

CHAPTER 95

COURTS

HOUSE BILL 21-1136

BY REPRESENTATIVE(S) Tipper and Carver, Bird, Duran, Esgar, Jodeh, Lynch, McCluskie, Michaelson Jenet, Ricks, Sirota, Valdez A.;
also SENATOR(S) Lee and Gardner, Cooke, Gonzales, Kirkmeyer, Priola, Rankin, Scott, Sonnenberg.

AN ACT

CONCERNING MODIFICATIONS TO THE POLICIES GOVERNING JUDICIAL DIVISION RETIREES RETURNING TO TEMPORARY JUDICIAL DUTIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. The general assembly hereby finds and declares that the COVID-19 pandemic has resulted in a caseload backlog in the county, district, and appellate courts statewide. To deal with this backlog, the courts need additional judicial officer assistance. Therefore, it is the intent of the general assembly to modify the statute authorizing the judicial department to contract with judicial division retirees, expand the program to enable the department to process this backlog more quickly, and to make an appropriation to allow for the department to contract with more judicial division retirees.

SECTION 2. In Colorado Revised Statutes, 24-51-1105, **amend** (1)(b); **add** (7), (8), and (9); and **repeal** (2) as follows:

24-51-1105. Retirees from the judicial division. (1) (b) Notwithstanding the provisions of section 24-51-1101, upon written agreement with the chief justice of the Colorado supreme court, ~~prior to retirement,~~ a member of the judicial division may perform, during retirement, assigned judicial duties without pay for ~~not less than~~ TEN, TWENTY, THIRTY, sixty, or ~~more than~~ ninety days each year and ~~shall~~ MUST receive a benefit increase equal to ~~not less than~~ THREE AND THREE-TENTHS PERCENT, SIX AND SEVEN-TENTHS PERCENT, TEN PERCENT, **twenty percent,** or ~~more than~~ **thirty percent,** RESPECTIVELY, of the current monthly salary of judges serving in the same position as that held by the retiree at the time of retirement. Such agreement shall be for a period of not more than three years. A retiree may enter

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.

into subsequent agreements. The aggregate of these agreements shall not exceed twelve years, except at the discretion of the Colorado supreme court.

~~(2) Within five years after retirement, a retiree from the judicial division who did not enter into an agreement as provided for in subsection (1) of this section prior to retirement may enter into such a written agreement within thirty days prior to each anniversary date of retirement. Upon entering into such agreement, the retirement benefit shall include such benefit increase as provided for in subsection (1) of this section.~~

(7) RETIREES FROM THE JUDICIAL DIVISION WHO RECEIVED A "DOES NOT MEET PERFORMANCE STANDARD" OR "DO NOT RETAIN" RECOMMENDATION IN THEIR LAST JUDICIAL PERFORMANCE EVALUATION BEFORE THEIR RETIREMENT, EITHER PUBLIC OR UNPUBLISHED, ARE NOT ELIGIBLE TO ENTER INTO AN AGREEMENT UNDER SUBSECTION (1)(b) OF THIS SECTION TO RETURN TO TEMPORARY JUDICIAL DUTIES DURING RETIREMENT.

(8) RETIREES FROM THE JUDICIAL DIVISION WHO RECEIVE A DISCIPLINARY DISPOSITION FROM THE COMMISSION ON JUDICIAL DISCIPLINE OF PRIVATE ADMONISHMENT, PRIVATE REPRIMAND, PRIVATE CENSURE, PUBLIC REPRIMAND, PUBLIC CENSURE, SUSPENSION, OR REMOVAL ARE NOT ELIGIBLE TO ENTER INTO AN AGREEMENT UNDER SUBSECTION (1)(b) OF THIS SECTION TO RETURN TO TEMPORARY JUDICIAL DUTIES DURING RETIREMENT.

(9) RETIREES FROM THE JUDICIAL DIVISION WHO, DURING OR AFTER THEIR TERM IN OFFICE, RECEIVE PRIVATE OR PUBLIC DISCIPLINE FROM THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE ARE NOT ELIGIBLE TO ENTER INTO AN AGREEMENT UNDER SUBSECTION (1)(b) OF THIS SECTION TO RETURN TO TEMPORARY JUDICIAL DUTIES DURING RETIREMENT.

SECTION 3. Appropriation. (1) For the 2021-22 state fiscal year, \$723,564 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

- (a) \$71,738 for general courts administration, which amount is based on an assumption that the department will require an additional 0.9 FTE;
- (b) \$51,825 for capital outlay; and
- (c) \$600,001 for the senior judge program.

SECTION 4. 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.

Approved: May 4, 2021