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Seventy-fourth General Assembly  
STATE OF COLORADO

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BILL 3

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INTERIM COMMITTEE BILL

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Legislative Interim Committee on Judicial Discipline

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**BILL TOPIC:** "Office Of The Judicial Discipline Ombudsman"  
**DEADLINES:** File by: 9/9/2022 ""

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF THE OFFICE OF THE JUDICIAL**  
102 **DISCIPLINE OMBUDSMAN.**

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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/>.)*

**Legislative Interim Committee on Judicial Discipline.** 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 by memorandum of understanding between the office and the commission. The judicial discipline ombudsman is the director of the office.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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 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 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 that all communications and information disclosed to the ombudsman by a complainant 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 full confidentiality of disclosures made to the office by complainants.

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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 ombudsman office is helpful when there are significant  
5 power disparities and when there are complex systems that people may  
6 not be able to easily navigate in order to vindicate their rights; and

7 (b) Helping people navigate those systems and vindicate their  
8 rights makes for a better functioning judicial discipline process.

9 (2) Therefore, the general assembly declares that establishing the  
10 office of the judicial discipline ombudsman will allow people impacted  
11 by judicial misconduct to raise their concerns and get the direction and  
12 support they need.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 13-5.3-111 as  
14 follows:

15 **13-5.3-111. Office of the judicial discipline ombudsman**  
16 **established - judicial discipline advisory board - qualifications of**  
17 **ombudsman - powers and duties - confidentiality - rules - definitions.**

18 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
19 REQUIRES:

1 (a) "BOARD" MEANS THE JUDICIAL DISCIPLINE OMBUDSMAN  
2 SELECTION BOARD, ESTABLISHED IN SUBSECTION (5) OF THIS SECTION.

3 (b) "JUDICIAL PERSONNEL" MEANS CURRENT AND FORMER  
4 EMPLOYEES OF THE JUDICIAL DEPARTMENT, JUDGES, JUDICIAL  
5 DEPARTMENT STAFF, AND PERSONS WHO WORK WITH JUDICIAL EMPLOYEES  
6 AND STAFF, AND INCLUDES, BUT IS NOT LIMITED TO, BAILIFFS, LITIGATING  
7 ATTORNEYS, INTERNS, AND VOLUNTEERS.

8 (c) "OFFICE OF THE OMBUDSMAN" MEANS THE OFFICE OF THE  
9 JUDICIAL DISCIPLINE OMBUDSMAN, CREATED IN SUBSECTION (2) OF THIS  
10 SECTION.

11 (2) THERE IS CREATED IN THE COMMISSION ON JUDICIAL DISCIPLINE  
12 THE OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN. THE PURPOSE OF  
13 THE OFFICE OF THE OMBUDSMAN IS TO ACT AS AN INDEPENDENT, NEUTRAL,  
14 AND NONPARTISAN OFFICE THAT RESPONDS TO QUESTIONS OR CONCERNS  
15 FROM JUDICIAL PERSONNEL ABOUT POTENTIAL MISCONDUCT RELATED TO  
16 A JUDGE OR JUSTICE. THE OFFICE OF THE OMBUDSMAN SHALL HELP  
17 JUDICIAL PERSONNEL UNDERSTAND HOW TO SAFELY NAVIGATE THE  
18 COMPLAINT PROCESS.

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

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

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

1 (c) A REQUIREMENT THAT THE OFFICE OF THE OMBUDSMAN  
2 FOLLOW JUDICIAL FISCAL RULES;

3 (d) A REQUIREMENT THAT THE COMMISSION OFFER THE OFFICE OF  
4 THE OMBUDSMAN LIMITED SUPPORT WITH RESPECT TO:

5 (I) PERSONNEL MATTERS;

6 (II) RECRUITMENT;

7 (III) PAYROLL;

8 (IV) BENEFITS;

9 (V) BUDGET SUBMISSIONS, AS NEEDED;

10 (VI) ACCOUNTING; AND

11 (VII) OFFICE SPACE, FACILITIES, AND TECHNICAL SUPPORT  
12 LIMITED TO THE BUILDING THAT HOUSES THE OFFICE OF THE OMBUDSMAN;  
13 AND

14 (e) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE SUPPORT  
15 THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE OF THE  
16 OMBUDSMAN.

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

22 (5) (a) THERE IS ESTABLISHED AN INDEPENDENT, NONPARTISAN  
23 JUDICIAL DISCIPLINE OMBUDSMAN SELECTION BOARD. THE BOARD  
24 CONSISTS OF SEVEN MEMBERS AND, TO THE EXTENT PRACTICABLE, MUST  
25 INCLUDE LAWYERS, VICTIMS, AND PEOPLE WITH A PROFESSIONAL  
26 BACKGROUND IN HUMAN RESOURCES. TO THE EXTENT POSSIBLE, THE  
27 BOARD SHOULD BE MADE UP OF PERSONS FROM DIFFERENT JUDICIAL

1 DISTRICTS, PERSONS WITH DISABILITIES, AND PERSONS WITH EXPERIENCE  
2 IN CULTURALLY RELEVANT PRACTICES, AND REFLECT THE GEOGRAPHIC,  
3 ETHNIC, AND GENDER DIVERSITY OF THE STATE.

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

6 (I) THE COMMISSION SHALL APPOINT:

7 (A) ONE INDIVIDUAL WITH AT LEAST FIVE YEARS OF EXPERIENCE  
8 WORKING AS A STAFF MEMBER SERVING IN AN NONMANAGERIAL AND  
9 NONSUPERVISORY ROLE IN THE JUDICIAL DEPARTMENT OR PROBATION  
10 DEPARTMENT; AND

11 (B) ONE INDIVIDUAL WHO SERVES AS A SUPERVISOR I OR II LEVEL  
12 EMPLOYEE IN THE JUDICIAL DEPARTMENT;

13 (II) THE PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF  
14 THE SENATE SHALL APPOINT:

15 (A) ONE INDIVIDUAL WHO EITHER HAS AT LEAST FIVE YEARS OF  
16 VICTIM ADVOCACY EXPERIENCE OR HAS BEEN A VICTIM OF WORKPLACE  
17 HARASSMENT AND WORKS IN THE FIELD OF VICTIM ADVOCACY; AND

18 (B) ONE INDIVIDUAL WITH PROFESSIONAL EXPERIENCE SERVING IN  
19 AN OMBUDSMAN POSITION;

20 (III) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE  
21 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT:

22 (A) ONE ATTORNEY LICENSED TO PRACTICE LAW IN COLORADO  
23 WHO HAS EXPERIENCE REPRESENTING CLAIMANTS IN EMPLOYMENT  
24 DISCRIMINATION MATTERS; AND

25 (B) ONE INDIVIDUAL WHO EITHER HOLDS A CURRENT HUMAN  
26 RESOURCES CERTIFICATION OR HAS EXPERIENCE AS A HUMAN RESOURCES  
27 PROFESSIONAL; AND

1 (IV) THE GOVERNOR SHALL APPOINT ONE INDIVIDUAL WHO IS  
2 EITHER A RETIRED COLORADO JUDGE OR A FORMER MEMBER OF THE  
3 COMMISSION.

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

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

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

17 (f) BOARD MEMBERS MAY BE REAPPOINTED TO SERVE ONE  
18 ADDITIONAL TERM.

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

21 (7) THE BOARD HAS THE FOLLOWING DUTIES AND  
22 RESPONSIBILITIES:

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

25 (I) ON OR BEFORE MARCH 1, 2024, AND AS NECESSARY  
26 THEREAFTER, APPOINTING A PERSON TO SERVE AS THE JUDICIAL DISCIPLINE  
27 OMBUDSMAN AND DIRECTOR OF THE OFFICE OF THE OMBUDSMAN,

1 REFERRED TO IN THIS SECTION AS THE "OMBUDSMAN". THE OMBUDSMAN  
2 APPOINTED BY THE BOARD ON OR BEFORE MARCH 1, 2024, SHALL ASSUME  
3 THE OMBUDSMAN'S POSITION ON THE EFFECTIVE DATE OF THE  
4 MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMISSION AND THE  
5 OFFICE OF THE OMBUDSMAN. THE BOARD MAY DISCHARGE AN  
6 OMBUDSMAN FOR CAUSE. A TWO-THIRDS MAJORITY VOTE OF THE BOARD  
7 IS REQUIRED TO HIRE OR DISCHARGE THE OMBUDSMAN. THE GENERAL  
8 ASSEMBLY SHALL SET THE OMBUDSMAN'S COMPENSATION, AND THE  
9 COMPENSATION MAY NOT BE REDUCED DURING THE TERM OF THE  
10 OMBUDSMAN'S APPOINTMENT.

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

12 (III) EVALUATING THE OMBUDSMAN'S PERFORMANCE AS  
13 NECESSARY BASED ON FEEDBACK RECEIVED FROM JUDICIAL PERSONNEL ON  
14 THE OMBUDSMAN; AND

15 (IV) DEVELOPING A COMPLAINT PROCESS RELATED TO THE  
16 OMBUDSMAN'S PERFORMANCE.

17 (b) TO OVERSEE AND ADVISE THE OMBUDSMAN ON THE STRATEGIC  
18 DIRECTION OF THE OFFICE OF THE OMBUDSMAN AND ITS MISSION AND TO  
19 HELP PROMOTE THE USE, ENGAGEMENT, AND ACCESS TO THE OFFICE OF  
20 THE OMBUDSMAN;

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

26 (d) TO PROMOTE THE MISSION OF THE OFFICE OF THE OMBUDSMAN  
27 TO THE PUBLIC; AND



1 (e) TO PROVIDE ASSISTANCE, AS PRACTICABLE AND AS REQUESTED  
2 BY THE OMBUDSMAN, TO FACILITATE THE STATUTORY INTENT OF THIS  
3 SECTION.

4 (8) MEETINGS OF THE BOARD ARE SUBJECT TO THE PROVISIONS OF  
5 SECTION 24-6-402, EXCEPT FOR EXECUTIVE PERSONNEL ACTIONS OR  
6 MEETINGS THAT REQUIRE THE PROTECTION OF CONFIDENTIALITY AND  
7 COMPLYING WITH STATE PRIVACY LAWS.

8 (9) (a) THE OMBUDSMAN HAS THE FOLLOWING DUTIES AND  
9 FUNCTIONS:

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

15 (A) THE NUMBER OF ALLEGATIONS OF JUDICIAL MISCONDUCT  
16 RECEIVED, REGARDLESS OF FORM;

17 (B) THE TYPES OF JUDICIAL MISCONDUCT COMPLAINTS RECEIVED  
18 BY THE OFFICE OF THE OMBUDSMAN AND TO WHAT ENTITY THE COMPLAINT  
19 WAS FORWARDED, IF APPLICABLE; AND

20 (C) THE DEMOGRAPHICS, INCLUDING THE GENDER, AGE, RACE,  
21 ETHNICITY, OR DISABILITY, OF JUDGES WHO ARE THE SUBJECT OF THE  
22 COMPLAINT AND THOSE DIRECTLY AFFECTED BY THE CLAIMED JUDICIAL  
23 MISCONDUCT;

24 (II) HELP A COMPLAINANT UNDERSTAND THE COMPLAINANT'S  
25 RIGHTS AND OPTIONS IN REPORTING AND FILING A COMPLAINT WITH THE  
26 COMMISSION AND ANY OTHER APPROPRIATE AUTHORITY. THIS ASSISTANCE  
27 MUST INCLUDE AN EXPLANATION OF THE JUDICIAL DISCIPLINE PROCESS,

1 INCLUDING THE STEPS IN THE PROCESS, THE AVAILABILITY OF  
2 CONFIDENTIAL REPORTING, AND CONFIDENTIALITY REQUIREMENTS DURING  
3 EACH STEP OF THE PROCESS.

4 (III) PROVIDE THE COMPLAINANT WITH REFERRALS TO MEDICAL  
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 (IV) 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 DOES NOT PREVENT THE COMMISSION FROM ALSO RECEIVING COMPLAINTS.

13 (V) REPORT APPROPRIATE CASES TO THE COMMISSION, THE OFFICE  
14 OF ATTORNEY REGULATION COUNSEL, LAW ENFORCEMENT, AND THE  
15 JUDICIAL DEPARTMENT AS REQUIRED BY LAW, RULE, OR AT THE DIRECTION  
16 AND CONSENT OF THE COMPLAINANT;

17 (VI) REPORT TO THE JUDICIAL DEPARTMENT, COMMISSION, AND TO  
18 THE GENERAL ASSEMBLY AS PART OF THE COMMISSION'S "STATE  
19 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT  
20 (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION  
21 2-7-203 ON THE EFFICIENCY AND SUCCESS OF THE OFFICE OF THE  
22 OMBUDSMAN AND PROVIDE RECOMMENDATIONS FOR IMPROVEMENTS;

23 (VII) SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION AND  
24 THE JUDICIAL DEPARTMENT ON RULE-MAKING AND PROVIDE INSIGHTS AND  
25 RECOMMENDATIONS TO THE COMMISSION AND JUDICIAL DEPARTMENT ON  
26 CHANGES TO THEIR RESPECTIVE RULES AND HUMAN RESOURCE POLICIES.  
27 THIS INFORMATION MUST BE MADE PUBLIC ON THE OFFICE OF THE

1 OMBUDSMAN'S WEBSITE.

2 (VIII) COMPLY WITH ALL CONFIDENTIALITY PROVISIONS SET BY  
3 THE COMMISSION;

4 (IX) ENSURE ACCOUNTABILITY AND CONSISTENCY IN THE  
5 OPERATING POLICIES AND PROCEDURES OF THE OFFICE OF THE  
6 OMBUDSMAN, INCLUDING REASONABLE RULES RELATED TO THE  
7 ADMINISTRATION OF THE PROVISIONS OF THIS SECTION AND ANY OTHER  
8 STANDARDS OF CONDUCT AND REPORTING REQUIREMENTS AS PROVIDED  
9 BY LAW; AND

10 (X) SERVE AS LIAISON FOR COMMUNICATIONS BETWEEN A  
11 COMPLAINANT AND THE COMMISSION OR THE JUDICIAL DEPARTMENT AND,  
12 IF REQUESTED BY THE COMPLAINANT, ENSURE THE COMPLAINANT'S  
13 ANONYMITY.

14 (10) TO BE APPOINTED AS THE OMBUDSMAN, A PERSON MUST  
15 POSSESS THE FOLLOWING QUALITIES AND QUALIFICATIONS:

16 (a) PRIOR EXPERIENCE SERVING AS AN OMBUDSMAN OR IN AN  
17 OMBUDSMAN CAPACITY;

18 (b) A DEEP UNDERSTANDING AND EXPERTISE IN ORGANIZATIONAL  
19 CULTURE AND DIVERSITY, EQUITY, AND INCLUSION;

20 (c) AT LEAST TWO YEARS OF PROFESSIONAL EXPERIENCE WORKING  
21 WITH HUMAN RESOURCES;

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

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

25 (11) ALL CONVERSATIONS AND INFORMATION DISCLOSED TO THE  
26 OMBUDSMAN BY A COMPLAINANT ARE CONFIDENTIAL, UNLESS THE  
27 COMPLAINANT GIVES THE OMBUDSMAN PERMISSION TO DISCLOSE THE

1 INFORMATION TO A THIRD PARTY. IF THE COMPLAINANT HAS NOT  
2 CONSENTED TO DISCLOSURE, THE OMBUDSMAN SHALL ONLY BREACH THIS  
3 PROMISE OF CONFIDENTIALITY WHEN THE DISCLOSURE INVOLVES AN  
4 IMMINENT THREAT OF BODILY HARM TO THE COMPLAINANT OR ANOTHER  
5 PERSON. INFORMATION SHALL NOT BE DISCOVERABLE IF RECEIVED DURING  
6 AND WITHIN THE SCOPE OF THE OMBUDSMAN'S DUTIES AND  
7 RESPONSIBILITIES.

8 (12) THE OMBUDSMAN SHALL DISCLOSE A COMPLAINT ALLEGING  
9 JUDICIAL MISCONDUCT TO THE COMMISSION WITHIN A REASONABLE TIME.  
10 IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS, THE OMBUDSMAN  
11 SHALL SHARE THE INFORMATION WITH THE COMMISSION IN A  
12 UNIDENTIFIABLE MANNER.

13 (13) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE OFFICE  
14 OF THE OMBUDSMAN ARE NOT SUBJECT TO PUBLIC DISCLOSURE AS  
15 REQUIRED BY ARTICLE 72 OF TITLE 24.

16 (14) THE OFFICE OF THE OMBUDSMAN IS AUTHORIZED TO  
17 PROMULGATE RULES NECESSARY TO IMPLEMENT THE REQUIREMENTS OF  
18 THIS SECTION AND TO ENSURE FULL CONFIDENTIALITY OF THE  
19 DISCLOSURES MADE TO THE OFFICE BY COMPLAINANTS.

20 (15) IN THE PERFORMANCE OF THE OMBUDSMAN'S DUTIES, THE  
21 OMBUDSMAN SHALL ACT INDEPENDENTLY OF THE JUDICIAL DEPARTMENT  
22 AND COMMISSION. ANY RECOMMENDATIONS MADE OR POSITIONS TAKEN  
23 BY THE OMBUDSMAN OR THE OFFICE OF THE OMBUDSMAN DO NOT REFLECT  
24 THOSE OF THE JUDICIAL DEPARTMENT OR THE COMMISSION.

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

27 **24-72-202. Definitions.** As used in this part 2, unless the context

1 otherwise requires:

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

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

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

11 OR

12 (XVI) RECORDS RELATED TO COMPLAINTS RECEIVED BY THE  
13 OFFICE OF THE JUDICIAL DISCIPLINE OMBUDSMAN PURSUANT TO SECTION  
14 13-5.3-111.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, or safety.