

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

INTRODUCED

LLS NO. 23-0639.01 Jerry Barry x4341

HOUSE BILL 23-1182

HOUSE SPONSORSHIP

Epps and Mabrey, Bacon, Garcia, Marshall, Sharbini, Woodrow

SENATE SPONSORSHIP

Fields and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT FOR REMOTE PUBLIC ACCESS TO**
102 **OBSERVE CRIMINAL COURT PROCEEDINGS.**

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 requires all courts in Colorado to provide remote access for the public to observe any criminal court proceeding conducted in open court, unless the court does not have the technology available to do so or the court has ordered that the public is excluded from the proceeding. The bill also requires the court to post links on its website for the remote observation. If a court does not have the technology to allow remote

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.*

observation to the public but later obtains such technology, the bill requires the court to comply with the bill within 90 days after obtaining the necessary technology.

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) It is the public policy of the state of Colorado to maximize
5 transparency and accessibility of criminal court proceedings;

6 (b) The Colorado judicial branch increased transparency in 2020
7 when it facilitated expanded access to remote observation of criminal
8 court proceedings in every judicial district;

9 (c) Continued access to remote court observation remains
10 inconsistent and unpredictable, both within and between jurisdictions; and

11 (d) All Coloradans benefit from consistent, predictable access to
12 observe criminal court proceedings remotely.

13 (2) Therefore, it is the intent of the general assembly to increase
14 transparency and ensure consistent, predictable statewide access for the
15 public to remotely observe criminal proceedings held in open court.

16 **SECTION 2.** In Colorado Revised Statutes, 13-1-132, **add** (3.5)
17 as follows:

18 **13-1-132. Use of interactive audiovisual devices and**
19 **communication technology in court proceedings.** (3.5) (a) ALL
20 COLORADO COURTS, INCLUDING MUNICIPAL COURTS, SHALL MAKE ANY
21 CRIMINAL COURT PROCEEDING CONDUCTED IN OPEN COURT AVAILABLE
22 FOR REMOTE PUBLIC VIEWING AND LISTENING IN REAL TIME, AT NO COST
23 TO THE PUBLIC, THROUGH AN ONLINE PLATFORM AND POST PROMINENTLY
24 ON THE COURT'S WEBSITE THE LINKS FOR REMOTE OBSERVATION, UNLESS:

1 (I) THE COURTROOM DOES NOT HAVE EXISTING TECHNOLOGICAL
2 CAPABILITY TO MAKE SUCH PROCEEDINGS AVAILABLE TO THE PUBLIC FOR
3 REMOTE OBSERVATION; OR

4 (II) MEMBERS OF THE PUBLIC HAVE BEEN EXCLUDED FROM THE
5 CRIMINAL PROCEEDING BY ORDER OF THE COURT.

6 (b) FOR CRIMINAL COURTS THAT DO NOT HAVE EXISTING
7 TECHNOLOGICAL CAPABILITIES TO MAKE PROCEEDINGS AVAILABLE FOR
8 REMOTE OBSERVATION AS OF THE EFFECTIVE DATE OF THIS SUBSECTION
9 (3.5), IF THE COURT SUBSEQUENTLY OBTAINS SUCH CAPABILITIES, THE
10 COURT MUST COMPLY WITH THE PROVISIONS OF THIS SECTION WITHIN
11 NINETY DAYS AFTER OBTAINING SUCH CAPABILITIES.

12 **SECTION 3.** In Colorado Revised Statutes, **amend** 13-10-103 as
13 follows:

14 **13-10-103. Applicability.** This article 10 applies to and governs
15 the operation of municipal courts in the cities and towns of this state.
16 Except for the provisions relating to the method of salary payment for
17 municipal judges, the incarceration of children pursuant to sections
18 19-2.5-305 and 19-2.5-1511, the appearance of the parent, guardian, or
19 lawful custodian of any child under eighteen years of age who is charged
20 with a municipal offense as required by section 13-10-111, the right to a
21 trial by jury for petty offenses pursuant to section 16-10-109, relief from
22 improperly entered guilty pleas pursuant to section 18-1-410.6, MAKING
23 CRIMINAL COURT PROCEEDING CONDUCTED IN OPEN COURT AVAILABLE
24 FOR REMOTE PUBLIC VIEWING AND LISTENING IN REAL TIME, rules of
25 procedure promulgated by the supreme court, and appellate procedure,
26 this article 10 may be superseded by charter or ordinance enacted by a
27 home rule city.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect September 1, 2023; except that, if a referendum petition is
3 filed pursuant to section 1 (3) of article V of the state constitution against
4 this act or an item, section, or part of this act within the ninety-day period
5 after final adjournment of the general assembly, then the act, item,
6 section, or part will not take effect unless approved by the people at the
7 general election to be held in November 2024 and, in such case, will take
8 effect on the date of the official declaration of the vote thereon by the
9 governor.