

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 15, 2023
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB23-1019 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, line 10, strike "(a)".
- 2 Page 3, line 14, strike "COMMISSION." and substitute "COMMISSION AND
3 THE JUDICIAL DISCIPLINE ADJUDICATIVE BOARD".
- 4 Page 3, line 15, after "commission" insert "AND THE JUDICIAL DISCIPLINE
5 ADJUDICATIVE BOARD".
- 6 Page 3, line 21, strike "(b)" and substitute "(2) ~~Whenever the supreme
7 court proposes a rule, guideline, or procedure related to judicial
8 discipline, the supreme court shall post notice of the proposed rule,
9 guideline, or procedure; allow for a period for public comment, and give
10 the public an opportunity to address the supreme court concerning the
11 proposed rule, guideline, or procedure at a public hearing.~~".
- 12 Page 3, strike lines 26 and 27.
- 13 Page 4, strike lines 1 though 16.
- 14 Page 7, after line 22 insert:
15 "SECTION 8. In Colorado Revised Statutes, **repeal** 24-72-401
16 as follows:
17 **24-72-401. Commission on judicial discipline - confidentiality
18 of records and procedures.** ~~The record of an investigation conducted by
19 the commission on judicial discipline or by masters appointed by the
20 supreme court at the request of the commission shall contain all papers
21 filed with and all proceedings before the commission or the masters. The
22 record shall be confidential and shall remain confidential after filing with~~

1 ~~the supreme court. A recommendation of the commission for the removal~~
2 ~~or retirement of a justice or judge shall not be confidential after it is filed~~
3 ~~with the supreme court.~~

4 **SECTION 9.** In Colorado Revised Statutes, **repeal** 24-72-402 as
5 follows:

6 **24-72-402. Violation - penalty.** ~~Any member of the commission,~~
7 ~~any master appointed by the supreme court, or anyone providing~~
8 ~~assistance to such commission or such masters who willfully and~~
9 ~~knowingly discloses the contents of any paper filed with, or any~~
10 ~~proceeding before, such commission or such masters, or willfully and~~
11 ~~knowingly discloses the contents of any recommendation of the~~
12 ~~commission before such recommendation is filed with the supreme court~~
13 ~~is guilty of a misdemeanor and, upon conviction thereof, shall be~~
14 ~~punished by a fine of not more than five hundred dollars. This section~~
15 ~~shall not apply to any necessary communication between the members of~~
16 ~~the commission or the masters appointed by the supreme court or anyone~~
17 ~~employed to aid such commission or such masters in the filing or~~
18 ~~documentation of any paper filed with, or any proceedings before, such~~
19 ~~commission or such masters or the preparation of the recommendation of~~
20 ~~such commission.~~

21 **SECTION 10.** In Colorado Revised Statutes, 42-4-1301, **amend**
22 (6)(c)(IV) as follows:

23 **42-4-1301. Driving under the influence - driving while**
24 **impaired - driving with excessive alcoholic content - definitions -**
25 **penalties.** (6) (c) (IV) The department of public health and environment
26 may release nonpersonal identifying information from the database in
27 accordance with sections 24-72-101 to ~~24-72-402~~, C.R.S. **24-72-309**".

28 Renumber succeeding section accordingly.

29 Page 8, line 7, strike "23-____" and substitute "23-1001".

30 Page 8, line 9, strike "23-____" and substitute "23-1001".

31 Page 8, line 11, strike "7, and 8" and substitute "2, and 7".

** *** ** *** **