

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

INTRODUCED

LLS NO. 10-1026.01 Richard Sweetman

HOUSE BILL 10-1395

HOUSE SPONSORSHIP

Gardner B.,

SENATE SPONSORSHIP

Steadman,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

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

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.

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 **SECTION 3. Act subject to petition - effective date.** This act
24 shall take 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 11, 2010, if adjournment sine die is on May 12, 2010); 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 shall not take effect
3 unless approved by the people at the general election to be held in
4 November 2010 and shall take effect on the date of the official
5 declaration of the vote thereon by the governor.