

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:

HB23-1205 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, after line 3 insert:
- 2 (a) An ombudsman acts as an independent, impartial, neutral,
- 3 unbiased, informal, and confidential resource for an organization and
- 4 assists people through voluntary consultation and provides information,
- 5 guidance, and assistance in determining options to address the person's
- 6 concerns;
- 7 (b) An ombudsman must fairly and objectively consider issues and
- 8 people who may be affected when dealing with assisting people with
- 9 concerns;
- 10 (c) An ombudsman promotes equitably administered processes but
- 11 does not advocate on behalf of anyone;"
- 12 Reletter succeeding paragraphs accordingly.
- 13 Page 4, line 2, strike "(5)" and substitute "(6)".
- 14 Page 4, lines 18 and 19, strike "(2) THERE IS CREATED IN THE
- 15 DEPARTMENT OF PERSONNEL THE OFFICE OF THE JUDICIAL DISCIPLINE
- 16 OMBUDSMAN." and substitute "(2) THE INDEPENDENT OFFICE OF THE
- 17 JUDICIAL DISCIPLINE OMBUDSMAN IS ESTABLISHED IN THE JUDICIAL
- 18 DEPARTMENT AS AN INDEPENDENT AGENCY FOR THE PURPOSE OF
- 19 ENSURING THE GREATEST PROTECTIONS FOR JUDICIAL PERSONNEL."
- 20 Page 4, line 26, strike "AND THE COMMISSION".
- 21 Page 5, lines 4 and 5, strike "DEPARTMENT OF PERSONNEL" and substitute
- 22 "DEPARTMENT".

- 1 Page 5, line 16, strike "DEPARTMENT OF PERSONNEL" and substitute
2 "DEPARTMENT".
- 3 Page 5, line 22, after "NEEDED;" insert "AND".
- 4 Page 5, strike lines 24 through 26.
- 5 Page 6, after line 2 insert:
6 "(4) THE OFFICE OF THE OMBUDSMAN SHALL MAINTAIN OFFICE
7 SPACE THAT IS NOT PHYSICALLY LOCATED IN THE RALPH L. CARR
8 COLORADO JUDICIAL CENTER AND NOT OWNED OR MANAGED BY THE
9 RALPH L. CARR JUDICIAL CENTER."
- 10 Renumber succeeding subsections accordingly.
- 11 Page 6, line 4, strike "(5)" and substitute "(6)".
- 12 Page 6, line 10, strike "SEVEN" and substitute "FIVE" and strike
13 "VICTIMS,".
- 14 Page 6, line 11, strike "RESOURCES." and substitute "RESOURCES,
15 PERSONNEL MANAGEMENT, FINANCIAL MANAGEMENT, AND PROFESSIONAL
16 OMBUDSMAN EXPERIENCE."
- 17 Page 6, strike lines 19 through 27.
- 18 Page 7, strike lines 1 through 16 and substitute:
19 "(I) THE GOVERNOR SHALL APPOINT ONE INDIVIDUAL WHO IS
20 EITHER A RETIRED COLORADO JUDGE OR A FORMER COLORADO JUDGE IN
21 GOOD STANDING;
22 (II) THE PRESIDENT OF THE COLORADO SENATE AND THE MINORITY
23 LEADER OF THE COLORADO SENATE SHALL EACH APPOINT ONE MEMBER
24 WITH EXPERIENCE LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS
25 SECTION; AND
26 (III) THE SPEAKER OF THE COLORADO HOUSE OF REPRESENTATIVES
27 AND THE MINORITY LEADER OF THE COLORADO HOUSE OF
28 REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER WITH EXPERIENCE
29 LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS SECTION.
30 (c) BOARD MEMBERS MUST HAVE EXPERIENCE IN AT LEAST ONE OF
31 THE FOLLOWING:
32 (I) PERSONNEL MANAGEMENT;
33 (II) HUMAN RESOURCES;
34 (III) FINANCIAL MANAGEMENT; OR

1 (IV) EXPERIENCE AS A PROFESSIONAL OMBUDSMAN.
2 (d) IN APPOINTING BOARD MEMBERS PURSUANT TO SUBSECTIONS
3 (6)(b)(II) AND (6)(b)(III) OF THIS SECTION, AT LEAST ONE APPOINTEE FROM
4 THE COLORADO HOUSE OF REPRESENTATIVES AND ONE APPOINTEE FROM
5 THE COLORADO SENATE MUST BE LICENSED COLORADO ATTORNEYS IN
6 GOOD STANDING."

7 Reletter succeeding paragraphs accordingly.

8 Page 7, line 18, strike "FOUR" and substitute "THREE".

9 Page 7, line 19, strike "FOUR" and substitute "THREE".

10 Page 7, line 20, strike "THREE" and substitute "TWO".

11 Page 10, line 26, strike "(9)(d)" and substitute "(10)(d)".

12 Page 11, line 6, strike "AND THE COMMISSION".

13 Page 11, line 7, strike "(9)(a)" and substitute "(10)(a)"

14 Page 12, after line 10 insert:

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

19 (12) THE OMBUDSMAN SHALL BE AVAILABLE TO ALL JUDICIAL
20 PERSONNEL TO DISCUSS COMPLAINTS RELATED TO THE CONDUCT OF ANY
21 JUDICIAL PERSONNEL."

22 Renumber succeeding subsections accordingly.

23 Page 13, line 3, after "RESPONSIBILITIES." add "THE OMBUDSMAN IS
24 EXEMPT FROM MANDATORY REPORTING RULES, STATUTES, AND POLICIES
25 AND SHALL NOT REPORT AN INCIDENT MADE KNOWN TO THE OMBUDSMAN
26 BY A COMPLAINANT UNLESS THE COMPLAINANT PROVIDES CONSENT."

27 Page 13, line 10, strike "OMBUDSMAN" and substitute "OMBUDSMAN, AND
28 ALL OTHER COMMUNICATIONS BETWEEN THE OMBUDSMAN AND A
29 COMPLAINANT,".

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