

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 22-1091

BY REPRESENTATIVE(S) Soper and Weissman, Tipper, Burnett, Bird, Exum, Herod, Holtorf, Hooton, Jodeh, Lindsay, McCluskie, McLachlan, Michaelson Jenet, Mullica, Roberts, Titone;
also SENATOR(S) Gardner and Bridges, Buckner, Donovan, Fields, Gonzales, Hansen, Holbert, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Rodriguez, Smallwood, Story, Winter, Woodward, Fenberg.

CONCERNING THE ONLINE AVAILABILITY OF OPINIONS ISSUED BY COLORADO COURTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Short title. The short title of this act is the "Justice Gregory Hobbs Public Access to Case Law Act".

SECTION 2. Legislative declaration. (1) The general assembly finds and declares that:

(a) Every person is presumed to know the law and is expected to follow the law at all times;

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.

(b) The Colorado constitution, Colorado Revised Statutes, Colorado court rules, and state administrative regulations are available online free of charge;

(c) Colorado supreme court opinions are case law that other state court judges are bound to follow, and published opinions of the Colorado court of appeals are case law that must be followed as precedent by all lower court judges in Colorado; and

(d) Colorado supreme court opinions and published opinions of the Colorado court of appeals should be available online in the same manner as other sources of law.

SECTION 3. In Colorado Revised Statutes, **amend** 13-2-122 as follows:

13-2-122. Supreme court and court of appeals opinions published. (1) The opinions of the supreme court of the state of Colorado and of the court of appeals ~~shall~~ **MUST** be published in volumes of the size, as nearly as may be, as present volumes of the Colorado reports, and containing not less than six hundred fifty pages each.

(2) (a) IN ADDITION TO THE PUBLISHING REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND EXCEPT FOR UNPUBLISHED OPINIONS DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION, ON OR BEFORE MARCH 1, 2024, BUT NO EARLIER THAN JULY 1, 2023, THE JUDICIAL DEPARTMENT SHALL PUBLISH ONLINE, IN A SEARCHABLE FORMAT, AND MAKE AVAILABLE FREE OF CHARGE, EVERY OPINION OF THE SUPREME COURT OF THE STATE OF COLORADO AND OF THE COURT OF APPEALS. THE JUDICIAL DEPARTMENT AND THE GENERAL ASSEMBLY SHALL EACH INCLUDE A LINK TO THE OPINIONS WEB PAGE IN A CONSPICUOUS PLACE ON THEIR WEBSITES.

(b) AN OPINION OF THE SUPREME COURT OF THE STATE OF COLORADO NOT PUBLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND ANY COURT OF APPEALS OPINION NOT DESIGNATED FOR OFFICIAL PUBLICATION PURSUANT TO THE COLORADO APPELLATE RULES IS NOT REQUIRED TO BE PUBLISHED ONLINE PURSUANT TO THIS SUBSECTION (2).

SECTION 4. In Colorado Revised Statutes, 13-2-124, **amend** (1) as follows:

13-2-124. Publication of reports. (1) In lieu of the publication of the opinions of the supreme court and the court of appeals ~~as provided for in this article~~ PURSUANT TO SECTION 13-2-122 (1), the supreme court may designate the published volumes of the decisions of the supreme court and the court of appeals, as the same are published by any person, firm, or corporation, to be the official reports of the decisions of the supreme court and the court of appeals. Any publication so designated as the official reports may include both the opinions of the supreme court and the court of appeals in the same volume.

SECTION 5. Appropriation. For the 2022-23 state fiscal year, \$100,000 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for information technology infrastructure.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO