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SENATE BILL 19-187

BY SENATOR(S) Lee and Gardner, Tate;
also REPRESENTATIVE(S) Bird and McKean, Arndt, Bockenfeld,
Herod, Lontine, Michaelson Jenet, Valdez A., Becker.

CONCERNING COMMISSIONS ON JUDICIAL PERFORMANCE.

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

SECTION 1. In Colorado Revised Statutes, 13-5.5-101, **amend** (1)(b), (1)(c), (2)(a), and (2)(b) as follows:

13-5.5-101. Legislative declaration. (1) It is the intent of the general assembly to provide:

(b) Information to the people of Colorado regarding the performance of judges AND justices ~~and senior judges~~ throughout the state; and

(c) Transparency and accountability for judges AND justices ~~and senior judges~~ throughout the state of Colorado.

(2) Therefore, the general assembly finds and declares that it is in the public interest and is a matter of statewide concern to:

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.

(a) Provide judges AND justices ~~and senior judges~~ with useful information concerning their own performances, along with training resources to improve judicial performance as necessary;

(b) Establish a comprehensive system of evaluating judicial performance to provide persons voting on the retention of judges AND justices ~~and senior judges~~ with fair, responsible, and constructive information about individual judicial performance;

SECTION 2. In Colorado Revised Statutes, 13-5.5-102, **amend** (9); and **repeal** (13) as follows:

13-5.5-102. Definitions. As used in this article 5.5, unless the context otherwise requires:

(9) "Judge" includes all active ~~and senior judges~~ as defined in subsection (13) of this section.

(13) "Senior judge" means a retired judge who has returned to temporary judicial duties pursuant to section 24-51-1105.

SECTION 3. In Colorado Revised Statutes, 13-5.5-104, **amend** (5)(b) as follows:

13-5.5-104. State commission on judicial performance - district commissions on judicial performance - established - membership - terms - immunity - conflicts - repeal. (5) (b) The original appointing authority shall fill any vacancy on a commission, but a commissioner shall not serve more than two full terms including any balance remaining on an unexpired term if the initial appointment was to fill a vacancy. Within five days after a vacancy arises on a commission, the commission with the vacancy shall notify the original appointing authority of the vacancy. The original appointing authority shall make an appointment within forty-five days after the date of the vacancy. If the original appointing authority fails to make the appointment within forty-five days after the date of the vacancy, the ~~governor~~ STATE COMMISSION shall make the appointment.

SECTION 4. In Colorado Revised Statutes, 13-5.5-105, **amend** (2)(d)(I), (2)(d)(III), and (2)(h)(II); and **add** (2)(d)(I.5) as follows:

13-5.5-105. Powers and duties of the state and district commissions - rules. (2) In addition to other powers conferred and duties imposed upon the state commission by this article 5.5 and section 13-5.5-106, the state commission has the following powers and duties:

(d) (I) To develop surveys ~~for persons affected by~~ TO EVALUATE THE PERFORMANCE OF justices and judges, WHICH SURVEYS ARE COMPLETED BY INDIVIDUALS WHO INTERACT WITH THE COURT, including but not limited to attorneys, jurors, represented and unrepresented litigants; law enforcement personnel; attorneys within the district attorneys' and public defenders' offices, employees of the court, court interpreters, employees of probation offices, AND employees of local departments of social services; and victims of crimes, as defined in section 24-4.1-302 (5);

(I.5) THE SURVEYS DEVELOPED PURSUANT TO SUBSECTION (2)(d)(I) OF THIS SECTION ARE TO BE DISTRIBUTED PRIMARILY THROUGH ELECTRONIC MEANS, AND THE STATE COMMISSION SHALL MAKE EFFORTS TO LOCATE ELECTRONIC MAIL ADDRESSES FOR THE PARTIES IDENTIFIED IN SAID SUBSECTION.

(III) To develop rules, guidelines, and procedures to provide ~~attorneys, pro se litigants, and clients~~ INTERESTED PARTIES with accessible and timely opportunities to review the surveys developed pursuant to this subsection (2)(d); and

(h) To promulgate rules pursuant to section 13-5.5-106 concerning:

(II) The creation of a standards matrix OR SCORECARD related to the performance evaluation criteria set forth in section 13-5.5-107; ~~and a clear description of the thresholds for the recommendations of "meets performance standard" or "does not meet performance standard" and how that information will be made available to the public;~~ and

SECTION 5. In Colorado Revised Statutes, **repeal** 13-5.5-111 as follows:

13-5.5-111. Judicial performance evaluations - senior judges. ~~(1) Every third year following the initial appointment of a senior judge to the bench through a contract pursuant to section 24-51-1105, the state commission shall conduct a performance evaluation of the senior judge~~

based on the judicial performance evaluation criteria set forth in section 13-5.5-107. The state commission shall complete the performance evaluation of such senior judge and communicate the related narrative to the chief justice no later than forty-five days prior to the expiration of the senior judge's contract for that year. The narrative must include an assessment of the senior judge's strengths and weaknesses with respect to the judicial performance evaluation criteria set forth in section 13-5.5-107.

(2) The state commission shall make a recommendation to the chief justice of the Colorado supreme court regarding the senior judge's performance. The recommendations must be stated as "meets performance standard" or "does not meet performance standard".

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO