

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0809.01 Jacob Baus x2173

HOUSE BILL 26-1288

HOUSE SPONSORSHIP

Joseph and Carter,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-3-121 as
3 follows:

4 **13-3-121. Jury selection working group - creation - members**
5 **- duties - report - definition - repeal.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES, "WORKING GROUP" MEANS THE JURY SELECTION WORKING
8 GROUP CREATED IN SUBSECTION (2) OF THIS SECTION.

9 (2) THERE IS CREATED IN THE JUDICIAL DEPARTMENT THE JURY
10 SELECTION WORKING GROUP TO MAKE FINDINGS AND RECOMMENDATIONS
11 CONCERNING JURY SELECTION.

12 (3) (a) THE WORKING GROUP CONSISTS OF:

13 (I) THE STATE PUBLIC DEFENDER, OR THEIR DESIGNEE;

14 (II) THE ATTORNEY GENERAL, OR THEIR DESIGNEE;

15 (III) THE FOLLOWING MEMBERS, WHO ARE APPOINTED BY THE
16 ASSOCIATION THAT THEY REPRESENT, WHICH ASSOCIATION IS CHOSEN BY
17 THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT:

18 (A) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
19 DISTRICT ATTORNEYS;

20 (B) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
21 MUNICIPAL JUDGES;

22 (C) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
23 CIVIL TRIAL LAWYERS;

24 (D) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
25 CIVIL DEFENSE LAWYERS;

1 (E) ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF
2 CRIMINAL DEFENSE LAWYERS;

3 (F) ONE MEMBER WHO IS A MEMBER OF A STATEWIDE ASSOCIATION
4 OF LAWYERS AND WHO HAS EXPERIENCE WITH REPRESENTING CLIENTS IN
5 COMPLEX COMMERCIAL LITIGATION INVOLVING PRIVATE PARTIES; AND

6 (G) ONE MEMBER WHO IS AN INSTRUCTOR AT AN INSTITUTION OF
7 HIGHER EDUCATION AND HAS EXPERT KNOWLEDGE OF, AND RESEARCH
8 EXPERIENCE WITH, JURY SELECTION; AND

9 (IV) THE FOLLOWING MEMBERS, APPOINTED BY THE CHIEF JUSTICE
10 OF THE COLORADO SUPREME COURT:

11 (A) A JUSTICE OR JUDGE;

12 (B) THE CHAIR OF THE RULES OF CRIMINAL PROCEDURE
13 COMMITTEE;

14 (C) THE CHAIR OF THE CIVIL RULES COMMITTEE;

15 (D) FOUR JUDGES, WHO IN FULL REPRESENT DISTRICT COURT,
16 COUNTY COURT, RURAL JURISDICTION, AND URBAN JURISDICTION;

17 (E) ONE JURY COMMISSIONER WHO REPRESENTS AN URBAN
18 JUDICIAL DISTRICT; AND

19 (F) ONE JURY COMMISSIONER WHO REPRESENTS A RURAL JUDICIAL
20 DISTRICT.

21 (b) TO THE EXTENT PRACTICABLE, THE APPOINTING AUTHORITIES
22 SHALL ATTEMPT TO APPOINT WORKING GROUP MEMBERS WHO REFLECT
23 THE DIVERSITY OF THE STATE WITH REGARD TO GEOGRAPHY, RACE,
24 ETHNICITY, GENDER, AND AREAS OF PRACTICE.

25 (c) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS TO
26 THE WORKING GROUP NO LATER THAN JUNE 15, 2026.

27 (d) (I) THE JUSTICE OR JUDGE APPOINTED PURSUANT TO

1 SUBSECTION (3)(a)(IV)(A) OF THIS SECTION SERVES AS A CO-CHAIR OF THE
2 WORKING GROUP.

3 (II) THE WORKING GROUP SHALL SELECT A MEMBER DESCRIBED IN
4 SUBSECTION (3)(a)(I), (3)(a)(II), OR (3)(a)(III) OF THIS SECTION TO SERVE
5 AS A CO-CHAIR OF THE WORKING GROUP.

6 (e) MEMBERS SERVE WITHOUT COMPENSATION BUT MAY BE
7 REIMBURSED FOR EXPENSES DIRECTLY RELATING TO THEIR SERVICE TO THE
8 WORKING GROUP.

9 (4) THE WORKING GROUP SHALL:

10 (a) SOLICIT INPUT FROM RELEVANT COMMUNITIES AND
11 STAKEHOLDERS TO ASSIST THE WORKING GROUP WITH THE PERFORMANCE
12 OF ITS DUTIES PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION;

13 (b) IDENTIFY BEST PRACTICES CONCERNING:

14 (I) THE AMOUNT OF TIME PROVIDED TO ATTORNEYS TO PERFORM
15 VOIR DIRE;

16 (II) THE USE OF CASE-SPECIFIC OR MODEL QUESTIONNAIRES FOR
17 POTENTIAL JURORS;

18 (III) THE USE OF RULES FOR THE PROCESS AND EFFECTIVENESS OF
19 REHABILITATING JURORS;

20 (IV) THE ELIMINATION OF BIAS IN JURY SELECTION;

21 (V) THE USE OF MODEL BENCH BOOK SCRIPTS FOR JURY SELECTION;

22 (VI) TRAINING FOR JUDGES AND LAWYERS REGARDING JURY
23 SELECTION; AND

24 (VII) ANY OTHER MATTER RELATED TO JURY SELECTION DEEMED
25 APPROPRIATE BY THE WORKING GROUP; AND

26 (c) CONSIDER MAKING RECOMMENDATIONS FOR STATUTORY OR
27 RULE CHANGES TO IMPROVE JURY SELECTION.

1 (5) (a) ON OR BEFORE DECEMBER 1, 2026, THE WORKING GROUP
2 SHALL SUBMIT A PROGRESS REPORT OF ITS IDENTIFIED BEST PRACTICES
3 PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, AND
4 RECOMMENDATIONS FOR STATUTORY OR RULE CHANGES PURSUANT TO
5 SUBSECTION (4)(c) OF THIS SECTION, IF ANY, TO THE JUDICIARY
6 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
7 ANY SUCCESSOR COMMITTEES, AND EACH COLORADO SUPREME COURT
8 JUSTICE.

9 (b) ON OR BEFORE DECEMBER 1, 2026, THE JUDICIAL DEPARTMENT
10 SHALL POST THE REPORT DESCRIBED IN SUBSECTION (5)(a) OF THIS
11 SECTION ON ITS WEBSITE FOR PUBLIC ACCESS.

12 (6) (a) ON OR BEFORE A DATE DETERMINED BY THE WORKING
13 GROUP'S CO-CHAIRS THAT IS SUFFICIENT TO ALLOW THE COLORADO
14 SUPREME COURT TO RESPOND PURSUANT TO SUBSECTION (7) OF THIS
15 SECTION, THE WORKING GROUP SHALL SUBMIT A FINAL REPORT OF ITS
16 IDENTIFIED BEST PRACTICES PURSUANT TO SUBSECTION (4)(b) OF THIS
17 SECTION, AND RECOMMENDATIONS FOR STATUTORY OR RULE CHANGES
18 PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION, IF ANY, TO THE
19 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
20 SENATE, OR ANY SUCCESSOR COMMITTEES, AND EACH COLORADO
21 SUPREME COURT JUSTICE.

22 (b) WITHIN ONE WEEK OF RECEIVING THE FINAL REPORT
23 DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION, THE JUDICIAL
24 DEPARTMENT SHALL POST THE REPORT DESCRIBED IN SUBSECTION (6)(a)
25 OF THIS SECTION ON ITS WEBSITE FOR PUBLIC ACCESS.

26 (7) (a) IF ANY RECOMMENDATIONS FOR RULE CHANGES ARE MADE,
27 THEN ON OR BEFORE JUNE 15, 2027, THE COLORADO SUPREME COURT

1 SHALL RESPOND TO THE WORKING GROUP'S RECOMMENDATIONS FOR RULE
2 CHANGES TO IMPROVE JURY SELECTION.

3 (b) ON OR BEFORE JUNE 15, 2027, THE JUDICIAL DEPARTMENT
4 SHALL POST THE RESPONSE DESCRIBED IN SUBSECTION (7)(a) OF THIS
5 SECTION ON ITS WEBSITE FOR PUBLIC ACCESS.

6 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

7 **SECTION 2. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.