HOUSE COMMITTEE OF REFERENCE REPORT

_____   May 3, 2022
Chair of Committee   Date

Committee on <u>Judiciary</u>.

After consideration on the merits, the Committee recommends the following:

<u>SB22-201</u>   be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation:

1 Amend reengrossed bill, page 24, line 2, strike "ILLINOIS" and substitute
2 "OTHER STATES".

3 Page 24, after line 11 insert:
4   "**13-5.3-111. Advisory panel on judicial discipline - creation -**
5 **members - duties.** (1) THERE IS CREATED AN ADVISORY PANEL ON
6 JUDICIAL DISCIPLINE, REFERRED TO IN THIS SECTION AS THE "ADVISORY
7 PANEL", TO ADVISE THE INTERIM COMMITTEE CREATED PURSUANT TO
8 SECTION 13-5.3-110. THE FIRST MEETING OF THE ADVISORY PANEL SHALL
9 BE CONVENED NO LATER THAN FIFTEEN DAYS AFTER THE FIRST MEETING
10 OF THE INTERIM COMMITTEE. THE ADVISORY PANEL SHALL MEET NO MORE
11 THAN SIX TIMES DURING THE 2022 INTERIM. ALL MEETINGS OF THE
12 ADVISORY PANEL SHALL BE OPEN TO THE PUBLIC AND BROADCAST OVER
13 THE INTERNET. EACH MEETING OF THE ADVISORY PANEL SHALL INCLUDE
14 AN OPPORTUNITY FOR PUBLIC COMMENT.
15   (2) THE INTERIM COMMITTEE AND THE ADVISORY PANEL SHALL
16 CONDUCT A JOINT MEETING TO CONSIDER THE FINDINGS OF THE TWO
17 INDEPENDENT INVESTIGATIONS THAT WERE CONTRACTED FOR BY THE
18 JUDICIAL DEPARTMENT WITH THE ASSISTANCE OF A PANEL OF MEMBERS OF
19 THE GENERAL ASSEMBLY AND THE EXECUTIVE DEPARTMENT. THE INTERIM
20 COMMITTEE SHALL INVITE BOTH INVESTIGATORS TO MEET WITH THE
21 INTERIM COMMITTEE AND THE ADVISORY PANEL AT THE JOINT MEETING.
22 THE JOINT MEETING SHALL OCCUR AS SOON AS PRACTICABLE AFTER THE
23 RELEASE OF BOTH INDEPENDENT INVESTIGATIONS.
24   (3) NO LATER THAN OCTOBER 2, 2022, THE ADVISORY PANEL
25 SHALL MAKE ITS RECOMMENDATIONS TO THE INTERIM COMMITTEE. ANY
26 RECOMMENDATIONS OF THE ADVISORY PANEL MUST RECEIVE APPROVAL
27 FROM AT LEAST EIGHT MEMBERS OF THE ADVISORY PANEL TO BE

1 FORWARDED TO THE INTERIM COMMITTEE. ANY MEMBER OR GROUP OF
2 MEMBERS OF THE ADVISORY PANEL MAY SUBMIT A MINORITY REPORT TO
3 THE INTERIM COMMITTEE.

4   (4) THE INTERIM COMMITTEE SHALL HOLD AT LEAST ONE OF ITS
5 MEETINGS AFTER RECEIPT OF THE RECOMMENDATIONS FROM THE
6 ADVISORY PANEL. AT THE FIRST INTERIM COMMITTEE MEETING AFTER
7 RECEIPT OF THE RECOMMENDATIONS, THE INTERIM COMMITTEE SHALL
8 INVITE THE CHAIR AND VICE-CHAIR OF THE ADVISORY PANEL TO DISCUSS
9 THE RECOMMENDATIONS.

10   (5) (a) THE ADVISORY PANEL CONSISTS OF THE FOLLOWING
11 TWELVE MEMBERS:

12   (I) TWO MEMBERS APPOINTED BY THE CHAIR OF THE COLORADO
13 COMMISSION ON JUDICIAL DISCIPLINE;

14   (II) TWO MEMBERS OF THE JUDICIAL DEPARTMENT, APPOINTED BY
15 THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT;

16   (III) A REPRESENTATIVE FROM A COLORADO-BASED NATIONAL
17 INDEPENDENT RESEARCH CENTER DEDICATED TO FACILITATING
18 CONTINUOUS IMPROVEMENT AND ADVANCING EXCELLENCE IN THE
19 AMERICAN LEGAL SYSTEM, APPOINTED BY THE SENATE MAJORITY LEADER;

20   (IV) A CONSTITUTIONAL LAW EXPERT FROM ONE OF THE TWO LAW
21 SCHOOLS BASED IN COLORADO, APPOINTED BY THE SENATE MINORITY
22 LEADER;

23   (V) A REPRESENTATIVE OF A NONPARTISAN, NON-PROFIT
24 ORGANIZATION DEDICATED TO PROTECTING AND IMPROVING COLORADO'S
25 JUDICIAL MERIT SELECTION SYSTEM, APPOINTED BY THE SENATE MAJORITY
26 LEADER; AND

27   (VI) FIVE REPRESENTATIVES OF BAR ASSOCIATIONS OR LEGAL
28 SOCIETIES IN COLORADO, TWO APPOINTED BY THE SPEAKER OF THE HOUSE
29 OF REPRESENTATIVES; TWO APPOINTED BY THE HOUSE MINORITY LEADER;
30 AND ONE APPOINTED BY THE SENATE MINORITY LEADER.

31   (b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
32 APPOINT THE CHAIR OF THE ADVISORY PANEL, AND THE SENATE MINORITY
33 LEADER SHALL APPOINT THE VICE-CHAIR OF THE ADVISORY PANEL.

34   (c) THE APPOINTING AUTHORITIES SHALL APPOINT THE MEMBERS
35 OF THE ADVISORY PANEL AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE
36 OF THIS SECTION, BUT NO LATER THAN FIFTEEN DAYS AFTER THE
37 EFFECTIVE DATE OF THIS SECTION. IF A VACANCY ARISES ON THE
38 ADVISORY PANEL, THE APPROPRIATE APPOINTING AUTHORITY SHALL
39 APPOINT A MEMBER TO FILL THE VACANCY AS SOON AS POSSIBLE AFTER
40 THE VACANCY OCCURS.".

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