

SB054\_L.003

## SENATE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Judiciary.

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

SB08-054 be amended as follows:

- 1 Amend printed bill, page 2, line 9, strike "justices, judges, and
- 2 magistrates" and substitute "justices AND judges and magistrates".
- 3 Page 3, strike lines 8 and 9 and substitute the following:
- 4 "THE COMPENSATION OF THE DIRECTOR SHALL BE THE SAME AS THE
- 5 GENERAL ASSEMBLY ESTABLISHES FOR A JUDGE OF THE DISTRICT COURT.";
- 6 line 10, strike "COMMISSION.";
- 7 line 16, strike "COMMISSIONS;" and substitute "COMMISSIONS WHEN
- 8 DIRECTED TO DO SO BY THE STATE COMMISSION;".
- 9 Page 5, line 19, strike "Retired" and substitute "Retired FORMER";
- 10 line 21, strike "retired" and substitute "retired FORMER".
- 11 Page 6, line 20, after "OFFICES," insert "EMPLOYEES OF THE COURT,
- 12 COURT INTERPRETERS, EMPLOYEES OF PROBATION OFFICES,".
- 13 Page 7, strike lines 2 through 7 and substitute the following:
- 14 "(i) TO PRODUCE AND DISTRIBUTE NARRATIVES AND SURVEY
- 15 REPORTS;".
- 16 Reletter succeeding paragraphs accordingly.



- 1 Page 7, strike lines 17 and 18 and substitute the following:
- 2 "(n) TO DRAFT NARRATIVES THAT REFLECT THE RESULTS OF  
3 JUDICIAL";
- 4 strike lines 20 and 21 and substitute the following:
- 5 "(o) TO DISTRIBUTE TO THE PUBLIC NARRATIVES THAT REFLECT  
6 THE RESULTS".
- 7 Page 8, line 2, strike "(q)," and substitute "(p),";
- 8 line 23, strike "EACH" and substitute "UNLESS RECUSED PURSUANT TO A  
9 PROVISION OF THIS ARTICLE, EACH".
- 10 Page 9, line 14, strike "(A)";
- 11 strike lines 23 through 26.
- 12 Page 10, line 19, strike "Retired" and substitute "~~Retired~~ FORMER";
- 13 line 21, strike "retired" and substitute "~~retired~~ FORMER".
- 14 Page 11, line 9, strike "(r)," and substitute "(q),";
- 15 strike lines 11 through 13.
- 16 Reletter succeeding paragraphs accordingly.
- 17 Page 11, line 24, after "PERSONS;", insert "AND";
- 18 strike lines 25 and 26 and substitute the following:
- 19 "(e) TO DRAFT NARRATIVES THAT REFLECT THE RESULTS OF  
20 JUDICIAL";
- 21 line 27, strike "JUDGES;" and substitute "JUDGES.".
- 22 Page 12, strike lines 1 through 5;

1 line 6, strike "EACH" and substitute "UNLESS RECUSED PURSUANT TO A  
2 PROVISION OF THIS ARTICLE, EACH";

3 after line 9, insert the following:

4 "(3) UPON COMPLETING ITS REQUIRED RECOMMENDATIONS AND  
5 NARRATIVES, EACH DISTRICT COMMISSION SHALL COLLECT ALL  
6 DOCUMENTS AND OTHER INFORMATION, INCLUDING ALL COPIES, RECEIVED  
7 REGARDING THE JUSTICES OR JUDGES EVALUATED. EACH DISTRICT  
8 COMMISSION SHALL FORWARD THE DOCUMENTS AND OTHER INFORMATION,  
9 INCLUDING ALL COPIES, TO THE STATE COMMISSION WITHIN THIRTY DAYS  
10 FOLLOWING SUBMISSION OF THE DISTRICT COMMISSION'S  
11 RECOMMENDATIONS AND NARRATIVES TO THE STATE COMMISSION. THE  
12 STATE COMMISSION SHALL ADOPT RULES REGARDING RETENTION OF  
13 EVALUATION INFORMATION, WHICH SHALL BE MADE AVAILABLE TO  
14 DISTRICT COMMISSIONS FOR SUBSEQUENT EVALUATIONS OF THE JUSTICES  
15 OR JUDGES."

16 Page 13, line 1, after "COURT;", insert "AND";

17 line 3, change the semicolon to a period;

18 strike lines 4 through 6.

19 Page 16, line 18, after the period, add "THE STATE COMMISSION SHALL  
20 ARRANGE TO HAVE THE PUBLIC HEARING ELECTRONICALLY RECORDED AND  
21 SHALL MAKE COPIES OF THE RECORDING AVAILABLE TO MEMBERS OF THE  
22 PUBLIC. THE STATE COMMISSION SHALL SUPPLY A COPY OF THE  
23 RECORDING AT NO COST TO ANY JUSTICE OR JUDGE WHO IS THE SUBJECT OF  
24 THE HEARING."

25 Page 17, line 15, strike "A SUMMARY OF";

26 line 22, strike "a summary of" and substitute "~~a summary of~~".

27 Page 18, line 12, after the period, add "THE DISTRICT COMMISSION SHALL  
28 ARRANGE TO HAVE THE PUBLIC HEARING ELECTRONICALLY RECORDED AND  
29 SHALL MAKE COPIES OF THE RECORDING AVAILABLE TO MEMBERS OF THE  
30 PUBLIC. THE DISTRICT COMMISSION SHALL SUPPLY A COPY OF THE  
31 RECORDING AT NO COST TO ANY JUDGE WHO IS THE SUBJECT OF THE  
32 HEARING."



1 Page 19, line 9, strike "A SUMMARY OF";

2 strike lines 12 through 19 and substitute the following:

3       "~~(c) The district commission shall release the narrative profile,~~  
4 ~~the recommendation, and any other relevant information to the public no~~  
5 ~~later than forty-five days prior to the retention election. The district~~  
6 ~~commission shall arrange to have a summary of the narrative profile and~~  
7 ~~recommendation printed in the ballot information booklet prepared~~  
8 ~~pursuant to section 1-40-124.5, C.R.S., and mailed to electors within the~~  
9 ~~judicial district pursuant to section 1-40-125, C.R.S.~~";

10 strike line 23 and substitute the following:

11 "is amended BY THE ADDITION OF THE FOLLOWING NEW  
12 SECTIONS to read:".

13 Page 20, line 3, strike "THE";

14 strike line 4 and substitute the following:

15 "COMMUNICATED TO THE CHIEF";

16 strike lines 8 through 12.

17 Reletter succeeding paragraphs accordingly.

18 Page 20, strike lines 19 and 20 and substitute the following:

19       "(d) THE STATE COMMISSION SHALL RELEASE THE SURVEY  
20 EVALUATIONS RELATED TO ".

21 Page 21, line 20, strike "PURSUANT TO SECTION 13-5.5-106 (2) (c)";

22 after line 20, insert the following:

23       "**13-5.5-106.4. Recusal.** (1) A MEMBER OF THE STATE  
24 COMMISSION OR A DISTRICT COMMISSION SHALL DISCLOSE TO THE  
25 COMMISSION ANY PROFESSIONAL OR PERSONAL RELATIONSHIP WITH A  
26 JUSTICE OR JUDGE THAT MAY AFFECT AN UNBIASED EVALUATION OF THE  
27 JUSTICE OR JUDGE, INCLUDING INVOLVEMENT WITH ANY LITIGATION

