

## CHAPTER 40

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**COURTS**

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**HOUSE BILL 20-1026**

BY REPRESENTATIVE(S) Van Winkle and Weissman, Baisley, Bird, Bockenfeld, Garnett, Gray, Herod, Liston, McLachlan, Melton, Ransom, Roberts, Saine, Snyder, Soper, Sullivan, Tipper;  
also SENATOR(S) Fields and Gardner, Bridges, Cooke, Gonzales, Hansen, Hisey, Holbert, Lundeen, Moreno, Rodriguez, Smallwood, Sonnenberg, Tate, Todd, Williams A., Woodward, Garcia.

**AN ACT****CONCERNING THE CREATION OF A TWENTY-THIRD JUDICIAL DISTRICT.**

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

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

(a) Since statehood, the Colorado constitution has allowed the general assembly, by a two-thirds vote, to revise judicial district boundaries;

(b) Judicial district boundaries have from time to time been revised as Colorado has grown, rising from four districts at the time of statehood to twenty-two districts in 2019;

(c) The number of judicial districts has remained at twenty-two for more than fifty years, although Colorado's population has increased by 3.5 million people during that time;

(d) The eighteenth judicial district, composed of Arapahoe, Douglas, Elbert, and Lincoln counties, has grown more than any other Colorado judicial district during that time and now has a population exceeding one million people;

(e) No other judicial district has a population exceeding 750,000 people, and no other judicial district has approached the rate of growth of the eighteenth judicial district;

(f) For these reasons, the general assembly determines that it is appropriate to

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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.*

revise the judicial district boundaries for Arapahoe, Douglas, Elbert, and Lincoln counties;

(g) The general assembly recognizes that Arapahoe, Douglas, Elbert, and Lincoln counties will face one-time transition costs through the revision of judicial district boundaries and the general assembly will make its best effort to understand those costs and assist Arapahoe, Douglas, Elbert, and Lincoln counties in the transition; and

(h) In revising judicial district boundaries, the general assembly intends, in accordance with sections 10 and 11 of article VI of the state constitution, that judges in the existing eighteenth judicial district will remain eligible to continue in office provided that they remain residents of the district in which they serve as judges. The general assembly does not intend to create any vacancy in any district judgeship through the revision of judicial district boundaries.

**SECTION 2.** In Colorado Revised Statutes, **amend** 13-5-101 as follows:

**13-5-101. Judicial districts and terms.** The state is divided into ~~twenty-two~~ TWENTY-THREE judicial districts as prescribed by this part 1. Terms of court shall be fixed by rules adopted by the district court in each district; except that at least one term of court shall be held each calendar year in each county within the district, at the county seat of such county.

**SECTION 3.** In Colorado Revised Statutes, 13-5-119, **amend** (1); and **add** (2)(d)(VII) as follows:

**13-5-119. Eighteenth district.** (1) The eighteenth judicial district shall be composed of ~~the counties of Arapahoe, Douglas, Elbert, and Lincoln~~ COUNTY.

(2) (d) (VII) SUBJECT TO AVAILABLE APPROPRIATIONS, EFFECTIVE JANUARY 1, 2025, THE NUMBER OF JUDGES FOR THE EIGHTEENTH JUDICIAL DISTRICT IS SEVENTEEN.

**SECTION 4.** In Colorado Revised Statutes, **add** 13-5-123.1 as follows:

**13-5-123.1. Twenty-third district.** (1) THE TWENTY-THIRD JUDICIAL DISTRICT SHALL BE COMPOSED OF THE COUNTIES OF DOUGLAS, ELBERT, AND LINCOLN.

(2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE NUMBER OF JUDGES FOR THE TWENTY-THIRD JUDICIAL DISTRICT IS EIGHT.

**SECTION 5.** In Colorado Revised Statutes, **add** 13-5-123.2 as follows:

**13-5-123.2. Twenty-third judicial district - elections in 2024 - reports - repeal.** (1) (a) NOTWITHSTANDING SECTION 24-1-136 (1)(a)(I), COMMENCING WITH THE PRESENTATION IN 2021 AND EACH PRESENTATION THEREAFTER TO AND INCLUDING THE PRESENTATION IN 2025, AT THE JOINT HEARINGS CONDUCTED PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, THE JUDICIAL DEPARTMENT SHALL REPORT ON ITS PROGRESS TOWARD MAKING THE

SYSTEM CHANGES AND OTHER STEPS NECESSARY FOR THE CREATION OF THE TWENTY-THIRD JUDICIAL DISTRICT. PRIOR TO THESE PRESENTATIONS, THE JUDICIAL DEPARTMENT SHALL REQUEST INPUT FROM EACH OF THE COUNTIES IN THE THEN-EXISTING EIGHTEENTH JUDICIAL DISTRICT AND INCLUDE THEIR INPUT IN THE PRESENTATION.

(b) FOR STATE FISCAL YEARS 2020-21 TO 2024-25, AS PART OF ITS ANNUAL BUDGET REQUESTS TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE JUDICIAL DEPARTMENT SHALL INCLUDE DETAILS ABOUT ANY BUDGET REQUESTS RELATED TO THE PREPARATION FOR AND CREATION OF THE TWENTY-THIRD JUDICIAL DISTRICT.

(c) AT ITS PRESENTATION IN 2026, AT THE JOINT HEARINGS CONDUCTED PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, THE JUDICIAL DEPARTMENT SHALL PREPARE A FINAL REPORT DETAILING THE ENTIRE TRANSITION PROCESS FROM THE ENACTMENT OF HOUSE BILL 20-1026, ENACTED IN 2020, TO THE EFFECTIVE DATE OF THE CREATION OF THE TWENTY-THIRD JUDICIAL DISTRICT, DETAILING WHAT ASPECTS WENT RELATIVELY SMOOTHLY, WHAT ASPECTS CREATED ISSUES, AND ANY RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING HOW ANY FUTURE REVISION OF JUDICIAL DISTRICT LINES MIGHT BE MADE EASIER.

(2) DUE TO THE CREATION OF THE TWENTY-THIRD JUDICIAL DISTRICT IN 2025, AT THE GENERAL ELECTION IN NOVEMBER OF 2024:

(a) A QUESTION SHALL BE PRESENTED TO THE ELECTORS OF ARAPAHOE COUNTY CONCERNING THE ELECTION OF THE DISTRICT ATTORNEY FOR THE EIGHTEENTH JUDICIAL DISTRICT WHO WILL TAKE OFFICE IN JANUARY OF 2025;

(b) A QUESTION SHALL BE PRESENTED TO THE ELECTORS OF THE COUNTIES OF DOUGLAS, ELBERT, AND LINCOLN CONCERNING THE ELECTION OF THE DISTRICT ATTORNEY FOR THE TWENTY-THIRD JUDICIAL DISTRICT WHO WILL TAKE OFFICE IN JANUARY OF 2025; AND

(c) ANY DISTRICT COURT JUDGE OF THE EIGHTEENTH JUDICIAL DISTRICT WHO IS ELIGIBLE FOR RETENTION AT THE NOVEMBER 2024 ELECTION MAY STAND FOR A RETENTION ELECTION FROM THE ELECTORS OF THE EIGHTEENTH JUDICIAL DISTRICT.

(3) (a) EFFECTIVE JANUARY 7, 2025, ANY DISTRICT COURT JUDGE WHO ON THAT DATE WAS SERVING AS A DISTRICT COURT JUDGE IN THE EIGHTEENTH JUDICIAL DISTRICT AND WHO LIVES WITHIN THE BOUNDARIES OF THE NEW TWENTY-THIRD JUDICIAL DISTRICT SHALL, PURSUANT TO SECTION 10 OF ARTICLE VI OF THE STATE CONSTITUTION, COMPLETE THE TERM FOR WHICH THE JUDGE WAS LAST ELECTED OR APPOINTED AS A DISTRICT COURT JUDGE IN THE TWENTY-THIRD JUDICIAL DISTRICT. SUCH DISTRICT COURT JUDGES ARE ELIGIBLE FOR A RETENTION ELECTION IN THE TWENTY-THIRD JUDICIAL DISTRICT IN THE SAME YEAR THAT THEY WOULD HAVE BEEN ELIGIBLE FOR A RETENTION ELECTION IN THE EIGHTEENTH JUDICIAL DISTRICT BUT FOR THE CREATION OF THE TWENTY-THIRD JUDICIAL DISTRICT.

(b) ON AND AFTER JANUARY 7, 2025, ASSIGNMENT OF JUDGES SHALL BE

PURSUANT TO SECTIONS 10 AND 11 OF ARTICLE VI OF THE STATE CONSTITUTION.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 7, 2027.

**SECTION 6. Act subject to petition - effective date.** Sections 2 to 4 of this act take effect January 7, 2025, and the remainder of this act takes effect September 1, 2020; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor; except that sections 2 to 4 of this act take effect January 7, 2025.

Approved: March 20, 2020