

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 22-0764.03 Jerry Barry x4341

**SENATE BILL 22-201**

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**SENATE SPONSORSHIP**

**Lee and Gardner,**

**HOUSE SPONSORSHIP**

**Weissman and Carver,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING INDEPENDENT OVERSIGHT OF MATTERS CONCERNING**  
102 **JUDICIAL DISCIPLINE, AND, IN CONNECTION THEREWITH,**  
103 **MAKING AN APPROPRIATION.**

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**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>.)*

A commission on judicial discipline (commission) is established in current law pursuant to section 23 (3) of article VI of the state constitution. The bill implements the commission by:

- Specifying the duties of the commission;
- Establishing and specifying the duties of an office of

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  
Amended 2nd Reading  
April 26, 2022

judicial discipline (office) as an independent office within the judicial department;

- Authorizing the commission to appoint an executive director of the office and specifying the duties of the executive director;
- Authorizing the commission to appoint and determine the duties of special counsel, which may include representing the people in formal proceedings;
- Establishing immunity for commissioners;
- Specifying when information should be shared among offices within the judicial department responsible for reviewing actions of current and potential judges and justices;
- Specifying duties of personnel within the judicial department when they become aware of potential issues of judicial discipline; and
- Establishing a special cash fund and specifying sources of money for the fund and uses of the money in the fund.

For rules, guidelines, and procedures relating to judicial discipline adopted by the supreme court, the bill requires the supreme court to:

- Provide the commission with notice and an opportunity to object and, if the commission objects, to engage with the commission in good-faith efforts to resolve differences; and
- Post notice of each rule, guideline, or procedure and allow for public comment, including an opportunity for the public to address the supreme court.

The bill creates the legislative interim committee on judicial discipline to study Colorado's system of judicial discipline and make recommendations for necessary changes to that system.

The bill clarifies that the disclosure of materials and information to the state auditor pursuant to an investigation based on an allegation of fraud by an employee or contracted individual does not cause the materials and information to lose their status as privileged or confidential based solely upon such disclosure.

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

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

4           (a) An independent, fair, competent, and impartial judiciary is  
5 indispensable to our system of justice. A judiciary composed of persons

1 committed to the highest levels of integrity and who hold office as a  
2 public trust is essential to maintaining public confidence in the legal  
3 system.

4 (b) In order to maintain public confidence in the legal system; to  
5 protect the public from judicial conduct that is improper, illegal, or  
6 unethical; to ensure judicial conduct is not tainted by bias, prejudice, or  
7 illegal discrimination; to avoid impropriety or the appearance of  
8 impropriety; and to ensure the preservation of the principles of justice and  
9 the rule of law, a commission on judicial discipline is needed that is  
10 financially and functionally independent from the judicial department and  
11 empowered to fairly and expeditiously address complaints about judicial  
12 conduct;

13 (c) Public confidence in the judicial department has been  
14 significantly undermined over the past two and one-half years by media  
15 reports describing alleged misconduct and improprieties in the judicial  
16 department resulting in multiple resignations of senior judicial department  
17 leaders and the commencement of six investigations by the judicial  
18 discipline commission, the Colorado state auditor, the office of attorney  
19 regulation counsel, the federal bureau of investigation, and two  
20 investigations by outside counsel commissioned by the judicial  
21 department;

22 (d) To credibly investigate and address allegations of judicial  
23 misconduct and thereby fulfill the requirement of accountability, it is  
24 important to establish a commission on judicial discipline that is  
25 independent from the judges and justices who are subject to the  
26 commission's oversight. Colorado's constitution, code of judicial conduct,  
27 and rules of judicial discipline do not now provide a fair and impartial

1 system of judicial discipline because the judges overseeing discipline of  
2 other judges decide the rules to be applied, determine evidence to be  
3 considered, rule on appeals, and allocate funds to the disciplinary  
4 commission.

5 (e) The credibility of Colorado's judiciary is best served by a  
6 system of judicial discipline that is overseen by an independent  
7 commission on judicial discipline that includes perspectives from the  
8 community, the bar, and the judiciary, rather than being ultimately  
9 controlled by the judiciary. This design will achieve independent  
10 oversight while also being informed by the perspective of the judiciary.

11 (f) Within the constitutional limitations on confidentiality, the  
12 work of the commission on judicial discipline should be as transparent as  
13 possible;

14 (g) To effectively perform its constitutional function, the  
15 commission on judicial discipline needs unfettered access to all  
16 information and documents available to the state judicial department that  
17 are relevant to any allegation or investigation of judicial misconduct or  
18 judicial disability; and

19 (h) The efficacy of the commission on judicial discipline also  
20 depends upon the existence of conflict-free, secure, stable, and defined  
21 funding that allows the commission to maintain independence and  
22 respond to disciplinary issues without delay and without being subject to  
23 improper influence exercised by those being overseen.

24 (2) To restore public confidence in the judiciary and achieve the  
25 goal of an independent commission on judicial discipline, the general  
26 assembly hereby adopts and enacts the provisions set forth in this act and  
27 establishes a an interim legislative committee to work with judges,

1 lawyers, members of the public, and other interested parties to meet to  
2 review and examine the facts, evaluate other states' models of judicial  
3 discipline, and make recommendations to the general assembly for  
4 statutory or constitutional reforms during the 2023 session.

5 **SECTION 2.** In Colorado Revised Statutes, **add** article 5.3 to title  
6 13 as follows:

7 **ARTICLE 5.3**

8 **Commission on Judicial Discipline**

9 **13-5.3-101. Definitions.** AS USED IN THIS ARTICLE 5.3, UNLESS  
10 THE CONTEXT OTHERWISE REQUIRES:

11 (1) "ATTORNEY" MEANS A PERSON ADMITTED TO PRACTICE LAW  
12 BEFORE THE COURTS OF THIS STATE.

13 (2) "CODE" MEANS THE COLORADO CODE OF JUDICIAL CONDUCT.

14 (3) "COMMISSION" MEANS THE COMMISSION ON JUDICIAL  
15 DISCIPLINE, ESTABLISHED PURSUANT TO SECTION 23 (3) OF ARTICLE VI OF  
16 THE COLORADO CONSTITUTION.

17 (4) "COMMISSIONER" MEANS AN APPOINTED MEMBER OF THE  
18 COMMISSION ON JUDICIAL DISCIPLINE OR A SPECIAL MEMBER APPOINTED  
19 PURSUANT TO SECTION 23 (3)(a) OF ARTICLE VI OF THE COLORADO  
20 CONSTITUTION.

21 (5) "COMPLAINT" MEANS INFORMATION IN ANY FORM FROM ANY  
22 SOURCE THAT ALLEGES OR FROM WHICH A REASONABLE INFERENCE CAN  
23 BE DRAWN THAT A JUDGE COMMITTED MISCONDUCT OR IS INCAPACITATED.

24 (6) "DEPARTMENT" MEANS THE COLORADO STATE JUDICIAL  
25 DEPARTMENT AND ALL ITS SUBPARTS, SUCH AS THE OFFICE OF THE STATE  
26 COURT ADMINISTRATOR; THE OFFICE OF THE CHIEF JUSTICE OF THE  
27 SUPREME COURT; \_\_\_\_\_ THE JUDICIAL DISTRICTS AND THEIR

1 ADMINISTRATIONS, INCLUDING CHIEF JUDGES AND DISTRICT  
2 ADMINISTRATORS; THE HUMAN RESOURCES DEPARTMENT; AND OTHER  
3 ADMINISTRATIVE SUBPARTS.

4 (7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
5 THE OFFICE OF JUDICIAL DISCIPLINE APPOINTED PURSUANT TO SECTION  
6 13-5.3-103.

7 (8) "FUND" MEANS THE COMMISSION ON JUDICIAL DISCIPLINE  
8 SPECIAL CASH FUND, CREATED IN SECTION 13-5.3-104.

9 (9) (a) "JUDGE" MEANS ANY JUSTICE OR JUDGE OF ANY COURT OF  
10 RECORD OF THIS STATE SERVING ON A FULL-TIME, PART-TIME, OR SENIOR  
11 BASIS.

12 (b) "JUDGE" ALSO INCLUDES ANY JUSTICE OR JUDGE WHO HAS  
13 RETIRED WITHIN THE JURISDICTIONAL LIMITS FOR DISCIPLINARY  
14 PROCEEDINGS ESTABLISHED BY THIS ARTICLE 5.3, THE COMMISSION, OR  
15 THE COLORADO SUPREME COURT.

16 (c) "JUDGE" DOES NOT INCLUDE MUNICIPAL JUDGES OR  
17 MAGISTRATES, ADMINISTRATIVE LAW JUDGES, OR DENVER COUNTY COURT  
18 JUDGES, WHO ARE SUBJECT TO DIFFERENT DISCIPLINARY AUTHORITIES.

19 (10) "JUSTICE" MEANS A JUSTICE SERVING ON THE SUPREME COURT  
20 OF COLORADO ON EITHER A FULL-TIME OR SENIOR BASIS.

21 (11) "MISCONDUCT" MEANS CONDUCT BY A JUDGE THAT MAY  
22 REASONABLY CONSTITUTE GROUNDS FOR DISCIPLINE UNDER THE CODE,  
23 THE COLORADO RULES OF JUDICIAL DISCIPLINE, OR SECTION 23 (3) OF  
24 ARTICLE VI OF THE COLORADO CONSTITUTION.

25 (12) "OFFICE" MEANS THE OFFICE OF JUDICIAL DISCIPLINE  
26 ESTABLISHED IN SECTION 13-5.3-103.

27 (13) "OFFICE OF THE STATE COURT ADMINISTRATOR" MEANS THE

1 OFFICE CREATED PURSUANT TO SECTION 13-3-101 (1).

2 (14) "RULES" MEANS THE COLORADO RULES OF JUDICIAL  
3 DISCIPLINE.

4 (15) "SUPREME COURT" MEANS THE SUPREME COURT OF THE STATE  
5 OF COLORADO ESTABLISHED PURSUANT TO ARTICLE VI OF THE COLORADO  
6 CONSTITUTION.

7 **13-5.3-102. Commission on judicial discipline - powers and**  
8 **duties.** (1) PURSUANT TO SECTION 23 (3) OF ARTICLE VI OF THE  
9 COLORADO CONSTITUTION, THE COLORADO COMMISSION ON JUDICIAL  
10 DISCIPLINE IS ESTABLISHED AS AN INDEPENDENT COMMISSION HOUSED  
11 WITHIN THE DEPARTMENT.

12 (2) MEMBERS OF THE COMMISSION ARE APPOINTED AND SERVE  
13 PURSUANT TO SECTION 23 (3)(a) AND (3)(b) OF ARTICLE VI OF THE  
14 COLORADO CONSTITUTION.

15 (3) THE COMMISSION SHALL:

16 (a) INVESTIGATE AND RESOLVE REQUESTS FOR EVALUATION OF  
17 POTENTIAL JUDICIAL MISCONDUCT IN ACCORDANCE WITH THE COLORADO  
18 CONSTITUTION, THE RULES, AND THIS ARTICLE 5.3;

19 (b) APPOINT AN EXECUTIVE DIRECTOR OF THE OFFICE OF JUDICIAL  
20 DISCIPLINE;

21 (c) ESTABLISH POSITIONS, ROLES, AND MINIMUM STARTING  
22 SALARIES FOR EMPLOYEES OF THE OFFICE;

23 (d) HIRE EMPLOYEES OF THE OFFICE WHO SERVE AT THE PLEASURE  
24 OF THE COMMISSION. EMPLOYEES OF THE OFFICE MAY INCLUDE CLERICAL  
25 ASSISTANTS; ATTORNEYS WHO SERVE AS SPECIAL COUNSEL; AND  
26 INVESTIGATORS;

27 (e) EMPLOY ATTORNEYS OR APPOINT OUTSIDE SPECIAL COUNSEL

1 PURSUANT TO SECTIONS 24-31-101 (1)(g) AND 24-31-111 WHO SERVE AT  
2 THE PLEASURE OF THE COMMISSION; ASSIGN DUTIES TO SPECIAL COUNSEL  
3 AT THE DISCRETION OF THE COMMISSION, WHICH MAY INCLUDE SERVING  
4 AS REPRESENTATIVES OF THE PEOPLE OF THE STATE OF COLORADO IN  
5 FORMAL PROCEEDINGS; AND DETERMINE THE COMPENSATION OF SPECIAL  
6 COUNSEL; AND

7 (f) APPROVE A BUDGET FOR THE COMMISSION AND THE OFFICE AND  
8 ASSIST THE EXECUTIVE DIRECTOR IN MANAGING THE OFFICE AND  
9 PROVIDING FISCAL OVERSIGHT OF THE OFFICE'S OPERATING BUDGET.

10 (4) COMMISSIONERS ARE IMMUNE FROM SUIT IN ANY ACTION, CIVIL  
11 OR CRIMINAL, BASED UPON OFFICIAL ACTS PERFORMED IN GOOD FAITH AS  
12 COMMISSIONERS CONSISTENT WITH THE "COLORADO GOVERNMENTAL  
13 IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

14 **13-5.3-103. Office of judicial discipline - created - executive**  
15 **director - duties - oversight.** (1) (a) THE OFFICE OF JUDICIAL DISCIPLINE  
16 IS ESTABLISHED AS AN INDEPENDENT OFFICE HOUSED WITHIN THE  
17 DEPARTMENT. THE COMMISSION SHALL OVERSEE THE OFFICE.

18 (b) SUBJECT TO THE COMMISSION'S SUPERVISION, THE OFFICE  
19 SHALL:

20 (I) STAFF AND SUPPORT THE COMMISSION'S OPERATIONS. THE  
21 INITIAL STAFFING INCLUDES THE EXECUTIVE DIRECTOR, A FULL-TIME  
22 ADMINISTRATIVE SUPPORT PERSON, AN ATTORNEY, AND AN INVESTIGATOR.

23 (II) RECEIVE REQUESTS FOR EVALUATION INVOLVING JUSTICES  
24 AND JUDGES;

25 (III) CONDUCT PUBLIC EDUCATION EFFORTS CONCERNING THE  
26 JUDICIAL DISCIPLINE PROCESS AND THE RECOMMENDATIONS MADE BY THE  
27 COMMISSION;



1 (IV) ENGAGE IN AND PROVIDE EDUCATIONAL BACKGROUND TO THE  
2 PUBLIC, THE DEPARTMENT, JUDICIAL NOMINATING COMMISSIONS, AND  
3 JUDICIAL PERFORMANCE COMMISSIONS REGARDING THE REQUIREMENTS OF  
4 THE CODE AND THE COMMISSION; AND

5 (V) COMPLETE ANY OTHER DUTIES AS ASSIGNED BY THE  
6 COMMISSION.

7 (2) (a) THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR  
8 OF THE OFFICE. THE EXECUTIVE DIRECTOR:

9 (I) SHALL BE ADMITTED TO PRACTICE LAW IN THE COURTS OF THIS  
10 STATE AND HAVE PRACTICED LAW IN THIS STATE FOR AT LEAST TEN YEARS;

11 (II) SHALL NOT BE INVOLVED IN THE PRIVATE PRACTICE OF LAW  
12 WHILE SERVING AS THE EXECUTIVE DIRECTOR; AND

13 (III) SHALL NOT APPEAR AS AN ATTORNEY BEFORE THE  
14 COMMISSION FOR A PERIOD OF FIVE YEARS FOLLOWING SERVICE AS THE  
15 EXECUTIVE DIRECTOR.

16 (b) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE  
17 COMMISSION. THE EXECUTIVE DIRECTOR'S COMPENSATION IS THE SAME AS  
18 THE COMPENSATION THE GENERAL ASSEMBLY ESTABLISHES FOR DISTRICT  
19 COURT JUDGES. THE EXECUTIVE DIRECTOR SHALL HIRE ADDITIONAL STAFF  
20 FOR THE OFFICE AS NECESSARY AND AS APPROVED BY THE COMMISSION.

21 (c) THE EXECUTIVE DIRECTOR HAS THE FOLLOWING DUTIES:

22 (I) ESTABLISH AND MAINTAIN A PERMANENT OFFICE;

23 (II) RESPOND TO INQUIRIES ABOUT THE COMMISSION OR THE CODE;

24 (III) ADVISE THE COMMISSION ON THE APPLICATION AND  
25 INTERPRETATION OF THE CODE AND THE RULES;

26 (IV) PROCESS REQUESTS FOR EVALUATION OF JUDICIAL CONDUCT;

27 (V) CONDUCT OR SUPERVISE EVALUATIONS AND INVESTIGATIONS

1 AS DIRECTED BY THE COMMISSION;

2 (VI) ADVISE THE COMMISSION AS TO POTENTIAL DISPOSITIONAL  
3 RECOMMENDATIONS AS MAY BE REQUESTED BY THE COMMISSION;

4 (VII) MAINTAIN COMMISSION RECORDS;

5 (VIII) MAINTAIN STATISTICS CONCERNING THE OPERATION OF THE  
6 COMMISSION AND MAKE THEM AVAILABLE TO THE COMMISSION;

7 (IX) PREPARE THE COMMISSION'S BUDGET AND, ONCE APPROVED  
8 BY THE COMMISSION, SUBMIT IT TO THE JOINT BUDGET COMMITTEE OF THE  
9 GENERAL ASSEMBLY;

10 (X) ADMINISTER COMMISSION MONEY AND RESOURCES, INCLUDING  
11 MONEY IN THE COMMISSION ON JUDICIAL DISCIPLINE SPECIAL CASH FUND;

12 (XI) SUPERVISE COMMISSION STAFF;

13 (XII) NOTIFY THE APPROPRIATE APPOINTING AUTHORITY OF  
14 VACANCIES ON THE COMMISSION;

15 (XIII) ASSIST THE COMMISSION IN PREPARING AN ANNUAL REPORT  
16 OF THE COMMISSION'S ACTIVITIES FOR PRESENTATION TO THE COMMISSION,  
17 THE SUPREME COURT, AND THE PUBLIC;

18 (XIV) SUPERVISE SPECIAL COUNSEL, INVESTIGATORS, OTHER  
19 EXPERTS, OR PERSONNEL AS DIRECTED BY THE COMMISSION, AS THEY  
20 INVESTIGATE AND PROCESS MATTERS BEFORE THE COMMISSION AND  
21 BEFORE THE SUPREME COURT; AND

22 (XV) PERFORM SUCH OTHER DUTIES AS REQUIRED BY THE RULES,  
23 THIS ARTICLE 5.3, THE RULES PROMULGATED BY THE COMMISSION, OR THE  
24 COMMISSION.

25 (3) THE DEPARTMENT SHALL PROVIDE THE COMMISSION AND THE  
26 OFFICE WITH OFFICE SPACE IN THE RALPH L. CARR COLORADO JUDICIAL  
27 CENTER. THROUGH JUNE 30, 2023, THE DEPARTMENT OR THE OFFICE OF

1 ATTORNEY REGULATION COUNSEL SHALL PROVIDE THE COMMISSION AND  
2 THE OFFICE WITH ACCOUNTING SUPPORT, INFORMATION TECHNOLOGY  
3 SUPPORT, HUMAN RESOURCES AND PAYROLL SERVICES, AND SIMILAR  
4 SUPPORT SERVICES TO THE SAME EXTENT, WITHOUT COST TO THE  
5 COMMISSION OR THE OFFICE, AND ON THE SAME TERMS AS THE  
6 DEPARTMENT PROVIDES SUCH SUPPORT TO THE COLORADO JUDICIAL  
7 PERFORMANCE COMMISSIONS. ==

8 **13-5.3-104. Commission on judicial discipline special cash**  
9 **fund - acceptance of federal funds - general appropriations.** (1) THE  
10 COMMISSION IS AUTHORIZED TO ACCEPT ANY FEDERAL FUNDS MADE  
11 AVAILABLE FOR ANY PURPOSE CONSISTENT WITH THE PROVISIONS OF THIS  
12 ARTICLE 5.3.

13 (2) ANY MONEY RECEIVED PURSUANT TO THIS SECTION MUST BE  
14 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME  
15 TO THE COMMISSION ON JUDICIAL DISCIPLINE SPECIAL CASH FUND, WHICH  
16 IS CREATED IN THE STATE TREASURY.

17 (3) ANY EXPENSES, ATTORNEY FEES, OR COSTS RECOVERED  
18 PURSUANT TO THIS ARTICLE 5.3 MUST BE TRANSMITTED TO THE STATE  
19 TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

20 (4) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
21 COMMISSION FOR THE PURPOSES SPECIFIED IN SUBSECTION (6) OF THIS  
22 SECTION.

23 (5) ANY INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT  
24 OF MONEY IN THE FUND IS CREDITED TO THE FUND. ANY UNEXPENDED AND  
25 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF ANY  
26 FISCAL YEAR REMAINS IN THE FUND AND IS NOT CREDITED OR  
27 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

1           (6) MONEY IN THE FUND MAY BE USED FOR PAYMENT OF THE  
2 EXPENSES FOR EVALUATIONS, INVESTIGATIONS, FORMAL PROCEEDINGS, OR  
3 SPECIAL PROJECTS THAT THE COMMISSION HAS DETERMINED ARE TO BE  
4 UNDERTAKEN BY PERSONNEL OTHER THAN OR IN ADDITION TO THOSE  
5 EMPLOYED BY THE OFFICE.

6           (7) FOR THE STATE FISCAL YEAR 2022-23, THE GENERAL  
7 ASSEMBLY SHALL APPROPRIATE FROM THE GENERAL FUND TO THE FUND  
8 FOUR HUNDRED THOUSAND DOLLARS. IN EACH SUBSEQUENT FISCAL YEAR,  
9 THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT MONEY TO THE  
10 FUND SO THAT IT BEGINS THE FISCAL YEAR WITH NOT LESS THAN FOUR  
11 HUNDRED THOUSAND DOLLARS.

12           **13-5.3-105. Information-sharing with judicial oversight**  
13 **entities - legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS  
14 AND DECLARES THAT:

15           (a) SEVERAL ENTITIES WITHIN THE DEPARTMENT SHARE A ROLE IN  
16 THE OVERSIGHT OF THE JUDICIARY AND, AS A RESULT, OFTEN BECOME  
17 AWARE OF AND INVOLVED IN INVESTIGATIONS THAT RELATE TO MATTERS  
18 THAT MAY COME BEFORE THE COMMISSION, INCLUDING THE OFFICE OF  
19 JUDICIAL PERFORMANCE EVALUATION, THE JUDICIAL NOMINATING  
20 COMMISSIONS, THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE, AND  
21 THE OFFICE OF ATTORNEY REGULATION COUNSEL, COLLECTIVELY  
22 REFERRED TO IN THIS SECTION AS "JUDICIAL OVERSIGHT ENTITIES"; AND

23           (b) IN ORDER FOR THE COMMISSION AND THE JUDICIAL OVERSIGHT  
24 ENTITIES TO PROPERLY PERFORM THEIR FUNCTIONS, THEY NEED TO BE  
25 ABLE TO SHARE RELEVANT INFORMATION AND DOCUMENTS WHILE  
26 MAINTAINING THEIR RESPECTIVE RULES OF CONFIDENTIALITY.

27           (2) WHEN REQUESTED BY A JUDICIAL OVERSIGHT ENTITY, THE

1 COMMISSION MAY PROVIDE THE DISCIPLINARY RECORD OF A JUDGE OR  
2 JUSTICE TO THE REQUESTING ENTITY. THE JUDICIAL OVERSIGHT ENTITY  
3 SHALL KEEP THE INFORMATION CONFIDENTIAL TO THE SAME EXTENT THAT  
4 THE COMMISSION IS REQUIRED TO DO SO PURSUANT TO THE STATE  
5 CONSTITUTION AND THE RULES.

6 (3) WHEN A JUDICIAL OVERSIGHT ENTITY RECEIVES INFORMATION  
7 INDICATING OR ALLEGING POTENTIAL JUDICIAL MISCONDUCT, THE ENTITY  
8 SHALL SHARE THE PORTION OF THE COMPLAINT ALLEGING JUDICIAL  
9 MISCONDUCT WITH THE COMMISSION WITHIN A REASONABLE TIME.  
10 THEREAFTER, THE COMMISSION MAY REQUEST FURTHER MATERIAL OR  
11 INFORMATION THAT THE OVERSIGHT ENTITY HOLDS RELATING TO THE  
12 ALLEGATION OF JUDICIAL MISCONDUCT. ANY INFORMATION OR MATERIALS  
13 RECEIVED FROM THE ENTITY ARE SUBJECT TO THE COMMISSION'S RULES OF  
14 CONFIDENTIALITY.

15 **13-5.3-106. Information-sharing within the judicial**  
16 **department - legislative declaration.** (1) THE GENERAL ASSEMBLY  
17 FINDS AND DECLARES THAT:

18 (a) OFFICES OR PERSONNEL WITHIN THE DEPARTMENT ARE OFTEN  
19 THE FIRST TO RECEIVE COMPLAINTS;

20 (b) THE DEPARTMENT OFTEN HOLDS EVIDENTIARY MATERIALS  
21 RELATING TO POTENTIAL MISCONDUCT AND OFTEN DEVELOPS EVIDENCE,  
22 THROUGH INVESTIGATIONS OR OTHERWISE, RELATING TO SUCH POTENTIAL  
23 MISCONDUCT;

24 (c) THE COMMISSION CANNOT FULLY PURSUE ITS CONSTITUTIONAL  
25 MANDATE UNLESS ALL INFORMATION RELEVANT TO A COMPLAINT  
26 AVAILABLE TO THE DEPARTMENT IS FREELY AND PROMPTLY SHARED WITH  
27 THE COMMISSION; AND

1 (d) THE CREDIBILITY OF THE JUDICIARY AND JUDICIAL DISCIPLINE  
2 ARE BEST SERVED BY THE DEPARTMENT PROMPTLY SHARING WITH THE  
3 COMMISSION ALL INFORMATION AND MATERIALS AVAILABLE TO THE  
4 DEPARTMENT RELEVANT TO A COMPLAINT OR POTENTIAL MISCONDUCT.

5 (2) THE DEPARTMENT SHALL ENSURE THAT IF ANY MEMBER OF THE  
6 DEPARTMENT, INCLUDING MEMBERS OF THE OFFICE OF THE STATE COURT  
7 ADMINISTRATOR, THE OFFICE OF THE CHIEF JUSTICE, CHIEF JUDGES,  
8 DISTRICT ADMINISTRATORS, THE HUMAN RESOURCES DEPARTMENT,  
9 ADMINISTRATIVE PERSONNEL, JUDICIAL DISTRICTS, CLERKS OF COURT, AND  
10 OTHERS, RECEIVES A COMPLAINT FROM AN EMPLOYEE, VOLUNTEER, OR  
11 CONTRACTOR FOR THE DEPARTMENT, THE DEPARTMENT SHALL:

12 (a) DOCUMENT BOTH THE RECEIPT OF THE COMPLAINT AND THE  
13 DEPARTMENT'S HANDLING OF THE COMPLAINT, INCLUDING ANY  
14 INVESTIGATION THAT MAY BE CONDUCTED, AND MAINTAIN SUCH  
15 DOCUMENTATION FOR AS LONG AS THE SUBJECT OF THE COMPLAINT IS A  
16 JUDGE, PLUS THREE CALENDAR YEARS;

17 (b) WITHIN NOT MORE THAN THIRTY-FIVE DAYS AFTER RECEIPT OF  
18 THE COMPLAINT, NOTIFY THE OFFICE OF THE COMPLAINT AND PROVIDE THE  
19 OFFICE WITH ALL INFORMATION WITHIN THE CUSTODY OR CONTROL OF THE  
20 DEPARTMENT RELATED TO THE COMPLAINT, INCLUDING:

- 21 (I) IDENTIFICATION OF POTENTIAL WITNESSES;
- 22 (II) A LIST OF ANY EVIDENCE HELD OR KNOWN;
- 23 (III) ACCESS TO ALL EVIDENCE, INCLUDING ADMINISTRATIVE FILES,  
24 DIGITAL DATA, DIGITAL OR PAPER CASE FILES, RECORDINGS AND  
25 TRANSCRIPTS, COMMUNICATIONS, AND METADATA, WITHOUT CHARGE;  
26 AND
- 27 (IV) ANY DEPARTMENT INVESTIGATIVE MATERIALS THAT MAY

1 EXIST, INCLUDING ANY INVESTIGATIVE OR ACTION PLANS; AND

2 (c) NOTIFY ANY PERSON SUPPLYING ANY INFORMATION  
3 CONCERNING A COMPLAINT, AND ANY WITNESS INTERVIEWED, OF THE  
4 FOLLOWING:

5 (I) THE EXISTENCE, ROLE, INDEPENDENCE FROM THE DEPARTMENT,  
6 AND PROCESS OF COMMUNICATING WITH THE COMMISSION;

7 (II) THAT INFORMATION GIVEN TO THE COMMISSION IS  
8 CONFIDENTIAL UNLESS AND UNTIL A RECOMMENDATION IS MADE TO THE  
9 SUPREME COURT;

10 (III) RULE 2.16 (B) OF THE CODE PROHIBITING RETALIATION  
11 AGAINST ANY PERSON ASSISTING THE COMMISSION;

12 (IV) THAT THE DEPARTMENT HAS A DUTY TO DISCLOSE ALL  
13 INFORMATION RELATED TO POTENTIAL JUDICIAL MISCONDUCT TO THE  
14 COMMISSION; AND

15 (V) THAT THE DEPARTMENT IS PROHIBITED FROM DISCOURAGING  
16 A PERSON FROM SHARING INFORMATION WITH THE COMMISSION,  
17 INCLUDING ENTERING INTO A NONDISCLOSURE AGREEMENT THAT WOULD  
18 HAVE THAT EFFECT.

19 (3) THE DEPARTMENT'S DUTIES OF DISCLOSURE ARISE WHEN THE  
20 DEPARTMENT RECEIVES A COMPLAINT.

21 (4) IF THE DEPARTMENT RECEIVES A COMPLAINT ALLEGING  
22 JUDICIAL MISCONDUCT FROM AN INDIVIDUAL OR ENTITY THAT IS NOT AN  
23 EMPLOYEE, VOLUNTEER, OR CONTRACTOR FOR THE DEPARTMENT, THE  
24 DEPARTMENT SHALL NOTIFY THE COMPLAINANT OF THE ROLE OF THE  
25 COMMISSION AND PROVIDE THE COMPLAINANT WITH THE COMMISSION'S  
26 CONTACT INFORMATION. IF THE COMPLAINANT SUBMITS WRITTEN OR  
27 ELECTRONIC MATERIALS IN CONNECTION WITH A COMPLAINT, THE

1 DEPARTMENT SHALL FORWARD THOSE MATERIALS TO THE COMMISSION.  
2 EACH JUDICIAL DISTRICT, THE APPELLATE COURTS, AND THE STATE COURT  
3 ADMINISTRATOR'S OFFICE SHALL ADOPT A WRITTEN POLICY TO IMPLEMENT  
4 THIS PROVISION.

5 (5) THE DUTIES TO DOCUMENT AND DISCLOSE POTENTIAL JUDICIAL  
6 MISCONDUCT AND RELATED INFORMATION CONTINUE WHEN THE  
7 DEPARTMENT RECEIVES ADDITIONAL INFORMATION.

8 (6) (a) THE DEPARTMENT SHALL:

9 (I) ADOPT PROCEDURES AND POLICIES TO IMPLEMENT THE DUTIES  
10 STATED IN THIS SECTION AND TO EDUCATE DEPARTMENT PERSONNEL  
11 ABOUT THESE DUTIES; AND

12 (II) COOPERATE WITH ANY REQUEST FROM THE COMMISSION FOR  
13 INFORMATION RELATED TO EVALUATING A COMPLAINT AND SUPPLY  
14 REQUESTED INFORMATION OR MATERIALS WITHIN A REASONABLE TIME OF  
15 NOT MORE THAN THIRTY-FIVE DAYS AFTER THE DATE OF REQUEST.

16 (b) THE DEPARTMENT SHALL NOT:

17 (I) ADOPT ANY POLICY OR ENTER INTO ANY CONTRACT THAT  
18 PURPORTS TO IMPEDE DISCLOSURE OF INFORMATION RELATED TO  
19 POTENTIAL JUDICIAL MISCONDUCT TO THE COMMISSION. THE DEPARTMENT  
20 SHALL NOT DISCOURAGE ANY PERSON OR ENTITY FROM COOPERATING  
21 WITH THE COMMISSION OR DISCLOSING INFORMATION TO THE COMMISSION.

22 (II) WITHHOLD FROM THE COMMISSION DISCLOSURE OF MATERIALS  
23 OR INFORMATION FOR ANY OF THE FOLLOWING REASONS:

24 (A) A CLAIM OF PRIVILEGE HELD BY THE DEPARTMENT, INCLUDING  
25 ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT, JUDICIAL DELIBERATION,  
26 OR OTHER CLAIM OF PRIVILEGE;

27 (B) A CLAIM OF CONFIDENTIALITY;



1 (C) A CLAIM OF CONTRACTUAL RIGHT OR OBLIGATION ARISING  
2 AFTER THE EFFECTIVE DATE OF THIS ACT NOT TO DISCLOSE INFORMATION,  
3 INCLUDING A NONDISCLOSURE AGREEMENT; OR

4 (D) A CLAIM THAT ANY RECORDS ARE PART OF A STATE AUDITOR  
5 FRAUD HOTLINE INVESTIGATION OR REPORT;

6 (III) RETALIATE, DIRECTLY OR INDIRECTLY, AGAINST ANY PERSON  
7 COMMUNICATING WITH THE COMMISSION REGARDING POTENTIAL JUDICIAL  
8 MISCONDUCT OR ITS EXAMINATION, ANY PERSON SEEKING TO COMPLY  
9 WITH THE DOCUMENTATION AND DISCLOSURE OBLIGATIONS OF THIS  
10 SECTION, OR ANY PERSON OTHERWISE ASSISTING OR SUSPECTED OF  
11 ASSISTING THE COMMISSION TO FULFILL ITS CONSTITUTIONAL MANDATE OR  
12 ITS ROLE IN JUDICIAL OVERSIGHT.

13 (c) THE DEPARTMENT AND THE OFFICE OF ATTORNEY REGULATION  
14 COUNSEL WILL RESPECT THE CONFIDENTIALITY OF THE COMMISSION'S  
15 COMMUNICATIONS AND RECORDS.

16 (d) NOTWITHSTANDING SUBSECTION (5)(b)(II) OF THIS SECTION,  
17 THE DEPARTMENT MAY WITHHOLD FROM DISCLOSURE TO THE COMMISSION  
18 MATERIALS AND INFORMATION WHOSE DISCLOSURE IS PROHIBITED BY  
19 FEDERAL LAW, INFORMATION COVERED BY JUDICIAL DELIBERATION  
20 PRIVILEGE, AND MATERIALS AND INFORMATION IN THE DEPARTMENT'S  
21 CUSTODY OR CONTROL THROUGH AN ESTABLISHED AND CONFIDENTIALITY  
22 BASED MENTAL HEALTH OR PROFESSIONAL DEVELOPMENT PROGRAM. FOR  
23 ANY MATERIALS OR INFORMATION WITHHELD BY THE DEPARTMENT UNDER  
24 THIS SUBSECTION, THE DEPARTMENT SHALL DISCLOSE TO THE COMMISSION  
25 THE NATURE OF THE MATERIALS WITHHELD, THE REASON THE ITEMS ARE  
26 WITHHELD AND, IF REQUESTED BY THE COMMISSION, A PRIVILEGE OR  
27 CONFIDENTIALITY LOG COMPLIANT WITH THE STANDARDS GOVERNING

1 CIVIL LITIGATION DISCOVERY.

2 (e) THE TIMELY DISCLOSURE TO THE COMMISSION OF INFORMATION  
3 OR MATERIALS PURSUANT TO THIS SECTION BY THE DEPARTMENT DOES  
4 NOT, BY ITSELF, WAIVE ANY OTHERWISE VALID CLAIM OF PRIVILEGE OR  
5 CONFIDENTIALITY HELD BY THE DEPARTMENT. WHEN THE DEPARTMENT  
6 DISCLOSES MATERIALS OR INFORMATION IT ASSERTS IS PRIVILEGED OR  
7 CONFIDENTIAL, THE DEPARTMENT AND THE COMMISSION SHALL ENTER AN  
8 AGREEMENT UNDER RULE 502 OF THE COLORADO RULES OF EVIDENCE  
9 IMPLEMENTING THIS PARAGRAPH (c), IN WHICH THE DEPARTMENT AND THE  
10 COMMISSION AGREE THAT THE DISCLOSURE DOES NOT WAIVE, BY ITSELF,  
11 ANY OTHERWISE VALID CLAIM OF PRIVILEGE OR CONFIDENTIALITY HELD BY  
12 THE DEPARTMENT, AND THAT THE COMMISSION SHALL HOLD THE  
13 MATERIALS AND INFORMATION AS CONFIDENTIAL UNDER THE  
14 COMMISSION'S PROCEDURES AND NOT DISCLOSE PRIVILEGED OR  
15 CONFIDENTIAL INFORMATION TO A THIRD PARTY EXCEPT AS MAY BE  
16 REQUIRED THROUGH THE INVESTIGATIVE AND DISCIPLINARY PROCESS. THE  
17 DEPARTMENT AND THE COMMISSION MAY ADD FURTHER TERMS TO  
18 ADDRESS THE INDIVIDUAL CIRCUMSTANCES OF THE MATTER IF THEY  
19 AGREE.

20 **13-5.3-107. Rulemaking.** (1) SECTION 23 (3)(h) OF ARTICLE VI  
21 OF THE COLORADO CONSTITUTION DIRECTS THE SUPREME COURT TO  
22 PROVIDE BY RULE FOR PROCEDURES BEFORE THE COMMISSION, THE  
23 MASTERS, AND THE SUPREME COURT. IN EXERCISING ITS RULEMAKING  
24 AUTHORITY, THE SUPREME COURT SHALL PROVIDE THE COMMISSION  
25 REASONABLE NOTICE AND AN OPPORTUNITY TO OBJECT BEFORE ENACTING  
26 ANY NEW RULE OR AMENDMENT AS IT PERTAINS TO JUDICIAL DISCIPLINE.  
27 IF THE COMMISSION OBJECTS TO ANY RULE OR AMENDMENT,

1 REPRESENTATIVES OF THE SUPREME COURT SHALL MEET WITH  
2 REPRESENTATIVES OF THE COMMISSION AND ENGAGE IN GOOD-FAITH  
3 EFFORTS TO RESOLVE THEIR DIFFERENCES.

4 (2) WHENEVER THE SUPREME COURT PROPOSES A RULE,  
5 GUIDELINE, OR PROCEDURE RELATED TO JUDICIAL DISCIPLINE, THE  
6 SUPREME COURT SHALL POST NOTICE OF THE PROPOSED RULE, GUIDELINE,  
7 OR PROCEDURE; ALLOW FOR A PERIOD FOR PUBLIC COMMENT; AND GIVE  
8 THE PUBLIC AN OPPORTUNITY TO ADDRESS THE SUPREME COURT  
9 CONCERNING THE PROPOSED RULE, GUIDELINE, OR PROCEDURE AT A  
10 PUBLIC HEARING.

11 **13-5.3-108. Reporting requirements - "State Measurement for**  
12 **Accountable, Responsive, and Transparent (SMART) Government**

13 **Act" report.** (1) THE COMMISSION SHALL GATHER AND MAINTAIN  
14 ANNUAL DATA AND STATISTICS ON:

- 15 (a) THE NUMBER OF REQUESTS FOR EVALUATION RECEIVED;
- 16 (b) THE NUMBER OF INVESTIGATIONS PERFORMED;
- 17 (c) THE NUMBER OF FORMAL PROCEEDINGS PURSUED;
- 18 (d) THE TYPES AND RELATIVE VOLUME OF MISCONDUCT  
19 ALLEGATIONS RECEIVED;
- 20 (e) THE TYPE AND RELATIVE VOLUME OF INCIDENTS OF JUDICIAL  
21 MISCONDUCT IDENTIFIED;
- 22 (f) THE NUMBER AND TYPES OF DISPOSITIONS ENTERED; AND
- 23 (g) THE DEMOGRAPHICS, INCLUDING THE GENDER, AGE, RACE,  
24 ETHNICITY, OR DISABILITY, OF JUDGES UNDER DISCIPLINE OR  
25 INVESTIGATION AND THOSE DIRECTLY AFFECTED BY THE POTENTIAL  
26 MISCONDUCT.

27 (2) BEGINNING JANUARY 2023, AND EVERY JANUARY

1 THEREAFTER, THE COMMISSION SHALL REPORT ON THE ACTIVITIES OF THE  
2 COMMISSIONERS TO THE COMMITTEES OF REFERENCE OF THE GENERAL  
3 ASSEMBLY AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE,  
4 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT"  
5 PRESENTATION REQUIRED BY SECTION 2-7-203.

6 **13-5.3-109. Representation by attorney general.** (1) PURSUANT  
7 TO SECTION 24-31-111, THE ATTORNEY GENERAL SHALL PROVIDE LEGAL  
8 SERVICES, AS DEFINED IN SECTION 24-31-111 (6)(a), TO THE COMMISSION  
9 AND THE OFFICE. THE ATTORNEY GENERAL SHALL DESIGNATE ONE OR  
10 MORE ASSISTANT ATTORNEYS GENERAL TO PROVIDE SUCH LEGAL  
11 SERVICES. ANY ASSISTANT ATTORNEYS GENERAL SHALL NOT BE WITHIN  
12 THE SAME UNIT, SECTION, OR DIVISION OF THE COLORADO DEPARTMENT  
13 OF LAW THAT PROVIDES LEGAL SERVICES TO THE JUDICIAL DEPARTMENT.

14 (2) THIS SECTION DOES NOT LIMIT THE COMMISSION'S OR OFFICE'S  
15 AUTHORITY TO HIRE ATTORNEYS TO SERVE AS SPECIAL COUNSEL  
16 PURSUANT TO SECTION 13-5.3-102 (3)(d).

17 **13-5.3-110. Legislative interim committee on judicial discipline**  
18 **- creation - repeal.** (1) NOTWITHSTANDING SECTION 2-3-303.3, THERE IS  
19 CREATED THE LEGISLATIVE INTERIM COMMITTEE ON JUDICIAL DISCIPLINE,  
20 REFERRED TO IN THIS SECTION AS THE "INTERIM COMMITTEE", TO STUDY  
21 THE ISSUES DESCRIBED IN SUBSECTION (6) OF THIS SECTION. THE INTERIM  
22 COMMITTEE SHALL MEET DURING THE INTERIM BETWEEN THE 2022 AND  
23 2023 LEGISLATIVE SESSIONS. THE INTERIM COMMITTEE CONSISTS OF:

24 (a) FOUR MEMBERS OF THE SENATE, WITH TWO MEMBERS  
25 APPOINTED BY THE MAJORITY LEADER OF THE SENATE AND TWO MEMBERS  
26 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

27 (b) FOUR MEMBERS OF THE HOUSE OF REPRESENTATIVES, WITH

1 TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
2 REPRESENTATIVES AND TWO MEMBERS APPOINTED BY THE MINORITY  
3 LEADER OF THE HOUSE OF REPRESENTATIVES.

4 (2) (a) THE APPOINTING AUTHORITIES SHALL APPOINT THE  
5 MEMBERS OF THE INTERIM COMMITTEE AS SOON AS POSSIBLE AFTER THE  
6 EFFECTIVE DATE OF THIS SECTION BUT NOT LATER THAN FIFTEEN DAYS  
7 AFTER THE EFFECTIVE DATE OF THIS SECTION. IF A VACANCY ARISES ON  
8 THE INTERIM COMMITTEE, THE APPROPRIATE APPOINTING AUTHORITY  
9 SHALL APPOINT A MEMBER TO FILL THE VACANCY AS SOON AS POSSIBLE.

10 (b) THE MAJORITY LEADER OF THE SENATE SHALL APPOINT THE  
11 CHAIR OF THE INTERIM COMMITTEE AND THE MINORITY LEADER OF THE  
12 HOUSE OF REPRESENTATIVES SHALL APPOINT THE VICE-CHAIR OF THE  
13 INTERIM COMMITTEE.

14 (3) THE CHAIR OF THE INTERIM COMMITTEE SHALL SCHEDULE THE  
15 FIRST MEETING OF THE INTERIM COMMITTEE TO BE HELD NOT LATER THAN  
16 THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. THE INTERIM  
17 COMMITTEE MAY MEET UP TO FIVE TIMES DURING THE INTERIM BETWEEN  
18 THE 2022 AND 2023 LEGISLATIVE SESSIONS.

19 (4) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL  
20 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL  
21 PROVIDE STAFF ASSISTANCE TO THE INTERIM COMMITTEE.

22 (5) THE INTERIM COMMITTEE SHALL SOLICIT INPUT FROM  
23 COMMISSIONERS AND EMPLOYEES OF THE OFFICE, CURRENT AND FORMER  
24 JUDGES AND JUSTICES; ATTORNEYS LICENSED TO PRACTICE IN COLORADO,  
25 INCLUDING MEMBERS OF DIVERSE BAR ASSOCIATIONS; AND THE PUBLIC.

26 (6) THE INTERIM COMMITTEE MAY INTRODUCE UP TO A TOTAL OF  
27 THREE BILLS, JOINT RESOLUTIONS, AND CONCURRENT RESOLUTIONS IN THE

1 2023 LEGISLATIVE SESSION. THE INTERIM COMMITTEE SHALL REPORT TO  
2 THE LEGISLATIVE COUNCIL BY THE DATE SPECIFIED IN JOINT RULE 24  
3 (b)(1)(D). LEGISLATION RECOMMENDED BY THE INTERIM COMMITTEE IS  
4 SUBJECT TO THE APPLICABLE DEADLINES, BILL INTRODUCTION LIMITS, AND  
5 ANY OTHER REQUIREMENT IMPOSED BY THE JOINT RULES OF THE GENERAL  
6 ASSEMBLY. ==

7 (7) AT A MINIMUM, THE INTERIM COMMITTEE SHALL STUDY THE  
8 FOLLOWING ISSUES:

9 (a) THE EFFECTIVENESS OF COLORADO'S SYSTEM OF JUDICIAL  
10 DISCIPLINE IN INVESTIGATING AND ADDRESSING THE ALLEGATIONS OF  
11 MISHANDLING JUDICIAL MISCONDUCT COMPLAINTS PUBLISHED IN 2021;

12 (b) HOW TO ACHIEVE A SYSTEM OF JUDICIAL DISCIPLINE IN WHICH  
13 INDIVIDUAL CASES ARE INVESTIGATED AND DETERMINED INDEPENDENT OF  
14 UNDUE INFLUENCE BY THE JUDICIARY, TO BE OVERSEEN BY THE  
15 COMMUNITY, THE BAR, AND THE JUDICIARY;

16 (c) WHETHER A SYSTEM OF JUDICIAL DISCIPLINE CAN BE EFFECTIVE  
17 AND INSPIRE PUBLIC CONFIDENCE WHILE RETAINING JUDICIAL CONTROL OF  
18 FINAL DECISION-MAKING AUTHORITY OVER JUDICIAL DISCIPLINE CASES;

19 (d) WHETHER THE EXISTING COMMISSION SHOULD BE AUTHORIZED  
20 TO MAKE INITIAL DECISIONS ON DISCIPLINE CASES FOR PUBLIC AND  
21 PRIVATE DISCIPLINE THAT ARE THEN SUBJECT TO APPELLATE REVIEW  
22 BEFORE A SEPARATE REVIEW BOARD THAT IS INDEPENDENT OF THE  
23 JUDICIARY;

24 (e) THE BEST METHOD OF ASSIGNING RULEMAKING AUTHORITY  
25 OVER THE JUDICIAL DISCIPLINE SYSTEM TO ACHIEVE EFFECTIVENESS AND  
26 INDEPENDENCE WHILE INSPIRING PUBLIC CONFIDENCE;

27 (f) HOW TO ADDRESS JUDICIAL DISCIPLINE EFFECTIVELY AND

1 CREDIBLY WHEN MEMBERS, ACTIONS, OR DECISIONS OF THE SUPREME  
2 COURT ARE BEING EVALUATED FOR POTENTIAL JUDICIAL MISCONDUCT;

3 (g) WHETHER THE SUPREME COURT SHOULD CONTINUE TO  
4 CONTROL THE APPOINTMENT OF THE FOUR JUDGE MEMBERS OF THE  
5 COMMISSION;

6 (h) THE APPROPRIATE METHOD FOR DEFINING A CONSISTENT AND  
7 CLEAR SET OF DISQUALIFICATION STANDARDS FOR EACH OF THE DECISION  
8 MAKERS IN THE JUDICIAL DISCIPLINE SYSTEM, INCLUDING SUPREME COURT  
9 JUSTICES, COMMISSION MEMBERS, SPECIAL COUNSEL, AND SPECIAL  
10 MASTERS, AND FOR DETERMINING DISQUALIFICATION ISSUES;

11 (i) THE BEST METHOD OF BALANCING THE VALUES OF  
12 CONFIDENTIALITY AND TRANSPARENCY FOR JUDICIAL DISCIPLINE  
13 MATTERS;

14 (j) HOW TO ENSURE THAT THE COMMISSION CAN OBTAIN  
15 UNFETTERED ACCESS TO INFORMATION AND FILES IN THE CUSTODY OR  
16 CONTROL OF THE DEPARTMENT RELEVANT TO JUDICIAL MISCONDUCT  
17 COMPLAINTS;

18 (k) WHETHER RULE 13 OF THE RULES, WHICH ASSIGNS THE ROLE OF  
19 SCREENING MISCONDUCT COMPLAINTS, SHOULD BE MODIFIED TO  
20 AUTHORIZE THE DEPARTMENT TO PRE-SCREEN JUDICIAL MISCONDUCT  
21 COMPLAINTS BEFORE REPORTING THEM TO THE COMMISSION;

22 (l) THE BENEFITS OF A VICTIM-CENTERED APPROACH TO JUDICIAL  
23 MISCONDUCT COMPLAINTS THAT ALLOWS THE VICTIM TO HAVE A VOICE IN  
24 HOW COMPLAINTS ARE HANDLED AND RESOLVED;

25 (m) AN EFFECTIVE ENFORCEMENT MECHANISM FOR ANY  
26 DISCLOSURE OBLIGATION RELATED TO JUDICIAL DISCIPLINE;

27 (n) HOW BEST TO FUND THE SYSTEM FOR JUDICIAL DISCIPLINE;

1           (o) THE RELATIVE BENEFITS OF THE MODELS FOR ACHIEVING  
2 INDEPENDENT JUDICIAL DISCIPLINE ADOPTED BY ILLINOIS AND THE  
3 AMERICAN BAR ASSOCIATION'S MODEL RULES FOR JUDICIAL DISCIPLINARY  
4 ENFORCEMENT OR ANY OTHER MODEL ADDRESSING THE FINAL  
5 DECISION-MAKER CONFLICT THAT AROSE IN COLORADO IN 2021;

6           (p) RECOMMENDATIONS FROM THE DEPARTMENT, THE  
7 COMMISSION, AND ANY OTHER STAKEHOLDERS THE INTERIM COMMITTEE  
8 DEEMS APPROPRIATE; AND

9           (q) WHAT AMENDMENTS TO CONSTITUTIONAL, STATUTORY, OR  
10 RULE-BASED LAW ARE ADVISABLE TO ADDRESS THE INTERIM COMMITTEE'S  
11 FINDINGS.

12           ==  
13           **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **add**  
14 (5)(vv) as follows:

15           **24-75-402. Cash funds - limit on uncommitted reserves -**  
16 **reduction in the amount of fees - exclusions - repeal.**

17 (5) Notwithstanding any provision of this section to the contrary, the  
18 following cash funds are excluded from the limitations specified in this  
19 section:

20           (vv) THE COMMISSION ON JUDICIAL DISCIPLINE SPECIAL CASH FUND  
21 CREATED IN SECTION 13-5.3-105.

22           **SECTION 4. Appropriation. (1) For the 2022-23 state fiscal**  
23 **year, \$1,143,438 is appropriated to the judicial department for use by the**  
24 **commission on judicial discipline. This appropriation is from the general**  
25 **fund. To implement this act, the commission may use this appropriation**  
26 **as follows:**

27           (a) \$743,438 for the office of judicial discipline, which amount is



1 based on an assumption that the office will require an additional 4.0 FTE;  
2 and

3 (b) \$400,000 for the appropriation to the commission on judicial  
4 discipline special cash fund.

5 (2) For the 2022-23 state fiscal year, \$88,713 is appropriated to  
6 the department of law. This appropriation is from reappropriated funds  
7 received from the commission on judicial discipline under subsection  
8 (1)(a) of this section and is based on an assumption that the department  
9 of law will require an additional 0.5 FTE. To implement this act, the  
10 department of law may use this appropriation to provide legal services for  
11 the commission on judicial discipline.

12 (3) For the 2022-23 state fiscal year, \$53,463 is appropriated to  
13 the legislative department. This appropriation is from the general fund. To  
14 implement this act, the department may use this appropriation as follows:

15 (a) \$9,433 for use by the general assembly;

16 (b) \$24,456 for use by the legislative council, which amount is  
17 based on an assumption that the legislative council will require an  
18 additional 0.3 FTE; and

19 (c) \$19,574 for use by the office of legislative legal services,  
20 which amount is based on an assumption that the office will require an  
21 additional 0.2 FTE.

22 **SECTION 5. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.