

CHAPTER 46

COURTS

HOUSE BILL 00-1191

BY REPRESENTATIVES Clarke, Coleman, and Lee;
also SENATORS Andrews, Epps, Hernandez, Perlmutter, Powers, Sullivant, Tebedo, and Wham.

AN ACT

CONCERNING THE AUTHORITY OF THE DEPARTMENT OF THE TREASURY TO WITHHOLD THE SALARY OF
A DISTRICT COURT JUDGE WHEN SUCH JUDGE FAILS TO RULE IN A TIMELY MANNER.

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

SECTION 1. 13-5-136, Colorado Revised Statutes, is amended to read:

13-5-136. Forfeit of salary. (1) If any judge of any district court, to whom any motion, issue, or other matter, arising in any cause, is submitted for judgment or decision, fails or neglects to decide or give judgment upon the same within the time limited by section 13-5-135, ~~he~~ SUCH JUDGE shall not receive from the state treasury any salary for the quarter in which such failure occurred, WHEN THE FOLLOWING REQUIREMENTS ARE SATISFIED:

(a) THE PARTY AGGRIEVED BY THE FAILURE OF SUCH JUDGE TO RULE IN A TIMELY MANNER FILES A COMPLAINT DEMANDING THE WITHHOLDING OF THE SALARY OF SUCH JUDGE WITH THE COMMISSION ON JUDICIAL DISCIPLINE ESTABLISHED IN SECTION 23 (3) OF ARTICLE VI OF THE STATE CONSTITUTION;

(b) THE COMMISSION ON JUDICIAL DISCIPLINE, IN ACCORDANCE WITH RULE 4 OF THE COLORADO RULES OF JUDICIAL DISCIPLINE, INVESTIGATES THE JUDGE'S ALLEGED VIOLATION OF SECTION 13-5-135;

(c) AFTER SUCH INVESTIGATION THE COMMISSION ON JUDICIAL DISCIPLINE, IN ACCORDANCE WITH RULE 4 OF THE COLORADO RULES OF JUDICIAL DISCIPLINE, MAKES A RECOMMENDATION CONCERNING THE ALLEGATION TO THE COLORADO SUPREME COURT; AND

(d) IF DEEMED APPROPRIATE, THE COLORADO SUPREME COURT ISSUES AN ORDER

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

DIRECTING THE DEPARTMENT OF THE TREASURY TO WITHHOLD THE JUDGE'S SALARY.

(2) This section shall not apply in case of the sickness or death of a judge.

SECTION 2. 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: March 17, 2000