

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-1026.01 Richard Sweetman

**HOUSE BILL 10-1395**

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**HOUSE SPONSORSHIP**

**Gardner B.,**

**SENATE SPONSORSHIP**

**Steadman,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING INTERLOCUTORY APPEALS IN CIVIL CASES.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill provides that the Colorado court of appeals shall have initial jurisdiction over interlocutory appeals from certified questions of law in civil cases.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

1           **SECTION 1.** The introductory portion to 13-4-102 (1), Colorado  
2 Revised Statutes, is amended to read:

3           **13-4-102. Jurisdiction.** (1) Any provision of law to the contrary  
4 notwithstanding, the court of appeals shall have initial jurisdiction over  
5 appeals from final judgments of, AND INTERLOCUTORY APPEALS OF  
6 CERTIFIED QUESTIONS OF LAW IN CIVIL CASES PURSUANT TO SECTION  
7 13-4-102.1 FROM, the district courts, the probate court of the city and  
8 county of Denver, and the juvenile court of the city and county of Denver,  
9 except in:

10           **SECTION 2.** Article 4 of title 13, Colorado Revised Statutes, is  
11 amended BY THE ADDITION OF A NEW SECTION to read:

12           **13-4-102.1. Interlocutory appeals of determinations of**  
13 **questions of law in civil cases.** (1) THE COURT OF APPEALS, UNDER  
14 RULES PROMULGATED BY THE COLORADO SUPREME COURT, MAY PERMIT  
15 AN INTERLOCUTORY APPEAL OF A CERTIFIED QUESTION OF LAW IN A CIVIL  
16 MATTER FROM A DISTRICT COURT OR THE PROBATE COURT OF THE CITY  
17 AND COUNTY OF DENVER IF:

18           (a) THE TRIAL COURT CERTIFIES THAT IMMEDIATE REVIEW MAY  
19 PROMOTE A MORE ORDERLY DISPOSITION OR ESTABLISH A FINAL  
20 DISPOSITION OF THE LITIGATION; AND

21           (b) THE ORDER INVOLVES A CONTROLLING AND UNRESOLVED  
22 QUESTION OF LAW.

23           (2) A MAJORITY OF THE JUDGES WHO ARE IN REGULAR ACTIVE  
24 SERVICE ON THE COURT OF APPEALS AND WHO ARE NOT DISQUALIFIED  
25 MAY, UNDER RULES PROMULGATED BY THE COLORADO SUPREME COURT,  
26 ORDER THAT AN INTERLOCUTORY APPEAL BE HEARD OR REHEARD BY THE  
27 COURT OF APPEALS EN BANC.

1           **SECTION 3. Act subject to petition - effective date.** This act  
2 shall take effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly (August  
4 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
5 referendum petition is filed pursuant to section 1 (3) of article V of the  
6 state constitution against this act or an item, section, or part of this act  
7 within such period, then the act, item, section, or part shall not take effect  
8 unless approved by the people at the general election to be held in  
9 November 2010 and shall take effect on the date of the official  
10 declaration of the vote thereon by the governor.