

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 23-0724.01 Chelsea Princell x4335

**HOUSE BILL 23-1205**

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**HOUSE SPONSORSHIP**

**Lynch and Bacon,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF THE OFFICE OF THE JUDICIAL**  
102 **DISCIPLINE OMBUDSMAN.**

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**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 establishes the office of the judicial discipline ombudsman (office) as an independent office in the commission on judicial discipline (commission) that is operated pursuant to a memorandum of understanding between the office and the commission. The judicial discipline ombudsman is the director of the office.

The bill establishes the judicial discipline ombudsman selection

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

board (board) to be made up of 7 board members who must be appointed not later than January 1, 2024. The duties and responsibilities of the board include:

- Overseeing personnel decisions of the ombudsman, which include appointing a person to serve as the ombudsman, filling a vacancy in the ombudsman position, evaluating the ombudsman's performance, and developing a complaint process concerning the ombudsman's performance;
- Overseeing and advising the ombudsman on the strategic direction of the office and its mission;
- Working cooperatively with the ombudsman to provide fiscal oversight of the general operating budget of the office;
- Ensuring compliance with the provisions of the bill, the memorandum of understanding, and state and federal laws;
- Promoting the mission of the office; and
- Providing assistance to the ombudsman when requested.

The powers and duties of the ombudsman include:

- Creating and maintaining an anonymous reporting system for judicial personnel to submit complaints;
- Helping complainants understand their rights and options in reporting and filing a complaint with the commission and other appropriate authorities;
- Providing complainants with necessary referrals for additional support services and care if needed or requested;
- Reporting appropriate cases to the commission, the office of attorney regulation counsel, law enforcement, and the judicial department;
- Serving in an advisory capacity to the commission and the judicial department on rule-making;
- Ensuring accountability and consistency in the operating policies and procedures of the office; and
- Serving as a liaison for communications between a complainant and the commission or the judicial department.

The bill requires that, to be appointed, the ombudsman must have prior experience serving as an ombudsman; have a deep understanding of and expertise in organizational culture and diversity, equity, and inclusion; have professional experience working with human resources; and possess the ability to act in a nonpartisan manner.

The bill requires all communications and information disclosed to the ombudsman by a complainant to be kept confidential unless the complainant gives the ombudsman permission to disclose the information. Disclosed information and records are not discoverable if the information and records are received during and within the scope of the ombudsman's

duties and responsibilities.

The bill requires the ombudsman to disclose a complaint that alleges judicial misconduct and to keep the identity of the complainant confidential unless the complainant gives permission to disclose the complainant's identity.

The records related to complaints received by the office are not subject to the "Colorado Open Records Act".

The bill authorizes the office to promulgate rules necessary to implement the requirements of the bill and to ensure confidentiality of disclosures made to the office by complainants.

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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) An ombudsman office is helpful when there are significant  
5 power disparities and complex systems that people may not be able to  
6 easily navigate in order to vindicate their rights; and

7           (b) Helping judicial personnel navigate those systems and  
8 vindicate their rights promotes a better functioning judicial discipline  
9 process.

10           (2) Therefore, the general assembly declares that establishing the  
11 office of the judicial discipline ombudsman will allow judicial personnel  
12 impacted by judicial misconduct to raise their concerns and get the  
13 direction and support they need.

14           **SECTION 2.** In Colorado Revised Statutes, **add** 24-50-147 as  
15 follows:

16           **24-50-147. Office of the judicial discipline ombudsman**  
17 **established - judicial discipline advisory board - qualifications of**  
18 **ombudsman - powers and duties - confidentiality - rules - definitions.**

19 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
20 REQUIRES:

1 (a) "BOARD" MEANS THE JUDICIAL DISCIPLINE OMBUDSMAN  
2 SELECTION BOARD, ESTABLISHED IN SUBSECTION (5) OF THIS SECTION.

3 (b) "COMMISSION" MEANS THE COMMISSION ON JUDICIAL  
4 DISCIPLINE CREATED IN SECTION 13-5.3-102.

5 (c) "DEPARTMENT" MEANS THE JUDICIAL DEPARTMENT  
6 ESTABLISHED IN ARTICLE 3 OF TITLE 13.

7 (d) "JUDICIAL PERSONNEL" MEANS CURRENT AND FORMER  
8 EMPLOYEES OF THE JUDICIAL DEPARTMENT, JUDGES, JUDICIAL  
9 DEPARTMENT STAFF, AND PERSONS WHO WORK WITH JUDICIAL EMPLOYEES  
10 AND STAFF, AND INCLUDES, BUT IS NOT LIMITED TO, BAILIFFS, LITIGATING  
11 ATTORNEYS, INTERNS, AND VOLUNTEERS.

12 (e) "OFFICE OF THE OMBUDSMAN" MEANS THE OFFICE OF THE  
13 JUDICIAL DISCIPLINE OMBUDSMAN, CREATED IN SUBSECTION (2) OF THIS  
14 SECTION.

15 (f) "OMBUDSMAN" MEANS THE PERSON THAT SERVES AS BOTH THE  
16 JUDICIAL DISCIPLINE OMBUDSMAN AND THE DIRECTOR OF THE OFFICE OF  
17 THE OMBUDSMAN.

18 (2) THERE IS CREATED IN THE DEPARTMENT OF PERSONNEL THE  
19 OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN. THE PURPOSE OF THE  
20 OFFICE OF THE OMBUDSMAN IS TO ACT AS AN INDEPENDENT, NEUTRAL,  
21 AND NONPARTISAN OFFICE THAT RESPONDS TO QUESTIONS OR CONCERNS  
22 FROM JUDICIAL PERSONNEL ABOUT MISCONDUCT THAT OCCURS WITHIN  
23 THE DEPARTMENT, TO SUPPORT JUDICIAL PERSONNEL IN FILING FORMAL  
24 AND INFORMAL COMPLAINTS AND GRIEVANCES AGAINST MEMBERS OF THE  
25 DEPARTMENT, AND TO ANALYZE DATA FROM THE OFFICE OF THE  
26 OMBUDSMAN AND THE COMMISSION IN ORDER TO REPORT COMPLAINT AND  
27 GRIEVANCE TRENDS, SYSTEMIC PROBLEMS, AND ORGANIZATIONAL ISSUES

1 TO THE COMMISSION, THE DEPARTMENT, AND THE GENERAL ASSEMBLY.  
2 THE OFFICE OF THE OMBUDSMAN SHALL HELP JUDICIAL PERSONNEL  
3 UNDERSTAND HOW TO SAFELY NAVIGATE THE COMPLAINT PROCESS.

4 (3) THE OFFICE OF THE OMBUDSMAN AND THE DEPARTMENT OF  
5 PERSONNEL SHALL OPERATE PURSUANT TO A MEMORANDUM OF  
6 UNDERSTANDING BETWEEN THE TWO ENTITIES TO FURTHER THE PURPOSES  
7 OF THIS SECTION. THE MEMORANDUM OF UNDERSTANDING MUST CONTAIN,  
8 AT A MINIMUM:

9 (a) A REQUIREMENT THAT THE OFFICE OF THE OMBUDSMAN HAVE  
10 ITS OWN PERSONNEL RULES;

11 (b) A REQUIREMENT THAT THE OMBUDSMAN HAVE INDEPENDENT  
12 HIRING AND TERMINATION AUTHORITY OVER OFFICE OF THE OMBUDSMAN  
13 EMPLOYEES;

14 (c) A REQUIREMENT THAT THE OFFICE OF THE OMBUDSMAN  
15 FOLLOW JUDICIAL FISCAL RULES;

16 (d) A REQUIREMENT THAT THE DEPARTMENT OF PERSONNEL OFFER  
17 THE OFFICE OF THE OMBUDSMAN LIMITED SUPPORT WITH RESPECT TO:

18 (I) PERSONNEL MATTERS;

19 (II) RECRUITMENT;

20 (III) PAYROLL;

21 (IV) BENEFITS;

22 (V) BUDGET SUBMISSIONS, AS NEEDED;

23 (VI) ACCOUNTING; AND

24 (VII) OFFICE SPACE, FACILITIES, AND TECHNICAL SUPPORT  
25 LIMITED TO THE BUILDING THAT HOUSES THE OFFICE OF THE OMBUDSMAN;

26 AND

27 (e) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE SUPPORT

1 THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE OF THE  
2 OMBUDSMAN.

3 (4) THE OFFICE OF THE OMBUDSMAN AND THE BOARD ESTABLISHED  
4 IN SUBSECTION (5) OF THIS SECTION SHALL OPERATE WITH AUTONOMY,  
5 CONTROL, AND AUTHORITY OVER OPERATIONS, BUDGET, AND PERSONNEL  
6 DECISIONS RELATED TO THE OFFICE OF THE OMBUDSMAN, BOARD, AND  
7 OMBUDSMAN.

8 (5) (a) THERE IS ESTABLISHED AN INDEPENDENT, NONPARTISAN  
9 JUDICIAL DISCIPLINE OMBUDSMAN SELECTION BOARD. THE BOARD  
10 CONSISTS OF SEVEN MEMBERS AND MUST INCLUDE LAWYERS, VICTIMS,  
11 AND PEOPLE WITH A PROFESSIONAL BACKGROUND IN HUMAN RESOURCES.  
12 TO THE EXTENT PRACTICABLE, THE BOARD SHOULD BE MADE UP OF  
13 PERSONS FROM DIFFERENT JUDICIAL DISTRICTS, PERSONS WITH  
14 DISABILITIES, AND PERSONS WITH EXPERIENCE IN CULTURALLY RELEVANT  
15 PRACTICES, AND REFLECT THE GEOGRAPHIC, ETHNIC, AND GENDER  
16 DIVERSITY OF THE STATE.

17 (b) BOARD MEMBERS MUST BE APPOINTED ON OR BEFORE JANUARY  
18 1, 2024, AS FOLLOWS:

19 (I) THE COMMISSION SHALL APPOINT:

20 (A) ONE INDIVIDUAL WITH AT LEAST FIVE YEARS OF EXPERIENCE  
21 WORKING AS A STAFF MEMBER SERVING IN A NONMANAGERIAL AND  
22 NONSUPERVISORY ROLE IN THE DEPARTMENT OR PROBATION DEPARTMENT;  
23 AND

24 (B) ONE INDIVIDUAL WHO SERVES AS A SUPERVISOR I OR II LEVEL  
25 EMPLOYEE IN THE DEPARTMENT;

26 (II) THE PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF  
27 THE SENATE SHALL APPOINT:

1 (A) ONE INDIVIDUAL WHO EITHER HAS AT LEAST FIVE YEARS OF  
2 VICTIM ADVOCACY EXPERIENCE OR HAS BEEN A VICTIM OF WORKPLACE  
3 HARASSMENT AND WORKS IN THE FIELD OF VICTIM ADVOCACY; AND

4 (B) ONE INDIVIDUAL WITH PROFESSIONAL EXPERIENCE SERVING IN  
5 AN OMBUDSMAN POSITION;

6 (III) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE  
7 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT:

8 (A) ONE ATTORNEY LICENSED TO PRACTICE LAW IN COLORADO  
9 WHO HAS EXPERIENCE REPRESENTING CLAIMANTS IN EMPLOYMENT  
10 DISCRIMINATION MATTERS; AND

11 (B) ONE INDIVIDUAL WHO EITHER HOLDS A CURRENT HUMAN  
12 RESOURCES CERTIFICATION OR HAS EXPERIENCE AS A HUMAN RESOURCES  
13 PROFESSIONAL; AND

14 (IV) THE GOVERNOR SHALL APPOINT ONE INDIVIDUAL WHO IS  
15 EITHER A RETIRED COLORADO JUDGE OR A FORMER COLORADO JUDGE IN  
16 GOOD STANDING.

17 (c) BOARD MEMBERS SERVE TERMS OF FOUR YEARS; EXCEPT THAT  
18 INITIAL TERMS MUST BE STAGGERED SO THAT NO MORE THAN FOUR  
19 MEMBERS' TERMS EXPIRE IN THE SAME YEAR. FOUR OF THE INITIAL  
20 APPOINTMENTS WILL HAVE FOUR-YEAR TERMS, AND THREE INITIAL  
21 APPOINTMENTS WILL HAVE TWO-YEAR TERMS. THE APPOINTING  
22 AUTHORITY SHALL DESIGNATE THE INITIAL TERMS. THE APPOINTING  
23 OFFICIAL SHALL FILL ANY VACANCIES ON THE BOARD FOR THE REMAINDER  
24 OF ANY UNEXPIRED TERM.

25 (d) THE BOARD SHALL MEET A MINIMUM OF TWO TIMES PER YEAR  
26 AND ADDITIONALLY AS NEEDED.

27 (e) BOARD MEMBERS SERVE WITHOUT COMPENSATION BUT MAY BE

1 REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES INCURRED IN THE  
2 PERFORMANCE OF THEIR DUTIES.

3 (f) BOARD MEMBERS MAY BE REAPPOINTED TO SERVE ONE  
4 ADDITIONAL TERM.

5 (6) EXPENSES INCURRED FOR THE BOARD MUST BE PAID FROM THE  
6 GENERAL OPERATING BUDGET OF THE OFFICE OF THE OMBUDSMAN.

7 (7) THE BOARD HAS THE FOLLOWING DUTIES AND  
8 RESPONSIBILITIES:

9 (a) TO OVERSEE THE FOLLOWING PERSONNEL DECISIONS RELATED  
10 TO THE OMBUDSMAN:

11 (I) ON OR BEFORE MARCH 1, 2024, AND AS NECESSARY  
12 THEREAFTER, APPOINTING A PERSON TO SERVE AS THE OMBUDSMAN. THE  
13 OMBUDSMAN APPOINTED BY THE BOARD ON OR BEFORE MARCH 1, 2024,  
14 SHALL ASSUME THE OMBUDSMAN'S POSITION ON THE EFFECTIVE DATE OF  
15 THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMISSION AND  
16 THE OFFICE OF THE OMBUDSMAN. THE BOARD MAY DISCHARGE AN  
17 OMBUDSMAN FOR CAUSE. A TWO-THIRDS MAJORITY VOTE OF THE BOARD  
18 IS REQUIRED TO HIRE OR DISCHARGE THE OMBUDSMAN. THE GENERAL  
19 ASSEMBLY SHALL SET THE OMBUDSMAN'S COMPENSATION, AND THE  
20 COMPENSATION MUST NOT BE REDUCED DURING THE TERM OF THE  
21 OMBUDSMAN'S APPOINTMENT.

22 (II) FILLING A VACANCY IN THE OMBUDSMAN POSITION;

23 (III) EVALUATING THE OMBUDSMAN'S PERFORMANCE AS  
24 NECESSARY BASED ON FEEDBACK RECEIVED FROM JUDICIAL PERSONNEL  
25 ABOUT THE OMBUDSMAN; AND

26 (IV) DEVELOPING A COMPLAINT PROCESS RELATED TO THE  
27 OMBUDSMAN'S PERFORMANCE;



1 (b) TO OVERSEE AND ADVISE THE OMBUDSMAN ON THE STRATEGIC  
2 DIRECTION OF THE OFFICE OF THE OMBUDSMAN AND ITS MISSION AND TO  
3 HELP PROMOTE THE USE OF, ENGAGEMENT WITH, AND ACCESS TO THE  
4 OFFICE OF THE OMBUDSMAN;

5 (c) TO WORK COOPERATIVELY WITH THE OMBUDSMAN TO PROVIDE  
6 FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE OF  
7 THE OMBUDSMAN AND ENSURE THAT THE OFFICE OF THE OMBUDSMAN  
8 OPERATES IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, THE  
9 MEMORANDUM OF UNDERSTANDING, AND STATE AND FEDERAL LAWS;

10 (d) TO PROMOTE THE MISSION OF THE OFFICE OF THE OMBUDSMAN  
11 TO THE PUBLIC; AND

12 (e) TO PROVIDE ASSISTANCE, AS PRACTICABLE AND AS REQUESTED  
13 BY THE OMBUDSMAN, TO FACILITATE THE STATUTORY INTENT OF THIS  
14 SECTION.

15 (8) MEETINGS OF THE BOARD ARE SUBJECT TO THE PROVISIONS OF  
16 SECTION 24-6-402, EXCEPT FOR EXECUTIVE PERSONNEL ACTIONS OR  
17 MEETINGS THAT REQUIRE THE PROTECTION OF CONFIDENTIALITY AND  
18 COMPLIANCE WITH STATE PRIVACY LAWS.

19 (9) THE OMBUDSMAN HAS THE FOLLOWING DUTIES AND  
20 FUNCTIONS:

21 (a) CREATE AND MAINTAIN AN ANONYMOUS REPORTING SYSTEM  
22 AND HOTLINE FOR JUDICIAL PERSONNEL TO SUBMIT COMPLAINTS. THE  
23 REPORTING SYSTEM MUST BE EQUIPPED TO RETAIN AND COLLECT  
24 AGGREGATED AND DISAGGREGATED DATA REGARDING THE REPORTED  
25 COMPLAINTS THAT INCLUDES THE FOLLOWING:

26 (I) THE NUMBER OF ALLEGATIONS OF JUDICIAL MISCONDUCT  
27 RECEIVED, REGARDLESS OF FORM;

1           (II) THE TYPES OF JUDICIAL MISCONDUCT COMPLAINTS RECEIVED  
2 BY THE OFFICE OF THE OMBUDSMAN AND TO WHAT ENTITY THE COMPLAINT  
3 WAS FORWARDED, IF APPLICABLE; AND

4           (III) THE DEMOGRAPHICS, INCLUDING THE GENDER, AGE, RACE,  
5 ETHNICITY, OR DISABILITY, OF JUDGES WHO ARE THE SUBJECT OF THE  
6 COMPLAINT AND THOSE DIRECTLY AFFECTED BY THE CLAIMED JUDICIAL  
7 MISCONDUCT.

8           (b) HELP A COMPLAINANT UNDERSTAND THE COMPLAINANT'S  
9 RIGHTS AND OPTIONS IN REPORTING AND FILING A COMPLAINT WITH THE  
10 COMMISSION AND ANY OTHER APPROPRIATE AUTHORITY. THIS ASSISTANCE  
11 MUST:

12           (I) INCLUDE AN EXPLANATION OF THE JUDICIAL DISCIPLINE  
13 PROCESS, INCLUDING THE STEPS IN THE PROCESS, THE AVAILABILITY OF  
14 CONFIDENTIAL REPORTING, AND CONFIDENTIALITY REQUIREMENTS DURING  
15 EACH STEP OF THE PROCESS; AND

16           (II) BE AVAILABLE THROUGHOUT THE ENTIRE COMPLAINT  
17 PROCESS, IF REQUESTED BY THE COMPLAINANT.

18           (c) PROVIDE THE COMPLAINANT WITH REFERRALS TO PHYSICAL  
19 AND MENTAL HEALTH-CARE RESOURCES, COMMUNITY-BASED ADVOCACY  
20 SERVICES, PRO-BONO OR LOW-COST LEGAL ASSISTANCE OR  
21 REPRESENTATION, OR ANY OTHER RESOURCE, AS NECESSARY OR  
22 REQUESTED;

23           (d) RECEIVE COMPLAINTS FROM COMPLAINANTS; INITIATE  
24 CONTACT WITH A COMPLAINANT, IF APPLICABLE; AND INITIATE A REQUEST  
25 FOR RESOLUTION OF THE COMPLAINT WITH THE APPROPRIATE PARTY. THIS  
26 SUBSECTION (9)(d) DOES NOT PREVENT THE COMMISSION FROM ALSO  
27 RECEIVING COMPLAINTS.

1 (e) REPORT APPROPRIATE CASES TO THE COMMISSION, THE OFFICE  
2 OF ATTORNEY REGULATION COUNSEL, LAW ENFORCEMENT, AND THE  
3 JUDICIAL DEPARTMENT AS REQUIRED BY LAW, RULE, OR AT THE DIRECTION  
4 AND CONSENT OF THE COMPLAINANT;

5 (f) GATHER AND EVALUATE DATA RECEIVED BY THE OFFICE OF THE  
6 OMBUDSMAN AND THE COMMISSION THROUGH THE REPORTING SYSTEM  
7 AND HOTLINE, CREATED IN SUBSECTION (9)(a) OF THIS SECTION, TO  
8 PROVIDE INSIGHTS INTO WORK ENVIRONMENT TRENDS OF THE JUDICIAL  
9 DEPARTMENT ON AN ANNUAL BASIS. TO THE EXTENT POSSIBLE, DATA MUST  
10 BE DISAGGREGATED BY GENDER, ETHNICITY, AND JUDICIAL DISTRICT.  
11 FINDINGS FROM THE DATA MUST BE REPORTED TO THE DEPARTMENT,  
12 COMMISSION, AND GENERAL ASSEMBLY AS PART OF THE DEPARTMENT OF  
13 PERSONNEL'S "SMART ACT" PRESENTATION REQUIRED BY SECTION  
14 2-7-203. DURING THE FIRST TWO YEARS OF OPERATION OF THE OFFICE OF  
15 THE OMBUDSMAN, THE REPORT MUST INCLUDE INFORMATION AND  
16 FEEDBACK FROM THE OFFICE OF THE OMBUDSMAN ON THE EFFICACY OF  
17 THE OFFICE OF THE OMBUDSMAN AND PROVIDE RECOMMENDATIONS FOR  
18 IMPROVEMENTS OR ADJUSTMENTS. THE REPORT MUST BE MADE PUBLIC ON  
19 THE OFFICE OF THE OMBUDSMAN'S WEBSITE.

20 (g) SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION AND  
21 THE DEPARTMENT ON RULE-MAKING AND PROVIDE INSIGHTS AND  
22 RECOMMENDATIONS TO THE COMMISSION AND DEPARTMENT ON CHANGES  
23 TO THEIR RESPECTIVE RULES AND HUMAN RESOURCE POLICIES. THIS  
24 INFORMATION MUST BE MADE PUBLIC ON THE OFFICE OF THE  
25 OMBUDSMAN'S WEBSITE.

26 (h) COMPLY WITH ALL CONFIDENTIALITY PROVISIONS SET BY THE  
27 COMMISSION;

1 (i) ENSURE ACCOUNTABILITY AND CONSISTENCY IN THE  
2 OPERATING POLICIES AND PROCEDURES OF THE OFFICE OF THE  
3 OMBUDSMAN, INCLUDING REASONABLE RULES RELATED TO THE  
4 ADMINISTRATION OF THE PROVISIONS OF THIS SECTION AND ANY OTHER  
5 STANDARDS OF CONDUCT AND REPORTING REQUIREMENTS AS PROVIDED  
6 BY LAW; AND

7 (j) SERVE AS A LIAISON FOR COMMUNICATIONS BETWEEN A  
8 COMPLAINANT AND THE COMMISSION OR THE DEPARTMENT AND, IF  
9 REQUESTED BY THE COMPLAINANT, ENSURE THE COMPLAINANT'S  
10 ANONYMITY.

11 (10) TO BE APPOINTED AS THE OMBUDSMAN, A PERSON MUST  
12 POSSESS THE FOLLOWING QUALITIES AND QUALIFICATIONS:

13 (a) PRIOR EXPERIENCE SERVING AS AN OMBUDSMAN OR IN AN  
14 OMBUDSMAN CAPACITY;

15 (b) A DEEP UNDERSTANDING OF AND EXPERTISE IN  
16 ORGANIZATIONAL CULTURE AND DIVERSITY, EQUITY, AND INCLUSION;

17 (c) AT LEAST TWO YEARS OF PROFESSIONAL EXPERIENCE WORKING  
18 WITH HUMAN RESOURCES;

19 (d) AT LEAST TWO YEARS OF VICTIM ADVOCACY EXPERIENCE OR  
20 COMPLETION OF SUBSTANTIAL VICTIM ADVOCACY TRAINING; AND

21 (e) THE ABILITY TO ACT IN A NONPARTISAN MANNER.

22 (11) ALL CONVERSATIONS AND INFORMATION DISCLOSED TO THE  
23 OMBUDSMAN BY A COMPLAINANT ARE CONFIDENTIAL, UNLESS THE  
24 COMPLAINANT GIVES THE OMBUDSMAN PERMISSION TO DISCLOSE THE  
25 INFORMATION TO A THIRD PARTY. IF THE COMPLAINANT HAS NOT  
26 CONSENTED TO DISCLOSURE, THE OMBUDSMAN SHALL FORGO  
27 CONFIDENTIALITY WHEN THE DISCLOSURE INVOLVES AN IMMINENT THREAT

1 OF BODILY HARM TO THE COMPLAINANT OR ANOTHER PERSON.  
2 INFORMATION IS NOT DISCOVERABLE IF RECEIVED DURING AND WITHIN THE  
3 SCOPE OF THE OMBUDSMAN'S DUTIES AND RESPONSIBILITIES.

4 (12) THE OMBUDSMAN SHALL DISCLOSE A COMPLAINT ALLEGING  
5 JUDICIAL MISCONDUCT TO THE COMMISSION WITHIN A REASONABLE TIME.  
6 IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS, THE OMBUDSMAN  
7 SHALL SHARE THE INFORMATION WITH THE COMMISSION IN AN  
8 UNIDENTIFIABLE MANNER.

9 (13) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE OFFICE  
10 OF THE OMBUDSMAN ARE NOT SUBJECT TO PUBLIC DISCLOSURE AS  
11 REQUIRED BY ARTICLE 72 OF THIS TITLE 24.

12 (14) THE OFFICE OF THE OMBUDSMAN IS AUTHORIZED TO  
13 PROMULGATE RULES NECESSARY TO IMPLEMENT THE REQUIREMENTS OF  
14 THIS SECTION AND TO ENSURE CONFIDENTIALITY OF THE DISCLOSURES  
15 MADE TO THE OFFICE OF THE OMBUDSMAN BY COMPLAINANTS.

16 (15) IN THE PERFORMANCE OF THE OMBUDSMAN'S DUTIES, THE  
17 OMBUDSMAN SHALL ACT INDEPENDENTLY OF THE DEPARTMENT AND  
18 COMMISSION. ANY RECOMMENDATIONS MADE OR POSITIONS TAKEN BY  
19 THE OMBUDSMAN OR THE OFFICE OF THE OMBUDSMAN DO NOT REFLECT  
20 THOSE OF THE DEPARTMENT OR THE COMMISSION.

21 **SECTION 3.** In Colorado Revised Statutes, 24-72-202, **amend**  
22 (6)(b)(XIV) and (6)(b)(XV); and **add** (6)(b)(XVI) as follows:

23 **24-72-202. Definitions.** As used in this part 2, unless the context  
24 otherwise requires:

25 (6) (b) "Public records" does not include:

26 (XIV) Pursuant to the "Colorado Partnership for Quality Jobs and  
27 Services Act", part 11 of article 50 of this title 24, records created in

1 compliance with the requirements of a state employee partnership  
2 agreement as specified in section 24-50-1111 (3)(d) and documents  
3 created in connection with the dispute resolution process for an employee  
4 partnership agreement as specified in section 24-50-1113 (2)(e); ~~or~~

5 (XV) Granular coverage data, as defined in and submitted to the  
6 office of information technology pursuant to section 24-37.5-119 (9)(m);  
7 OR

8 (XVI) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE  
9 OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN PURSUANT TO SECTION  
10 24-50-147.

11 **SECTION 4. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, or safety.