

**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. 10-0856.01 Brita Darling

HOUSE BILL 10-1291

HOUSE SPONSORSHIP

Priola, Acree, Apuan, Balmer, Bradford, Kerr J., King S., Labuda, Levy, Liston, Looper, Massey, McCann, McFadyen, McNulty, Middleton, Murray, Nikkel, Sonnenberg, Stephens, Swalm, Waller

SENATE SPONSORSHIP

Newell, Hodge, Mitchell

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF CERTAIN WITNESS FEES, AND**
102 **MAKING AN APPROPRIATION THEREFOR.**

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 eliminates the daily fee, ranging from \$1.50 to \$2.50, that a witness receives for attending court other than municipal, court commissioner, or magistrate courts. The bill eliminates the daily fee, ranging from .50 cents to \$2.00, that a witness receives for attending municipal court.

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.

The bill eliminates the fee that a witness receives for attending a coroner's inquest.

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

2 **SECTION 1.** 13-33-102 (1), (2), (3), (4), and (6), Colorado
3 Revised Statutes, are amended to read:

4 **13-33-102. Fees of witnesses.** (1) ~~Witnesses shall receive for~~
5 ~~attending in any court of record, except municipal courts, court~~
6 ~~commissioner, or magistrate, the following fees: In counties of the first~~
7 ~~class, one dollar and fifty cents per day; second class, two dollars per day;~~
8 ~~third class, two dollars per day; fourth class, two dollars and fifty cents~~
9 ~~per day; fifth class, two dollars and fifty cents per day.~~

10 (2) ~~For attending before a municipal court, witnesses shall receive~~
11 ~~the following fees: In counties of the first class, fifty cents per day;~~
12 ~~second class, seventy-five cents per day; third class, one dollar per day;~~
13 ~~fourth class, two dollars per day; fifth class, two dollars per day; except~~
14 ~~that the governing body of a municipality may, by resolution or~~
15 ~~ordinance, set higher or lower fees for attending its municipal court.~~

16 (3) ~~For attending inquest over dead body before coroner,~~
17 ~~witnesses shall receive the same fees as provided in subsection (2) of this~~
18 ~~section for witnesses attending before a municipal court, to be paid out of~~
19 ~~the county treasury.~~

20 (4) Witnesses in courts of record called to testify only to an
21 opinion founded on special study or experience in any branch of science
22 or to make scientific or professional examinations and state the result
23 thereof shall receive ~~additional~~ compensation, to be fixed by the court,
24 with reference to the value of the time employed and the degree of
25 learning or skill required.

1 (6) Notwithstanding the provisions of subsections ~~(1) to (5)~~ (4)
2 AND (5) of this section, the witness fee specified in this section shall not
3 be paid to any witness who at the time of testifying is in the legal custody
4 of any state or federal agency or any local law enforcement agency and
5 whose transportation to court is provided at government expense.

6 **SECTION 2. Repeal.** 1-1-113 (2), Colorado Revised Statutes,
7 is repealed as follows:

8 **1-1-113. Neglect of duty and wrongful acts - procedures for**
9 **adjudication of controversies - review by supreme court.** (2) ~~The~~
10 ~~petitioner shall be required to deposit in court the statutory witness fees~~
11 ~~pursuant to section 13-33-102, C.R.S., for each person cited or summoned~~
12 ~~into court as a party or a witness, to be paid to the party or witness if the~~
13 ~~charge is not sustained. The money so deposited shall be returned to the~~
14 ~~party depositing it if any of the charges are sustained.~~

15 **SECTION 3. Appropriation - adjustments to the 2010 long**
16 **bill.** For the implementation of this act, the general fund appropriation
17 made in the annual general appropriation act for the fiscal year beginning
18 July 1, 2010, to the judicial department, trial courts, for district attorney
19 mandated costs, is decreased by seventeen thousand three hundred dollars
20 (\$17,300).

21 **SECTION 4. Specified effective date - applicability.** This act
22 shall take effect July 1, 2010, and shall apply to witnesses appearing on
23 or after said date.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.