

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 11, 2010  
Date

Committee on Judiciary.

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

HB10-1057 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike line 2 and substitute:

2 "SECTION 1. 30-1-104 (1) (b.5), (1) (d.5),".

3 Page 2, line 3, strike "(f),".

4 Page 2, strike lines 6 through 21.

5 Page 3, strike lines 1 through 3 and substitute:

6 "(b.5) For making a return on a summons in other than a criminal  
7 action not served, for each party, in counties of every class, actual  
8 expenses, but not more than ~~sixteen~~ TWENTY dollars;

9 (d.5) For making A return on a subpoena in other than a criminal  
10 action not served, in counties of every class, actual expenses, but not  
11 more than ~~sixteen~~ TWENTY dollars;".

12 Page 4, after line 25 insert:

13 "SECTION 4. 30-1-106, Colorado Revised Statutes, is amended  
14 to read:

15 **30-1-106. Service must be made upon offer or tender of fees.**

1 (1) No sheriff shall refuse to serve any writ, summons, or notice  
2 requested by any person entitled to such service, when offered or tendered  
3 the fees allowed by law for such service; nor shall he OR SHE charge,  
4 demand, or receive any greater sum or compensation or allowance.

5 (2) A SHERIFF SHALL HAVE THE AUTHORITY TO ESTABLISH BILLING  
6 ACCOUNTS FOR LICENSED ATTORNEYS AND LICENSED COLLECTION  
7 AGENCIES THAT HAVE A PRINCIPAL OFFICE LOCATED IN THE STATE.

8 (3) A SHERIFF SHALL HAVE THE AUTHORITY TO DEVELOP AND  
9 PUBLISH STANDARDIZED PROCEDURES FOR BILLING THE ACCOUNTS  
10 AUTHORIZED BY SUBSECTION (2) OF THIS SECTION. SUCH PROCEDURES  
11 MAY INCLUDE THE ABILITY TO SUSPEND THE BILLING PRIVILEGES OF ANY  
12 ENTITY FOR NONPAYMENT OF A FEE UPON DEMAND OR OTHER GOOD CAUSE  
13 SHOWN."

14 Renumber succeeding sections accordingly.

15 Page 5, after line 9 insert:

16 "SECTION 6. 30-1-116 (1), Colorado Revised Statutes, is  
17 amended to read:

18 **30-1-116. Officers shall collect fees in advance.** (1) EXCEPT AS  
19 PROVIDED IN SECTION 30-1-106, every officer shall collect every fee, as  
20 prescribed, for services performed by him OR HER in advance, if the same  
21 can be ascertained, and when any officer negligently or willfully fails to  
22 collect any such fee, the same shall be charged against his OR HER  
23 salary."

24 Renumber succeeding section accordingly.

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