

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 26-1189

BY REPRESENTATIVE(S) Espenoza, Duran, Lindsay, Marshall, Soper;  
also SENATOR(S) Snyder, Amabile, Carson, Frizell, Jodeh, Lindstedt,  
Coleman.

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

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

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

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

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

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

(III) Personal property traceable to property described in subsection

*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.*

(1)(a)(I) or (1)(a)(II) of this section; AND

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

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

(A) WAS ACQUIRED; OR

(B) AFTER ACQUISITION, BECAME COMMUNITY PROPERTY; AND

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

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO