



*Colorado Legislative Council Staff Fiscal Note*  
**STATE and LOCAL  
 FISCAL IMPACT**

---

**Drafting Number:** LLS 12-0927 **Date:** April 23, 2012  
**Prime Sponsor(s):** Sen. Carroll; Roberts **Bill Status:** Senate Judiciary  
 Rep. Gardner B.; Duran **Fiscal Analyst:** Alex Schatz (303-866-4375)

---

**TITLE:** CONCERNING STATUTORILY ESTABLISHED TIME INTERVALS.

<b>Fiscal Impact Summary</b>	<b>FY 2012-2013</b>	<b>FY 2013-2014</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	See State Expenditures section.	
<b>FTE Position Change</b>		
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2012-2013:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

*Due to time constraints in the scheduling of this bill, some state agencies have not had the opportunity to complete a fiscal analysis. Therefore, this fiscal note is preliminary and will be updated if new information is received.*

**Summary of Legislation**

This bill modifies current law to establish time intervals based on a "rule of seven" for various statutory legal processes. Seven-day intervals are used to compute filing deadlines and other significant dates following an initial act. The bill affects statutes relating to Colorado civil actions, criminal procedure, juvenile cases, appellate cases, municipal courts, probate, water court, adoption petitions, and other miscellaneous statutory time intervals. In general, *but not in all cases*, the timeframe for a responsive act is enlarged to the next seven-day interval, while the timeframe for certain notices (e.g., to a criminal defendant) and scheduling certain hearings is contracted to the next-lower seven-day interval.

**Background**

Under current law, time intervals between the initiation of a legal procedure and subsequent events, such as the deadline for filing responsive pleadings, are frequently set as a multiple of 10 days, or may be set as a number of months, a multiple of five days, or some other number of days specific to the procedure. Exceptions for weekends and holidays do not apply uniformly. Therefore, filing deadlines and other crucial dates are commonly calculated to fall on weekends under current law.

An example is Colorado's process to challenge spurious liens. Current law provides that a show cause order issued by a court require a lien claimant to appear not less than 10 days nor more than 20 days after service of the order. Senate Bill 12-175 proposes to modify this process to require appearance by the lien claimant not less than 14 days nor more than 21 days after service of the show cause order.

As of December 1, 2009, similar computation problems related to time intervals were largely eliminated in the federal court system by virtue of changes to the Federal Rules of Civil Procedure (FRCP). Computation of time intervals under the present FRCP involves multiples of seven days, with subsequent events to occur on the same day of the week as the initiating act.

On December 14, 2011, the Colorado Supreme Court adopted Rule Change 2011(18), effective January 1, 2012, and Rule Change 2011(19), effective July 1, 2012. These actions by the Supreme Court adopt seven-day time intervals applicable to civil procedure, criminal procedure, juvenile cases, appellate cases, municipal courts, probate, adoption petitions, and other miscellaneous court rules. Many of the affected court rules correspond with statutes modified in a conforming manner by SB 12-175; however, some modified court rules have no corresponding statutory time limit, and some statutes modified by SB 12-175 have no corresponding court rule.

## **State Expenditures**

As of this writing, Legislative Council Staff has not received a formal response from the Judicial Branch and the assessment of state expenditure impacts in the Judicial Branch is preliminary. The fiscal note will be revised to reflect information provided by the Judicial Branch as appropriate.

Implementation of the bill involves one-time costs to the Judicial Branch. While a significant number of the statutory changes in the bill reflect court rules changes that became effective on January 1, 2012, under Colorado Supreme Court Rule Change 2011(18), a substantial number of the bill's provisions are not subject to current law.

Based on the large number of changes affecting Colorado courts, the fiscal note assumes that forms, online guidance, training materials, and case management tools (e.g, electronic databases) will be modified to reflect time intervals established by the bill. The cost of implementation cannot be estimated without further analysis; however, the Judicial Branch regularly implements rule changes, forms are periodically reprinted, and timeframe are enforced through the competent and diligent representation of parties by legal counsel. For these reasons, the fiscal note concludes that implementation costs may be absorbed within the existing resources of the Judicial Branch and no additional appropriation is required.

The bill also involves one-time efforts by other state agencies. For example, the Division of Child Welfare in the Department of Human Services must update case management practices related to children in dependency and neglect cases. Based on the limited scope of interaction with the courts by such state agencies—limited to a small number of statutes and handled by an existing specialized staff—the fiscal note assumes that adjustments to agency forms, training, and caseload management will be absorbed within existing resources.

**Local Government Impact**

Colorado municipalities with a municipal court will experience a negligible one-time increase in costs to implement the bill. By modifying three statutes pertaining to municipal court practice, the bill may require affected municipalities to modify forms, online guidance, training materials, and case management tools. Changes to municipal court practice are limited to the deadlines for election of a jury trial by a defendant, for filing an appeal of a municipal judgment, and for paying a docket fee upon appeal of the municipal case.

**Departments Contacted**

Judicial Branch  
Public Safety  
Law

Human Services  
Local Affairs

Personnel and Administration  
Corrections