

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

REENGROSSED

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

LLS NO. 23-0724.01 Chelsea Princell x4335

HOUSE BILL 23-1205

HOUSE SPONSORSHIP

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Appropriations

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE OFFICE OF THE JUDICIAL**
102 **DISCIPLINE OMBUDSMAN, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN 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>.)

The bill establishes the office of the judicial discipline ombudsman (office) as an independent office in the commission on judicial discipline (commission) that is operated pursuant to a memorandum of understanding between the office and the commission. The judicial discipline ombudsman is the director of the office.

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

HOUSE
3rd Reading Unamended
April 6, 2023

HOUSE
Amended 2nd Reading
April 5, 2023

The bill establishes the judicial discipline ombudsman selection board (board) to be made up of 7 board members who must be appointed not later than January 1, 2024. The duties and responsibilities of the board include:

- Overseeing personnel decisions of the ombudsman, which include appointing a person to serve as the ombudsman, filling a vacancy in the ombudsman position, evaluating the ombudsman's performance, and developing a complaint process concerning the ombudsman's performance;
- Overseeing and advising the ombudsman on the strategic direction of the office and its mission;
- Working cooperatively with the ombudsman to provide fiscal oversight of the general operating budget of the office;
- Ensuring compliance with the provisions of the bill, the memorandum of understanding, and state and federal laws;
- Promoting the mission of the office; and
- Providing assistance to the ombudsman when requested.

The powers and duties of the ombudsman include:

- Creating and maintaining an anonymous reporting system for judicial personnel to submit complaints;
- Helping complainants understand their rights and options in reporting and filing a complaint with the commission and other appropriate authorities;
- Providing complainants with necessary referrals for additional support services and care if needed or requested;
- Reporting appropriate cases to the commission, the office of attorney regulation counsel, law enforcement, and the judicial department;
- Serving in an advisory capacity to the commission and the judicial department on rule-making;
- Ensuring accountability and consistency in the operating policies and procedures of the office; and
- Serving as a liaison for communications between a complainant and the commission or the judicial department.

The bill requires that, to be appointed, the ombudsman must have prior experience serving as an ombudsman; have a deep understanding of and expertise in organizational culture and diversity, equity, and inclusion; have professional experience working with human resources; and possess the ability to act in a nonpartisan manner.

The bill requires all communications and information disclosed to the ombudsman by a complainant to be kept confidential unless the complainant gives the ombudsman permission to disclose the information. Disclosed information and records are not discoverable if the information

and records are received during and within the scope of the ombudsman's duties and responsibilities.

The bill requires the ombudsman to disclose a complaint that alleges judicial misconduct and to keep the identity of the complainant confidential unless the complainant gives permission to disclose the complainant's identity.

The records related to complaints received by the office are not subject to the "Colorado Open Records Act".

The bill authorizes the office to promulgate rules necessary to implement the requirements of the bill and to ensure confidentiality of disclosures made to the office by complainants.

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 ombudsman acts as an independent, impartial, neutral,
5 unbiased, informal, and confidential resource for an organization and
6 assists people through voluntary consultation and provides information,
7 guidance, and assistance in determining options to address the person's
8 concerns;

9 (b) An ombudsman must fairly and objectively consider issues and
10 people who may be affected when dealing with assisting people with
11 concerns;

12 (c) An ombudsman promotes equitably administered processes but
13 does not advocate on behalf of anyone;

14 (d) An ombudsman office is helpful when there are significant
15 power disparities and complex systems that people may not be able to
16 easily navigate in order to vindicate their rights; and

17 (e) Helping judicial personnel navigate those systems and
18 vindicate their rights promotes a better functioning judicial discipline
19 process.

1 (2) Therefore, the general assembly declares that establishing the
2 office of the judicial discipline ombudsman will allow judicial personnel
3 impacted by judicial misconduct to raise their concerns and get the
4 direction and support they need.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 24-50-147 as
6 follows:

7 **24-50-147. Office of the judicial discipline ombudsman**
8 **established - judicial discipline advisory board - qualifications of**
9 **ombudsman - powers and duties - confidentiality - rules - definitions.**

10 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (a) "BOARD" MEANS THE JUDICIAL DISCIPLINE OMBUDSMAN
13 SELECTION BOARD, ESTABLISHED IN SUBSECTION (6) OF THIS SECTION.

14 (b) "COMMISSION" MEANS THE COMMISSION ON JUDICIAL
15 DISCIPLINE CREATED IN SECTION 13-5.3-102.

16 (c) "DEPARTMENT" MEANS THE JUDICIAL DEPARTMENT
17 ESTABLISHED IN ARTICLE 3 OF TITLE 13.

18 (d) "JUDICIAL PERSONNEL" MEANS CURRENT AND FORMER
19 EMPLOYEES OF THE JUDICIAL DEPARTMENT, JUDGES, JUDICIAL
20 DEPARTMENT STAFF, AND PERSONS WHO WORK WITH JUDICIAL EMPLOYEES
21 AND STAFF, AND INCLUDES, BUT IS NOT LIMITED TO, BAILIFFS, LITIGATING
22 ATTORNEYS, INTERNS, AND VOLUNTEERS.

23 (e) "OFFICE OF THE OMBUDSMAN" MEANS THE OFFICE OF THE
24 JUDICIAL DISCIPLINE OMBUDSMAN, CREATED IN SUBSECTION (2) OF THIS
25 SECTION.

26 (f) "OMBUDSMAN" MEANS THE PERSON THAT SERVES AS BOTH THE
27 JUDICIAL DISCIPLINE OMBUDSMAN AND THE DIRECTOR OF THE OFFICE OF

1 THE OMBUDSMAN.

2 (2) THE INDEPENDENT OFFICE OF THE JUDICIAL DISCIPLINE
3 OMBUDSMAN IS ESTABLISHED IN THE JUDICIAL DEPARTMENT AS AN
4 INDEPENDENT AGENCY FOR THE PURPOSE OF ENSURING THE GREATEST
5 PROTECTIONS FOR JUDICIAL PERSONNEL. THE PURPOSE OF THE OFFICE OF
6 THE OMBUDSMAN IS TO ACT AS AN INDEPENDENT, NEUTRAL, AND
7 NONPARTISAN OFFICE THAT RESPONDS TO QUESTIONS OR CONCERNS FROM
8 JUDICIAL PERSONNEL ABOUT MISCONDUCT THAT OCCURS WITHIN THE
9 DEPARTMENT, TO SUPPORT JUDICIAL PERSONNEL IN FILING FORMAL AND
10 INFORMAL COMPLAINTS AND GRIEVANCES AGAINST MEMBERS OF THE
11 DEPARTMENT, AND TO ANALYZE DATA FROM THE OFFICE OF THE
12 OMBUDSMAN IN ORDER TO REPORT COMPLAINT AND GRIEVANCE
13 TRENDS, SYSTEMIC PROBLEMS, AND ORGANIZATIONAL ISSUES TO THE
14 COMMISSION, THE DEPARTMENT, AND THE GENERAL ASSEMBLY. THE
15 OFFICE OF THE OMBUDSMAN SHALL HELP JUDICIAL PERSONNEL
16 UNDERSTAND HOW TO SAFELY NAVIGATE THE COMPLAINT PROCESS.

17 (3) THE OFFICE OF THE OMBUDSMAN AND THE DEPARTMENT SHALL
18 OPERATE PURSUANT TO A MEMORANDUM OF UNDERSTANDING BETWEEN
19 THE TWO ENTITIES TO FURTHER THE PURPOSES OF THIS SECTION. THE
20 MEMORANDUM OF UNDERSTANDING MUST CONTAIN, AT A MINIMUM:

21 (a) A REQUIREMENT THAT THE OFFICE OF THE OMBUDSMAN HAVE
22 ITS OWN PERSONNEL RULES;

23 (b) A REQUIREMENT THAT THE OMBUDSMAN HAVE INDEPENDENT
24 HIRING AND TERMINATION AUTHORITY OVER OFFICE OF THE OMBUDSMAN
25 EMPLOYEES;

26 (c) A REQUIREMENT THAT THE OFFICE OF THE OMBUDSMAN
27 FOLLOW JUDICIAL FISCAL RULES;

1 (d) A REQUIREMENT THAT THE DEPARTMENT OFFER THE OFFICE OF
2 THE OMBUDSMAN LIMITED SUPPORT WITH RESPECT TO:

- 3 (I) PERSONNEL MATTERS;
- 4 (II) RECRUITMENT;
- 5 (III) PAYROLL;
- 6 (IV) BENEFITS;
- 7 (V) BUDGET SUBMISSIONS, AS NEEDED; AND
- 8 (VI) ACCOUNTING; AND

9 [REDACTED]

10 (e) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE SUPPORT
11 THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE OF THE
12 OMBUDSMAN.

13 (4) THE OFFICE OF THE OMBUDSMAN SHALL MAINTAIN OFFICE
14 SPACE THAT IS NOT PHYSICALLY LOCATED IN THE RALPH L. CARR
15 COLORADO JUDICIAL CENTER AND NOT OWNED OR MANAGED BY THE
16 RALPH L. CARR JUDICIAL CENTER.

17 (5) THE OFFICE OF THE OMBUDSMAN AND THE BOARD ESTABLISHED
18 IN SUBSECTION (6) OF THIS SECTION SHALL OPERATE WITH AUTONOMY,
19 CONTROL, AND AUTHORITY OVER OPERATIONS, BUDGET, AND PERSONNEL
20 DECISIONS RELATED TO THE OFFICE OF THE OMBUDSMAN, BOARD, AND
21 OMBUDSMAN.

22 (6) (a) THERE IS ESTABLISHED AN INDEPENDENT, NONPARTISAN
23 JUDICIAL DISCIPLINE OMBUDSMAN SELECTION BOARD. THE BOARD
24 CONSISTS OF FIVE MEMBERS AND MUST INCLUDE LAWYERS, [REDACTED] AND PEOPLE
25 WITH A PROFESSIONAL BACKGROUND IN HUMAN RESOURCES, PERSONNEL
26 MANAGEMENT, FINANCIAL MANAGEMENT, AND PROFESSIONAL
27 OMBUDSMAN EXPERIENCE. TO THE EXTENT PRACTICABLE, THE BOARD

1 SHOULD BE MADE UP OF PERSONS FROM DIFFERENT JUDICIAL DISTRICTS,
2 PERSONS WITH DISABILITIES, AND PERSONS WITH EXPERIENCE IN
3 CULTURALLY RELEVANT PRACTICES, AND REFLECT THE GEOGRAPHIC,
4 ETHNIC, AND GENDER DIVERSITY OF THE STATE.

5 (b) BOARD MEMBERS MUST BE APPOINTED ON OR BEFORE JANUARY
6 1, 2024, AS FOLLOWS:

7 [REDACTED]
8 (I) THE GOVERNOR SHALL APPOINT ONE INDIVIDUAL WHO IS EITHER
9 A RETIRED COLORADO JUDGE OR A FORMER COLORADO JUDGE IN GOOD
10 STANDING;

11 (II) THE PRESIDENT OF THE COLORADO SENATE AND THE MINORITY
12 LEADER OF THE COLORADO SENATE SHALL EACH APPOINT ONE MEMBER
13 WITH EXPERIENCE LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS
14 SECTION; AND

15 (III) THE SPEAKER OF THE COLORADO HOUSE OF REPRESENTATIVES
16 AND THE MINORITY LEADER OF THE COLORADO HOUSE OF
17 REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER WITH EXPERIENCE
18 LISTED IN SUBSECTIONS (6)(c) AND (6)(d) OF THIS SECTION.

19 (c) BOARD MEMBERS MUST HAVE EXPERIENCE IN AT LEAST ONE OF
20 THE FOLLOWING:

- 21 (I) PERSONNEL MANAGEMENT;
- 22 (II) HUMAN RESOURCES;
- 23 (III) FINANCIAL MANAGEMENT; OR
- 24 (IV) EXPERIENCE AS A PROFESSIONAL OMBUDSMAN.

25 (d) IN APPOINTING BOARD MEMBERS PURSUANT TO SUBSECTIONS
26 (6)(b)(II) AND (6)(b)(III) OF THIS SECTION, AT LEAST ONE APPOINTEE FROM
27 THE COLORADO HOUSE OF REPRESENTATIVES AND ONE APPOINTEE FROM

1 THE COLORADO SENATE MUST BE LICENSED COLORADO ATTORNEYS IN
2 GOOD STANDING.

3 (e) BOARD MEMBERS SERVE TERMS OF FOUR YEARS; EXCEPT THAT
4 INITIAL TERMS MUST BE STAGGERED SO THAT NO MORE THAN THREE
5 MEMBERS' TERMS EXPIRE IN THE SAME YEAR. THREE OF THE INITIAL
6 APPOINTMENTS WILL HAVE FOUR-YEAR TERMS, AND TWO INITIAL
7 APPOINTMENTS WILL HAVE TWO-YEAR TERMS. THE APPOINTING
8 AUTHORITY SHALL DESIGNATE THE INITIAL TERMS. THE APPOINTING
9 OFFICIAL SHALL FILL ANY VACANCIES ON THE BOARD FOR THE REMAINDER
10 OF ANY UNEXPIRED TERM.

11 (f) THE BOARD SHALL MEET A MINIMUM OF TWO TIMES PER YEAR
12 AND ADDITIONALLY AS NEEDED.

13 (g) BOARD MEMBERS SERVE WITHOUT COMPENSATION BUT MAY BE
14 REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES INCURRED IN THE
15 PERFORMANCE OF THEIR DUTIES.

16 (h) BOARD MEMBERS MAY BE REAPPOINTED TO SERVE ONE
17 ADDITIONAL TERM.

18 (7) EXPENSES INCURRED FOR THE BOARD MUST BE PAID FROM THE
19 GENERAL OPERATING BUDGET OF THE OFFICE OF THE OMBUDSMAN.

20 (8) THE BOARD HAS THE FOLLOWING DUTIES AND
21 RESPONSIBILITIES:

22 (a) TO OVERSEE THE FOLLOWING PERSONNEL DECISIONS RELATED
23 TO THE OMBUDSMAN:

24 (I) ON OR BEFORE MARCH 1, 2024, AND AS NECESSARY
25 THEREAFTER, APPOINTING A PERSON TO SERVE AS THE OMBUDSMAN. THE
26 OMBUDSMAN APPOINTED BY THE BOARD ON OR BEFORE MARCH 1, 2024,
27 SHALL ASSUME THE OMBUDSMAN'S POSITION ON THE EFFECTIVE DATE OF

1 THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMISSION AND
2 THE OFFICE OF THE OMBUDSMAN. THE BOARD MAY DISCHARGE AN
3 OMBUDSMAN FOR CAUSE. A TWO-THIRDS MAJORITY VOTE OF THE BOARD
4 IS REQUIRED TO HIRE OR DISCHARGE THE OMBUDSMAN. THE GENERAL
5 ASSEMBLY SHALL SET THE OMBUDSMAN'S COMPENSATION, AND THE
6 COMPENSATION MUST NOT BE REDUCED DURING THE TERM OF THE
7 OMBUDSMAN'S APPOINTMENT.

8 (II) FILLING A VACANCY IN THE OMBUDSMAN POSITION;

9 (III) EVALUATING THE OMBUDSMAN'S PERFORMANCE AS
10 NECESSARY BASED ON FEEDBACK RECEIVED FROM JUDICIAL PERSONNEL
11 ABOUT THE OMBUDSMAN; AND

12 (IV) DEVELOPING A COMPLAINT PROCESS RELATED TO THE
13 OMBUDSMAN'S PERFORMANCE;

14 (b) TO OVERSEE AND ADVISE THE OMBUDSMAN ON THE STRATEGIC
15 DIRECTION OF THE OFFICE OF THE OMBUDSMAN AND ITS MISSION AND TO
16 HELP PROMOTE THE USE OF, ENGAGEMENT WITH, AND ACCESS TO THE
17 OFFICE OF THE OMBUDSMAN;

18 (c) TO WORK COOPERATIVELY WITH THE OMBUDSMAN TO PROVIDE
19 FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE OF
20 THE OMBUDSMAN AND ENSURE THAT THE OFFICE OF THE OMBUDSMAN
21 OPERATES IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, THE
22 MEMORANDUM OF UNDERSTANDING, AND STATE AND FEDERAL LAWS;

23 (d) TO PROMOTE THE MISSION OF THE OFFICE OF THE OMBUDSMAN
24 TO THE PUBLIC; AND

25 (e) TO PROVIDE ASSISTANCE, AS PRACTICABLE AND AS REQUESTED
26 BY THE OMBUDSMAN, TO FACILITATE THE STATUTORY INTENT OF THIS
27 SECTION.

1 (9) MEETINGS OF THE BOARD ARE SUBJECT TO THE PROVISIONS OF
2 SECTION 24-6-402, EXCEPT FOR EXECUTIVE PERSONNEL ACTIONS OR
3 MEETINGS THAT REQUIRE THE PROTECTION OF CONFIDENTIALITY AND
4 COMPLIANCE WITH STATE PRIVACY LAWS.

5 (10) THE OMBUDSMAN HAS THE FOLLOWING DUTIES AND
6 FUNCTIONS:

7 (a) CREATE AND MAINTAIN AN ANONYMOUS REPORTING SYSTEM
8 AND HOTLINE FOR JUDICIAL PERSONNEL TO SUBMIT COMPLAINTS. THE
9 REPORTING SYSTEM MUST BE EQUIPPED TO RETAIN AND COLLECT
10 AGGREGATED AND DISAGGREGATED DATA REGARDING THE REPORTED
11 COMPLAINTS THAT INCLUDES THE FOLLOWING:

12 (I) THE NUMBER OF ALLEGATIONS OF JUDICIAL MISCONDUCT
13 RECEIVED, REGARDLESS OF FORM;

14 (II) THE TYPES OF JUDICIAL MISCONDUCT COMPLAINTS RECEIVED
15 BY THE OFFICE OF THE OMBUDSMAN AND TO WHAT ENTITY THE COMPLAINT
16 WAS FORWARDED, IF APPLICABLE; AND

17 (III) THE DEMOGRAPHICS, INCLUDING THE GENDER, AGE, RACE,
18 ETHNICITY, OR DISABILITY, OF JUDGES WHO ARE THE SUBJECT OF THE
19 COMPLAINT AND THOSE DIRECTLY AFFECTED BY THE CLAIMED JUDICIAL
20 MISCONDUCT.

21 (b) HELP A COMPLAINANT UNDERSTAND THE COMPLAINANT'S
22 RIGHTS AND OPTIONS IN REPORTING AND FILING A COMPLAINT WITH THE
23 COMMISSION AND ANY OTHER APPROPRIATE AUTHORITY. THIS ASSISTANCE
24 MUST:

25 (I) INCLUDE AN EXPLANATION OF THE JUDICIAL DISCIPLINE
26 PROCESS, INCLUDING THE STEPS IN THE PROCESS, THE AVAILABILITY OF
27 CONFIDENTIAL REPORTING, AND CONFIDENTIALITY REQUIREMENTS DURING

1 EACH STEP OF THE PROCESS; AND

2 (II) BE AVAILABLE THROUGHOUT THE ENTIRE COMPLAINT
3 PROCESS, IF REQUESTED BY THE COMPLAINANT.

4 (c) PROVIDE THE COMPLAINANT WITH REFERRALS TO PHYSICAL
5 AND MENTAL HEALTH-CARE RESOURCES, COMMUNITY-BASED ADVOCACY
6 SERVICES, PRO-BONO OR LOW-COST LEGAL ASSISTANCE OR
7 REPRESENTATION, OR ANY OTHER RESOURCE, AS NECESSARY OR
8 REQUESTED;

9 (d) RECEIVE COMPLAINTS FROM COMPLAINANTS; INITIATE
10 CONTACT WITH A COMPLAINANT, IF APPLICABLE; AND INITIATE A REQUEST
11 FOR RESOLUTION OF THE COMPLAINT WITH THE APPROPRIATE PARTY. THIS
12 SUBSECTION (10)(d) DOES NOT PREVENT THE COMMISSION FROM ALSO
13 RECEIVING COMPLAINTS.

14 (e) REPORT COMPLAINTS TO THE APPROPRIATE ENTITY, ONLY AT
15 THE DISCRETION AND CONSENT OF THE COMPLAINANT;

16 (f) GATHER AND EVALUATE DATA RECEIVED BY THE OFFICE OF THE
17 OMBUDSMAN THROUGH THE REPORTING SYSTEM AND HOTLINE,
18 CREATED IN SUBSECTION (10)(a) OF THIS SECTION, TO PROVIDE INSIGHTS
19 INTO WORK ENVIRONMENT TRENDS OF THE JUDICIAL DEPARTMENT ON AN
20 ANNUAL BASIS. TO THE EXTENT POSSIBLE, DATA MUST BE DISAGGREGATED
21 BY GENDER, ETHNICITY, AND JUDICIAL DISTRICT. FINDINGS FROM THE
22 DATA MUST BE REPORTED TO THE DEPARTMENT, COMMISSION, AND
23 GENERAL ASSEMBLY AS PART OF THE DEPARTMENT OF PERSONNEL'S
24 "SMART ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. DURING
25 THE FIRST TWO YEARS OF OPERATION OF THE OFFICE OF THE OMBUDSMAN,
26 THE REPORT MUST INCLUDE INFORMATION AND FEEDBACK FROM THE
27 OFFICE OF THE OMBUDSMAN ON THE EFFICACY OF THE OFFICE OF THE

1 OMBUDSMAN AND PROVIDE RECOMMENDATIONS FOR IMPROVEMENTS OR
2 ADJUSTMENTS. THE REPORT MUST BE MADE PUBLIC ON THE OFFICE OF THE
3 OMBUDSMAN'S WEBSITE.

4 (g) SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION AND
5 THE DEPARTMENT ON RULE-MAKING AND PROVIDE INSIGHTS AND
6 RECOMMENDATIONS TO THE COMMISSION AND DEPARTMENT ON CHANGES
7 TO THEIR RESPECTIVE RULES AND HUMAN RESOURCE POLICIES. THIS
8 INFORMATION MUST BE MADE PUBLIC ON THE OFFICE OF THE
9 OMBUDSMAN'S WEBSITE.

10 (h) COMPLY WITH ALL CONFIDENTIALITY PROVISIONS SET BY THE
11 COMMISSION;

12 (i) ENSURE ACCOUNTABILITY AND CONSISTENCY IN THE
13 OPERATING POLICIES AND PROCEDURES OF THE OFFICE OF THE
14 OMBUDSMAN, INCLUDING REASONABLE RULES RELATED TO THE
15 ADMINISTRATION OF THE PROVISIONS OF THIS SECTION AND ANY OTHER
16 STANDARDS OF CONDUCT AND REPORTING REQUIREMENTS AS PROVIDED
17 BY LAW; AND

18 (j) SERVE AS A LIAISON FOR COMMUNICATIONS BETWEEN A
19 COMPLAINANT AND THE COMMISSION OR THE DEPARTMENT AND, IF
20 REQUESTED BY THE COMPLAINANT, ENSURE THE COMPLAINANT'S
21 ANONYMITY.

22 (11) THE OMBUDSMAN HAS DISCRETION OVER WHETHER OR HOW
23 TO ENGAGE REGARDING INDIVIDUAL, GROUP, OR SYSTEMATIC CONCERNS
24 AND MAY BRING A CONCERN TO THE ATTENTION OF APPROPRIATE
25 INDIVIDUALS AS THE OMBUDSMAN DEEMS APPROPRIATE.

26 (12) THE OMBUDSMAN SHALL BE AVAILABLE TO ALL JUDICIAL
27 PERSONNEL TO DISCUSS COMPLAINTS RELATED TO THE CONDUCT OF ANY

1 JUDICIAL PERSONNEL.

2 (13) TO BE APPOINTED AS THE OMBUDSMAN, A PERSON MUST
3 POSSESS THE FOLLOWING QUALITIES AND QUALIFICATIONS:

4 (a) PRIOR EXPERIENCE SERVING AS AN OMBUDSMAN OR IN AN
5 OMBUDSMAN CAPACITY;

6 (b) A DEEP UNDERSTANDING OF AND EXPERTISE IN
7 ORGANIZATIONAL CULTURE AND DIVERSITY, EQUITY, AND INCLUSION;

8 (c) AT LEAST TWO YEARS OF PROFESSIONAL EXPERIENCE WORKING
9 WITH HUMAN RESOURCES;

10 (d) AT LEAST TWO YEARS OF VICTIM ADVOCACY EXPERIENCE OR
11 COMPLETION OF SUBSTANTIAL VICTIM ADVOCACY TRAINING; AND

12 (e) THE ABILITY TO ACT IN A NONPARTISAN MANNER.

13 (14) ALL CONVERSATIONS AND INFORMATION DISCLOSED TO THE
14 OMBUDSMAN BY A COMPLAINANT ARE CONFIDENTIAL, UNLESS THE
15 COMPLAINANT GIVES THE OMBUDSMAN PERMISSION TO DISCLOSE THE
16 INFORMATION TO A THIRD PARTY. IF THE COMPLAINANT HAS NOT
17 CONSENTED TO DISCLOSURE, THE OMBUDSMAN SHALL FORGO
18 CONFIDENTIALITY WHEN THE DISCLOSURE INVOLVES AN IMMINENT THREAT
19 OF BODILY HARM TO THE COMPLAINANT OR ANOTHER PERSON.
20 INFORMATION IS NOT DISCOVERABLE IF RECEIVED DURING AND WITHIN THE
21 SCOPE OF THE OMBUDSMAN'S DUTIES AND RESPONSIBILITIES. THE
22 OMBUDSMAN IS EXEMPT FROM MANDATORY REPORTING RULES, STATUTES,
23 AND POLICIES AND SHALL NOT REPORT AN INCIDENT MADE KNOWN TO THE
24 OMBUDSMAN BY A COMPLAINANT UNLESS THE COMPLAINANT PROVIDES
25 CONSENT.

26 (15) THE OMBUDSMAN SHALL DISCLOSE A COMPLAINT ALLEGING
27 JUDICIAL MISCONDUCT TO THE COMMISSION WITHIN A REASONABLE TIME.

1 IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS, THE OMBUDSMAN
2 SHALL SHARE THE INFORMATION WITH THE COMMISSION IN AN
3 UNIDENTIFIABLE MANNER.

4 (16) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE OFFICE
5 OF THE OMBUDSMAN, AND ALL OTHER COMMUNICATIONS BETWEEN THE
6 OMBUDSMAN AND A COMPLAINANT, ARE NOT SUBJECT TO PUBLIC
7 DISCLOSURE AS REQUIRED BY ARTICLE 72 OF THIS TITLE 24.

8 (17) THE OFFICE OF THE OMBUDSMAN IS AUTHORIZED TO
9 PROMULGATE RULES NECESSARY TO IMPLEMENT THE REQUIREMENTS OF
10 THIS SECTION AND TO ENSURE CONFIDENTIALITY OF THE DISCLOSURES
11 MADE TO THE OFFICE OF THE OMBUDSMAN BY COMPLAINANTS.

12 (18) IN THE PERFORMANCE OF THE OMBUDSMAN'S DUTIES, THE
13 OMBUDSMAN SHALL ACT INDEPENDENTLY OF THE DEPARTMENT AND
14 COMMISSION. ANY RECOMMENDATIONS MADE OR POSITIONS TAKEN BY
15 THE OMBUDSMAN OR THE OFFICE OF THE OMBUDSMAN DO NOT REFLECT
16 THOSE OF THE DEPARTMENT OR THE COMMISSION.

17 **SECTION 3.** In Colorado Revised Statutes, 24-72-202, **amend**
18 (6)(b)(XIV) and (6)(b)(XV); and **add** (6)(b)(XVI) as follows:

19 **24-72-202. Definitions.** As used in this part 2, unless the context
20 otherwise requires:

21 (6) (b) "Public records" does not include:

22 (XIV) Pursuant to the "Colorado Partnership for Quality Jobs and
23 Services Act", part 11 of article 50 of this title 24, records created in
24 compliance with the requirements of a state employee partnership
25 agreement as specified in section 24-50-1111 (3)(d) and documents
26 created in connection with the dispute resolution process for an employee
27 partnership agreement as specified in section 24-50-1113 (2)(e); ~~or~~

1 (XV) Granular coverage data, as defined in and submitted to the
2 office of information technology pursuant to section 24-37.5-119 (9)(m);
3 OR

4 (XVI) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE
5 OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN PURSUANT TO SECTION
6 24-50-147.

7 **SECTION 4. Appropriation.** (1) For the 2023-24 state fiscal
8 year, \$100,453 is appropriated to the judicial department. This
9 appropriation is from the general fund. To implement this act, the
10 department may use this appropriation for the purchase of legal services.

11 (2) For the 2023-24 state fiscal year, \$100,453 is appropriated to
12 the department of law. This appropriation is from reappropriated funds
13 received from the judicial department under subsection (1) of this section
14 and is based on an assumption that the department of law will require an
15 additional 0.5 FTE. To implement this act, the department of law may use
16 this appropriation to provide legal services for the judicial department.

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