

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0678.01 Ken Fowler x2372

HOUSE BILL 26-1189

HOUSE SPONSORSHIP

Espenoza,

SENATE SPONSORSHIP

Snyder,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROPERTY HELD BY A COMMUNITY PROPERTY SPOUSE**
102 **SUBJECT TO THE "UNIFORM COMMUNITY PROPERTY**
103 **DISPOSITION AT DEATH ACT".**

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>.)

Colorado Commission on Uniform State Laws. The bill clarifies what property, held by a community property spouse, the "Uniform Community Property Disposition at Death Act" applies to.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 15-20-103, **amend**
3 (1)(a)(III); and **add** (1)(b) as follows:

4 **15-20-103. Included and excluded property.**

5 (1) Subject to subsection (3)(b) of this section, this act applies to
6 the following property of a community property spouse, without regard
7 to how the property is titled or held:

8 (a) If a decedent was domiciled in this state at the time of death:

9 (III) Personal property traceable to property described in
10 subsection (1)(a)(I) or (1)(a)(II) of this section; AND

11 (b) REGARDLESS OF WHETHER A DECEDENT WAS DOMICILED IN
12 THIS STATE AT THE TIME OF DEATH:

13 (I) ALL OR A PROPORTIONATE PART OF EACH ITEM OF REAL
14 PROPERTY LOCATED IN THIS STATE TRACEABLE TO COMMUNITY PROPERTY
15 OR ACQUIRED WITH COMMUNITY PROPERTY UNDER THE LAW OF THE
16 JURISDICTION WHERE THE DECEDENT OR THE SURVIVING COMMUNITY
17 PROPERTY SPOUSE WAS DOMICILED WHEN THE PROPERTY:

18 (A) WAS ACQUIRED; OR

19 (B) AFTER ACQUISITION, BECAME COMMUNITY PROPERTY; AND

20 (II) INCOME, RENT, PROFIT, APPRECIATION, OR OTHER INCREASE
21 DERIVED FROM OR TRACEABLE TO PROPERTY DESCRIBED IN SUBSECTION
22 (1)(b)(I) OF THIS SECTION.

23 **SECTION 2. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2026 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.