

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0790.01 Pierce Lively x2059

HOUSE BILL 21-1136

HOUSE SPONSORSHIP

Tipper and Carver, Bird, Duran, Esgar, Jodeh, Lynch, McCluskie, Michaelson Jenet, Ricks, Sirota, Valdez A.

SENATE SPONSORSHIP

Lee and Gardner,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE POLICIES GOVERNING JUDICIAL**
102 **DIVISION RETIREES RETURNING TO TEMPORARY JUDICIAL**
103 **DUTIES, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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>.)

Under current law, a retired member of the judicial division may perform assigned judicial duties without pay for not less than 60 or 90 days each year. Such a member of the judicial division will receive a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 23, 2021

HOUSE
3rd Reading Unamended
April 8, 2021

HOUSE
Amended 2nd Reading
April 7, 2021

benefit increase equal to not less than 20% or more than 30% of the current monthly salary of judges serving in the same position held by the retiree at the time of retirement.

The bill changes the amount of time that a retired member of the judicial division may perform assigned judicial duties without pay and the amount of a benefit increase such a judge will receive. The bill specifies that a retired member of the judicial division may perform assigned judicial duties without pay for 20, 30, 60, or 90 days each year and will receive a benefit increase equal to 6.7%, 10%, 20%, or no more than 30% respectively of the current monthly salary of judges serving in the same position held by the retiree at the time of retirement.

Additionally, under current law, within 5 years after retirement, a retired member of the judicial division who did not enter into an agreement prior to retirement to perform assigned judicial duties without pay during retirement may enter into such a written agreement within 30 days prior to each anniversary date of retirement. The bill removes this requirement.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds and declares that the COVID-19 pandemic has resulted in a
4 caseload backlog in the county, district, and appellate courts statewide. To
5 deal with this backlog, the courts need additional judicial officer
6 assistance. Therefore, it is the intent of the general assembly to modify
7 the statute authorizing the judicial department to contract with judicial
8 division retirees, expand the program to enable the department to process
9 this backlog more quickly, and to make an appropriation to allow for the
10 department to contract with more judicial division retirees.

11 **SECTION 2.** In Colorado Revised Statutes, 24-51-1105, **amend**
12 (1)(b); **add (7), (8), and (9); and repeal (2)** as follows:

13 **24-51-1105. Retirees from the judicial division.**
14 (1) (b) Notwithstanding the provisions of section 24-51-1101, upon
15 written agreement with the chief justice of the Colorado supreme court,
16 ~~prior to retirement,~~ a member of the judicial division may perform, during

1 retirement, assigned judicial duties without pay for ~~not less than~~ TEN,
2 TWENTY, THIRTY, sixty, or ~~more than~~ ninety days each year and ~~shall~~
3 MUST receive a benefit increase equal to ~~not less than~~ THREE AND
4 THREE-TENTHS PERCENT, SIX AND SEVEN-TENTHS PERCENT, TEN PERCENT,
5 twenty percent, or ~~more than~~ thirty percent, RESPECTIVELY, of the current
6 monthly salary of judges serving in the same position as that held by the
7 retiree at the time of retirement. Such agreement shall be for a period of
8 not more than three years. A retiree may enter into subsequent
9 agreements. The aggregate of these agreements shall not exceed twelve
10 years, except at the discretion of the Colorado supreme court.

11 (2) ~~Within five years after retirement, a retiree from the judicial~~
12 ~~division who did not enter into an agreement as provided for in subsection~~
13 ~~(1) of this section prior to retirement may enter into such a written~~
14 ~~agreement within thirty days prior to each anniversary date of retirement.~~
15 ~~Upon entering into such agreement, the retirement benefit shall include~~
16 ~~such benefit increase as provided for in subsection (1) of this section.~~

17 (7) RETIREES FROM THE JUDICIAL DIVISION WHO RECEIVED A "DOES
18 NOT MEET PERFORMANCE STANDARD" OR "DO NOT RETAIN"
19 RECOMMENDATION IN THEIR LAST JUDICIAL PERFORMANCE EVALUATION
20 BEFORE THEIR RETIREMENT, EITHER PUBLIC OR UNPUBLISHED, ARE NOT
21 ELIGIBLE TO ENTER INTO AN AGREEMENT UNDER SUBSECTION (1)(b) OF
22 THIS SECTION TO RETURN TO TEMPORARY JUDICIAL DUTIES DURING
23 RETIREMENT.

24 (8) RETIREES FROM THE JUDICIAL DIVISION WHO RECEIVE A
25 DISCIPLINARY DISPOSITION FROM THE COMMISSION ON JUDICIAL DISCIPLINE
26 OF PRIVATE ADMONISHMENT, PRIVATE REPRIMAND, PRIVATE CENSURE,
27 PUBLIC REPRIMAND, PUBLIC CENSURE, SUSPENSION, OR REMOVAL ARE NOT

1 ELIGIBLE TO ENTER INTO AN AGREEMENT UNDER SUBSECTION (1)(b) OF
2 THIS SECTION TO RETURN TO TEMPORARY JUDICIAL DUTIES DURING
3 RETIREMENT.

4 (9) RETIREES FROM THE JUDICIAL DIVISION WHO, DURING OR AFTER
5 THEIR TERM IN OFFICE, RECEIVE PRIVATE OR PUBLIC DISCIPLINE FROM THE
6 OFFICE OF THE PRESIDING DISCIPLINARY JUDGE ARE NOT ELIGIBLE TO
7 ENTER INTO AN AGREEMENT UNDER SUBSECTION (1)(b) OF THIS SECTION
8 TO RETURN TO TEMPORARY JUDICIAL DUTIES DURING RETIREMENT.

9 **SECTION 3. Appropriation.** (1) For the 2021-22 state fiscal
10 year, \$723,564 is appropriated to the judicial department. This
11 appropriation is from the general fund. To implement this act, the
12 department may use this appropriation as follows:

13 (a) \$71,738 for general courts administration, which amount is
14 based on an assumption that the department will require an additional 0.9
15 FTE;

16 (b) \$51,825 for capital outlay; and

17 (c) \$600,001 for the senior judge program.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.