

CHAPTER 179

COURTS

SENATE BILL 93-115

BY SENATORS Hopper, Cassidy, and Traylor;
also REPRESENTATIVE Adkins.

AN ACT**CONCERNING COMMISSIONS ON JUDICIAL PERFORMANCE.**

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

SECTION 1. 13-5.5-102 (1) (a) and (1) (b), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

13-5.5-102. State commission on judicial performance. (1) (a) There is hereby established the state commission on judicial performance, referred to in this article as the "state commission". The state commission shall consist of ten members. The speaker of the house of representatives and the president of the senate shall each appoint ~~two nonattorneys~~ ONE ATTORNEY AND ONE NONATTORNEY. The governor and the chief justice of the supreme court shall each appoint ~~two attorneys~~ ONE ATTORNEY and ~~one nonattorney~~ TWO NONATTORNEYS. All members of the commission shall serve terms of four years; except that, of those first appointed, one person appointed by each appointing authority shall serve for a term of two years. All initial appointments shall be completed by July 1, 1988.

(b) Any vacancy on the commission shall be filled by the original appointing authority, but no member shall serve more than two terms; EXCEPT THAT IF THE APPOINTING AUTHORITY HAS NOT MADE AN APPOINTMENT WITHIN FORTY-FIVE DAYS OF THE VACANCY, THE COMMISSION SHALL NOTIFY THE APPOINTING AUTHORITY THAT IT HAS NOT MADE THE APPOINTMENT AND THE APPOINTING AUTHORITY SHALL MAKE THE APPOINTMENT WITHIN THE NEXT THIRTY DAYS FROM A LIST OR POOL OF QUALIFIED, INTERESTED CITIZENS WHICH HAS BEEN COMPILED BY THE APPOINTING AUTHORITY. The initial term of any member appointed to fill a vacancy created by the failure of any member of the state commission to complete ~~his~~ SUCH MEMBER'S

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

term shall expire when the term of the departed member would otherwise have expired. Justices and judges actively performing judicial duties may not be appointed to serve on the state commission. Retired justices and judges are eligible to be appointed as attorney members; except that no retired justice or judge may be assigned or appointed to perform judicial duties while serving on the state commission.

SECTION 2. 13-5.5-103 (1) (k), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended, and the said 13-5.5-103 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

13-5.5-103. Powers and duties of the state commission. (1) In addition to other powers conferred and duties imposed upon the state commission by this article, the state commission has the following powers and duties:

(k) To promulgate, subject to approval by the supreme court, rules necessary to implement AND EFFECTUATE the provisions of this article, INCLUDING RULES TO BE FOLLOWED BY THE DISTRICT COMMISSIONS;

(l) TO DEVELOP PROCEDURES FOR THE REVIEW OF THE DELIBERATION PROCEDURES ESTABLISHED BY THE DISTRICT COMMISSIONS. THE STATE COMMISSION SHALL NOT HAVE THE POWER OR DUTY TO REVIEW ACTUAL DETERMINATIONS MADE BY THE DISTRICT COMMISSIONS.

SECTION 3. 13-5.5-104 (1) (a) and (1) (b), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

13-5.5-104. District commission on judicial performance. (1) (a) There is hereby established in each judicial district a district commission on judicial performance, referred to in this article as the "district commission". The district commission shall consist of ten members. The speaker of the house of representatives and the president of the senate shall each appoint ~~two nonattorneys~~ ONE ATTORNEY AND ONE NONATTORNEY. The governor and the chief justice of the supreme court shall each appoint ~~two attorneys~~ ONE ATTORNEY and ~~one nonattorney~~ TWO NONATTORNEYS. All members of the commission shall serve terms of four years; except that, of those first appointed, one person appointed by each appointing authority shall serve for a term of two years. All initial appointments shall be completed by July 1, 1989. THE APPOINTING AUTHORITY MAY REMOVE MEMBERS OF THE DISTRICT COMMISSIONS FOR CAUSE.

(b) Any vacancy on the commission shall be filled by the original appointing authority, but no member shall serve more than two terms; EXCEPT THAT IF THE APPOINTING AUTHORITY HAS NOT MADE AN APPOINTMENT WITHIN FORTY-FIVE DAYS OF THE VACANCY, THE COMMISSION SHALL NOTIFY THE APPOINTING AUTHORITY THAT IT HAS NOT MADE THE APPOINTMENT AND THE APPOINTING AUTHORITY SHALL MAKE THE APPOINTMENT WITHIN THE NEXT THIRTY DAYS FROM A LIST OR POOL OF QUALIFIED, INTERESTED CITIZENS WHICH HAS BEEN COMPILED BY THE APPOINTING AUTHORITY. The initial term of any member appointed to fill a vacancy created by the failure of any member of the district commission to complete ~~his~~ SUCH MEMBER'S term shall expire when the term of the departed member would otherwise have expired. Justices and judges actively performing judicial duties may not be appointed

to serve on the district commission. Retired justices and judges are eligible to be appointed as attorney members; except that no retired justice or judge may be assigned or appointed to perform judicial duties while serving on the district commission.

SECTION 4. 13-5.5-105, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-5.5-105. Powers and duties of district commissions. (1) In addition to other powers conferred and duties imposed upon a district commission by this article, a district commission has the following powers and duties SUBJECT TO AND IN CONFORMITY WITH THE RULES PROMULGATED BY THE STATE COMMISSION AND THE STATE COMMISSION'S REVIEW OF DELIBERATION PROCEDURES PURSUANT TO SECTION 13-5.5-103 (1) (l):

(a) To distribute questionnaires and interview judges and other appropriate persons under the state commission's direction; and

(b) To produce and distribute to the public a narrative profile on each district and county judge subject to retention election.

SECTION 5. 13-5.5-106 (1) (a), (1) (c), (2) (a), and (2) (c), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

13-5.5-106. Recommendations on retention of justices and judges. (1) (a) The state commission shall conduct an evaluation of each justice of the supreme court and each judge of the court of appeals whose term is to expire following the next general election but not before July 1, 1989. Evaluations shall be completed and the narrative profile prepared for communication to the appellate justice or judge no later than ~~thirty~~ FORTY-FIVE days prior to the last day available for the appellate justice or judge to declare ~~his~~ SUCH JUSTICE'S OR JUDGE'S intent to stand for retention. The appellate justice or judge shall have the opportunity to meet with the state commission or otherwise respond to the evaluation no later than ten days following ~~his~~ SUCH JUSTICE'S OR JUDGE'S receipt of such evaluation. If such meeting is held or response is made, the state commission may revise its evaluation.

(c) The state commission shall release the narrative profile, the recommendation, and any other relevant information to the public no later than ~~thirty~~ SIXTY days prior to the retention election.

(2) (a) The district commission shall conduct an evaluation of each district and county judge whose term is to expire following the next general election but not before July 1, 1989. Evaluations shall be completed and the narrative profile prepared for communication to the judge no later than ~~thirty~~ FORTY-FIVE days prior to the last day available for the judge to declare ~~his~~ SUCH JUDGE'S intent to stand for retention. The judge shall have the opportunity to meet with the district commission or otherwise respond to the evaluation no later than ten days following ~~his~~ SUCH JUDGE'S receipt of such evaluation. If such meeting is held or response is made, the district commission may revise its evaluation.

(c) The district commission shall release the narrative profile, the recommendation,

and any other relevant information to the public no later than ~~thirty~~ FORTY-FIVE days prior to the retention election.

SECTION 6. 13-5.5-109, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-5.5-109. Repeal of article. (1) This article is repealed, effective June 30, ~~1993~~ 1999.

(2) The state commission shall provide, not later than January 1, ~~1993~~ 1999, relevant information to the general assembly and make a recommendation as to whether this article should be repealed or continued. Not later than January 31, ~~1991~~ 1995, ~~and again~~ January 31, ~~1993~~ 1997, AND AGAIN JANUARY 31, 1999, a report shall be provided concerning the effectiveness of the commission's work.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 30, 1993