

## CHAPTER 430

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**COURTS**


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**HOUSE BILL 23-1205**

BY REPRESENTATIVE(S) Lynch and Bacon, Amabile, Bird, Boesenecker, Brown, deGruy Kennedy, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Kipp, Lieder, Lindsay, Marshall, Michaelson Jenet, Ricks, Sirota, Snyder, Story, Titone, Weissman, McCluskie, Duran, English, Jodeh, Joseph, Sharbini;  
also SENATOR(S) Gardner and Moreno, Priola, Sullivan.

**AN ACT**

**CONCERNING THE CREATION OF THE OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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

(a) An ombudsman acts as an independent, impartial, neutral, unbiased, informal, and confidential resource for an organization and assists people through voluntary consultation and provides information, guidance, and assistance in determining options to address the person's concerns;

(b) An ombudsman must fairly and objectively consider issues and people who may be affected when dealing with assisting people with concerns;

(c) An ombudsman promotes equitably administered processes but does not advocate on behalf of anyone;

(d) An ombudsman is not adversarial and does not perform investigations. An ombudsman does not replace the roles of the relevant investigatory bodies, such as the commission on judicial discipline, but instead provides resources for complainants to access those investigatory bodies.

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

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*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.*

(f) Helping a complainant navigate those systems and vindicate their rights promotes a better functioning judicial discipline process.

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

**SECTION 2.** In Colorado Revised Statutes, **add** 13-3-120 as follows:

**13-3-120. Office of the judicial discipline ombudsman established - judicial discipline advisory board - qualifications of ombudsman - powers and duties - confidentiality - rules - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BOARD" MEANS THE JUDICIAL DISCIPLINE OMBUDSMAN SELECTION BOARD, ESTABLISHED IN SUBSECTION (6) OF THIS SECTION.

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

(c) "COMPLAINANT" MEANS CURRENT AND FORMER EMPLOYEES OF THE JUDICIAL DEPARTMENT, JUDGES, JUDICIAL DEPARTMENT STAFF, AND PERSONS WHO WORK WITH JUDICIAL EMPLOYEES AND STAFF, AND INCLUDES, BUT IS NOT LIMITED TO, BAILIFFS, LITIGATING ATTORNEYS, INTERNS, AND VOLUNTEERS.

(d) "DEPARTMENT" MEANS THE JUDICIAL DEPARTMENT ESTABLISHED IN ARTICLE 3 OF TITLE 13.

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

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

(2) THE INDEPENDENT OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN IS ESTABLISHED IN THE JUDICIAL DEPARTMENT AS AN INDEPENDENT AGENCY FOR THE PURPOSE OF ENSURING THE GREATEST PROTECTIONS FOR A COMPLAINANT. THE PURPOSE OF THE OFFICE OF THE OMBUDSMAN IS TO ACT AS AN INDEPENDENT, CONFIDENTIAL, INFORMAL, IMPARTIAL, NEUTRAL, AND NONPARTISAN OFFICE THAT RESPONDS TO QUESTIONS OR CONCERNS FROM A COMPLAINANT ABOUT MISCONDUCT THAT OCCURS WITHIN THE DEPARTMENT, TO SUPPORT A COMPLAINANT IN FILING FORMAL AND INFORMAL COMPLAINTS AND GRIEVANCES AGAINST MEMBERS OF THE DEPARTMENT, AND TO ANALYZE DATA FROM THE OFFICE OF THE OMBUDSMAN IN ORDER TO REPORT COMPLAINT AND GRIEVANCE TRENDS, SYSTEMIC PROBLEMS, AND ORGANIZATIONAL ISSUES TO THE COMMISSION, THE DEPARTMENT, AND THE GENERAL ASSEMBLY. THE OFFICE OF THE OMBUDSMAN SHALL HELP A COMPLAINANT UNDERSTAND HOW TO SAFELY NAVIGATE THE COMPLAINT PROCESS. THE OMBUDSMAN SHALL CONSIDER THE STANDARDS OF PRACTICE AND CODE OF ETHICS ESTABLISHED BY THE INTERNATIONAL OMBUDS ASSOCIATION FOR AN ORGANIZATIONAL OMBUDSMAN, TO THE EXTENT PRACTICABLE. THE OMBUDSMAN

SHALL NOT BE ADVERSARIAL TO THE DEPARTMENT OR THE COMMISSION. THE OMBUDSMAN SHALL NOT REQUEST RECORDS FROM THE DEPARTMENT OR THE COMMISSION RELATED TO SPECIFIC EMPLOYEES, JUDGES, OR JUSTICES, EXCEPT AT THE DISCRETION OF THE COMPLAINANT.

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

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

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

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

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

(I) PERSONNEL MATTERS;

(II) RECRUITMENT;

(III) PAYROLL;

(IV) BENEFITS;

(V) BUDGET SUBMISSIONS, AS NEEDED; AND

(VI) ACCOUNTING; AND

(e) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE SUPPORT THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE OF THE OMBUDSMAN.

(4) THE OFFICE OF THE OMBUDSMAN SHALL MAINTAIN OFFICE SPACE THAT IS NOT PHYSICALLY LOCATED IN ANY BUILDING THAT IS MAINTAINED BY THE JUDICIAL DEPARTMENT.

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

(6) (a) THERE IS ESTABLISHED AN INDEPENDENT, NONPARTISAN JUDICIAL DISCIPLINE OMBUDSMAN SELECTION BOARD. THE BOARD CONSISTS OF FIVE MEMBERS AND MUST INCLUDE LAWYERS, AND PEOPLE WITH A PROFESSIONAL BACKGROUND IN HUMAN RESOURCES OR PERSONNEL MANAGEMENT, FINANCIAL MANAGEMENT, OR EXPERIENCE WITH EMPLOYEE HARASSMENT OR DISCRIMINATION CASES OR AS A

VICTIMS' RIGHTS ADVOCATE, AND PROFESSIONAL OMBUDSMAN EXPERIENCE. TO THE EXTENT PRACTICABLE, THE BOARD SHOULD BE MADE UP OF PERSONS FROM DIFFERENT JUDICIAL DISTRICTS, PERSONS WITH DISABILITIES, AND PERSONS WITH EXPERIENCE IN CULTURALLY RELEVANT PRACTICES, AND REFLECT THE GEOGRAPHIC, ETHNIC, AND GENDER DIVERSITY OF THE STATE.

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

(I) THE GOVERNOR SHALL APPOINT ONE INDIVIDUAL WHO IS EITHER A RETIRED COLORADO JUDGE IN GOOD STANDING OR A FORMER COLORADO JUDGE IN GOOD STANDING;

(II) THE PRESIDENT OF THE COLORADO SENATE AND THE MINORITY LEADER OF THE COLORADO SENATE SHALL EACH APPOINT ONE MEMBER WITH EXPERIENCE LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS SECTION; AND

(III) THE SPEAKER OF THE COLORADO HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE COLORADO HOUSE OF REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER WITH EXPERIENCE LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS SECTION.

(c) BOARD MEMBERS MUST HAVE EXPERIENCE IN AT LEAST ONE OF THE FOLLOWING:

(I) PERSONNEL MANAGEMENT;

(II) HUMAN RESOURCES;

(III) FINANCIAL MANAGEMENT;

(IV) EXPERIENCE AS A PROFESSIONAL OMBUDSMAN;

(V) EXPERIENCE WITH EMPLOYEE HARASSMENT OR DISCRIMINATION AS AN EMPLOYMENT LAW ATTORNEY; OR

(VI) EXPERIENCE AS A VICTIMS' RIGHTS ADVOCATE.

(d) IN APPOINTING BOARD MEMBERS PURSUANT TO SUBSECTIONS (6)(b)(II) AND (6)(b)(III) OF THIS SECTION, AT LEAST ONE APPOINTEE FROM THE COLORADO HOUSE OF REPRESENTATIVES AND ONE APPOINTEE FROM THE COLORADO SENATE MUST BE LICENSED COLORADO ATTORNEYS IN GOOD STANDING.

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

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

(g) BOARD MEMBERS SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(h) BOARD MEMBERS MAY BE REAPPOINTED TO SERVE ONE ADDITIONAL TERM.

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

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

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

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

(II) FILLING A VACANCY IN THE OMBUDSMAN POSITION;

(III) EVALUATING THE OMBUDSMAN'S PERFORMANCE AS NECESSARY BASED ON FEEDBACK RECEIVED FROM COMPLAINANTS ABOUT THE OMBUDSMAN; AND

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

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

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

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

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

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

(10) THE OMBUDSMAN HAS THE FOLLOWING DUTIES AND FUNCTIONS:

(a) CREATE AND MAINTAIN AN ANONYMOUS REPORTING SYSTEM AND HOTLINE FOR COMPLAINANTS TO SUBMIT COMPLAINTS. THE REPORTING SYSTEM MUST BE EQUIPPED TO RETAIN AND COLLECT AGGREGATED AND DISAGGREGATED DATA REGARDING THE REPORTED COMPLAINTS THAT INCLUDES THE FOLLOWING:

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

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

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

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

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

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

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

(d) RECEIVE COMPLAINTS FROM COMPLAINANTS, AND FACILITATE COMMUNICATION WITH A COMPLAINANT AND THE APPROPRIATE PARTY. THIS SUBSECTION (10)(d) DOES NOT PREVENT THE COMMISSION FROM ALSO RECEIVING COMPLAINTS.

(e) FACILITATE SUBMISSION OF COMPLAINTS TO THE APPROPRIATE ENTITY OR PARTY, ONLY AT THE DISCRETION AND CONSENT OF THE COMPLAINANT;

(f) GATHER AND EVALUATE DATA RECEIVED BY THE OFFICE OF THE OMBUDSMAN THROUGH THE REPORTING SYSTEM AND HOTLINE, CREATED IN SUBSECTION (10)(a) OF THIS SECTION, TO PROVIDE INSIGHTS INTO WORK ENVIRONMENT TRENDS OF THE JUDICIAL DEPARTMENT ON AN ANNUAL BASIS. TO THE EXTENT POSSIBLE, DATA MUST

BE DISAGGREGATED BY GENDER, ETHNICITY, AND JUDICIAL DISTRICT WHILE MAINTAINING THE CONFIDENTIALITY OF THOSE INVOLVED IN THE COMPLAINT. FINDINGS FROM THE DATA MUST BE REPORTED TO THE DEPARTMENT, COMMISSION, AND GENERAL ASSEMBLY AS PART OF THE JUDICIAL DEPARTMENT'S "SMART ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. THE DATA MUST BE PRESENTED IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF EVERYONE INVOLVED. THE REPORT OUTLINED IN THIS SUBSECTION (10)(f) SHALL NOT INCLUDE PERSONAL IDENTIFYING INFORMATION, INCLUDING GENDER, RACE, OR ETHNICITY DATA, IF THAT COULD POTENTIALLY IDENTIFY THE COMPLAINANT, THE SUBJECT OF THE COMPLAINT, OR ANY OTHER PEOPLE INVOLVED IN THE COMPLAINT. DURING THE FIRST TWO YEARS OF OPERATION OF THE OFFICE OF THE OMBUDSMAN, THE REPORT MUST INCLUDE INFORMATION AND FEEDBACK FROM THE OFFICE OF THE OMBUDSMAN ON THE EFFICACY OF THE OFFICE OF THE OMBUDSMAN AND PROVIDE RECOMMENDATIONS FOR IMPROVEMENTS OR ADJUSTMENTS. THE REPORT MUST BE MADE PUBLIC ON THE OFFICE OF THE OMBUDSMAN'S WEBSITE.

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

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

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

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

(11) THE OMBUDSMAN HAS DISCRETION OVER WHETHER OR HOW TO ENGAGE REGARDING INDIVIDUAL, GROUP, OR SYSTEMATIC CONCERNS AND MAY BRING A CONCERN TO THE ATTENTION OF APPROPRIATE INDIVIDUALS AS THE OMBUDSMAN DEEMS APPROPRIATE.

(12) THE OMBUDSMAN SHALL BE AVAILABLE TO A COMPLAINANT TO DISCUSS COMPLAINTS RELATED TO THE CONDUCT OF ANY JUDICIAL PERSONNEL.

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

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

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

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

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

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

(14) ALL CONVERSATIONS AND INFORMATION DISCLOSED TO THE OMBUDSMAN BY A COMPLAINANT ARE CONFIDENTIAL, UNLESS THE COMPLAINANT GIVES THE OMBUDSMAN PERMISSION TO DISCLOSE THE INFORMATION TO A THIRD PARTY. IF THE COMPLAINANT HAS NOT CONSENTED TO DISCLOSURE, THE OMBUDSMAN SHALL FORGO CONFIDENTIALITY WHEN THE DISCLOSURE INVOLVES AN IMMINENT THREAT OF BODILY HARM TO THE COMPLAINANT OR ANOTHER PERSON. INFORMATION IS NOT DISCOVERABLE IF RECEIVED DURING AND WITHIN THE SCOPE OF THE OMBUDSMAN'S DUTIES AND RESPONSIBILITIES. THE OMBUDSMAN IS EXEMPT FROM MANDATORY REPORTING RULES, STATUTES, INCLUDING SECTION 13-5.3-106, OR AS PERMITTED BY SUBSECTION (11) OF THIS SECTION, AND POLICIES AND SHALL NOT REPORT AN INCIDENT MADE KNOWN TO THE OMBUDSMAN BY A COMPLAINANT UNLESS THE COMPLAINANT PROVIDES CONSENT.

(15) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE OFFICE OF THE OMBUDSMAN, AND ALL OTHER COMMUNICATIONS BETWEEN THE OMBUDSMAN AND A COMPLAINANT, ARE NOT SUBJECT TO PUBLIC DISCLOSURE AS REQUIRED BY ARTICLE 72 OF THIS TITLE 24, AND ARE NOT SUBJECT TO THE JUDICIAL DEPARTMENT'S RULES REGARDING PUBLIC RECORD DISCLOSURE.

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

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

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

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

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

(XIV) Pursuant to the "Colorado Partnership for Quality Jobs and Services Act", part 11 of article 50 of this title 24, records created in compliance with the requirements of a state employee partnership agreement as specified in section 24-50-1111 (3)(d) and documents created in connection with the dispute resolution



process for an employee partnership agreement as specified in section 24-50-1113 (2)(e); ~~or~~

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

(XVI) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN PURSUANT TO SECTION 13-3-120, INCLUDING ANY RECORD THAT NAMES OR OTHERWISE IDENTIFIES A SPECIFIC COMPLAINANT OR OTHER PERSON INVOLVED IN THE COMPLAINT.

**SECTION 4. Appropriation.** (1) For the 2023-24 state fiscal year, \$100,453 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of legal services.

(2) For the 2023-24 state fiscal year, \$100,453 is appropriated to the department of law. This appropriation is from reappropriated funds received from the judicial department under subsection (1) of this section and is based on an assumption that the department of law will require an additional 0.5 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the judicial department.

**SECTION 5. 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: June 7, 2023