

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0526.01 Conrad Imel x2313

HOUSE BILL 22-1091

HOUSE SPONSORSHIP

Soper and Weissman, Tipper

SENATE SPONSORSHIP

Gardner and Bridges,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ONLINE AVAILABILITY OF OPINIONS ISSUED BY**
102 **COLORADO COURTS, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN APPROPRIATION.**

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 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

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.

HOUSE
Amended 2nd Reading
April 22, 2022

online publishing requirement. The judicial department and the general assembly must include a link to the opinions web page in a conspicuous place on their websites.

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

2 **SECTION 1. Short title.** The short title of this act is the "Justice
3 Gregory Hobbs Public Access to Case Law Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 finds and declares that:

6 (a) Every person is presumed to know the law and is expected to
7 follow the law at all times;

8 (b) The Colorado constitution, Colorado Revised Statutes,
9 Colorado court rules, and state administrative regulations are available
10 online free of charge;

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

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

18 **SECTION 3.** In Colorado Revised Statutes, **amend** 13-2-122 as
19 follows:

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

1 (2) (a) IN ADDITION TO THE PUBLISHING REQUIRED PURSUANT TO
2 SUBSECTION (1) OF THIS SECTION, AND EXCEPT FOR UNPUBLISHED
3 OPINIONS DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION, ON OR
4 BEFORE MARCH 1, 2024, BUT NO EARLIER THAN JULY 1, 2023, THE
5 JUDICIAL DEPARTMENT SHALL PUBLISH ONLINE, IN A SEARCHABLE
6 FORMAT, AND MAKE AVAILABLE FREE OF CHARGE, EVERY OPINION OF THE
7 SUPREME COURT OF THE STATE OF COLORADO AND OF THE COURT OF
8 APPEALS. THE JUDICIAL DEPARTMENT AND THE GENERAL ASSEMBLY SHALL
9 EACH INCLUDE A LINK TO THE OPINIONS WEB PAGE IN A CONSPICUOUS
10 PLACE ON THEIR WEBSITES.

11 (b) AN OPINION OF THE SUPREME COURT OF THE STATE OF
12 COLORADO NOT PUBLISHED PURSUANT TO SUBSECTION (1) OF THIS
13 SECTION AND ANY COURT OF APPEALS OPINION NOT DESIGNATED FOR
14 OFFICIAL PUBLICATION PURSUANT TO THE COLORADO APPELLATE RULES
15 IS NOT REQUIRED TO BE PUBLISHED ONLINE PURSUANT TO THIS
16 SUBSECTION (2).

17 **SECTION 4.** In Colorado Revised Statutes, 13-2-124, **amend** (1)
18 as follows:

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

1 **SECTION 5. Appropriation.** For the 2022-23 state fiscal year,
2 \$100,000 is appropriated to the judicial department. This appropriation
3 is from the general fund. To implement this act, the department may use
4 this appropriation for information technology infrastructure.

5 **SECTION 6. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2022 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.