

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0809.01 Jacob Baus x2173

HOUSE BILL 26-1288

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HOUSE SPONSORSHIP

Joseph and Carter,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES RELATED TO JURY SELECTION.

**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 certain requirements for jury questionnaires that are completed prior to conducting voir dire.

The bill requires a minimum amount of time for each party to conduct voir dire. The bill establishes the lengths of required time for civil cases and criminal cases, with the lengths of required time for criminal cases depending upon whether the most serious charge is a petty offense or municipal violation, misdemeanor, or felony.

The bill permits the court to authorize more time for each party to

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.

conduct voir dire than is required, subject to certain requirements.

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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) Coloradans have the right to a fair trial;

5 (b) One of the primary ways to preserve the right to a fair trial is  
6 to ensure that a jury is free of bias and prejudice;

7 (c) Obtaining a jury that is free of bias and prejudice is contingent  
8 upon voir dire;

9 (d) Modernizing voir dire to establish minimum time requirements  
10 and prescreening questionnaires will help courts and parties identify bias  
11 and prejudice and improve judicial efficiency by reducing mid-trial bias  
12 challenges and mistrials; and

13 (e) Establishing prescreening questionnaires allows potential  
14 jurors to disclose their personal history in a confidential manner,  
15 especially potential jurors who are victims of abuse or other traumas.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 16-10-102.5 as  
17 follows:

18 **16-10-102.5. Voir dire requirements - definitions.**

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

21 (a) "MISDEMEANOR" MEANS A MISDEMEANOR OFFENSE, EXCEPT  
22 FOR A MISDEMEANOR OFFENSE THAT IS "UNLAWFUL SEXUAL BEHAVIOR" AS  
23 DEFINED IN SECTION 16-22-102 (9) OR A MISDEMEANOR IN WHICH THE  
24 UNDERLYING FACTUAL BASIS WAS FOUND BY THE COURT TO INCLUDE AN  
25 ACT OF "DOMESTIC VIOLENCE" AS DEFINED IN SECTION 18-6-800.3 (1).

1 (b) "PETTY OFFENSE" HAS THE MEANING SET FORTH IN SECTION  
2 16-10-109 (1) AND INCLUDES A VIOLATION OF A MUNICIPAL ORDINANCE.

3 (2) (a) PRIOR TO VOIR DIRE, THE COURT SHALL REQUIRE POTENTIAL  
4 JURORS TO COMPLETE A WRITTEN QUESTIONNAIRE IF EITHER THE  
5 DEFENDANT OR THE PROSECUTION SUBMITS A WRITTEN REQUEST TO THE  
6 COURT THAT POTENTIAL JURORS COMPLETE A WRITTEN QUESTIONNAIRE  
7 PRIOR TO VOIR DIRE.

8 (b) AT A MINIMUM, THE QUESTIONNAIRE MUST REQUEST THE  
9 POTENTIAL JUROR'S DEMOGRAPHIC INFORMATION. THE DEFENDANT AND  
10 THE PROSECUTION SHALL NEGOTIATE IN GOOD FAITH ABOUT ALL OTHER  
11 QUESTIONS INCLUDED IN THE QUESTIONNAIRE.

12 (c) (I) IF THE DEFENDANT AND THE PROSECUTION AGREE TO ALL OF  
13 THE QUESTIONS TO BE INCLUDED IN THE QUESTIONNAIRE, THE COURT  
14 SHALL REQUIRE POTENTIAL JURORS TO COMPLETE THE QUESTIONNAIRE  
15 THAT WAS AGREED TO BY THE DEFENDANT AND THE PROSECUTION, EXCEPT  
16 FOR A QUESTION THAT THE COURT DETERMINES IS UNLAWFUL.

17 (II) IF THE DEFENDANT AND THE PROSECUTION DO NOT AGREE TO  
18 ALL OF THE QUESTIONS TO BE INCLUDED IN THE QUESTIONNAIRE, THE  
19 COURT SHALL DETERMINE WHICH QUESTIONS ARE INCLUDED IN THE  
20 QUESTIONNAIRE AND REQUIRE POTENTIAL JURORS TO COMPLETE THE  
21 QUESTIONNAIRE.

22 (d) PRIOR TO VOIR DIRE, THE COURT SHALL PROVIDE THE  
23 DEFENDANT AND THE PROSECUTION WITH A REASONABLE AMOUNT OF TIME  
24 TO REVIEW THE COMPLETED QUESTIONNAIRES.

25 (3) (a) FOR VOIR DIRE, THE DEFENDANT AND THE PROSECUTION  
26 ARE EACH ENTITLED TO AT LEAST:

27 (I) TWENTY MINUTES FOR A CASE IN WHICH THE MOST SERIOUS

1 CHARGE IS A PETTY OFFENSE;

2 (II) THIRTY MINUTES FOR A CASE IN WHICH THE MOST SERIOUS  
3 CHARGE IS A MISDEMEANOR; AND

4 (III) ONE HOUR FOR A CASE IN WHICH THE MOST SERIOUS CHARGE  
5 IS A FELONY, A MISDEMEANOR OFFENSE THAT IS "UNLAWFUL SEXUAL  
6 BEHAVIOR" AS DEFINED IN SECTION 16-22-102 (9), OR A MISDEMEANOR  
7 OFFENSE IN WHICH THE UNDERLYING FACTUAL BASIS WAS FOUND BY THE  
8 COURT TO INCLUDE AN ACT OF "DOMESTIC VIOLENCE" AS DEFINED IN  
9 SECTION 18-6-800.3 (1).

10 (b) THE DEFENDANT OR THE PROSECUTION IS NOT REQUIRED TO  
11 USE THEIR MINIMUM ENTITLEMENT OF TIME PURSUANT TO SUBSECTION  
12 (3)(a) OF THIS SECTION.

13 (4) (a) THE DEFENDANT OR THE PROSECUTION MAY REQUEST THE  
14 COURT TO AUTHORIZE MORE TIME FOR VOIR DIRE THAN THEY ARE  
15 ENTITLED TO PURSUANT TO SUBSECTION (3) OF THIS SECTION. INCLUDED  
16 WITH ITS REQUEST TO THE COURT, THE DEFENDANT OR THE PROSECUTION  
17 SHALL PROVIDE A GOOD CAUSE REASON FOR THE EXTRA TIME.

18 (b) A COURT MAY DENY THE REQUEST MADE PURSUANT TO  
19 SUBSECTION (4)(a) OF THIS SECTION IF THE COURT MAKES ORAL FINDINGS  
20 THAT THE DEFENDANT OR THE PROSECUTION REQUESTING THE EXTRA TIME  
21 DID NOT PROVIDE A GOOD CAUSE REASON FOR THE EXTRA TIME BASED ON  
22 THE NATURE OF THE CASE OR OTHER FACTORS DEEMED APPROPRIATE BY  
23 THE COURT TO PROPERLY EFFECTUATE THE PURPOSES OF VOIR DIRE.

24 (c) IF A COURT GRANTS A PARTY'S REQUEST MADE PURSUANT TO  
25 SUBSECTION (4)(a) OF THIS SECTION, THE COURT SHALL ENSURE THAT THE  
26 OTHER PARTY RECEIVES THE SAME AMOUNT OF EXTRA TIME; EXCEPT THAT  
27 NEITHER PARTY IS REQUIRED TO USE THEIR EXTRA TIME.

1 (d) A COURT MAY TERMINATE THE EXTRA TIME FOR THE  
2 DEFENDANT OR THE PROSECUTION IF THE COURT DETERMINES THAT THE  
3 DEFENDANT'S OR THE PROSECUTION'S EXAMINATION DURING THE EXTRA  
4 TIME IS REPETITIVE, IRRELEVANT, UNREASONABLY LENGTHY, ABUSIVE, OR  
5 OTHERWISE IMPROPER.

6 **SECTION 3.** In Colorado Revised Statutes, 13-71-115, **add** (4)  
7 as follows:

8 **13-71-115. Juror questionnaires.**

9 (4) (a) IN A CIVIL ACTION, PRIOR TO VOIR DIRE, THE COURT SHALL  
10 REQUIRE POTENTIAL JURORS TO COMPLETE A WRITTEN QUESTIONNAIRE IF  
11 EITHER PARTY SUBMITS A WRITTEN REQUEST TO THE COURT THAT  
12 POTENTIAL JURORS COMPLETE A WRITTEN QUESTIONNAIRE PRIOR TO VOIR  
13 DIRE.

14 (b) AT A MINIMUM, THE QUESTIONNAIRE MUST REQUEST THE  
15 POTENTIAL JUROR'S DEMOGRAPHIC INFORMATION. THE PARTIES SHALL  
16 NEGOTIATE IN GOOD FAITH ABOUT ALL OTHER QUESTIONS INCLUDED IN  
17 THE QUESTIONNAIRE.

18 (c) (I) IF THE PARTIES AGREE TO ALL OF THE QUESTIONS TO BE  
19 INCLUDED IN THE QUESTIONNAIRE, THE COURT SHALL REQUIRE POTENTIAL  
20 JURORS TO COMPLETE THE QUESTIONNAIRE THAT WAS AGREED TO BY THE  
21 PARTIES, EXCEPT FOR A QUESTION THAT THE COURT DETERMINES IS  
22 UNLAWFUL.

23 (II) IF THE PARTIES DO NOT AGREE TO ALL OF THE QUESTIONS TO  
24 BE INCLUDED IN THE QUESTIONNAIRE, THE COURT SHALL DETERMINE  
25 WHICH QUESTIONS ARE INCLUDED IN THE QUESTIONNAIRE AND REQUIRE  
26 POTENTIAL JURORS TO COMPLETE THE QUESTIONNAIRE.

27 (d) PRIOR TO VOIR DIRE, THE COURT SHALL PROVIDE THE PARTIES

1 WITH A REASONABLE AMOUNT OF TIME TO REVIEW THE COMPLETED  
2 QUESTIONNAIRES.

3 **SECTION 4.** In Colorado Revised Statutes, **add** 13-71-115.5 as  
4 follows:

5 **13-71-115.5. Voir dire requirements.**

6 (1) IN A CIVIL CASE, EACH PARTY IS ENTITLED TO AT LEAST ONE  
7 HOUR FOR VOIR DIRE.

8 (2) (a) EITHER PARTY MAY REQUEST THE COURT TO AUTHORIZE  
9 MORE TIME FOR VOIR DIRE THAN THEY ARE ENTITLED TO PURSUANT TO  
10 SUBSECTION (1) OF THIS SECTION. INCLUDED WITH ITS REQUEST TO THE  
11 COURT, THE PARTY SHALL PROVIDE A GOOD CAUSE REASON FOR THE  
12 EXTRA TIME.

13 (b) A COURT MAY DENY THE REQUEST MADE PURSUANT TO  
14 SUBSECTION (2)(a) OF THIS SECTION IF THE COURT MAKES ORAL FINDINGS  
15 THAT PARTY REQUESTING THE EXTRA TIME DID NOT PROVIDE A GOOD  
16 CAUSE REASON FOR THE EXTRA TIME BASED ON THE NATURE OF THE CASE  
17 OR OTHER FACTORS DEEMED APPROPRIATE BY THE COURT TO PROPERLY  
18 EFFECTUATE THE PURPOSES OF VOIR DIRE.

19 (c) IF A COURT GRANTS A REQUEST MADE PURSUANT TO  
20 SUBSECTION (2)(a) OF THIS SECTION, THE COURT SHALL ENSURE THAT  
21 BOTH PARTIES RECEIVE THE SAME AMOUNT OF EXTRA TIME; EXCEPT THAT  
22 NEITHER PARTY IS REQUIRED TO USE THEIR EXTRA TIME.

23 (d) A COURT MAY TERMINATE THE EXTRA TIME FOR A PARTY IF THE  
24 COURT DETERMINES THAT THE PARTY'S EXAMINATION DURING THE EXTRA  
25 TIME IS REPETITIVE, IRRELEVANT, UNREASONABLY LENGTHY, ABUSIVE, OR  
26 OTHERWISE IMPROPER.

27 **SECTION 5. Effective date.** This act takes effect July 1, 2026,

1 and applies to trials that commence on or after said date.

2           **SECTION 6. Safety clause.** The general assembly finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, or safety or for appropriations for  
5 the support and maintenance of the departments of the state and state  
6 institutions.