of the decisions of the supreme
16 court and the court of appeals, as the same are published by any person,
17 firm, or corporation, to be the official reports of the decisions of the
18 supreme court and the court of appeals. Any publication so designated as
19 the official reports may include both the opinions of the supreme court
20 and the court of appeals in the same volume.

21 **SECTION 4. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.