

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-1026.01 Richard Sweetman

HOUSE BILL 10-1395

HOUSE SPONSORSHIP

Gardner B.,

SENATE SPONSORSHIP

Steadman,

House Committees
Judiciary

Senate Committees
Judiciary

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.

SENATE
3rd Reading Unamended
May 4, 2010

SENATE
2nd Reading Unamended
May 3, 2010

HOUSE
3rd Reading Unamended
April 19, 2010

HOUSE
Amended 2nd Reading
April 16, 2010

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, IF APPROVED BY RULES PROMULGATED BY THE COLORADO SUPREME
26 COURT, ORDER THAT AN INTERLOCUTORY APPEAL PERMITTED BY THE
27 COURT OF APPEALS BE HEARD OR REHEARD BY THE COURT OF APPEALS EN

1 BANC.

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