

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 12-0927.01 Jerry Barry x4341

SENATE BILL 12-175

SENATE SPONSORSHIP

Carroll and Roberts,

HOUSE SPONSORSHIP

Gardner B. and Duran,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING STATUTORILY ESTABLISHED TIME INTERVALS.**

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>.)

Time intervals in current statutes relate to 10-day or monthly periods or multiples of those periods. The bill changes those periods to 7-day periods or periods that are multiples of 7 days to avoid actions being due on weekends.

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.

HOUSE
Am ended 3rd Reading
May 8, 2012

HOUSE
Am ended 2nd Reading
May 7, 2012

SENATE
Am ended 3rd Reading
April 27, 2012

SENATE
Am ended 2nd Reading
April 26, 2012

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-1-129, **amend** (4)
3 as follows:

4 **13-1-129. Preferential trial dates.** (4) Upon the granting of a
5 motion for a preferential trial date, the court shall set the case for trial not
6 more than one hundred ~~twenty~~ NINETEEN days from the date the motion
7 was filed. The court shall establish an accelerated discovery schedule in
8 all such cases. No continuance shall be granted beyond the
9 ~~one-hundred-twenty-day~~ ONE-HUNDRED-NINETEEN-DAY period except for
10 physical or mental disability of a party or a party's attorney or upon a
11 showing of other good cause. Any such continuance shall be for no more
12 than one hundred ~~twenty~~ NINETEEN days, and only one such continuance
13 shall be granted to a party.

14 **SECTION 2.** In Colorado Revised Statutes, 13-4-110, **amend** (1)
15 (b) as follows:

16 **13-4-110. Determination of jurisdiction - transfer of cases.**
17 (1) (b) A party in interest shall allege that a case is not properly within
18 the jurisdiction of the court of appeals by motion filed with the court of
19 appeals within ~~twenty~~ TWENTY-ONE days after the date the record is filed
20 with the clerk of the court of appeals, failing which any objection to
21 jurisdiction by a party in interest shall be waived.

22 **SECTION 3.** In Colorado Revised Statutes, 13-6-311, **amend** (1),
23 (2), and (4) as follows:

24 **13-6-311. Appeals from county court - simplified procedure.**
25 (1) (a) If either party in a civil action believes that the judgment of the
26 county court is in error, he OR SHE may appeal to the district court by
27 filing notice of appeal in the county court within ~~fifteen~~ TWENTY-ONE

1 days after the date of entry of judgment and by filing within the said
2 ~~fifteen~~ TWENTY-ONE days an appeal bond with the clerk of the county
3 court. The bond shall be furnished by a corporate surety authorized and
4 licensed to do business in this state as surety, or one or more sufficient
5 private sureties, or may be a cash deposit by the appellant and, if the
6 appeal is taken by the plaintiff, shall be conditioned to pay the costs of the
7 appeal and the counterclaim, if any, and, if the appeal is taken by the
8 defendant, shall be conditioned to pay the costs and judgment if the
9 appealing party fails. The bond shall be approved by the judge or the
10 clerk.

11 (b) Upon filing of the notice of appeal, the posting and approval
12 of the bond, and the deposit by the appellant of an estimated fee in
13 advance for preparing the record, the county court shall discontinue all
14 further proceedings and recall any execution issued. The appellant shall
15 then docket his OR HER appeal in the district court. A motion for new trial
16 is not required as a condition of appeal. If a motion for new trial is made
17 within ~~fifteen~~ TWENTY-ONE days, the time for appeal shall be extended
18 until ~~fifteen~~ TWENTY-ONE days after disposition of the motion, but only
19 matters raised on the motion for new trial shall be considered on an
20 appeal thereafter.

21 (2) (a) Upon the deposit of the estimated record fee, the clerk of
22 the court shall prepare and issue as soon as possible a record of the
23 proceedings in the county court, including the summons, the complaint,
24 proof of service, and the judgment. The record shall also include a
25 transcription of such part of the actual evidence and other proceedings as
26 the parties may designate or, in lieu of transcription, to which they may
27 stipulate. If a stenographic record has been maintained or the parties agree

1 to stipulate, the party appealing shall lodge with the clerk of the court the
2 reporter's transcript of the designated evidence or proceedings or a
3 stipulation covering such items within ~~forty~~ FORTY-TWO days after
4 judgment. If the proceedings have been electrically recorded, the
5 transcription of designated evidence and proceedings shall be prepared in
6 the office of the clerk of the county court, either by him OR HER or under
7 his OR HER supervision, within ~~forty~~ FORTY-TWO days after judgment.

8 (b) The clerk shall notify, in writing, the opposing parties of the
9 completion of the record, and the parties have ~~fifteen~~ TWENTY-ONE days
10 within which to file objections. If none are received, the record shall be
11 certified forthwith by the judge. If objections are made, the parties shall
12 be called for hearing and the objections settled by the county judge as
13 soon as possible and the record then certified.

14 (4) A written brief setting out matters relied upon as constituting
15 error and outlining any arguments to be made shall be filed in the district
16 court by the appellant within ~~twenty~~ TWENTY-ONE days after filing of the
17 record therein. A copy of the brief shall be served on the appellee. The
18 appellee may file an answering brief within ~~twenty~~ TWENTY-ONE days
19 after such service. In the discretion of the district court, time for filing of
20 briefs and answers may be extended.

21 **SECTION 4.** In Colorado Revised Statutes, 13-10-114, **amend**
22 (4) and (5) as follows:

23 **13-10-114. Trial by jury.** (4) For the purposes of this section, a
24 defendant waives his OR HER right to a jury trial under subsection (1) of
25 this section unless, within ~~twenty~~ TWENTY-ONE days after entry of a plea,
26 the defendant makes a request to the court for a jury trial, in writing, and
27 tenders to the court a fee of twenty-five dollars, unless the fee is waived

1 by the judge because of the indigence of the defendant. If the action is
2 dismissed or the defendant is acquitted of the charge, or if the defendant
3 having paid the jury fee files with the court at least ~~ten~~ SEVEN days before
4 the scheduled trial date a written waiver of jury trial, the jury fee shall be
5 refunded.

6 (5) At the time of arraignment for any petty offense in this state,
7 the judge shall advise any defendant not represented by counsel of the
8 defendant's right to trial by jury; of the requirement that the defendant, if
9 he OR SHE desires to invoke his OR HER right to trial by jury, request such
10 trial by jury within ~~twenty~~ TWENTY-ONE days after entry of a plea, in
11 writing; of the number of jurors allowed by law; and of the requirement
12 that the defendant, if he OR SHE desires to invoke his OR HER right to trial
13 by jury, tender to the court within ~~twenty~~ TWENTY-ONE days after entry of
14 a plea a jury fee of twenty-five dollars, unless the fee is waived by the
15 judge because of the indigence of the defendant.

16 **SECTION 5.** In Colorado Revised Statutes, **amend** 13-10-117 as
17 follows:

18 **13-10-117. Time - docket fee - bond.** Appeals may be taken
19 within ~~ten~~ FOURTEEN days after entry of any judgment of a municipal
20 court. No appeal shall be allowed until the appellant has paid to the clerk
21 of the municipal court one dollar and fifty cents as a fee for preparing the
22 transcript of record on appeal. If the municipal court is a court of record,
23 the clerk of the municipal court is entitled to the same additional fees for
24 preparing the record, or portions thereof designated, as is the clerk of the
25 county court on the appeal of misdemeanors, but said fees shall be
26 refunded to the defendant if the judgment is set aside on appeal. No stay
27 of execution shall be granted until the appellant has executed an approved

1 bond as provided in sections 13-10-120 and 13-10-121.

2 **SECTION 6.** In Colorado Revised Statutes, **amend** 13-10-122 as
3 follows:

4 **13-10-122. Docket fee - dismissal.** The appellant shall pay a
5 docket fee as provided by law to the clerk of the appellate court, within
6 ~~ten~~ FOURTEEN days from the date he OR SHE ordered the transcript of
7 record. If he OR SHE does not do so, his OR HER appeal may be dismissed
8 on motion of the municipality.

9 **SECTION 7.** In Colorado Revised Statutes, 13-22-223, **amend**
10 (2) as follows:

11 **13-22-223. Vacating award.** (2) A motion made under this
12 section shall be filed within ~~ninety~~ NINETY-ONE days after the movant
13 receives notice of the award pursuant to section 13-22-219 or within
14 ~~ninety~~ NINETY-ONE days after the movant receives notice of a modified or
15 corrected award pursuant to section 13-22-220, unless the movant alleges
16 that the award was procured by corruption, fraud, or other undue means,
17 in which case the motion must be made within ~~ninety~~ NINETY-ONE days
18 after either the ground is known or by the exercise of reasonable care
19 should have been known by the movant.

20 **SECTION 8.** In Colorado Revised Statutes, 13-22-224, **amend**
21 (1) introductory portion as follows:

22 **13-22-224. Modification or correction of award.** (1) Upon
23 motion made within ~~ninety~~ NINETY-ONE days after the movant receives
24 notice of the award pursuant to section 13-22-219 or within ~~ninety~~
25 NINETY-ONE days after the movant receives notice of a modified or
26 corrected award pursuant to section 13-22-220, the court shall modify or
27 correct the award if:

1 **SECTION 9.** In Colorado Revised Statutes, 13-40-107, **amend**
2 (1) (a), (1) (b), and (1) (c) as follows:

3 **13-40-107. Notice to quit.** (1) A tenancy may be terminated by
4 notice in writing, served not less than the respective period fixed before
5 the end of the applicable tenancy, as follows:

6 (a) A tenancy for one year or longer, ~~three months~~ NINETY-ONE
7 DAYS;

8 (b) A tenancy of six months or longer but less than a year, ~~one~~
9 ~~month~~ TWENTY-EIGHT DAYS;

10 (c) A tenancy of one month or longer but less than six months, ~~ten~~
11 SEVEN days;

12 **SECTION 10.** In Colorado Revised Statutes, 13-40-111, **amend**
13 (1); and **repeal** (2) as follows:

14 **13-40-111. Issuance and return of summons.** (1) Upon filing
15 the complaint as provided in section 13-40-110, the clerk of the court or
16 the attorney for the plaintiff shall issue a summons. The summons shall
17 command the defendant to appear before the court at a place named in
18 such summons and at a time and on a day which shall be not less than ~~five~~
19 ~~business~~ SEVEN days nor more than ~~ten calendar~~ FOURTEEN days from the
20 day of issuing the same to answer the complaint of plaintiff. The
21 summons shall also contain a statement addressed to the defendant
22 stating: "If you fail to file with the court, at or before the time for
23 appearance specified in the summons, an answer to the complaint setting
24 forth the grounds upon which you base your claim for possession and
25 denying or admitting all of the material allegations of the complaint,
26 judgment by default may be taken against you for the possession of the
27 property described in the complaint, for the rent, if any, due or to become

1 due, for present and future damages and costs, and for any other relief to
2 which the plaintiff is entitled. If you are claiming that the landlord's
3 failure to repair the residential premises is a defense to the landlord's
4 allegation of nonpayment of rent, the court will require you to pay into the
5 registry of the court, at the time of filing your answer, the rent due less
6 any expenses you have incurred based upon the landlord's failure to repair
7 the residential premises."

8 (2) ~~For purposes of this section, "business days" means any~~
9 ~~calendar day excluding Saturdays, Sundays, and legal holidays.~~

10 **SECTION 11.** In Colorado Revised Statutes, 13-40-112, **amend**
11 (3) as follows:

12 **13-40-112. Service.** (3) Personal service or service by posting
13 shall be made at least ~~five-business~~ SEVEN days before the day for
14 appearance specified in such summons, and the time and manner of such
15 service shall be endorsed upon such summons by the person making
16 service thereof.

17 **SECTION 12.** In Colorado Revised Statutes, 13-40-115, **amend**
18 (3) as follows:

19 **13-40-115. Judgment - writ of restitution.** (3) A writ of
20 restitution that is issued by the court pursuant TO subsection (1) or (2) of
21 this section shall remain in effect for ~~forty-five~~ FORTY-NINE days after
22 issuance and shall automatically expire thereafter.

23 **SECTION 13.** In Colorado Revised Statutes, 13-51.5-103,
24 **amend** (1) as follows:

25 **13-51.5-103. Request for administrative record - certification**
26 **- time limits.** (1) Unless the court specifically orders otherwise upon a
27 showing of good cause for delay, a defendant governmental body or

1 officer shall file the record pursuant to rule 106 (a) (4) (III), C.R.C.P., or
2 any successor rule thereto within ~~thirty~~ THIRTY-FIVE days after the filing
3 of the complaint.

4 **SECTION 14.** In Colorado Revised Statutes, 13-54.5-102,
5 **amend** (2) as follows:

6 **13-54.5-102. Continuing garnishment - creation of lien.**

7 (2) Garnishment pursuant to subsection (1) of this section shall be a lien
8 and continuing levy against said earnings due for one hundred ~~eighty~~
9 EIGHTY-TWO days following service of the writ or for one hundred ~~eighty~~
10 EIGHTY-TWO days following the expiration of any writs with a priority
11 under section 13-54.5-104, but such lien shall be terminated earlier than
12 one hundred ~~eighty~~ EIGHTY-TWO days if earnings are no longer due, the
13 underlying judgment is vacated, modified, or satisfied in full, or the writ
14 is dismissed; except that a continuing garnishment may be suspended for
15 a specified period of time by the judgment creditor upon agreement with
16 the judgment debtor, which agreement shall be in writing and filed by the
17 judgment creditor with the clerk of the court in which the judgment was
18 entered and a copy of which shall be delivered by the judgment creditor
19 to the garnishee.

20 **SECTION 15.** In Colorado Revised Statutes, 13-54.5-107,
21 **amend** (2) as follows:

22 **13-54.5-107. Service of notice upon judgment debtor.** (2) In
23 cases where the judgment debtor's personal property, other than earnings,
24 is subject to garnishment, service of the notice of exemption and pending
25 levy required by section 13-54.5-106 shall be made by delivering a copy
26 of such notice to the judgment debtor personally or by leaving a copy of
27 such notice at the usual abode of the judgment debtor with some member

1 of his OR HER family over the age of eighteen years. In the event that
2 personal service cannot be made upon the judgment debtor, upon a
3 showing that due diligence has been used to obtain personal service, the
4 court shall order service of such notice of exemption and pending levy to
5 be made, in accordance with section 24-70-106, C.R.S., by publication
6 thereof for a period of ~~ten~~ FOURTEEN days in some newspaper of general
7 circulation published in the county in which said property was so levied
8 upon or, if there is no such newspaper published in such county, by
9 publication in a newspaper of general circulation in an adjoining county,
10 and the court shall order the clerk of the court in which the judgment was
11 entered to mail a copy of such notice to the judgment debtor at his OR HER
12 last-known address, postage prepaid. Such notice, with proof of service
13 thereof, and, in the case of publication, an affidavit of publication and an
14 affidavit of the mailing of notice shall be filed with the clerk of the court
15 in which the judgment was entered.

16 **SECTION 16.** In Colorado Revised Statutes, 13-54.5-108,
17 **amend** (1) and (3) as follows:

18 **13-54.5-108. Judgment debtor to file written objection or**
19 **claim of exemption.** (1) (a) In a case of continuing garnishment where
20 the judgment debtor objects to the calculation of the amount of exempt
21 earnings, the judgment debtor shall have ~~five~~ SEVEN days from receipt of
22 the copy of the writ of continuing garnishment required by section
23 13-54.5-105 within which to resolve the issue of such miscalculation, by
24 agreement with the garnishee, during which time the garnishee shall not
25 tender any moneys to the clerk of the court. If such objection is not
26 resolved within ~~five~~ SEVEN days and after good faith effort, the judgment
27 debtor may file a written objection with the clerk of the court in which the

1 judgment was entered setting forth with reasonable detail the grounds for
2 such objection. The judgment debtor shall, by certified mail, return
3 receipt requested, deliver immediately a copy of such objection to the
4 judgment creditor or his OR HER attorney of record.

5 (b) In a case where a garnishee, pursuant to a writ of garnishment,
6 holds any personal property of the judgment debtor other than earnings
7 which the judgment debtor claims to be exempt, said judgment debtor,
8 within ~~ten~~ FOURTEEN days after being served with the notice of exemption
9 and pending levy required by section 13-54.5-106, shall make and file
10 with the clerk of the court in which the judgment was entered a written
11 claim of exemption setting forth with reasonable detail a description of
12 the property claimed to be exempt, together with the grounds for such
13 exemption. The judgment debtor shall, by certified mail, return receipt
14 requested, deliver immediately a copy of such claim to the judgment
15 creditor or his OR HER attorney of record.

16 (3) Notwithstanding the provisions of subsection (1) of this
17 section, a judgment debtor failing to make a written objection or claim of
18 exemption may, at any time within ~~six months~~ ONE HUNDRED
19 EIGHTY-TWO DAYS from receipt of a copy of the writ of continuing
20 garnishment required by section 13-54.5-105 or from service of the notice
21 of exemption and pending levy required by section 13-54.5-106 and for
22 good cause shown, move the court in which the judgment was entered to
23 hear an objection or a claim of exemption as to any earnings or property
24 levied in garnishment, the amount of which the judgment debtor claims
25 to have been miscalculated or which the judgment debtor claims to be
26 exempt. Such hearing may be granted upon a showing of mistake,
27 accident, surprise, irregularity in proceedings, newly discovered evidence,

1 events not in the control of the judgment debtor, or such other grounds as
2 the court may allow.

3 **SECTION 17.** In Colorado Revised Statutes, 13-54.5-109,
4 **amend** (1) (a), (2), and (3) as follows:

5 **13-54.5-109. Hearing on objection or claim of exemption.**

6 (1) (a) Upon the filing of an objection pursuant to section 13-54.5-108
7 (1) (a) or the filing of a claim of exemption pursuant to section
8 13-54.5-108 (1) (b), the court in which the judgment was entered shall set
9 a time for the hearing of such objection or claim, which shall be not more
10 than ~~ten calendar~~ FOURTEEN days after filing. The clerk of the court where
11 such objection or claim is filed shall immediately inform the judgment
12 creditor or his OR HER attorney of record and the judgment debtor or his
13 OR HER attorney of record by telephone, by mail, or in person of the date
14 set for such hearing.

15 (2) Upon such hearing, the court shall summarily try and
16 determine whether the amount of the judgment debtor's exempt earnings
17 was correctly calculated by the garnishee or whether the property held by
18 the garnishee is exempt and shall enter an order or judgment setting forth
19 the determination of the court. If the amount of exempt earnings is found
20 to have been miscalculated or if said property is found to be exempt, the
21 court shall order the clerk of the court to remit the amount of
22 over-garnished earnings, or the garnishee to remit such exempt property,
23 to the judgment debtor within ~~three business~~ SEVEN days.

24 (3) Where the judgment debtor moves the court to hear an
25 objection or claim of exemption within the time provided by section
26 13-54.5-108 (3) and the judgment giving rise to such claim has been
27 satisfied against property or earnings of the judgment debtor, the court

1 shall hear and summarily try and determine whether the amount of the
2 judgment debtor's earnings paid to the judgment creditor was correctly
3 calculated and whether the judgment debtor's property sold in execution
4 was exempt and shall issue an order setting forth the determination of the
5 court. If such amount of earnings is found to have been miscalculated or
6 if such property is found to be exempt, the court shall order the judgment
7 creditor to remit the amount of the over-garnished earnings or such
8 exempt property or the value thereof to the judgment debtor within ~~three~~
9 ~~business~~ SEVEN days.

10 **SECTION 18.** In Colorado Revised Statutes, 13-54.5-110,
11 **amend** (2) as follows:

12 **13-54.5-110. No discharge from employment for any**
13 **garnishment - general prohibition.** (2) If an employer discharges an
14 employee in violation of the provisions of this section, the employee may,
15 within ~~ninety~~ NINETY-ONE days, bring a civil action for the recovery of
16 wages lost as a result of the violation and for an order requiring the
17 reinstatement of the employee. Damages recoverable shall be lost wages
18 not to exceed six weeks, costs, and reasonable attorney fees.

19 **SECTION 19.** In Colorado Revised Statutes, **amend** 13-55-101
20 as follows:

21 **13-55-101. Defendant to file written claim.** Except in cases of
22 garnishment pursuant to article 54.5 of this title, in cases where a sheriff
23 or other officer by virtue of a writ of execution, writ of attachment, or
24 other order of court issued by a court of record or clerk thereof levies
25 upon, seizes, or takes into his possession any property of the defendant
26 debtor, which said property, or part thereof, the defendant claims as
27 exempt under the provisions of the statutes of the state, said defendant

1 debtor, within ~~ten~~ FOURTEEN days after being served with notice of such
2 levy or seizure, shall make and file with the clerk of the court of record
3 out of which such writ of execution, writ of attachment, or other order
4 was issued a written claim of such exemption setting forth with
5 reasonable detail the description of the property so claimed to be exempt
6 together with the grounds of such claim of exemption.

7 **SECTION 20.** In Colorado Revised Statutes, **amend** 13-55-102
8 as follows:

9 **13-55-102. Service of notice of levy.** Notice of such levy or
10 seizure of any property under a writ of execution, writ of attachment, or
11 other order of court shall be served upon the defendant debtor by
12 delivering a copy of such notice to the defendant debtor personally or by
13 leaving a copy of such notice at the usual abode of the defendant debtor
14 with some member of his family over the age of fifteen years. In the event
15 the defendant is a nonresident, or absent from the state or conceals
16 himself OR HERSELF so personal service cannot be had upon him OR HER,
17 then service of such notice of levy or seizure shall be made by publication
18 thereof for a period of ~~ten~~ FOURTEEN days in some newspaper published
19 in the county in which said property was so levied upon or seized, or, if
20 there is no newspaper published in such county, then like publication
21 shall be made in a newspaper in an adjoining county, and the clerk of the
22 court of record shall mail a copy of such notice to the defendant debtor
23 directed to him OR HER at his OR HER last-known address, postage
24 prepaid. Such notice, with proof of service thereof and, in case of
25 publication, affidavit of publication and affidavit of mailing of notice
26 shall be filed with the clerk of the court of record from which such writ
27 of execution, writ of attachment, or other order of court was issued.

1 **SECTION 21.** In Colorado Revised Statutes, 13-55-104, **amend**
2 (1) as follows:

3 **13-55-104. Hearing on claim.** (1) Upon the filing of such claim
4 of exemption, the court of record shall set a time for the hearing of such
5 claim of exemption, which shall not be less than ~~five~~ SEVEN days nor
6 more than ~~fifteen~~ FOURTEEN days thereafter. A written notice of the time
7 and place of such hearing shall be given by the defendant or his OR HER
8 attorney to the officer who made such levy or seizure, and to the plaintiff
9 in said action or his OR HER attorney of record, by leaving a copy of such
10 notice with said officer or his deputy at his office and by leaving a copy
11 thereof with the plaintiff or his OR HER attorney of record, or notice may
12 be given to the plaintiff by mailing a copy of such notice of hearing to the
13 attorney of record of the plaintiff at least ~~five~~ SEVEN days in advance of
14 date set for the hearing.

15 **SECTION 22.** In Colorado Revised Statutes, **amend** 14-2-107 as
16 follows:

17 **14-2-107. When licenses to marry issued - validity.** Licenses
18 to marry shall be issued by the county clerk and recorder only during the
19 hours that the office of the county clerk and recorder is open as prescribed
20 by law and at no other time, and such licenses shall show the exact date
21 and hour of their issue. A license shall not be valid for use outside the
22 state of Colorado. Within the state, such licenses shall not be valid for
23 more than ~~thirty~~ THIRTY-FIVE days after the date of issue. If any license
24 to marry is not used within ~~thirty~~ THIRTY-FIVE days, it ~~shall be~~ IS void and
25 shall be returned to the county clerk and recorder for cancellation.

26 **SECTION 23.** In Colorado Revised Statutes, 14-2-109, **amend**
27 (1) as follows:

1 **14-2-109. Solemnization and registration.** (1) A marriage may
2 be solemnized by a judge of a court, by a court magistrate, by a retired
3 judge of a court, by a public official whose powers include solemnization
4 of marriages, by the parties to the marriage, or in accordance with any
5 mode of solemnization recognized by any religious denomination or
6 Indian nation or tribe. Either the person solemnizing the marriage or, if
7 no individual acting alone solemnized the marriage, a party to the
8 marriage shall complete the marriage certificate form and forward it to
9 the county clerk and recorder within ~~sixty~~ SIXTY-THREE days after the
10 solemnization. Any person who fails to forward the marriage certificate
11 to the county clerk and recorder as required by this section shall be
12 required to pay a late fee in an amount of not less than twenty dollars. An
13 additional five-dollar late fee may be assessed for each additional day of
14 failure to comply with the forwarding requirements of this subsection (1)
15 up to a maximum of fifty dollars. For purposes of determining whether a
16 late fee shall be assessed pursuant to this subsection (1), the date of
17 forwarding shall be deemed to be the date of postmark.

18

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19 **SECTION 24.** In Colorado Revised Statutes, 14-10-106, **amend**
20 (1) (a) (I) and (1) (a) (III) as follows:

21 **14-10-106. Dissolution of marriage - legal separation.**

22 (1) (a) The district court shall enter a decree of dissolution of marriage
23 when:

24 (I) The court finds that one of the parties has been domiciled in
25 this state for ~~ninety~~ NINETY-ONE days next preceding the commencement
26 of the proceeding;

27 (III) The court finds that ~~ninety~~ NINETY-ONE days or more have

1 elapsed since it acquired jurisdiction over the respondent either as the
2 result of process pursuant to rule 4 of the Colorado rules of civil
3 procedure or as the result of the act of the respondent in joining as
4 copetitioner in the petition or in entering an appearance in any other
5 manner.

6 **SECTION 25.** In Colorado Revised Statutes, 14-10-107, **amend**
7 (4) (a) as follows:

8 **14-10-107. Commencement - pleadings - abolition of existing**
9 **defenses - automatic, temporary injunction - enforcement.**

10 (4) (a) Upon the commencement of a proceeding by one of the parties,
11 or by a legal guardian or conservator of one of the parties, the other party
12 shall be personally served in the manner provided by the Colorado rules
13 of civil procedure, and he or she may file a response in accordance with
14 such rules; except that, upon motion verified by the oath of the party
15 commencing the proceeding or of someone in his or her behalf for an
16 order of publication stating the facts authorizing such service, and
17 showing the efforts, if any, that have been made to obtain personal service
18 within this state, and giving the address or last-known address of each
19 person to be served or stating that his or her address and last-known
20 address are unknown, the court shall hear the motion ex parte and, if
21 satisfied that due diligence has been used to obtain personal service
22 within this state or that efforts to obtain the same would have been to no
23 avail, shall order one publication of a consolidated notice in a newspaper
24 published or having general circulation in the county in which the
25 proceeding is filed, notwithstanding the provisions of article 70 of title
26 24, C.R.S. A consolidated notice shall be published at least once during
27 a calendar month and shall list the proceedings filed subsequent to those

1 named in the previously published consolidated notice, stating as to each
2 proceeding the names of the parties, the action number, the nature of the
3 action, that a copy of the petition and summons may be obtained from the
4 clerk of the court during regular business hours, and that default judgment
5 may be entered against that party upon whom service is made by such
6 notice if he or she fails to appear or file a response within ~~thirty~~
7 THIRTY-FIVE days after the date of publication. Costs of publication of a
8 consolidated notice may be assessed pro rata to each of the proceedings
9 named in the notice; except that, if a party is indigent or otherwise unable
10 to pay such publication costs, the costs shall be paid by the court from
11 funds appropriated for the purpose. Service shall be complete upon such
12 publication, and a response or appearance by the party served by
13 publication under this subsection (4) shall be made within ~~thirty~~
14 THIRTY-FIVE days thereafter, or default judgment may be entered. No later
15 than the day of publication, the clerk of the court shall also post for ~~thirty~~
16 THIRTY-FIVE consecutive days a copy of the process on a bulletin board
17 in his or her office, and shall mail a copy of the process to the other party
18 at his or her last-known address, and shall place in the file of the
19 proceeding his or her certificate of posting and mailing. Proof of
20 publication of the consolidated notice shall be by placing in the file a
21 copy of the affidavit of publication, certified by the clerk of the court to
22 be a true and correct copy of the original affidavit on file in the clerk's
23 office.

24 **SECTION 26.** In Colorado Revised Statutes, 14-10-110, **amend**
25 (2) (b) as follows:

26 **14-10-110. Irretrievable breakdown.** (2) If one of the parties
27 has denied under oath or affirmation that the marriage is irretrievably

1 broken, the court shall consider all relevant factors, including the
2 circumstances that gave rise to the filing of the petition and the prospect
3 of reconciliation, and shall:

4 (b) Continue the matter for further hearing not less than ~~thirty~~
5 THIRTY-FIVE days nor more than ~~sixty~~ SIXTY-THREE days later, or as soon
6 thereafter as the matter may be reached on the court's calendar, and may
7 suggest to the parties that they seek counseling. At the adjourned hearing,
8 the court shall make a finding whether the marriage is irretrievably
9 broken.

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11 **SECTION 27.** In Colorado Revised Statutes, 14-10-120, **amend**
12 (2) as follows:

13 **14-10-120. Decree.** (2) No earlier than ~~six months~~ ONE HUNDRED
14 EIGHTY-TWO DAYS after entry of a decree of legal separation, on motion
15 of either party and proof that a notice has been mailed to the other party
16 at his or her last-known address, the court shall convert the decree of
17 legal separation to a decree of dissolution of marriage, and a copy thereof
18 shall be mailed to both parties.

19 **SECTION 28.** In Colorado Revised Statutes, 14-10-122, **amend**
20 (1) (c) as follows:

21 **14-10-122. Modification and termination of provisions for**
22 **maintenance, support, and property disposition - automatic lien.**

23 (1) (c) In any action or proceeding in any court of this state in which
24 child support, maintenance when combined with child support, or
25 maintenance is ordered, a payment becomes a final money judgment,
26 referred to in this section as a support judgment, when it is due and not
27 paid. Such payment shall not be retroactively modified except pursuant

1 to paragraph (a) of this subsection (1) and may be enforced as other
2 judgments without further action by the court; except that an existing
3 child support order with respect to child support payable by the obligor
4 may be modified retroactively to the time that a mutually agreed upon
5 change of physical custody occurs pursuant to subsection (5) of this
6 section. A support judgment is entitled to full faith and credit and may be
7 enforced in any court of this state or any other state. In order to enforce
8 a support judgment, the obligee shall file with the court that issued the
9 order a verified entry of support judgment specifying the period of time
10 that the support judgment covers and the total amount of the support
11 judgment for that period. The obligee or the delegate child support
12 enforcement unit shall not be required to wait ~~fifteen~~ FOURTEEN days to
13 execute on such support judgment. A verified entry of support judgment
14 is not required to be signed by an attorney. A verified entry of support
15 judgment may be used to enforce a support judgment for debt entered
16 pursuant to section 14-14-104. The filing of a verified entry of support
17 judgment shall revive all individual support judgments that have arisen
18 during the period of time specified in the entry of support judgment and
19 that have not been satisfied, pursuant to rule 54 (h) of the Colorado rules
20 of civil procedure, without the requirement of a separate motion, notice,
21 or hearing. Notwithstanding the provisions of this paragraph (c), no court
22 order for support judgment nor verified entry of support judgment shall
23 be required in order for the county and state child support enforcement
24 units to certify past-due amounts of child support to the internal revenue
25 service or to the department of revenue for purposes of intercepting a
26 federal or state tax refund or lottery winnings.

27 **SECTION 29.** In Colorado Revised Statutes, 14-10-123, **amend**

1 (1) (c) as follows:

2 **14-10-123. Commencement of proceedings concerning**
3 **allocation of parental responsibilities - jurisdiction - automatic**
4 **temporary injunction - enforcement.** (1) A proceeding concerning the
5 allocation of parental responsibilities is commenced in the district court
6 or as otherwise provided by law:

7 (c) By a person other than a parent who has had the physical care
8 of a child for a period of ~~six months~~ ONE HUNDRED EIGHTY-TWO DAYS or
9 more, if such action is commenced within ~~six months of~~ ONE HUNDRED
10 EIGHTY-TWO DAYS AFTER the termination of such physical care; or

11 **SECTION 30.** In Colorado Revised Statutes, 14-10-127, **amend**
12 (3) as follows:

13 **14-10-127. Evaluation and reports.** (3) The evaluator shall mail
14 the report to the court and to counsel and to any party not represented by
15 counsel at least ~~twenty~~ TWENTY-ONE days prior to the hearing. The
16 evaluator shall make available to counsel and to any party not represented
17 by counsel his or her file of underlying data and reports, complete texts
18 of diagnostic reports made to the evaluator pursuant to the provisions of
19 subsections (2), (5), and (6) of this section, and the names and addresses
20 of all persons whom the evaluator has consulted. Any party to the
21 proceeding may call the evaluator and any person with whom the
22 evaluator has consulted for cross-examination. No party may waive his
23 or her right of cross-examination prior to the hearing.

24 **SECTION 31.** In Colorado Revised Statutes, 14-10-128.3,
25 **amend** (4) (a) as follows:

26 **14-10-128.3. Appointment of decision-maker.** (4) (a) A party
27 may file a motion with the court requesting that a decision of the

1 decision-maker be modified by the court pursuant to a de novo hearing.
2 A motion for a de novo hearing shall be filed no later than ~~thirty~~
3 THIRTY-FIVE days after the date the decision is issued pursuant to
4 subsection (3) of this section.

5 **SECTION 32.** In Colorado Revised Statutes, 14-10-128.5,
6 **amend** (2) as follows:

7 **14-10-128.5. Appointment of arbitrator - de novo hearing of**
8 **award.** (2) Any party may apply to have the arbitrator's award vacated,
9 modified, or corrected pursuant to part 2 of article 22 of title 13, C.R.S.,
10 or may move the court to modify the arbitrator's award pursuant to a de
11 novo hearing concerning such award by filing a motion for hearing no
12 later than ~~thirty~~ THIRTY-FIVE days after the date of the award. In
13 circumstances in which a party moves for a de novo hearing by the court,
14 if the court, in its discretion based on the pleadings filed, grants the
15 motion and the court substantially upholds the decision of the arbitrator,
16 the party that requested the de novo hearing shall be ordered to pay the
17 fees and costs of the other party and the fees of the arbitrator incurred in
18 responding to the application or motion unless the court finds that it
19 would be manifestly unjust.

20 **SECTION 33.** In Colorado Revised Statutes, 14-10-129, **amend**
21 (3) (a) as follows:

22 **14-10-129. Modification of parenting time.** (3) (a) If a parent
23 has been convicted of any of the crimes listed in paragraph (b) of this
24 subsection (3) or convicted in another state or jurisdiction, including but
25 not limited to a military or federal jurisdiction, of an offense that, if
26 committed in Colorado, would constitute any of the crimes listed in
27 paragraph (b) of this subsection (3), or convicted of any crime in which

1 the underlying factual basis has been found by the court on the record to
2 include an act of domestic violence, as defined in section 18-6-800.3 (1),
3 C.R.S., that constitutes a potential threat or endangerment to the child, the
4 other parent, or any other person who has been granted custody of or
5 parental responsibility for the child pursuant to court order may file an
6 objection to parenting time with the court. The other parent or other
7 person having custody or parental responsibility shall give notice to the
8 offending parent of such objection as provided by the Colorado rules of
9 civil procedure, and the offending parent shall have ~~twenty~~ TWENTY-ONE
10 days from such notice to respond. If the offending parent fails to respond
11 within ~~twenty~~ TWENTY-ONE days, the parenting time rights of such parent
12 shall be suspended until further order of the court. If such parent responds
13 and objects, a hearing shall be held within ~~thirty~~ THIRTY-FIVE days of such
14 response. The court may determine that any offending parent who
15 responds and objects shall be responsible for the costs associated with any
16 hearing, including reasonable attorney fees incurred by the other parent.
17 In making such determination, the court shall consider the criminal record
18 of the offending parent and any actions to harass the other parent and the
19 children, any mitigating actions by the offending parent, and whether the
20 actions of either parent have been substantially frivolous, substantially
21 groundless, or substantially vexatious. The offending parent shall have
22 the burden at the hearing to prove that parenting time by such parent is in
23 the best interests of the child or children.

24 **SECTION 34.** In Colorado Revised Statutes, 14-10-129.5,
25 **amend** (1) introductory portion and (1) (c) as follows:

26 **14-10-129.5. Disputes concerning parenting time.** (1) Within
27 ~~thirty~~ THIRTY-FIVE days after the filing of a verified motion by either

1 parent or upon the court's own motion alleging that a parent is not
2 complying with a parenting time order or schedule and setting forth the
3 possible sanctions that may be imposed by the court, the court shall
4 determine from the verified motion, and response to the motion, if any,
5 whether there has been or is likely to be substantial or continuing
6 noncompliance with the parenting time order or schedule and either:

7 (c) Require the parties to seek mediation and report back to the
8 court on the results of the mediation within ~~sixty~~ SIXTY-THREE days.
9 Mediation services shall be provided in accordance with section
10 13-22-305, C.R.S. At the end of the mediation period, the court may
11 approve an agreement reached by the parents or shall set the matter for
12 hearing.

13 **SECTION 35.** In Colorado Revised Statutes, 14-13-102, **amend**
14 (7) (a) and (13) (a) as follows:

15 **14-13-102. Definitions.** As used in this article, unless the context
16 otherwise requires:

17 (7) (a) "Home state" means the state in which a child lived with
18 a parent or a person acting as a parent for at least ~~six~~ ONE HUNDRED
19 EIGHTY-TWO consecutive ~~months~~ DAYS immediately before the
20 commencement of a child-custody proceeding. In the case of a child less
21 than six months of age, the term means the state in which the child lived
22 from birth with any of the persons mentioned. A period of temporary
23 absence of any of the mentioned persons is part of the period.

24 (13) "Person acting as a parent" means a person, other than a
25 parent, who:

26 (a) Has physical custody of the child or has had physical custody
27 for a period of ~~six~~ ONE HUNDRED EIGHTY-TWO consecutive ~~months~~ DAYS,

1 including any temporary absence, within one year immediately before the
2 commencement of a child-custody proceeding; and

3 **SECTION 36.** In Colorado Revised Statutes, 14-13-201, **amend**
4 (1) (a) as follows:

5 **14-13-201. Initial child-custody jurisdiction.** (1) Except as
6 otherwise provided in section 14-13-204, a court of this state has
7 jurisdiction to make an initial child-custody determination only if:

8 (a) This state is the home state of the child on the date of the
9 commencement of the proceeding, or was the home state of the child
10 within ~~six months~~ ONE HUNDRED EIGHTY-TWO DAYS before the
11 commencement of the proceeding and the child is absent from this state
12 but a parent or person acting as a parent continues to live in this state;

13 **SECTION 37.** In Colorado Revised Statutes, 14-13-305, **amend**
14 (3) (b) as follows:

15 **14-13-305. Registration of child-custody determination.**
16 (3) The notice required by paragraph (b) of subsection (2) of this section
17 must state that:

18 (b) A hearing to contest the validity of the registered
19 determination must be requested within ~~twenty~~ TWENTY-ONE days after
20 service of notice; and

21 **SECTION 38.** In Colorado Revised Statutes, 14-14-111.5,
22 **amend** (3) (b) (II) (I), (3) (b) (II) (K), (3) (b) (VII) (A), (3) (b) (VII) (C),
23 (4) introductory portion, and (9) as follows:

24 **14-14-111.5. Income assignments for child support or**
25 **maintenance.** (3) **Activation of income assignment.** Income
26 assignments shall be activated in accordance with the following
27 provisions:

1 (b) (II) **Notice of activation.** When an income assignment is
2 activated pursuant to sub-subparagraph (C) of subparagraph (I) of this
3 paragraph (b), a copy of the advance notice of activation and a form for
4 the obligor to object to the activation listing the available defenses shall
5 be mailed by the obligee or the obligee's representative to the obligor's
6 last-known address. The notice of activation shall contain the following
7 information:

8 (I) A statement of the obligor's right to object to the activation of
9 the income assignment within ~~ten~~ FOURTEEN days after the date the
10 advance notice of activation is sent to the obligor and the procedures
11 available for such objection;

12 (K) A statement that failure to object to the activation of an
13 income assignment within ~~ten~~ FOURTEEN days after the date the advance
14 notice of activation was sent to the obligor will result in the activation of
15 the income assignment pursuant to subsection (4) of this section;

16 (VII) **Objections to income assignment.** (A) The obligor may
17 file with the court a written objection to the activation of an income
18 assignment pursuant to sub-subparagraph (C) of subparagraph (I) of this
19 paragraph (b) within ~~ten~~ FOURTEEN days after the advance notice of
20 activation is sent to the obligor pursuant to subparagraph (II) of this
21 paragraph (b) unless the obligor alleges that the notice was not received,
22 in which case an objection may be filed no later than ~~ten~~ FOURTEEN days
23 after actual notice. The obligor shall mail a copy of the written objection
24 to the obligee or the obligee's representative.

25 (C) If an objection is filed by the obligor, a hearing shall be set
26 and held by the court within ~~forty-five~~ FORTY-TWO days after the date the
27 advance notice of activation was sent to the obligor pursuant to

1 subparagraph (II) of this paragraph (b). The court shall deny the objection
2 without hearing if a defense in sub-subparagraph (B) of this subparagraph
3 (VII) is not alleged.

4 (4) **Notice to withhold income for support.** ~~Ten~~ FOURTEEN days
5 after the date the advance notice of activation is mailed to the obligor for
6 income assignments on orders entered during the time periods described
7 in paragraphs (a), (b), and (d) of subsection (2) of this section or
8 immediately for income assignments on orders entered during the time
9 periods described in paragraphs (c), (e), and (f) of subsection (2) of this
10 section, an income assignment may be activated by the obligee, the
11 obligee's representative, or the delegate child support enforcement unit by
12 causing a notice to withhold income for support to be served upon the
13 employer, trustee, or other payor of funds, by first-class mail or by
14 electronic service, if such employer, trustee, or other payor of funds
15 mutually agrees with the state child support enforcement agency to
16 receive such income assignments electronically. Receipt of notice by the
17 employer, trustee, or other payor of funds confers jurisdiction of the court
18 over the employer, trustee, or other payor of funds. Income assignments
19 activated for orders entered during the time periods described in
20 paragraphs (c), (e), and (f) of subsection (2) of this section shall be paid
21 through the family support registry pursuant to section 26-13-114, C.R.S.
22 In circumstances in which the source of income to the obligor is
23 unemployment compensation benefits and the custodian of the child is
24 receiving support enforcement services pursuant to section 26-13-106,
25 C.R.S., no notice to withhold income for support shall be required. In
26 such cases, the state child support enforcement agency shall electronically
27 intercept the unemployment compensation benefits through an automated

1 interface with the department of labor and employment. In all other cases,
2 the notice to withhold income for support shall contain the following
3 information and, except in cases in which the obligee is receiving child
4 support enforcement services pursuant to section 26-13-106, C.R.S., shall
5 have a certified copy of the support order attached thereto:

6 (9) If an employer discharges an employee in violation of the
7 provisions of this section, the employee may, within ~~ninety~~ NINETY-ONE
8 days, bring a civil action for the recovery of wages lost as a result of the
9 violation and for an order requiring the reinstatement of the employee.
10 Damages recoverable shall be lost wages not to exceed six weeks, costs,
11 and reasonable attorney fees.

12 **SECTION 39.** In Colorado Revised Statutes, 14-14-112, **amend**
13 (2) (g) as follows:

14 **14-14-112. Deductions for health insurance.** (2) Notice of the
15 deduction for health insurance shall be mailed by first-class mail by the
16 obligee or the obligee's representative to the obligor's employer. The
17 notice of the deduction for health insurance shall contain:

18 (g) A statement that the employer shall promptly notify the court,
19 obligee, or delegate child support enforcement unit in writing within ~~ten~~
20 FOURTEEN days after the obligor terminates employment and shall
21 provide, if known, the name of the obligor's new employer;

22 **SECTION 40.** In Colorado Revised Statutes, 15-10-401, **amend**
23 (1) as follows:

24 **15-10-401. Notice - method and time of giving.** (1) If notice of
25 a hearing on any petition is required, and except for specific notice
26 requirements as otherwise provided, the petitioner shall cause notice of
27 the time and place of hearing on any petition to be given to any interested

1 person or to the interested person's attorney of record or the interested
2 person's designee. Notice shall be given:

3 (a) By mailing a copy thereof at least ~~ten~~ FOURTEEN days before
4 the time set for the hearing by certified, registered, or ordinary first-class
5 mail addressed to the person being notified at the post-office address
6 given in any demand for notice, or at the person's office or place of
7 residence, if known; or

8 (b) By delivering a copy thereof to the person being notified
9 personally at least ~~ten~~ FOURTEEN days before the time set for the hearing;
10 or

11 (c) If the address or identity of any person is not known and
12 cannot be ascertained with reasonable diligence, by publishing once a
13 week for three consecutive weeks, a copy thereof in a newspaper having
14 general circulation published in the county where the hearing is to be
15 held, the last publication of which is to be at least ~~ten~~ FOURTEEN days
16 before the time set for the hearing. In case there is no newspaper of
17 general circulation published in the county of appointment, said
18 publication shall be made in such a newspaper in an adjoining county. A
19 motion for court permission to publish the notice of any hearing shall not
20 be required unless otherwise directed by the court.

21 **SECTION 41.** In Colorado Revised Statutes, 15-10-602, **amend**
22 (7) (b) (I) as follows:

23 **15-10-602. Recovery of reasonable compensation and costs.**

24 (7) (b) If a lawyer or another person not appointed by the court provides
25 services that result in an order beneficial to the estate, respondent, ward,
26 or protected person, the lawyer or other person not appointed by the court
27 may receive costs and reasonable compensation from the estate as

1 provided below:

2 (I) The lawyer or other person shall file a request for
3 compensation for services or costs alleged to have resulted in the order
4 within ~~fifteen~~ FOURTEEN days after the entry of the order or within a
5 greater or lesser time as the court may direct. Any objection thereto shall
6 be filed within fifteen FOURTEEN days after the filing of the request for
7 compensation or costs.

8 **SECTION 42.** In Colorado Revised Statutes, 15-10-604, **amend**
9 (3) as follows:

10 **15-10-604. Fee disputes - process and procedure.** (3) After the
11 objection to compensation or costs has been filed, the person requesting
12 compensation or costs shall have ~~thirty~~ THIRTY-FIVE days, or a greater or
13 lesser time as the court may direct, to make available to the objector for
14 inspection and copying all documentation that the person deems
15 necessary to establish the reasonableness of the compensation and costs
16 in consideration of the factors set forth in section 15-10-603 (3) and to
17 certify to the court that such documentation was made available to the
18 objector on a certain date. The objector shall then have ~~fifteen~~ FOURTEEN
19 days, or a greater or lesser time as the court may direct, to file specific
20 written objections to such compensation and costs based on the factors set
21 forth in section 15-10-603 (3). The ~~fifteen~~ FOURTEEN days shall
22 commence on the date that the person makes the documentation available
23 to the objector or upon the filing of the person's certification, whichever
24 is later. The court may permit further discovery on the compensation and
25 cost issues raised by the pleadings only upon good cause shown.

26 **SECTION 43.** In Colorado Revised Statutes, 15-12-610, **amend**
27 (3) as follows:

1 **15-12-610. Termination of appointment - voluntary.** (3) A
2 personal representative may resign his position by filing a written
3 statement of resignation with the registrar after he OR SHE has given at
4 least ~~fifteen~~ FOURTEEN days' written notice to the persons known to be
5 interested in the estate. If the person resigning is a sole representative and
6 if no one applies or petitions for appointment of a successor
7 representative within the time indicated in the notice, the filed statement
8 of resignation is ineffective as a termination of appointment and in any
9 event is effective only upon the appointment and qualification of a
10 successor representative and delivery of the assets to him OR HER. If the
11 person resigning is a corepresentative, such resignation is effective only
12 upon delivery of the assets in his OR HER possession to any remaining
13 corepresentatives.

14 **SECTION 44.** In Colorado Revised Statutes, 15-12-804, **amend**
15 (8) as follows:

16 **15-12-804. Manner of presentation of claims.** (8) If a claim is
17 presented under subsection (1) of this section, a proceeding thereon may
18 not be commenced more than ~~sixty~~ SIXTY-THREE days after the personal
19 representative has mailed a notice of disallowance; except that, in the case
20 of a claim that is not presently due or that is contingent or unliquidated,
21 the personal representative may consent to an extension of the ~~sixty-day~~
22 SIXTY-THREE-DAY period, or, to avoid injustice, the court, on petition,
23 may order an extension of the ~~sixty-day~~ SIXTY-THREE-DAY period, but in
24 no event shall the extension run beyond the applicable statute of
25 limitations.

26 **SECTION 45.** In Colorado Revised Statutes, 15-12-806, **amend**
27 (1) and (4) as follows:

1 **15-12-806. Allowance of claims.** (1) The personal representative
2 may mail a notice to any claimant stating that the claim has been
3 disallowed. If the personal representative fails to mail notice to a claimant
4 of action on his or her claim within ~~sixty~~ SIXTY-THREE days after the time
5 for original presentation of the claim has expired, the claim shall be
6 deemed to be allowed. After any claim has been deemed to be allowed or
7 disallowed, the personal representative may change the status of the
8 allowance or disallowance of the claim by notice to the claimant; except
9 that the personal representative may not change a disallowance of a claim
10 after the time for the claimant to file a petition for allowance or to
11 commence a proceeding on the claim has run and the claim has been
12 barred. Every claim that is disallowed in whole or in part by the personal
13 representative is barred so far as not allowed unless the claimant files a
14 petition for allowance in the court or commences a proceeding against the
15 personal representative not later than ~~sixty~~ SIXTY-THREE days after the
16 mailing of the notice of disallowance or partial allowance if the notice
17 warns the claimant of the impending bar.

18 (4) Unless otherwise provided in any judgment in another court
19 entered against the personal representative, allowed claims bear interest
20 at the legal rate for the period commencing ~~sixty~~ SIXTY-THREE days after
21 the time for original presentation of the claim has expired unless based on
22 a contract making a provision for interest, in which case they bear interest
23 in accordance with that provision.

24 **SECTION 46.** In Colorado Revised Statutes, 15-12-1303, **amend**
25 (1) and (3) as follows:

26 **15-12-1303. Hearing - notice - service.** (1) The petitioner shall
27 prepare a notice of the filing of the petition which notice shall include the

1 name of the decedent, a description of the property set forth in the
2 petition, the name of each interested person, and the name of each owner
3 by inheritance. The notice may be served by personal service or by
4 mailing a copy thereof, postage prepaid, addressed to the person at the
5 address given and shall be directed to the interested persons and owners
6 by inheritance set forth in the petition. The notice shall direct all
7 interested persons and owners by inheritance to appear and answer the
8 petition within ~~twenty~~ TWENTY-ONE days after service of the notice if
9 personal service occurs within the state of Colorado or ~~thirty~~ THIRTY-FIVE
10 days after service if personal service occurs outside the state of Colorado
11 or service is had by mail or by publication. The notice shall further
12 provide that all objections to the petition must be filed in writing with the
13 court and the filing fee paid within the time required for answering the
14 petition and that the hearing shall be limited to the objections timely filed
15 and the parties answering the petition in a timely manner. The notice shall
16 set forth the time and place of the hearing on the petition.

17 (3) The notice, in addition to publication, shall be served on each
18 person named in the petition whose address is shown on the petition and
19 who does not join in the petition, or does not consent to the granting of
20 the petition or enter a personal appearance, or does not admit, accept, or
21 waive service. If service is by personal service within the state, service
22 must be completed at least ~~twenty~~ TWENTY-ONE days prior to the hearing.
23 If service is by personal service outside the state or by mail within or
24 outside the state or by publication, service must be completed at least
25 ~~thirty~~ THIRTY-FIVE days prior to the hearing. The petitioner shall file a
26 return of service or shall make and file a certificate of mailing, stating the
27 name of the person to whom the copy was mailed and the address to

1 which mailed, that it was mailed, postage prepaid, and the date of
2 mailing. A copy of the petition shall be served with the notice.

3 **SECTION 47.** In Colorado Revised Statutes, 15-13-303, **amend**
4 (2) as follows:

5 **15-13-303. Service on foreign personal representative.** (2) If
6 service is made upon a foreign personal representative as provided in
7 subsection (1) of this section, he OR SHE shall be allowed at least ~~thirty~~
8 THIRTY-FIVE days within which to appear or respond.

9 **SECTION 48.** In Colorado Revised Statutes, 15-14-113, **amend**
10 (1) as follows:

11 **15-14-113. Notice.** (1) Except as otherwise ordered by the court
12 for good cause, if notice of a hearing on a petition is required, other than
13 a notice for which specific requirements are otherwise provided, the
14 petitioner shall give notice of the time and place of the hearing to the
15 person to be notified. Notice must be given in compliance with Colorado
16 rules of probate procedure, at least ~~ten~~ FOURTEEN days before the hearing.

17 **SECTION 49.** In Colorado Revised Statutes, 15-14-118, **amend**
18 (7) as follows:

19 **15-14-118. Small estate - person under disability - no personal**
20 **representative.** (7) Anytime within ~~one month~~ THIRTY-FIVE DAYS after
21 the making of an order pursuant to this section, any person interested in
22 the estate may file a petition to revoke the same, alleging that other
23 personal property was not included in the petition or that the property
24 described in the petition was improperly valued, and that if said property
25 were added, included, or properly valued as the case may be, the total
26 value of the personal property would exceed ten thousand dollars, or that
27 the order ordered money paid or property distributed to a person not

1 entitled thereto. Upon proof of any such grounds, the court shall revoke
2 the order and enter a more appropriate order, but the revocation or
3 modification of such order shall not impose any liability upon any person
4 who, in reliance upon such order, in good faith, for value, and without
5 notice, paid money or delivered property, or impair the rights of any
6 person who, in reliance on such order, in good faith, for value, and
7 without notice, purchased property or acquired a lien on property.

8 **SECTION 50.** In Colorado Revised Statutes, 15-14-203, **amend**
9 (2) as follows:

10 **15-14-203. Objection of others to parental appointment -**
11 **consent by minor of twelve years of age or older to appointment of**
12 **guardian.** (2) Until the court has confirmed an appointee under section
13 15-14-202, a minor who is the subject of an appointment by a parent or
14 guardian and who has attained twelve years of age has the right to consent
15 or refuse to consent to an appointment of a guardian. If the minor
16 consents to the appointment of the guardian, the minor shall file with the
17 court in which the will is probated or the written instrument is filed a
18 written consent to the appointment before it is accepted or within ~~thirty~~
19 THIRTY-FIVE days after notice of its acceptance. If the minor does not
20 consent to the appointment of a guardian, then the court shall appoint a
21 guardian pursuant to section 15-14-204.

22 **SECTION 51.** In Colorado Revised Statutes, 15-14-312, amend
23 (2) as follows:

24 **15-14-312. Emergency guardian.** (2) An emergency guardian
25 may be appointed without notice to the respondent and the respondent's
26 lawyer only if the court finds from testimony that the respondent will be
27 substantially harmed if the appointment is delayed. If not present at the

1 hearing, the respondent must be given notice of the appointment within
2 forty-eight hours after the appointment. The court shall hold a hearing on
3 the appropriateness of the appointment within ~~ten~~ FOURTEEN days after
4 the court's receipt of such a request.

5 **SECTION 52.** In Colorado Revised Statutes, 15-14-318, **amend**
6 (3.5) (b) as follows:

7 **15-14-318. Termination or modification of guardianship -**
8 **resignation or removal of guardian.** (3.5) The following provisions
9 apply in a termination proceeding that is initiated by the ward:

10 (b) If the guardian elects to file a written report or a motion for
11 instructions, the guardian shall file such initial pleadings within ~~fifteen~~
12 TWENTY-ONE days after the petition to terminate has been filed. Any
13 interested person shall then have ~~ten~~ FOURTEEN days to file a response. If
14 a response is filed, the guardian shall have seven days to file a reply. If a
15 motion for instructions is filed by the guardian as his or her initial
16 pleading, the court shall rule on the motion before the petition for
17 termination of the guardianship is set for hearing. Unless a hearing on the
18 motion for instructions is requested by the court, the court may rule on the
19 pleadings without a hearing after the time period for the filing of the last
20 responsive pleading has expired. After the filing of the guardian's initial
21 motion for instructions, the guardian may file subsequent motions for
22 instruction as appropriate.

23 **SECTION 53.** In Colorado Revised Statutes, 15-14-429, amend
24 (2) and (8) as follows:

25 **15-14-429. Presentation and allowance of claims.** (2) A claim
26 is deemed presented on receipt of the written statement of claim by the
27 conservator or the filing of the claim with the court, whichever first

1 occurs. A presented claim is deemed allowed if it is not disallowed by
2 written statement sent or delivered by the conservator to the claimant
3 within ~~sixty~~ SIXTY-THREE days after its presentation. The conservator
4 before payment may change an allowance or deemed allowance to a
5 disallowance in whole or in part, but not after allowance under a court
6 order or judgment or an order directing payment of the claim. The
7 presentation of a claim tolls the running of any statute of limitations
8 relating to the claim until ~~thirty~~ THIRTY-FIVE days after its disallowance.
9 If a claim is not yet due, the claim shall state the date when it will become
10 due. If a claim is contingent or unliquidated, the claim shall state the
11 nature of the uncertainty or the anticipated due date of the claim.

12 (8) Unless otherwise provided in any judgment in another court
13 entered against the protected person or the protected person's estate, an
14 allowed claim bears interest at the legal rate for the period commencing
15 ~~sixty~~ SIXTY-THREE days after the time the claim was originally filed with
16 the court or delivered to the conservator, unless based on a contract
17 making a provision for interest, in which case, such claim bears interest
18 in accordance with that contract's provisions.

19 **SECTION 54.** In Colorado Revised Statutes, 15-14-431, **amend**
20 (2) and (4.5) (b) as follows:

21 **15-14-431. Termination of proceedings.** (2) Upon receiving an
22 order terminating the conservatorship or upon receiving notice of the
23 death of a protected person, the conservator shall conclude the
24 administration of the estate by filing a final report and a petition for
25 discharge within ~~sixty~~ SIXTY-THREE days after distribution unless
26 otherwise directed by the court.

27 (4.5) The following provisions apply in a termination proceeding

1 that is initiated by the protected person:

2 (b) If the conservator elects to file a written report or a motion for
3 instructions, the conservator shall file such initial pleadings within ~~fifteen~~
4 TWENTY-ONE days after the petition to terminate has been filed. Any
5 interested person shall then have ~~ten~~ FOURTEEN days to file a response. If
6 a response is filed, the conservator shall have seven days to file a reply.
7 If a motion for instructions is filed by the conservator as his or her initial
8 pleading, the court shall rule on that motion before the petition for
9 termination of the conservatorship is set for hearing. Unless a hearing on
10 the motion for instructions is requested by the court, the court may rule
11 on the pleadings without a hearing after the time period for the filing of
12 the last responsive pleading has expired. After the filing of the
13 conservator's initial motion for instructions, the conservator may file
14 subsequent motions for instruction as appropriate.

15 **SECTION 55.** In Colorado Revised Statutes, 15-15-103, **amend**
16 (8) as follows:

17 **15-15-103. Liability of nonprobate transferees for creditor**
18 **claims and statutory allowances.** (8) A proceeding under this section
19 shall be commenced within one year after the decedent's death, but a
20 proceeding on behalf of a creditor whose claim was allowed after
21 proceedings challenging disallowance of the claim may be commenced
22 within ~~sixty~~ SIXTY-THREE days after final allowance of the claim.

23 **SECTION 56.** In Colorado Revised Statutes, 15-18-108, **amend**
24 (2) (b) (I) introductory portion as follows:

25 **15-18-108. Determination of validity.** (2) (b) (I) Unless the
26 court, for good cause shown, provides for a different method or time of
27 notice, the petitioner, at least ~~five~~ SEVEN days prior to the hearing, shall

1 cause notice of the time and place of hearing to be given as follows:

2 **SECTION 57.** In Colorado Revised Statutes, **amend** 16-2-109 as
3 follows:

4 **16-2-109. Service of summons.** A summons issued by the county
5 court in a prosecution for a misdemeanor or class 1 petty offense may be
6 served by giving a copy to the defendant personally or by leaving a copy
7 at the defendant's usual place of abode with some person over the age of
8 eighteen years residing therein or by mailing a copy to the defendant's last
9 known address by certified mail, return receipt requested, not less than ~~ten~~
10 FOURTEEN days prior to the time the defendant is required to appear.
11 Service by mail shall be complete upon the return of the receipt signed by
12 the defendant. Personal service shall be made by any disinterested party
13 over the age of eighteen years.

14 **SECTION 58.** In Colorado Revised Statutes, 16-2-114, **amend**
15 (1), (2), (3), and (5) as follows:

16 **16-2-114. Appeals.** (1) The defendant may appeal a judgment of
17 the county court in a criminal action under simplified procedure to the
18 district court of the county. To appeal, the defendant shall, within ~~thirty~~
19 THIRTY-FIVE days after the date of entry of the judgment or the denial of
20 posttrial motions, whichever is later, file notice of appeal in the county
21 court, post any advance costs that are required for the preparation of the
22 record, and serve a copy of the notice of appeal upon the appellee. ~~He~~
23 THE DEFENDANT shall also, within such ~~thirty~~ THIRTY-FIVE days, docket
24 the appeal in the district court and pay the docket fee. No motion for new
25 trial or in arrest of judgment shall be required as a prerequisite to an
26 appeal, but such motions may be made pursuant to applicable rule of the
27 Colorado supreme court.

1 (2) The notice of appeal shall state with particularity the alleged
2 errors of the county court or other grounds relied upon for the appeal, and
3 shall include a stipulation or designation of the evidence and other
4 proceedings which the appellant desires to have included in the record
5 certified to the district court. If the appellant intends to urge upon appeal
6 that the judgment or a finding or conclusion is unsupported by the
7 evidence or is contrary to the evidence, the appellant shall include in the
8 record a transcript of all evidence relevant to that finding or conclusion.
9 The appellee shall have ~~ten~~ FOURTEEN days after service upon him OR HER
10 of the notice of appeal to file with the clerk of the county court and serve
11 upon the appellant a designation of any additional parts of the transcript
12 or record which he OR SHE deems necessary. The advance cost of
13 preparing the additional record shall be posted by the appellant with the
14 clerk of the county court within ~~five~~ SEVEN days after service upon him
15 OR HER of the appellee's designation, or the appeal will be dismissed. If
16 the district court finds that any part of the additional record designated by
17 the appellee was unessential to a complete understanding of the questions
18 raised by the appeal, it shall order the appellee to reimburse the appellant
19 for the cost advanced for the preparation of that part without regard to the
20 outcome of the appeal.

21 (3) Upon the filing of a notice of appeal and upon the posting of
22 any advance costs by the appellant, as are required for the preparation of
23 a record, unless the appellant is granted leave to proceed as an indigent,
24 the clerk of the county court shall prepare and issue as soon as possible
25 a record of the proceedings in the county court, including the summons
26 and complaint or warrant, the separate complaint if any has been issued,
27 and the judgment. The record shall also include a transcription or a joint

1 stipulation of such part of the actual evidence and other proceedings as
2 the parties designate. If the proceedings have been electrically recorded,
3 the transcription of designated evidence and proceedings shall be
4 prepared in the office of the clerk of the court, either by him OR HER or
5 under his OR HER supervision, within ~~forty~~ FORTY-TWO days after
6 judgment or within such additional time as may be granted by the county
7 court. The clerk shall notify in writing the opposing parties of the
8 completion of the record, and such parties shall have ~~ten~~ FOURTEEN days
9 within which to file objections. If none are received, the record shall be
10 certified forthwith by the judge. If objections are made, the parties shall
11 be called for hearing and the objections settled by the county judge and
12 the record then certified.

13 (5) A written brief setting out matters relied upon as constituting
14 error and outlining any arguments to be made shall be filed in the district
15 court by the appellant within ~~twenty~~ TWENTY-ONE days after certification
16 of the record. A copy of the appellant's brief shall be served upon the
17 appellee. The appellee may file an answering brief within ~~twenty~~
18 TWENTY-ONE days after such service. A reply brief may be filed within
19 ~~ten~~ FOURTEEN days after service of the answering brief. In the discretion
20 of the district court, the time for filing briefs and answers may be
21 extended.

22 **SECTION 59.** In Colorado Revised Statutes, 16-3-301.1, **amend**
23 (5) (b), (6) (a), and (6) (c) as follows:

24 **16-3-301.1. Court orders for the production of records -**
25 **definitions.** (5) (b) A court order for the production of records shall be
26 served upon the business entity to whom it is directed within ~~ten~~
27 FOURTEEN days after its date.

1 (6) (a) A business entity that is properly served with a court order
2 for the production of records shall deliver the records, or copies of the
3 records, identified in the court order to the officer who is designated in
4 the court order within ~~thirty~~ THIRTY-FIVE days after the date the court
5 order is served. The business entity shall also provide a notarized
6 attestation of accuracy that the records produced represent complete and
7 accurate copies of all records identified in the court order that are in the
8 actual or constructive control of the business entity. If the business entity
9 does not produce all records identified in the court order for production
10 of records, the records not produced shall be identified. The attestation of
11 accuracy shall be signed by the records custodian, or an officer or director
12 of the business entity, who shall attest to the truth of the attestation to the
13 best of the person's knowledge, information, and belief. The attestation
14 may also attest to any one or all of the following: That the records were
15 made at or near the time by, or from information transmitted by, a person
16 with knowledge; that the records were kept in the course of a regular
17 business activity; and that it was the regular practice of the business to
18 record the information contained in the records. The business entity need
19 only provide a copy of the attestation at the time of providing the records
20 to the officer and may provide the original of the attestation to the officer
21 within ~~ten~~ FOURTEEN days after providing the records. The records and
22 attestation of accuracy shall be sufficient to establish the authenticity of
23 the records produced, without further necessity of extrinsic evidence.

24 (c) Upon the filing of a motion for an extension of time, the court
25 shall hold a hearing within ~~ten~~ FOURTEEN days, unless the business entity
26 and the Colorado criminal investigator or peace officer named in the court
27 order agree to a later time. The court may grant an extension for a

1 reasonable time for the business to produce the records upon good cause
2 shown or by agreement with the Colorado criminal investigator or peace
3 officer named in the court order.

4 **SECTION 60.** In Colorado Revised Statutes, 16-3-305, **amend**
5 (6) as follows:

6 **16-3-305. Search warrants - direction - execution and return.**

7 (6) A search warrant shall be executed within ~~ten~~ FOURTEEN days after
8 its date.

9 **SECTION 61.** In Colorado Revised Statutes, 16-3-309, **amend**
10 (5) as follows:

11 **16-3-309. Admissibility of laboratory test results.** (5) Any
12 report or copy thereof or the findings of the criminalistics laboratory shall
13 be received in evidence in any court, preliminary hearing, or grand jury
14 proceeding in the same manner and with the same force and effect as if
15 the employee or technician of the criminalistics laboratory who
16 accomplished the requested analysis, comparison, or identification had
17 testified in person. Any party may request that such employee or
18 technician testify in person at a criminal trial on behalf of the state before
19 a jury or to the court, by notifying the witness and other party at least ~~ten~~
20 FOURTEEN days before the date of such criminal trial.

21 **SECTION 62.** In Colorado Revised Statutes, 16-4-101, **amend**
22 (4) as follows:

23 **16-4-101. Bailable offenses.** (4) Except in the case of a capital
24 offense, if a person is denied bail under this section, the trial of the person
25 shall be commenced not more than ~~ninety~~ NINETY-ONE days after the date
26 on which bail is denied. If the trial is not commenced within ~~ninety~~
27 NINETY-ONE days and the delay is not attributable to the defense, the court

1 shall immediately schedule a bail hearing and shall set the amount of the
2 bail for the person.

3 **SECTION 63.** In Colorado Revised Statutes, 16-4-104, **amend**
4 (3) (a) (IV), (3) (b) (II), and (3) (c) (II) as follows:

5 **16-4-104. Bail bond - alternatives.** (3) (a) (IV) The bonding
6 agent shall deliver to the property owner a fully executed and notarized
7 reconveyance of title, a certificate of discharge, or a full release of any
8 lien against real property that secures performance of the conditions of a
9 bail bond within ~~thirty~~ THIRTY-FIVE days after receiving notice that the
10 time for appealing an order that exonerated the bail bond has expired. The
11 bonding agent shall also deliver to the property owner the original
12 cancelled note as evidence that the indebtedness secured by any lien
13 instrument has been paid or that the purposes of said instrument have
14 been fully satisfied and the original deed of trust, security agreement, or
15 other instrument which secured the bail bond obligation. If a timely notice
16 of appeal is filed, the ~~thirty-day~~ THIRTY-FIVE-DAY period shall begin on
17 the day the appellate court's affirmation of the order becomes final. If the
18 bonding agent fails to comply with the requirements of this subparagraph
19 (IV), the property owner may petition the district court to issue an order
20 directing the clerk of such court to execute a full reconveyance of title, a
21 certificate of discharge, or a full release of any lien against real property
22 created to secure performance of the conditions of the bail bond. The
23 petition shall be verified and shall allege facts showing that the bonding
24 agent has failed to comply with the provisions of this subparagraph (IV).

25 (b) If the bond is secured by real estate, the amount of the owner's
26 unencumbered equity shall be determined by deducting the amount of all
27 encumbrances listed in the owner and encumbrances certificate from the

1 actual value of such real estate as shown on the current notice of
2 valuation. The owner of the real estate shall file with the bond the
3 following, which shall constitute a material part of the bond:

4 (II) Evidence of title issued by a title insurance company or agent
5 licensed pursuant to article 11 of title 10, C.R.S., within ~~thirty~~
6 THIRTY-FIVE days ~~of~~ AFTER the date upon which the bond is filed; and

7 (c) (II) Upon satisfaction of the terms of the bond, the clerk of the
8 court shall, within ~~ten~~ FOURTEEN days ~~of~~ AFTER such satisfaction, execute
9 a release of the deed of trust and an affidavit which states that the
10 obligation for which the deed of trust had been recorded has been
11 satisfied, either fully or partially, and that the release of such deed of trust
12 may be recorded at the expense of the record owner of the property
13 described in such deed of trust.

14 **SECTION 64.** In Colorado Revised Statutes, **amend** 16-4-106 as
15 follows:

16 **16-4-106. When original bond continued.** Once a bond has
17 been executed and the person released from custody thereon, whether a
18 charge is then pending or is thereafter filed or transferred to a court of
19 competent jurisdiction, the original bond shall continue in effect until
20 final disposition of the case in the trial court. If a charge filed in the
21 county court is dismissed and the district attorney states on the record that
22 the charge will be refiled in the district court or that the dismissal by the
23 county court will be appealed to the district court, the county court before
24 entering the dismissal shall fix a return date, not later than ~~sixty~~
25 SIXTY-THREE days thereafter, upon which the defendant must appear in
26 the district court and continue the bond. Any bond continued pursuant to
27 this section is subject to the provisions of section 16-4-107.

1 **SECTION 65.** In Colorado Revised Statutes, 16-4-108, **amend**
2 (1) (b.5) (I) and (1.5) as follows:

3 **16-4-108. Exoneration from bond liability.** (1) Any person
4 executing a bail bond as principal or as surety shall be exonerated as
5 follows:

6 (b.5) (I) When the surety appears and provides satisfactory
7 evidence to the court that the defendant is unable to appear before the
8 court due to such defendant's death or the detention or incarceration of
9 such defendant in a foreign jurisdiction if the defendant is incarcerated
10 for a period in excess of ~~ninety~~ NINETY-ONE days and the state of
11 Colorado has refused to extradite such defendant; except that, if the state
12 extradites such defendant, all costs associated with such extradition shall
13 be borne by the surety up to the amount of the bond.

14 (1.5) If, within ~~ten working~~ FOURTEEN days after the posting of a
15 bond by a defendant, the terms and conditions of said bond are changed
16 or altered either by order of court or upon the motion of the district
17 attorney or the defendant, the court, after a hearing, may order a
18 compensated surety to refund a portion of the premium paid by the
19 defendant, if necessary, to prevent unjust enrichment. If more than ~~ten~~
20 ~~working~~ FOURTEEN days have elapsed after posting of a bond by a
21 defendant, the court shall not order the refund of any premium.

22 **SECTION 66.** In Colorado Revised Statutes, 16-4-109, **amend**
23 (2) as follows:

24 **16-4-109. Disposition of security deposits upon forfeiture or**
25 **termination of bond.** (2) Where the defendant has been released upon
26 deposit of cash, stocks, bonds, or property or upon a surety bond secured
27 by property, if the defendant fails to appear in accordance with the

1 primary condition of the bond, the court shall declare a forfeiture. Notice
2 of the order of forfeiture shall be mailed by the court to the defendant, all
3 sureties, and all depositors or assignees of any deposits of cash or
4 property if such sureties, depositors, or assignees have direct contact with
5 the court, at their last known addresses. Such notice shall be sent within
6 ~~ten~~ FOURTEEN days after the entry of the order of forfeiture. If the
7 defendant does not appear and surrender to the court having jurisdiction
8 within ~~thirty~~ THIRTY-FIVE days from the date of the forfeiture or within
9 that period satisfy the court that appearance and surrender by the
10 defendant is impossible and without fault by such defendant, the court
11 may enter judgment for the state against the defendant for the amount of
12 the bail and costs of the court proceedings. Any cash deposits made with
13 the clerk of the court shall be applied to the payment of costs. If any
14 amount of such cash deposit remains after the payment of costs, it shall
15 be applied to payment of the judgment.

16 **SECTION 67.** In Colorado Revised Statutes, **amend** 16-4-110 as
17 follows:

18 **16-4-110. Enforcement when forfeiture not set aside.** By
19 entering into a bond, each obligor, whether he OR SHE is the principal or
20 a surety, submits to the jurisdiction of the court. His OR HER liability
21 under the bond may be enforced, without the necessity of an independent
22 action, as follows: The court shall order the issuance of a citation directed
23 to the obligor to show cause, if any there be, why judgment should not be
24 entered against him OR HER forthwith and execution issue thereon. Said
25 citation may be served personally or by certified mail upon the obligor
26 directed to the address given in the bond. Hearing on the citation shall be
27 held not less than ~~twenty~~ TWENTY-ONE days after service. The defendant's

1 attorney and the prosecuting attorney shall be given notice of the hearing.
2 At the conclusion of the hearing, the court may enter a judgment for the
3 state and against the obligor, and execution shall issue thereon as on other
4 judgments. The district attorney shall have execution issued forthwith
5 upon the judgment and deliver it to the sheriff to be executed by levy
6 upon the stocks, bond, or real estate which has been accepted as security
7 for the bond.

8 **SECTION 68.** In Colorado Revised Statutes, 16-4-112, **amend**
9 (5) (b) (I), (5) (b) (II) (B), (5) (b) (II) (C), (5) (b) (III), (5) (b) (IV), (5) (b)
10 (V) (C), (5) (c), (5) (f), and (5) (i) as follows:

11 **16-4-112. Enforcement procedures for compensated sureties**
12 **- definitions.** (5) Liability of bond obligors on bonds issued by
13 compensated sureties may be enforced, without the necessity of an
14 independent action, as follows:

15 (b) (I) If a bond is declared forfeited by the court, notice of the
16 bail forfeiture order shall be served on the bonding agent by certified mail
17 and on the bail insurance company by regular mail within ~~ten~~ FOURTEEN
18 days after the entry of said forfeiture. If the compensated surety on the
19 bond is a cash bonding agent, only the cash bonding agent shall be
20 notified of the forfeiture. Service of notice of the bail forfeiture on the
21 defendant is not required.

22 (II) The notice described in subparagraph (I) of this paragraph (b)
23 shall include, but need not be limited to:

24 (B) An advisement that the compensated surety has the right to
25 request a show cause hearing pursuant to subparagraph (III) of this
26 paragraph (b) within ~~fifteen~~ FOURTEEN days after receipt of notice of
27 forfeiture, by procedures set by the court; and

1 (C) An advisement that if the compensated surety does not request
2 a show cause hearing pursuant to subparagraph (III) of this paragraph (b),
3 judgment shall be entered upon expiration of ~~thirty~~ THIRTY-FIVE days
4 following the entry of forfeiture.

5 (III) A compensated surety, upon whom notice of a bail forfeiture
6 order has been served, shall have ~~fifteen~~ FOURTEEN days after receipt of
7 notice of such forfeiture to request a hearing to show cause why judgment
8 on the forfeiture should not be entered for the state against the
9 compensated surety. Such request shall be granted by the court and a
10 hearing shall be set within ~~thirty~~ THIRTY-FIVE days after entry of forfeiture
11 or at the court's earliest convenience. At the conclusion of the hearing
12 requested by the compensated surety, if any, the court may enter judgment
13 for the state against the compensated surety, or the court may in its
14 discretion order further hearings. Upon expiration of ~~thirty~~ THIRTY-FIVE
15 days after the entry of forfeiture, the court shall enter judgment for the
16 state against the compensated surety if the compensated surety did not
17 request within ~~fifteen~~ FOURTEEN days after receipt of notice of such
18 forfeiture a hearing to show cause.

19 (IV) If such a show cause hearing was timely set but the hearing
20 did not occur within ~~thirty~~ THIRTY-FIVE days after the entry of forfeiture,
21 any entry of judgment at the conclusion of the hearing against the
22 compensated surety shall not be vacated on the grounds that the matter
23 was not timely heard. If judgment is entered against a compensated surety
24 upon the conclusion of a requested show cause hearing, and such hearing
25 did not occur within ~~thirty~~ THIRTY-FIVE days after the entry of forfeiture,
26 execution upon said judgment shall be automatically stayed for no more
27 than one hundred ~~twenty~~ TWENTY-SIX days after entry of forfeiture.

1 (V) (C) A compensated surety shall be exonerated from liability
2 upon the bond by satisfaction of the bail forfeiture judgment, surrender
3 of the defendant, or order of the court. If the surety provides proof to the
4 court that the defendant is in custody in any other jurisdiction within the
5 state, within ~~ninety~~ NINETY-ONE days after the entry of judgment, the
6 court shall on its own motion direct that the bail forfeiture judgment be
7 vacated and the bond exonerated; except that, if the court extradites the
8 defendant, all necessary and actual costs associated with the extradition
9 shall be borne by the surety up to the amount of the bond. If the court
10 elects to extradite the defendant, any judgment will be stayed until the
11 time the defendant appears in the court where the bond returns.

12 (c) Execution upon said bail forfeiture judgment shall be
13 automatically stayed for ~~ninety~~ NINETY-ONE days from the date of entry
14 of judgment; except that, if judgment is entered against a compensated
15 surety upon the conclusion of a requested show cause hearing, and such
16 hearing did not occur within ~~thirty~~ THIRTY-FIVE days after the entry of
17 forfeiture, the judgment shall be automatically stayed as set forth in
18 subparagraph (IV) of paragraph (b) of this subsection (5).

19 (f) If a bail forfeiture judgment remains unpaid for ~~thirty~~
20 THIRTY-FIVE days after the name of the bonding agent is placed on the
21 board, the court shall send notice by certified mail to the bail insurance
22 company for whom the bonding agent has executed the bond that if said
23 judgment is not paid within ~~fifteen~~ FOURTEEN days after the date of
24 mailing of said notice, the name of the bail insurance company shall be
25 placed on the board and such company shall be prohibited from executing
26 any further bail bonds in this state until the judgment giving rise to
27 placement on the board is satisfied, vacated, or otherwise discharged by

1 order of the court.

2 (i) A compensated surety shall be exonerated from liability upon
3 the bond by satisfaction of the bail forfeiture judgment, surrender of the
4 defendant, or by order of the court. If the defendant appears in court,
5 either voluntarily or in custody after surrender or arrest, within ~~ninety~~
6 NINETY-ONE days after the entry of judgment, the court, at the time the
7 defendant first appears in court, shall on its own motion direct that the
8 bail forfeiture judgment be vacated and the bond exonerated; except that,
9 if the state extradites such defendant, all necessary and actual costs
10 associated with such extradition shall be borne by the surety up to the
11 amount of the bond.

12 **SECTION 69.** In Colorado Revised Statutes, 16-4-204, **amend**
13 (2) as follows:

14 **16-4-204. Appellate review of terms and conditions of bail or**
15 **appeal bond.** (2) The petition shall be in writing, shall be served as
16 provided by court rule for service of motions, and shall have appended
17 thereto a transcript of the hearing held pursuant to section 16-4-107 or
18 16-4-203. The opposing party may file a response thereto within ~~five~~
19 SEVEN days or as provided by court rule.

20 **SECTION 70.** In Colorado Revised Statutes, **amend** 16-5-203 as
21 follows:

22 **16-5-203. Furnishing witnesses' names.** Whether a prosecution
23 is commenced by indictment, information, or felony complaint, the
24 district attorney shall make available to the defendant not later than
25 ~~twenty calendar~~ TWENTY-ONE days after the defendant's first appearance
26 at the time of or following the filing of charges a written list of the names
27 and addresses of the witnesses then known to the district attorney whom

1 he or she intends to call upon at trial. The district attorney shall also
2 furnish the defendant in writing prior to trial the names and addresses of
3 any additional witnesses who have become known to him or her prior to
4 trial and whom he or she intends to call upon at trial, but this shall not
5 preclude the calling of witnesses whose names or the materiality of whose
6 testimony are first learned by the district attorney upon the trial. However,
7 the court may, in its discretion, enter an order that denies the disclosure
8 to the defendant of the names and addresses of witnesses, or that requires
9 the defense counsel not to disclose such information to the defendant,
10 subject to rule 16 part I (d) (2) and part III (d) of the Colorado rules of
11 criminal procedure. The names and addresses of witnesses who are the
12 subject of the order may be withheld pending a ruling of the court, but the
13 prosecution shall notify the defense counsel in writing that a motion to
14 withhold witness information has been filed and that such information
15 will be withheld pending the court's order. Where the defendant has not
16 had or waived a preliminary hearing, there shall be filed with the
17 information the affidavit of some credible person verifying the
18 information upon the personal knowledge of the affiant that the offense
19 was committed.

20 **SECTION 71.** In Colorado Revised Statutes, 16-5-204, **amend**
21 (1) (b) as follows:

22 **16-5-204. Witnesses before a grand jury - procedure.** (1) (b) If
23 a witness has been confined in accordance with paragraph (a) of this
24 subsection (1), he OR SHE may, upon petition filed with the court, request
25 a hearing to be held within ~~ten~~ FOURTEEN days to review the contempt
26 order at which hearing he OR SHE shall have the right to be represented by
27 counsel. The court, at the hearing, may rescind, modify, or affirm the

1 order.

2 **SECTION 72.** In Colorado Revised Statutes, 16-5-205.5, **amend**
3 (3) as follows:

4 **16-5-205.5. Grand jury reports.** (3) Within ~~ten~~ FOURTEEN days
5 after receiving a report of the grand jury prepared pursuant to subsection
6 (1) of this section, the prosecuting attorney shall notify in writing all
7 persons and businesses named in the grand jury report to give such
8 persons and businesses an opportunity to review the grand jury report and
9 prepare a response to be submitted to the court with the grand jury report.
10 Such notice shall be by personal service or by certified mail return receipt
11 requested. Any responses shall be submitted to the prosecuting attorney
12 within ~~ten~~ FOURTEEN days after notification.

13 **SECTION 73.** In Colorado Revised Statutes, 16-5-206, **amend**
14 (3) as follows:

15 **16-5-206. Summons in lieu of warrant.** (3) A summons issued
16 under this section may be served in the same manner as the summons in
17 a civil action or by mailing it to the defendant's last-known address by
18 certified mail with return receipt requested not less than ~~five~~ FOURTEEN
19 days prior to the time the defendant is requested to appear. Service by
20 mail is complete upon the return of the receipt signed by the defendant.

21 **SECTION 74.** In Colorado Revised Statutes, **amend** 16-5-208 as
22 follows:

23 **16-5-208. Information not filed - reasons.** In all cases where on
24 preliminary hearing in the county court concerning the commission of a
25 felony the accused is bound over and is committed to jail, or recognized
26 and held to bail, it is the duty of the district attorney to file an information
27 in the district court. If the district attorney determines in any such case

1 that an information ought not to be filed, he OR SHE shall file with the
2 clerk of the district court having jurisdiction of the supposed offense a
3 written statement containing his OR HER reasons, in fact and in law, for
4 not filing an information in the case, and such statement shall be filed
5 within ~~sixty~~ SIXTY-THREE days following the date upon which the
6 offender was held for appearance.

7 **SECTION 75.** In Colorado Revised Statutes, **amend** 16-7-102 as
8 follows:

9 **16-7-102. Required notice of defense of alibi.** If the defendant
10 intends to introduce evidence that the defendant was at a place other than
11 the location of the offense, the defendant shall serve upon the prosecuting
12 attorney as soon as practicable, but not later than ~~thirty~~ THIRTY-FIVE days
13 before trial, a statement in writing specifying the place where the
14 defendant claims to have been and the names and addresses of the
15 witnesses the defendant will call to support the defense of alibi. Upon
16 receiving the defendant's statement, the prosecuting attorney shall advise
17 the defendant of the names and addresses of any additional witnesses who
18 may be called to refute such alibi as soon as practicable after the names
19 of such witnesses become known. Neither the prosecuting attorney nor
20 the defendant shall be permitted at the trial to introduce evidence
21 inconsistent with the specification statement unless the court for good
22 cause and upon just terms permits the specification statement to be
23 amended. If the defendant fails to make the specification required by this
24 section, the court shall exclude evidence offered in support of the defense
25 of alibi unless the court finds upon good cause shown that such evidence
26 should be admitted in the interest of justice.

27 **SECTION 76.** In Colorado Revised Statutes, 16-8-115, **amend**

1 (1) as follows:

2 **16-8-115. Release from commitment after verdict of not guilty**
3 **by reason of insanity or not guilty by reason of impaired mental**
4 **condition.** (1) The court may order a release hearing at any time on its
5 own motion, on motion of the prosecuting attorney, or on motion of the
6 defendant. The court shall order a release hearing upon receipt of the
7 report of the chief officer of the institution in which the defendant is
8 committed that the defendant no longer requires hospitalization, as
9 provided in section 16-8-116, or upon motion of the defendant made after
10 one hundred ~~eighty~~ EIGHTY-TWO days following the date of the initial
11 commitment order. Except for the first hearing following the initial
12 commitment order, unless the court for good cause shown permits, the
13 defendant is not entitled to a hearing within one year subsequent to a
14 previous hearing.

15 **SECTION 77.** In Colorado Revised Statutes, 16-8-115.5, **amend**
16 (5) and (8) as follows:

17 **16-8-115.5. Enforcement and revocation of conditional release**
18 **from commitment.** (5) The Colorado mental health institute at Pueblo
19 shall examine the defendant to evaluate the defendant's ability to remain
20 on conditional release. The examination shall be consistent with the
21 procedure provided in section 16-8-106. If the defendant refuses to
22 submit to and cooperate with the examination, the committing court shall
23 revoke the conditional release. The examination shall be completed
24 within ~~twenty~~ TWENTY-ONE days after the defendant has been delivered
25 to the institute as a result of the defendant's arrest. The institute shall mail
26 or deliver a written report of the examination to the committing court and
27 the district attorney in the committing jurisdiction promptly after the

1 examination is completed. The defendant may request an examination as
2 provided in section 16-8-108.

3 (8) Within ~~thirty~~ THIRTY-FIVE days after the defendant is delivered
4 to the Colorado mental health institute in Pueblo pursuant to subsection
5 (4) of this section, and if the defendant is not released from custody
6 pursuant to paragraph (b) of subsection (6) of this section, the committing
7 court shall hold a hearing on the petition for revocation of conditional
8 release. At such hearing, any evidence having probative value shall be
9 admissible, but the defendant shall be permitted to offer testimony and to
10 call, confront, and cross-examine witnesses. If the court finds by a
11 preponderance of the evidence that the defendant has become ineligible
12 to remain on conditional release as defined in section 16-8-102 (4.5), it
13 shall enter an order revoking the defendant's conditional release and
14 recommitting the defendant. At any time thereafter, the defendant may be
15 afforded a release hearing as provided in section 16-8-115. If the court
16 does not find by a preponderance of the evidence that the defendant has
17 become ineligible to remain on conditional release as defined in section
18 16-8-102 (4.5), it shall dismiss the petition and reinstate or modify the
19 original order of conditional release.

20 **SECTION 78.** In Colorado Revised Statutes, 16-8-116, **amend**
21 (2) as follows:

22 **16-8-116. Release by hospital authority.** (2) Within ~~thirty~~
23 THIRTY-FIVE days after receiving the report of the chief officer of the
24 institution having custody of the defendant, the court shall set a hearing
25 on the discharge of the defendant in accordance with section 16-8-115,
26 whether or not such report is contested.

27 **SECTION 79.** In Colorado Revised Statutes, 16-8-118, **amend**

1 (1) (a) and (1) (b) as follows:

2 **16-8-118. Temporary removal for treatment and**

3 **rehabilitation.** (1) The chief officer of the institution in which a
4 defendant has been committed under this article or article 8.5 of this title
5 may authorize treatment and rehabilitation activities involving temporary
6 physical removal of such person from the institution in which the
7 defendant has been placed, if prior to such authorization the following
8 procedures are carried out:

9 (a) Such chief officer shall give written notice by certified mail,
10 with return receipt requested, to the committing court and the district
11 attorney that on or after ~~thirty~~ THIRTY-FIVE days from the date of mailing
12 such notice he OR SHE will authorize treatment and rehabilitation activities
13 involving temporary physical removal of the defendant from the
14 institution, unless written objections to such authorization are received by
15 him OR HER within ~~thirty~~ THIRTY-FIVE days from the date of mailing such
16 notice.

17 (b) The clerk of the committing court shall deliver a copy of the
18 notice mentioned in paragraph (a) of this subsection (1) to the attorney of
19 record for the defendant. The district attorney or the attorney of record for
20 the defendant may file objections with the clerk of the committing court
21 to the proposed action of the chief officer of the institution in which such
22 defendant is held. A copy of any such objections shall be delivered by the
23 party making such objections, either by mail or by personal service, to
24 such chief officer prior to the expiration of ~~thirty~~ THIRTY-FIVE days from
25 the mailing of the notice by the chief officer of the institution.

26 **SECTION 80.** In Colorado Revised Statutes, 16-8.5-103, **amend**
27 (1), (3), (4), and (6) as follows:

1 **16-8.5-103. Determination of competency to proceed.**

2 (1) Whenever the question of a defendant's competency to proceed is
3 raised, by either party or on the court's own motion, the court may make
4 a preliminary finding of competency or incompetency, which shall be a
5 final determination unless a party to the case objects within ~~ten~~ FOURTEEN
6 days after the court's preliminary finding.

7 (3) Within ~~ten~~ FOURTEEN days after receipt of the court-ordered
8 report, either party may request a hearing or a second evaluation.

9 (4) If a party requests a second evaluation, any pending requests
10 for a hearing shall be continued until the receipt of the second evaluation
11 report. The report of the expert conducting the second evaluation shall be
12 completed and filed with the court within ~~sixty~~ SIXTY-THREE days after
13 the court order allowing the second evaluation, unless the time period is
14 extended by the court for good cause. If the second evaluation is
15 requested by the court, it shall be paid for by the court.

16 (6) If a party makes a timely request for a hearing, the hearing
17 shall be held within ~~thirty~~ THIRTY-FIVE days after the request for a hearing
18 or, if applicable, within ~~thirty~~ THIRTY-FIVE days after the filing of the
19 second evaluation report, unless the time is extended by the court after a
20 finding of good cause.

21 **SECTION 81.** In Colorado Revised Statutes, 16-8.5-113, **amend**
22 (2), (3), and (5) as follows:

23 **16-8.5-113. Restoration to competency.** (2) Within ~~ten~~
24 FOURTEEN days after receipt of a report from the department or other
25 court-approved provider of restoration services certifying that the
26 defendant is competent to proceed, either party may request a hearing or
27 a second evaluation. The court shall determine whether to allow the

1 second evaluation or proceed to a hearing on competency. If the second
2 evaluation is requested by the court or by an indigent defendant, it shall
3 be paid for by the court.

4 (3) If a second evaluation is allowed, any pending requests for a
5 hearing shall be continued until receipt of the second evaluation report.
6 The report of the expert conducting the second evaluation report shall be
7 completed and filed with the court within ~~sixty~~ SIXTY-THREE days after
8 the court order allowing the second evaluation, unless the time period is
9 extended by the court after a finding of good cause.

10 (5) If a party makes a timely request for a hearing, the hearing
11 shall be held within ~~thirty~~ THIRTY-FIVE days after the request for a hearing
12 or, if applicable, within ~~thirty~~ THIRTY-FIVE days after the filing of the
13 second evaluation report, unless the time is extended by the court after a
14 finding of good cause.

15 **SECTION 82.** In Colorado Revised Statutes, 16-10-109, **amend**
16 (2) and (3) as follows:

17 **16-10-109. Trial by jury for petty offenses.** (2) A defendant
18 charged with a petty offense shall be entitled to a jury trial if, within
19 ~~twenty~~ TWENTY-ONE days after entry of a plea, the defendant makes a
20 request to the court for a jury trial, in writing, and tenders to the court a
21 jury fee of twenty-five dollars unless the fee is waived by the judge
22 because of the indigence of the defendant. The jury shall consist of three
23 jurors unless a greater number, not to exceed six, is requested by the
24 defendant in said jury demand. If the charge is dismissed or the defendant
25 is acquitted of the charge or if the defendant, having paid the jury fee,
26 files with the court at least ~~ten~~ SEVEN days before the scheduled trial date
27 a written waiver of jury trial, the jury fee shall be refunded.

1 (3) At the time of arraignment for any petty offense in this state,
2 the judge shall advise any defendant not represented by counsel of the
3 defendant's right to trial by jury, of the requirement that the defendant, if
4 he OR SHE desires to invoke his OR HER right to trial by jury, request such
5 trial by jury within ~~twenty~~ TWENTY-ONE days after entry of a plea, in
6 writing, of the number of jurors allowed by law, and of the requirement
7 that the defendant, if he OR SHE desires to invoke his OR HER right to trial
8 by jury, tender to the court within ~~twenty~~ TWENTY-ONE days after entry of
9 a plea a jury fee of twenty-five dollars unless the fee is waived by the
10 judge because of the indigence of the defendant.

11 **SECTION 83.** In Colorado Revised Statutes, 16-10-402, **amend**
12 (1) (b) as follows:

13 **16-10-402. Use of closed-circuit television - child or**
14 **developmentally disabled witnesses.** (1) (b) To obtain an order
15 authorizing the use of closed-circuit television for testimony by a child or
16 developmentally disabled witness, the party shall file a written motion
17 with the court no less than ~~ten~~ FOURTEEN days prior to the trial.

18 **SECTION 84.** In Colorado Revised Statutes, 16-11-101.7,
19 **amend** (3) as follows:

20 **16-11-101.7. Repayment of crime stopper reward - crime**
21 **stopper reward reimbursement fund - created.** (3) All moneys
22 collected by the court pursuant to this section, together with transmittal
23 information which includes the court's docket number, the defendant's
24 name, and the crime stopper organization which is designated to receive
25 the repayment of reward, shall be promptly forwarded to the division of
26 criminal justice created by section 24-33.5-502, C.R.S. Upon receipt, the
27 division of criminal justice shall promptly transmit the moneys to the state

1 treasurer who shall deposit them in the crime stopper reward
2 reimbursement fund which is hereby created. Moneys in the fund shall be
3 continuously appropriated to the division of criminal justice for the
4 purposes of this section. The disbursement of any such moneys to the
5 designated crime stopper organization shall be made by the division of
6 criminal justice within ~~thirty~~ THIRTY-FIVE days after the date of deposit in
7 the crime stopper reward reimbursement fund.

8 **SECTION 85.** In Colorado Revised Statutes, 16-11-102.4,
9 **amend** (1) (a), (1) (d), (1) (e), (1) (f), (1) (g), and (1) (h) as follows:

10 **16-11-102.4. Genetic testing of convicted offenders.**

11 (1) Beginning July 1, 2007, each of the following convicted offenders
12 shall submit to and pay for collection and a chemical testing of the
13 offender's biological substance sample to determine the genetic markers
14 thereof, unless the offender has already provided a biological substance
15 sample for such testing pursuant to a statute of this state:

16 (a) Every offender who, on or after July 1, 2007, is in the custody
17 of the department of corrections based on a sentence imposed before that
18 date, including an offender on parole. The department shall collect the
19 sample at least ~~thirty~~ THIRTY-FIVE days prior to the offender's discharge
20 or release from custody, release on parole, or transfer to community
21 corrections placement.

22 (d) Every offender who, on or after July 1, 2007, is in a county jail
23 or a community corrections facility pursuant to article 27 of title 17,
24 C.R.S., based on a sentence imposed before that date for a felony
25 conviction. The sheriff or the community corrections program shall
26 collect the sample at least ~~thirty~~ THIRTY-FIVE days prior to the offender's
27 release from the custody of the county jail or community corrections

1 facility.

2 (e) Every offender who, on or after July 1, 2007, is in a county jail
3 or a community corrections facility based on a sentence imposed before
4 that date for conviction of a misdemeanor offense involving unlawful
5 sexual behavior or for which the factual basis involved an offense
6 involving unlawful sexual behavior. The sheriff or the community
7 corrections program shall collect the sample at least ~~thirty~~ THIRTY-FIVE
8 days prior to the offender's release from the custody of the county jail or
9 community corrections facility.

10 (f) Every offender who, on or after July 1, 2007, is in the custody
11 of the youthful offender system based on a sentence imposed before that
12 date, including an offender on community supervision. The department
13 of corrections shall collect the sample at least ~~thirty~~ THIRTY-FIVE days
14 prior to the offender's discharge or release from custody or release to
15 community supervision.

16 (g) Every offender sentenced on or after July 1, 2007, for a felony
17 conviction; except that this paragraph (g) shall not apply to an offender
18 granted a deferred judgment and sentencing as authorized in section
19 18-1.3-102, C.R.S., unless otherwise required to submit to a sample
20 pursuant to this section, or unless the deferred judgment and sentencing
21 is revoked and a sentence is imposed. The sample shall be collected:

22 (I) From an offender sentenced to the department of corrections,
23 by the department during the intake process but in any event within ~~thirty~~
24 THIRTY-FIVE days after the offender is received by the department;

25 (II) From an offender sentenced to county jail or community
26 corrections, by the sheriff or by the community corrections program
27 within ~~thirty~~ THIRTY-FIVE days after the offender is received into the

1 custody of the county jail or the community corrections facility;

2 (III) From an offender sentenced to probation, by the judicial
3 department within ~~thirty~~ THIRTY-FIVE days after the offender is placed on
4 probation;

5 (IV) From an offender sentenced to the youthful offender system,
6 by the department of corrections within ~~thirty~~ THIRTY-FIVE days after the
7 offender is received at the youthful offender system; and

8 (V) From an offender who receives any other sentence or who
9 receives a suspended sentence, by the judicial department within ~~thirty~~
10 THIRTY-FIVE days after the offender is sentenced or the sentence is
11 suspended.

12 (h) Every offender who, on or after July 1, 2007, is sentenced for
13 a conviction of, or who receives a deferred judgment and sentence for, an
14 offense involving unlawful sexual behavior or for which the underlying
15 factual basis involves unlawful sexual behavior. The sample shall be
16 collected:

17 (I) From an offender sentenced to county jail or community
18 corrections, by the sheriff or by the community corrections program
19 within ~~thirty~~ THIRTY-FIVE days after the offender is received into the
20 custody of the county jail or the community corrections facility;

21 (II) From an offender sentenced to probation, by the judicial
22 department or a probation department within ~~thirty~~ THIRTY-FIVE days after
23 the offender is placed on probation;

24 (III) From an offender who receives a deferred judgment and
25 sentence, by the judicial department or a probation department within
26 ~~thirty~~ THIRTY-FIVE days after the offender receives the deferred judgment
27 and sentence; and

1 (IV) From an offender who receives any other sentence or who
2 receives a suspended sentence, by the judicial department or a probation
3 department within ~~thirty~~ THIRTY-FIVE days after the offender is sentenced
4 or the sentence is suspended.

5 **SECTION 86.** In Colorado Revised Statutes, 16-11-205, **amend**
6 (4) introductory portion as follows:

7 **16-11-205. Arrest of probationer - revocation.** (4) Within ~~five~~
8 ~~working~~ SEVEN days after the arrest of any probationer as provided in this
9 section, or within a reasonable time after the issuance of a summons
10 under this section, the probation officer shall complete his OR HER
11 investigation and either:

12 **SECTION 87.** In Colorado Revised Statutes, 16-11-206, **amend**
13 (4) and (5) as follows:

14 **16-11-206. Revocation hearing.** (4) If the probationer is in
15 custody, the hearing shall be held within ~~fifteen~~ FOURTEEN days after the
16 filing of the complaint, unless delay or continuance is granted by the court
17 at the instance or request of the probationer or for other good cause found
18 by the court justifying further delay.

19 (5) If the court determines that a violation of a condition of
20 probation has been committed, it shall, within ~~five~~ SEVEN days after the
21 said hearing, either revoke or continue the probation. If probation is
22 revoked, the court may then impose any sentence or grant any probation
23 pursuant to the provisions of this part 2 which might originally have been
24 imposed or granted.

25 **SECTION 88.** In Colorado Revised Statutes, 16-12-204, **amend**
26 (1) as follows:

27 **16-12-204. Stay of execution - postconviction review.** (1) The

1 trial court, upon the imposition of a death sentence, shall set the time of
2 execution pursuant to section 18-1.3-1205, C.R.S., and enter an order
3 staying execution of the judgment and sentence until receipt of an order
4 from the Colorado supreme court. The trial court shall direct the clerk of
5 the trial court to mail to the Colorado supreme court ~~within seven days~~
6 ~~after the date upon which the sentence of death is imposed~~, IMMEDIATELY
7 a copy of the judgment, sentence, and mittimus.

8 **SECTION 89.** In Colorado Revised Statutes, 16-12-209, **amend**
9 (2) as follows:

10 **16-12-209. Limitation on postconviction review.** (2) If the
11 defendant files a motion for postconviction review raising any of the
12 grounds specified in subsection (1) of this section, the motion shall be
13 filed with the trial court within ~~thirty~~ THIRTY-FIVE days after the date upon
14 which the grounds are discovered.

15 **SECTION 90.** In Colorado Revised Statutes, 16-13-307, **amend**
16 (3.5) and (13) as follows:

17 **16-13-307. Jurisdiction - venue - parties - process.** (3.5) An
18 action brought pursuant to this part 3 regarding a class 1 public nuisance
19 shall be filed within ~~sixty~~ SIXTY-THREE days following the seizure of the
20 property pursuant to section 16-13-315. The plaintiff may file the
21 complaint after the expiration of ~~sixty~~ SIXTY-THREE days from the date of
22 seizure only if the complaint is accompanied by a written petition for late
23 filing. Such petition for late filing shall demonstrate good cause for the
24 late filing of the complaint. The ~~sixty-day~~ SIXTY-THREE-DAY time
25 limitation established by this subsection (3.5) shall not apply where the
26 seizure of the property occurred pursuant to a warrant authorizing such
27 seizure or otherwise under any statute or rule of criminal procedure, if the

1 property is held as evidence in a pending criminal investigation or in a
2 pending criminal case.

3 (13) Unknown persons who may claim an interest in the property,
4 persons whose whereabouts are unknown despite a diligent good faith
5 search, and persons upon whom the plaintiff has been unable to effect
6 service as otherwise provided in the Colorado rules of civil procedure
7 despite diligent good faith efforts may be served pursuant to a court order
8 by publishing a copy of a summons twice in a newspaper of general
9 circulation. The summons shall describe the property and state where the
10 complaint and attendant documents may be obtained, and a party shall
11 have ~~thirty~~ THIRTY-FIVE days after the last publication date to respond.

12 **SECTION 91.** In Colorado Revised Statutes, 16-13-308, **amend**
13 (1) (f) as follows:

14 **16-13-308. Temporary restraining order - preliminary**
15 **injunction - when to issue.** (1) (f) Any person with an ownership
16 interest adversely affected by a temporary restraining order issued
17 pursuant to this subsection (1) may file a motion to vacate the temporary
18 restraining order. Such motion shall be filed within ~~ten~~ FOURTEEN days of
19 the time said person is served with or otherwise has notice of the
20 temporary restraining order. The motion shall be set for hearing within
21 ~~ten~~ FOURTEEN days after its filing. At said hearing, the court shall
22 determine whether the various provisions of the temporary restraining
23 order should remain in effect pending final determination of the action.
24 No part of the temporary restraining order shall be vacated unless the
25 proponent of the motion demonstrates that there is no probable cause to
26 believe that a public nuisance exists or that the public nuisance acts
27 underlying the action occurred, or that the proponent has a reasonable

1 likelihood of prevailing on the merits of the case with respect to the
2 temporary seizure or closure of the property. No issue regarding the
3 forfeiture of the property shall be raised at the hearing on the motion,
4 except the court may consider an innocent owner defense pursuant to
5 section 16-13-303 (5.2) by a proponent who has not been charged in a
6 parallel criminal action arising from the same activity giving rise to the
7 forfeiture proceedings. When the innocent owner defense is raised as
8 grounds for vacating the order, the issues at the hearing shall be limited
9 to modifying the order to provide for the use of the property during the
10 pendency of the action by an innocent owner, but only if such use is
11 consistent with preserving it for forfeiture as to any other interest. Such
12 a modifying order may include, without limitation, reasonable provisions
13 for the continued occupancy of a residence, or the operation of a business
14 and the sale or disposition of business inventory. However, no such
15 modifying order shall include the release of currency. The determination
16 of the facts by the court at the hearing is independent of and shall not be
17 considered in the determination of the same or similar facts in the
18 adjudication of any criminal charges arising out of the same occurrences.
19 Any motion to vacate a temporary restraining order shall state specifically
20 the factual and legal grounds upon which it is based, and only those
21 grounds may be considered at the hearing. Until vacated, the temporary
22 restraining order shall remain in full force and effect.

23 **SECTION 92.** In Colorado Revised Statutes, 16-13-311, **amend**
24 (3) (e), (3) (f), (3) (h), and (3.5) as follows:

25 **16-13-311. Disposition of seized personal property.**
26 (3) (e) Within ~~thirty~~ THIRTY-FIVE days after the date the order of
27 forfeiture is entered, the district attorney may submit a motion, an

1 affidavit, and any supporting documentation to the court to request
2 compensation consistent with this section. Within ~~thirty~~ THIRTY-FIVE days
3 after the date the order of forfeiture is entered, any victim of the criminal
4 act giving rise to the forfeiture may submit a request for compensation,
5 an affidavit, and supporting documentation to the district attorney to
6 request compensation from the forfeiture proceeds.

7 (f) Within ~~ten~~ FOURTEEN days after the date a seizing agency
8 notifies the court that all property forfeited has been sold and all proceeds
9 and money have been deposited in the registry of the court where the
10 forfeiture order was entered, the seizing agency may submit a motion, an
11 affidavit, and supporting documentation to the court for reimbursement
12 of expenses consistent with this section. In its motion, the seizing agency
13 shall identify any other seizing agencies that participated in the seizure
14 and specify the details of any intergovernmental agreement regarding
15 sharing of proceeds. The seizing agency shall send a copy of this motion
16 to the district attorney.

17 (h) Any party shall have ~~ten~~ FOURTEEN days after filing of the
18 proposed order to file any objections to the proposed order filed by the
19 district attorney.

20 (3.5) Instead of liens and encumbrances on real property being
21 satisfied from the proceeds of sale, real property may be sold subject to
22 all liens or encumbrances on record. The purchase of the property by the
23 successful bidder under this subsection (3.5) shall be conditioned on the
24 bidder satisfying and obtaining the release of the first and second priority
25 liens within ~~sixty~~ SIXTY-THREE days ~~of~~ AFTER the sale, or obtaining
26 written authorization from those lien holders for the bidder to receive the
27 sheriff's deed which shall be issued after such satisfaction or

1 authorization. The purchaser of the property shall take title free of any
2 lien, encumbrance, or cloud on the title recorded after title vests in the
3 state pursuant to section 16-13-316.

4 **SECTION 93.** In Colorado Revised Statutes, 16-13-505, **amend**
5 (2) (a), (2) (b), (2) (c), and (7) as follows:

6 **16-13-505. Forfeiture proceedings.** (2) (a) The prosecuting
7 attorney shall file a petition in forfeiture to perfect title in seized
8 contraband property no later than ~~sixty~~ SIXTY-THREE days after the
9 seizure. The prosecuting attorney may file the petition after the expiration
10 of ~~sixty~~ SIXTY-THREE days from the date of seizure only if the petition is
11 accompanied by a written statement of good cause for the late filing. The
12 ~~sixty-day~~ SIXTY-THREE-DAY time limitation established by this paragraph
13 (a) shall not apply where the seizure of the property occurred pursuant to
14 a warrant authorizing such seizure or otherwise under any statute or rule
15 of criminal procedure if the property is held as evidence in a pending
16 criminal investigation or in a pending criminal case. The petition shall be
17 accompanied by a supporting affidavit, and both shall describe the
18 property seized with reasonable particularity and shall include a list of
19 witnesses to be called in support of the claim for forfeiture, including the
20 addresses and telephone numbers thereof.

21 (b) If the court finds from the petition and supporting affidavit
22 that probable cause exists to believe that the seized property is contraband
23 property as defined in this part 5, it shall, without delay, issue a citation
24 directed to interested parties to show cause why the property should not
25 be forfeited. The citation shall fix the date and time for a first appearance
26 on the petition. The date fixed shall be no less than ~~thirty~~ THIRTY-FIVE
27 days and no more than ~~sixty~~ SIXTY-THREE days from the date of the

1 issuance of the citation.

2 (c) At the first appearance on the petition, the court shall set a date
3 and time for a hearing on the merits of the petition within ~~forty-five~~
4 FORTY-NINE days ~~of~~ AFTER the first appearance.

5 (7) If the seized property is of a type for which title or registration
6 is required by law, or if the owner of the property and his OR HER address
7 are known in fact, or if the seized property is subject to a perfected
8 security interest, the prosecuting attorney shall give notice of the
9 forfeiture action to the claimant, either by personal service of the petition,
10 supporting affidavit, and citation upon him OR HER or by sending copies
11 of such documents by certified mail, return receipt requested, to the
12 last-known address of such claimant. If the documents are properly
13 mailed to an address which the prosecutor has reasonable grounds to
14 believe is the last-known address of the potential claimant, said
15 documents shall be deemed served whether or not the claimant responds
16 to the notice to claim them at the post office. Unknown persons who may
17 claim any interest in the property, persons whose addresses are unknown,
18 and persons upon whom the prosecutor has been unable to effect service
19 as otherwise provided in this subsection (7) despite diligent good faith
20 efforts may be served pursuant to a court order by publishing a copy of
21 the citation twice in a newspaper of general circulation in the county in
22 which the proceeding is instituted. The fact of such publication shall be
23 conclusively established by the publisher's affidavit of publication. The
24 first publication shall be more than ~~ten~~ FOURTEEN days and the last
25 publication not less than ~~five~~ SEVEN days before the first appearance date
26 on the citation.

27 **SECTION 94.** In Colorado Revised Statutes, 16-14-104, **amend**

1 (1) as follows:

2 **16-14-104. Trial or dismissal.** (1) Within one hundred ~~eighty~~
3 EIGHTY-TWO days after the receipt of the request by the court and the
4 prosecuting official, or within such additional time as the court for good
5 cause shown in open court may grant, the prisoner or the prisoner's
6 counsel being present, the indictment, information, or criminal complaint
7 shall be brought to trial; but the parties may stipulate for a continuance or
8 a continuance may be granted on notice to the prisoner's attorney and
9 opportunity to be heard. If, after such a request, the indictment,
10 information, or criminal complaint is not brought to trial within that
11 period, no court of this state shall any longer have jurisdiction thereof, nor
12 shall the untried indictment, information, or criminal complaint be of any
13 further force or effect, and the court shall dismiss it with prejudice.

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15 **SECTION 95.** In Colorado Revised Statutes, **amend** 16-17-102
16 as follows:

17 **16-17-102. Application - character certificate.** After a
18 conviction, all applications for commutation of sentence or pardon for
19 crimes committed shall be accompanied by a certificate of the respective
20 superintendent of the correctional facility, showing the conduct of an
21 applicant during his OR HER confinement in the correctional facility,
22 together with such evidences of former good character as the applicant
23 may be able to produce. Before the governor approves such application,
24 it shall be first submitted to the present district attorney of the district in
25 which the applicant was convicted and to the judge who sentenced and
26 the attorney who prosecuted at the trial of the applicant, if available, for
27 such comment as they may deem proper concerning the merits of the

1 application, so as to provide the governor with information upon which
2 to base his OR HER action. The governor shall make reasonable efforts to
3 locate the judge who sentenced and the attorney who prosecuted at the
4 trial of the applicant and shall afford them a reasonable time, not less than
5 ~~ten~~ FOURTEEN days, to comment on such applications. The requirements
6 of this section shall be deemed to have been met if the persons to whom
7 the application is submitted for comment do not comment within ~~ten~~
8 FOURTEEN days ~~of~~ AFTER their receipt of the application or within such
9 other reasonable time in excess of ~~ten~~ FOURTEEN days as specified by the
10 governor, or if the sentencing judge or prosecuting attorney cannot be
11 located, are incapacitated, or are otherwise unavailable for comment
12 despite the good-faith efforts of the governor to obtain their comments.
13 Good character previous to conviction, good conduct during confinement
14 in the correctional facility, the statements of the sentencing judge and the
15 district attorneys, if any, and any other material concerning the merits of
16 the application shall be given such weight as to the governor may seem
17 just and proper, in view of the circumstances of each particular case, a
18 due regard being had to the reformation of the accused. The governor
19 shall have sole discretion in evaluating said comments and in soliciting
20 other comments he OR SHE deems appropriate.

21 **SECTION 96.** In Colorado Revised Statutes, 16-18.5-104,
22 **amend** (5) (a) (II) (B), (5) (b) (II), and (5) (c) (II) as follows:

23 **16-18.5-104. Initial collections investigation - payment**
24 **schedule.** (5) Following the investigation required by subsection (3) of
25 this section, the collections investigator may also:

26 (a) (II) (B) Within ~~twenty~~ TWENTY-ONE days after the payment of
27 all such amounts of restitution, the collections investigator or the victim,

1 or the assignee of the state or the victim, shall record a certificate of
2 satisfaction of judgment issued by the clerk of the court with each clerk
3 and recorder where a transcript was recorded. The satisfaction of
4 judgment shall be conclusive evidence that the lien was extinguished.

5 (b) (II) The lien created by this paragraph (b), shall remain in
6 effect without the necessity of renewal for twelve years or until all
7 amounts of restitution, including interest, costs, time payment fees, and
8 late fees are paid. Within ~~twenty~~ TWENTY-ONE days after the payment of
9 all such amounts of restitution, the collections investigator or the victim,
10 or the assignee of the state or the victim, shall file a satisfaction of
11 judgment with the secretary of state. The satisfaction of judgment shall
12 be conclusive evidence that the lien was extinguished.

13 (c) (II) The lien created by this paragraph (c), shall remain in
14 effect for the same period of time as any other lien on motor vehicles as
15 specified in section 42-6-127, C.R.S., or until all amounts of restitution,
16 including interest, costs, time payment fees, and late fees are paid,
17 whichever occurs first. A lien created pursuant to this paragraph (c) may
18 be renewed pursuant to section 42-6-127, C.R.S. Within ~~twenty~~
19 TWENTY-ONE days after the payment of all such amounts of restitution,
20 the collections investigator or the victim or the assignee of the state or the
21 victim shall release the lien pursuant to the procedures specified in
22 section 42-6-125, C.R.S. When a lien created by this paragraph (c) is
23 released, the authorized agent and the executive director of the
24 department of revenue shall proceed as provided in section 42-6-126,
25 C.R.S.

26 **SECTION 97.** In Colorado Revised Statutes, 16-18.5-105,
27 **amend** (2) and (3) introductory portion as follows:

1 **16-18.5-105. Monitoring - default - penalties.** (2) In addition to
2 any other costs that may accrue, for each payment of restitution that a
3 defendant fails to make within ~~five~~ SEVEN days after the date that the
4 payment is due pursuant to any payment schedule established pursuant to
5 this article, the late penalty fee established in section 16-11-101.6 shall
6 be assessed, and the associated provisions of section 16-11-101.6 may
7 apply. The late fees shall be collected from the defendant after the
8 defendant has satisfied all orders for restitution. All payments for late fees
9 shall be credited to the judicial collection enhancement fund created in
10 section 16-11-101.6 (2).

11 (3) Whenever a defendant fails to make a payment of restitution
12 within ~~five~~ SEVEN days after the date that the payment is due pursuant to
13 a payment schedule established pursuant to this article, in addition to any
14 other remedy, the collections investigator may:

15 **SECTION 98.** In Colorado Revised Statutes, **amend** 16-19-116
16 as follows:

17 **16-19-116. Commitment to await requisition - bail.** If from the
18 examination before the judge it appears that the person held is the person
19 charged with having committed the crime alleged and, except in cases
20 arising under section 16-19-107, that he OR SHE has fled from justice, the
21 judge shall, by a warrant reciting the accusation, commit him OR HER to
22 the county jail for such a time not exceeding ~~thirty~~ THIRTY-FIVE days and
23 as specified in the warrant as will enable the arrest of the accused to be
24 made under a warrant of the governor on a requisition of the executive
25 authority of the state having jurisdiction of the offense, unless the accused
26 gives bail as provided in section 16-19-117, or until he OR SHE is legally
27 discharged.

1 **SECTION 99**. In Colorado Revised Statutes, 16-21-104, **amend**
2 (1) as follows:

3 **16-21-104. Fingerprinting - ordered by court.** (1) If the
4 offender has not been fingerprinted and photographed for the charges
5 pending before the court, the court at the first appearance of the offender
6 after the filing of charges shall order the offender to report to the
7 investigating agency within ~~ten~~ FOURTEEN days for fingerprinting and
8 photographing. The investigating agency shall endorse upon a copy of the
9 order the completion of the fingerprinting and photographing and return
10 the same to the court. At least one set of fingerprints and one set of
11 photographs ordered pursuant to this section shall be forwarded by the
12 investigating agency to the Colorado bureau of investigation in a form
13 and manner prescribed by such bureau.

14 **SECTION 100**. In Colorado Revised Statutes, 16-22-113, **amend**
15 (1.3) (a), (1.3) (b) (I), and (1.3) (b) (II) as follows:

16 **16-22-113. Petition for removal from registry.** (1.3) (a) If a
17 person is eligible to petition to discontinue his or her duty to register
18 pursuant to paragraph (d) of subsection (1) of this section, the court, at
19 least ~~sixty~~ SIXTY-THREE days before dismissing the case, shall notify each
20 of the parties described in paragraph (a) of subsection (2) of this section,
21 the person, and the victim of the offense for which the person was
22 required to register, if the victim has requested notice and has provided
23 current contact information, that the court will consider whether to order
24 that the person may discontinue his or her duty to register when the court
25 dismisses the case as a result of the person's successful completion of the
26 deferred judgment and sentence or deferred adjudication. The court shall
27 set the matter for hearing if any of the parties described in paragraph (a)

1 of subsection (2) of this section or the victim of the offense object, or if
2 the person requests a hearing. If the court enters an order discontinuing
3 the person's duty to register, the person shall send a copy of the order to
4 each local law enforcement agency with which the person is registered
5 and to the CBI. If the victim of the offense has requested notice, the court
6 shall notify the victim of its decision either to continue or discontinue the
7 person's duty to register.

8 (b) (I) If a juvenile is eligible to petition to discontinue his or her
9 duty to register pursuant to paragraph (e) of subsection (1) of this section,
10 the court, at least ~~sixty~~ SIXTY-THREE days before discharging the
11 juvenile's sentence, shall notify each of the parties described in paragraph
12 (a) of subsection (2) of this section, the juvenile, and the victim of the
13 offense for which the juvenile was required to register, if the victim has
14 requested notice and has provided current contact information, that the
15 court shall consider whether to order that the juvenile may discontinue his
16 or her duty to register when the court discharges the juvenile's sentence.
17 The court shall set the matter for hearing if any of the parties described
18 in paragraph (a) of subsection (2) of this section or the victim of the
19 offense object, or if the juvenile requests a hearing, and shall consider the
20 criteria in paragraph (e) of subsection (1) of this section in determining
21 whether to continue or discontinue the duty to register. If the court enters
22 an order discontinuing the juvenile's duty to register, the department of
23 human services shall send a copy of the order to each local law
24 enforcement agency with which the juvenile is registered, the juvenile
25 parole board, and to the CBI. If the victim of the offense has requested
26 notice, the court shall notify the victim of its decision either to continue
27 or discontinue the juvenile's duty to register.

1 (II) If a juvenile is eligible to petition to discontinue his or her
2 registration pursuant to paragraph (e) of subsection (1) of this section and
3 is under the custody of the department of human services and yet to be
4 released on parole by the juvenile parole board, the department of human
5 services may petition the court to set a hearing pursuant to paragraph (e)
6 of subsection (1) of this section at least ~~sixty~~ SIXTY-THREE days before the
7 juvenile is scheduled to appear before the juvenile parole board.

8 **SECTION 101.** In Colorado Revised Statutes, 18-1-202, **amend**
9 (11) as follows:

10 **18-1-202. Place of trial.** (11) Proof of the county in which the
11 offense occurred or which county is the proper place for trial pursuant to
12 this section shall not constitute an element of any offense and need not be
13 proven by the prosecution at trial unless required by the statute defining
14 the offense. Any challenge to the place of trial pursuant to this section
15 shall be made by motion in writing no later than ~~twenty~~ TWENTY-ONE
16 days after arraignment, except for good cause shown. The court shall
17 determine any such issue prior to the commencement of the trial and the
18 selection of a jury. If the court finds that trial is not proper in the county
19 in which the charges were filed, the court shall transfer the case to a court
20 of appropriate jurisdiction in the proper county. Failure to challenge the
21 place of trial as provided in this subsection (11) shall constitute a waiver
22 of any objection to the place of trial. Pursuant to section 16-12-102 (2),
23 C.R.S., the prosecution may file an interlocutory appeal of a decision
24 transferring the case to another county.

25 **SECTION 102.** In Colorado Revised Statutes, 18-1-409, **amend**
26 (2) as follows:

27 **18-1-409. Appellate review of sentence for a felony.** (2) No

1 appellate court shall review any sentence which is imposed unless, within
2 ~~forty-five~~ FORTY-NINE days from the date of the imposition of sentence,
3 a written notice is filed in the trial court to the effect that review of the
4 sentence will be sought; said notice must state the grounds upon which it
5 is based.

6 **SECTION 103.** In Colorado Revised Statutes, 18-1-412, **amend**
7 (6) as follows:

8 **18-1-412. Procedure for application for DNA testing -**
9 **appointment of counsel.** (6) Following a request for a hearing, the court
10 shall allow the district attorney a reasonable amount of time, but not less
11 than ~~thirty~~ THIRTY-FIVE days, to respond to the motion and any
12 supplement filed by the petitioner's counsel and to prepare for the hearing.

13 **SECTION 104.** In Colorado Revised Statutes, 18-1-1105, **amend**
14 (4) (b) (II), (4) (b) (III), and (4) (c) (II) as follows:

15 **18-1-1105. Law enforcement agency request for permission to**
16 **dispose of evidence - procedures.** (4) (b) (II) The defendant shall have
17 ~~ninety-five~~ NINETY-EIGHT days from the date the notice was sent by the
18 district attorney to file a motion to preserve DNA evidence in the court in
19 which the defendant was convicted. The motion shall state specific
20 grounds supporting the preservation of the DNA evidence, and the
21 defendant shall provide copies of the motion to the district attorney and
22 the law enforcement agency.

23 (III) If no motion is filed within the ~~ninety-five-day~~
24 NINETY-EIGHT-DAY period, the district attorney or the law enforcement
25 agency requesting disposal of the evidence shall file with the court a copy
26 of the notice sent to the defendant pursuant to subparagraph (I) of this
27 paragraph (b), and the court shall forthwith, without hearing, enter an

1 order authorizing disposal of the DNA evidence and provide copies of the
2 order to the defendant, district attorney, and law enforcement agency.

3 (c) (II) The defendant or the district attorney shall have ~~ninety-five~~
4 NINETY-EIGHT days after the disposal motion is sent to file an objection
5 in the court in which the disposal motion was filed. The objection shall
6 state specific grounds supporting the preservation of the DNA evidence.
7 If the district attorney files an objection, the district attorney shall provide
8 copies of the objection to the defendant and the law enforcement agency.
9 If the defendant files an objection, the defendant shall provide copies of
10 the objection to the district attorney and the law enforcement agency.

11 **SECTION 105.** In Colorado Revised Statutes, 18-1.3-101,
12 **amend** (1) as follows:

13 **18-1.3-101. Deferred prosecution.** (1) Except as otherwise
14 provided in section 18-6-801 (4), in any case, the court may, prior to trial
15 or entry of a plea of guilty and with the consent of the defendant and the
16 prosecution, order the prosecution of the offense to be deferred for a
17 period not to exceed two years; except that the period of deferred
18 prosecution may be extended for an additional time up to one hundred
19 ~~eighty~~ EIGHTY-TWO days if the failure to pay the amounts specified in
20 subsection (2) of this section is the sole condition of supervision which
21 has not been fulfilled, because of inability to pay, and the defendant has
22 shown a future ability to pay. During that time, the court may place the
23 defendant under the supervision of the probation department and may
24 require the defendant to undergo counseling or treatment for the
25 defendant's mental condition, or for alcohol or drug abuse, or for both
26 such conditions.

27 **SECTION 106.** In Colorado Revised Statutes, 18-1.3-102,

1 **amend** (1) and (2) as follows:

2 **18-1.3-102. Deferred sentencing of defendant.** (1) In any case
3 in which the defendant has entered a plea of guilty, the court accepting
4 the plea has the power, with the written consent of the defendant and his
5 or her attorney of record and the district attorney, to continue the case for
6 a period not to exceed four years from the date of entry of a plea to a
7 felony or two years from the date of entry of a plea to a misdemeanor, or
8 petty offense, or traffic offense for the purpose of entering judgment and
9 sentence upon such plea of guilty; except that such period may be
10 extended for an additional time up to one hundred ~~eighty~~ EIGHTY-TWO
11 days if the failure to pay restitution is the sole condition of supervision
12 which has not been fulfilled, because of inability to pay, and the
13 defendant has shown a future ability to pay. During such time, the court
14 may place the defendant under the supervision of the probation
15 department.

16 (2) Prior to entry of a plea of guilty to be followed by deferred
17 judgment and sentence, the district attorney, in the course of plea
18 discussion as provided in sections 16-7-301 and 16-7-302, C.R.S., is
19 authorized to enter into a written stipulation, to be signed by the
20 defendant, the defendant's attorney of record, and the district attorney,
21 under which the defendant is obligated to adhere to such stipulation. The
22 conditions imposed in the stipulation shall be similar in all respects to
23 conditions permitted as part of probation. Any person convicted of a
24 crime, the underlying factual basis of which included an act of domestic
25 violence, as defined in section 18-6-800.3 (1), shall stipulate to the
26 conditions specified in section 18-1.3-204 (2) (b). In addition, the
27 stipulation may require the defendant to perform community or charitable

1 work service projects or make donations thereto. Upon full compliance
2 with such conditions by the defendant, the plea of guilty previously
3 entered shall be withdrawn and the charge upon which the judgment and
4 sentence of the court was deferred shall be dismissed with prejudice.
5 Such stipulation shall specifically provide that, upon a breach by the
6 defendant of any condition regulating the conduct of the defendant, the
7 court shall enter judgment and impose sentence upon such guilty plea.
8 When, as a condition of the deferred sentence, the court orders the
9 defendant to make restitution, evidence of failure to pay the said
10 restitution shall constitute prima facie evidence of a violation. Whether
11 a breach of condition has occurred shall be determined by the court
12 without a jury upon application of the district attorney or a probation
13 officer and upon notice of hearing thereon of not less than ~~five~~ SEVEN
14 days to the defendant or the defendant's attorney of record. Application
15 for entry of judgment and imposition of sentence may be made by the
16 district attorney or a probation officer at any time within the term of the
17 deferred judgment or within ~~thirty~~ THIRTY-FIVE days thereafter. The
18 burden of proof at such hearing shall be by a preponderance of the
19 evidence, and the procedural safeguards required in a revocation of
20 probation hearing shall apply.

21 **SECTION 107.** In Colorado Revised Statutes, 18-1.3-106,
22 **amend** (1.3) as follows:

23 **18-1.3-106. County jail sentencing alternatives - work,**
24 **educational, and medical release - home detention - day reporting.**

25 (1.3) Before a court may grant a person sentenced to the county jail the
26 privilege of leaving the jail to attend a postsecondary educational
27 institution, the court shall first notify the prosecuting attorney and the

1 postsecondary educational institution of its intention to grant the privilege
2 and requesting their comments thereon. The notice shall include all
3 relevant information pertaining to the person and the crime for which he
4 or she was convicted. Both the prosecuting attorney and the
5 postsecondary institution shall reply to the court in writing within ~~ten~~
6 FOURTEEN days ~~of~~ AFTER receipt of the notification or within such other
7 reasonable time in excess of ~~ten~~ FOURTEEN days as specified by the court.
8 The postsecondary educational institution's reply shall include a statement
9 of whether or not it will accept the person as a student. Acceptance by a
10 state postsecondary educational institution shall be pursuant to section
11 23-5-106, C.R.S.

12 **SECTION 108.** In Colorado Revised Statutes, 18-1.3-207,
13 **amend** (1.1) as follows:

14 **18-1.3-207. Work and education release programs.**

15 (1.1) Before a final ruling by the court authorizing a probationer to
16 participate in a supervised education release program, the court shall
17 notify the prosecuting attorney and the postsecondary educational
18 institution requesting their comments on the pending release. The notice
19 shall include all relevant information pertaining to the probationer and to
20 the nature of the crime for which he or she was convicted. Both the
21 prosecuting attorney and the postsecondary educational institution shall
22 reply to the court in writing within ~~ten~~ FOURTEEN days ~~of~~ AFTER receipt
23 of the notification or within such other reasonable time in excess of ~~ten~~
24 FOURTEEN days as specified by the court. The postsecondary educational
25 institution's reply shall include a statement of whether or not it will accept
26 the probationer as a student. Acceptance by a state postsecondary
27 educational institution shall be pursuant to section 23-5-106, C.R.S.

1 **SECTION 109.** In Colorado Revised Statutes, 18-1.3-301,
2 **amend** (1) (k) as follows:

3 **18-1.3-301. Authority to place offenders in community**
4 **corrections programs.** (1) (k) Any offender who escapes from a
5 residential community corrections program or who absconds from a
6 nonresidential community corrections program shall forfeit any time
7 credit deductions earned pursuant to paragraph (i) of this subsection (1)
8 and shall not be credited with any time on escape or absconder status.
9 Within ~~thirty~~ THIRTY-FIVE days after an offender's escape or abscondment,
10 the program administrator shall submit to the sentencing court a statement
11 on the form described in subparagraph (III) of paragraph (i) of this
12 subsection (1) of the time credit deductions that would have been earned
13 by the offender.

14 **SECTION 110.** In Colorado Revised Statutes, 18-1.3-406,
15 **amend** (1) (a) as follows:

16 **18-1.3-406. Mandatory sentences for violent crimes.**
17 (1) (a) Any person convicted of a crime of violence shall be sentenced
18 pursuant to the provisions of section 18-1.3-401 (8) to the department of
19 corrections for a term of incarceration of at least the midpoint in, but not
20 more than twice the maximum of, the presumptive range provided for
21 such offense in section 18-1.3-401 (1) (a), as modified for an
22 extraordinary risk crime pursuant to section 18-1.3-401 (10), without
23 suspension; except that, within ~~ninety~~ NINETY-ONE days after he or she
24 has been placed in the custody of the department of corrections, the
25 department shall transmit to the sentencing court a report on the
26 evaluation and diagnosis of the violent offender, and the court, in a case
27 which it considers to be exceptional and to involve unusual and

1 extenuating circumstances, may thereupon modify the sentence, effective
2 not earlier than one hundred ~~twenty~~ NINETEEN days after his or her
3 placement in the custody of the department. Such modification may
4 include probation if the person is otherwise eligible therefor. Whenever
5 a court finds that modification of a sentence is justified, the judge shall
6 notify the state court administrator of his or her decision and shall advise
7 said administrator of the unusual and extenuating circumstances that
8 justified such modification. The state court administrator shall maintain
9 a record, which shall be open to the public, summarizing all modifications
10 of sentences and the grounds therefor for each judge of each district court
11 in the state. A person convicted of two or more separate crimes of
12 violence arising out of the same incident shall be sentenced for such
13 crimes so that sentences are served consecutively rather than
14 concurrently.

15 **SECTION 111.** In Colorado Revised Statutes, 18-1.3-407,
16 **amend** (5) (c) as follows:

17 **18-1.3-407. Sentences - youthful offenders - legislative**
18 **declaration - powers and duties of district court - authorization for**
19 **youthful offender system - powers and duties of department of**
20 **corrections - definitions.** (5) (c) The department of corrections shall
21 implement a procedure for returning offenders who cannot successfully
22 complete the sentence to the youthful offender system, or who fail to
23 comply with the terms or conditions of the youthful offender system, to
24 the district court. An offender returned to the district court pursuant to
25 paragraph (a) of this subsection (5) or because he or she cannot
26 successfully complete the sentence to the youthful offender system for
27 reasons other than mental illness or a developmental disability, or because

1 he or she fails to comply with the terms or conditions of the youthful
2 offender system, shall receive imposition of the original sentence to the
3 department of corrections. After the executive director of the department
4 upholds the department's decision, the offender may be held in any
5 correctional facility deemed appropriate by the executive director; except
6 that an offender who cannot successfully complete the sentence to the
7 youthful offender system for reasons other than mental illness or a
8 developmental disability, or because he or she fails to comply with the
9 terms or conditions of the youthful offender system, shall be transferred,
10 within ~~thirty~~ THIRTY-FIVE days after the executive director upholds the
11 department's decision, to a county jail for holding prior to resentencing.
12 The department shall notify the district attorney of record, and the district
13 attorney of record shall be responsible for seeking the revocation or
14 review of the offender's sentence and the imposition of the original
15 sentence or modification of the original sentence pursuant to
16 sub-subparagraph (B) of subparagraph (I) of paragraph (b) of this
17 subsection (5). The district court shall review the offender's sentence
18 within one hundred ~~twenty~~ TWENTY-SIX days after notification to the
19 district attorney of record by the department of corrections that the
20 offender is not able to complete the sentence to the youthful offender
21 system or fails to comply with the terms or conditions of the youthful
22 offender system.

23 **SECTION 112.** In Colorado Revised Statutes, 18-1.3-603,
24 **amend** (1) (b) and (2) as follows:

25 **18-1.3-603. Assessment of restitution - corrective orders.**
26 (1) Every order of conviction of a felony, misdemeanor, petty, or traffic
27 misdemeanor offense, except any order of conviction for a state traffic

1 misdemeanor offense issued by a municipal or county court in which the
2 prosecuting attorney is acting as a special deputy district attorney
3 pursuant to an agreement with the district attorney's office, shall include
4 consideration of restitution. Each such order shall include one or more of
5 the following:

6 (b) An order that the defendant is obligated to pay restitution, but
7 that the specific amount of restitution shall be determined within the
8 ~~ninety~~ NINETY-ONE days immediately following the order of conviction,
9 unless good cause is shown for extending the time period by which the
10 restitution amount shall be determined;

11 (2) The court shall base its order for restitution upon information
12 presented to the court by the prosecuting attorney, who shall compile such
13 information through victim impact statements or other means to
14 determine the amount of restitution and the identities of the victims.
15 Further, the prosecuting attorney shall present this information to the
16 court prior to the order of conviction or within ~~ninety~~ NINETY-ONE days,
17 if it is not available prior to the order of conviction. The court may extend
18 this date if it finds that there are extenuating circumstances affecting the
19 prosecuting attorney's ability to determine restitution.

20 **SECTION 113.** In Colorado Revised Statutes, **amend** 18-1.3-906
21 as follows:

22 **18-1.3-906. Commencement of proceedings.** Within ~~twenty~~
23 TWENTY-ONE days after the conviction of a sex offense, upon the motion
24 of the district attorney, the defendant, or the court, the court shall
25 commence proceedings under this part 9 by ordering the district attorney
26 to prepare a notice of the commencement of proceedings and to serve that
27 notice upon the defendant personally.

1 **SECTION 114.** In Colorado Revised Statutes, 18-1.3-907,
2 **amend** (1) (d) as follows:

3 **18-1.3-907. Defendant to be advised of rights.** (1) Upon the
4 commencement of proceedings, the court shall advise the defendant,
5 orally and in writing, that:

6 (d) An evidentiary hearing will be held pursuant to section
7 18-1.3-911 and the defendant and his or her counsel will be furnished
8 with copies of all reports prepared for the court pursuant to sections
9 18-1.3-908 and 18-1.3-909 at least ~~ten~~ FOURTEEN days prior to the
10 evidentiary hearing.

11 **SECTION 115.** In Colorado Revised Statutes, 18-1.3-908,
12 **amend** (3) as follows:

13 **18-1.3-908. Psychiatric examination and report.** (3) The
14 examinations shall be made and the reports filed with the court and the
15 probation department within ~~sixty~~ SIXTY-THREE days after the
16 commencement of proceedings, and this time may not be enlarged by the
17 court.

18 **SECTION 116.** In Colorado Revised Statutes, 18-1.3-909,
19 **amend** (2) as follows:

20 **18-1.3-909. Report of probation department.** (2) The report
21 shall be filed with the court within ~~seventy-five~~ SEVENTY-SEVEN days
22 after the commencement of proceedings, and this time may not be
23 enlarged by the court.

24 **SECTION 117.** In Colorado Revised Statutes, 18-1.3-911,
25 **amend** (1) and (2) (b) as follows:

26 **18-1.3-911. Evidentiary hearing.** (1) (a) The court shall set a
27 hearing date at least ~~ten~~ FOURTEEN days and no more than ~~twenty~~

1 TWENTY-EIGHT days after service upon the defendant and his or her
2 counsel of the reports required by sections 18-1.3-908 and 18-1.3-909.

3 (b) The court may, in its discretion, upon the motion of the
4 defendant, continue the hearing an additional ~~twenty~~ TWENTY-ONE days.

5 (2) (b) The district attorney shall serve upon the defendant and his
6 or her counsel a list of all witnesses to be called by the district attorney at
7 least ~~ten~~ FOURTEEN days before the evidentiary hearing.

8 **SECTION 118.** In Colorado Revised Statutes, 18-1.3-912,
9 **amend** (1) and (4) as follows:

10 **18-1.3-912. Findings of fact and conclusions of law.** (1) After
11 the evidentiary hearing, the court shall, within ~~five~~ SEVEN days, make oral
12 or written findings of fact and conclusions of law.

13 (4) If the findings and conclusions are oral, they shall be reduced
14 to writing and filed within ~~ten~~ FOURTEEN days, and the defendant shall
15 not be committed to the custody of the department pursuant to section
16 18-1.3-904 until the findings and conclusions are filed.

17 **SECTION 119.** In Colorado Revised Statutes, 18-1.3-1102,
18 **amend** (1) and (2) as follows:

19 **18-1.3-1102. Pretrial motion by defendant in class 1 felony**
20 **case - determination whether defendant is mentally retarded -**
21 **procedure.** (1) Any defendant may file a motion with the trial court in
22 which the defendant may allege that such defendant is a mentally retarded
23 defendant. Such motion shall be filed at least ~~ninety~~ NINETY-ONE days
24 prior to trial.

25 (2) The court shall hold a hearing upon any motion filed pursuant
26 to subsection (1) of this section and shall make a determination regarding
27 such motion no later than ~~ten~~ FOURTEEN days prior to trial. At such

1 hearing, the defendant shall be permitted to present evidence with regard
2 to such motion and the prosecution shall be permitted to offer evidence
3 in rebuttal. The defendant shall have the burden of proof to show by clear
4 and convincing evidence that such defendant is mentally retarded.

5 **SECTION 120.** In Colorado Revised Statutes, 18-1.3-1105,
6 **amend** (2) as follows:

7 **18-1.3-1105. Evaluation at insistence of defendant.**
8 (2) Whenever an expert is endorsed as a witness by the defendant, a copy
9 of any report of an evaluation of the defendant shall be furnished to the
10 prosecution within a reasonable time but not less than ~~thirty~~ THIRTY-FIVE
11 days prior to the mental retardation hearing.

12 **SECTION 121.** In Colorado Revised Statutes, 18-1.3-1201,
13 **amend** (3) (b) introductory portion, (3) (c) introductory portion, and (3)
14 (c.5) (I) as follows:

15 **18-1.3-1201. Imposition of sentence in class 1 felonies -**
16 **appellate review.** (3) (b) The prosecuting attorney shall provide the
17 defendant with the following information and materials not later than
18 ~~twenty~~ TWENTY-ONE days after the prosecution files its written intention
19 to seek the death penalty or within such other time frame as the supreme
20 court may establish by rule; except that any reports, recorded statements,
21 and notes, including results of physical or mental examinations and
22 scientific tests, experiments, or comparisons, of any expert whom the
23 prosecuting attorney intends to call as a witness at the sentencing hearing
24 shall be provided to the defense as soon as practicable but not later than
25 ~~forty-five~~ SIXTY-THREE days before trial:

26 (c) The defendant shall provide the prosecuting attorney with the
27 following information and materials no later than ~~thirty~~ THIRTY-FIVE days

1 before the first trial date set for the beginning of the defendant's trial or
2 within such other time frame as the supreme court may establish by rule;
3 however, any reports, recorded statements, and notes, including results of
4 physical or mental examinations and scientific tests, experiments, or
5 comparisons, of any expert whom the defense intends to call as a witness
6 at the sentencing hearing shall be provided to the prosecuting attorney as
7 soon as practicable but not later than ~~thirty~~ THIRTY-FIVE days before trial:

8 (c.5) (I) Any material subject to this subsection (3) that the
9 defendant believes contains information that is privileged to the extent
10 that the prosecution cannot be aware of it in connection with its
11 preparation for, or conduct of, the trial to determine guilt on the
12 substantive charges against the defendant shall be submitted by the
13 defendant to the trial judge under seal no later than ~~forty-five~~ FORTY-NINE
14 days before trial.

15 **SECTION 122.** In Colorado Revised Statutes, **amend**
16 18-1.3-1205 as follows:

17 **18-1.3-1205. Week of execution - warrant.** When a person is
18 convicted of a class 1 felony, the punishment for which is death, and the
19 convicted person is sentenced to suffer the penalty of death, the judge
20 passing such sentence shall appoint and designate in the warrant of
21 conviction a week of time within which the sentence must be executed;
22 the end of such week so appointed shall be not fewer than ~~ninety~~
23 NINETY-ONE days nor more than one hundred ~~twenty~~ TWENTY-SIX days
24 from the day of passing the sentence. Said warrant shall be directed to the
25 executive director of the department of corrections or the executive
26 director's designee commanding said executive director or designee to
27 execute the sentence imposed upon some day within the week of time

1 designated in the warrant and shall be delivered to the sheriff of the
2 county in which such conviction is had, who, within three days thereafter,
3 shall proceed to the correctional facilities at Canon City and deliver the
4 convicted person, together with the warrant, to said executive director or
5 designee, who shall keep the convict in confinement until execution of
6 the death penalty. Persons shall be permitted access to the inmate
7 pursuant to prison rules. Such rules shall provide, at a minimum, for the
8 inmate's attendants, counsel, and physician, a spiritual adviser selected by
9 the inmate, and members of the inmate's family to have access to the
10 inmate.

11 **SECTION 123.** In Colorado Revised Statutes, 18-1.3-1404,
12 **amend** (1) (a), (2) (c), (5) (a), and (7) as follows:

13 **18-1.3-1404. Mental incompetency to be executed -**
14 **examination.** (1) (a) On receipt of a motion filed pursuant to section
15 18-1.3-1403, the district court shall determine whether the motion is
16 timely, as prescribed by section 18-1.3-1405, and whether it presents
17 reasonable grounds for ordering an examination. Prior to making any
18 determinations, the district court shall ensure that the prosecution has an
19 opportunity to respond to the motion and to submit any additional
20 information for consideration. The district court shall also provide an
21 opportunity for the executive director of the department of corrections,
22 the convicted person's attorney, or an attorney for the state to respond to
23 the motion and to submit additional information for consideration. All
24 responses and additional submissions shall be filed with the court within
25 three days following the filing of the motion. Within ~~five~~ SEVEN days
26 following the filing of the motion, the district court shall determine
27 whether there are reasonable grounds for ordering the examination, based

1 on the motion and any supporting information, any information submitted
2 by the prosecuting attorney or any other responding party, and the record
3 in the case, including transcripts of previous hearings and orders.

4 (2) (c) If the court determines an examination is necessary, the
5 court shall appoint one or more licensed psychiatrists to observe and
6 examine the convicted person. In making such appointment, the court
7 may select one or more licensed psychiatrists from the list prepared by the
8 Colorado mental health institute pursuant to paragraph (b) of this
9 subsection (2) or appoint another qualified, licensed psychiatrist. If
10 requested in the motion for competency examination or by motion of the
11 executive director of the department of corrections, the prosecution, or
12 the attorney for the convicted person or by request of the appointed
13 psychiatrist, and for good cause shown, the court may order further
14 examinations, including the services of licensed psychologists, licensed
15 physicians, or psychiatrists. All examinations shall be completed and
16 reports filed with the court within ~~thirty~~ THIRTY-FIVE days following the
17 court's initial appointment of experts.

18 (5) (a) After the examinations are completed and reports are filed,
19 the court shall conduct a hearing within ~~five~~ SEVEN days following the
20 court's receipt of all reports from appointed experts. The hearing shall be
21 limited to the sole issue of whether the convicted person is mentally
22 incompetent to be executed. At the hearing, all parties may present
23 evidence, cross-examine witnesses, and present argument or, by
24 stipulation, may submit the matter for the court's determination on the
25 basis of the experts' reports or other evidence.

26 (7) The time frames specified in this section shall apply only if the
27 motion filed pursuant to section 18-1.3-1403 is filed within one hundred

1 ~~twenty~~ NINETEEN days prior to the convicted person's execution date. In
2 all other cases, the court shall establish time frames for filing of responses
3 and additional submissions and for completion of the examinations and
4 shall hear and rule on the motion as expeditiously as possible.

5 **SECTION 124.** In Colorado Revised Statutes, 18-1.3-1405,
6 **amend** (1) introductory portion as follows:

7 **18-1.3-1405. Mentally incompetent to be executed - untimely**
8 **or successive motions.** (1) A motion raising the issue of whether a
9 convicted person is mentally incompetent to be executed that is filed
10 pursuant to section 18-1.3-1404 fewer than ~~thirty~~ THIRTY-FIVE days before
11 the scheduled execution is untimely and shall not be considered by the
12 court unless it is accompanied by both of the following:

13 **SECTION 125.** In Colorado Revised Statutes, **amend**
14 18-1.3-1407 as follows:

15 **18-1.3-1407. Appeal of determination of mental incompetency**
16 **to be executed.** (1) Within ~~five working~~ SEVEN days after the district
17 court rules on a motion raising the issue of whether a convicted person is
18 mentally incompetent to be executed filed pursuant to this part 14, a party
19 may file with the Colorado supreme court a petition to obtain a review of
20 the district court's decision and requesting a stay of execution pending the
21 review.

22 (2) The supreme court shall expedite its review of the district
23 court's decision and, if the designated week of execution in an existing
24 warrant of conviction has not passed, shall not take more than ~~five~~
25 ~~working~~ SEVEN days to render its decision.

26 **SECTION 126.** In Colorado Revised Statutes, 18-1.4-102,
27 **amend** (3.5) (b) introductory portion, (3.5) (d) introductory portion, and

1 (3.5) (e) (I) as follows:

2 **18-1.4-102. Imposition of sentence in class 1 felonies for crimes**
3 **committed on or after July 1, 1995, and prior to July 12, 2002 -**
4 **appellate review.** (3.5) (b) The prosecuting attorney shall provide the
5 defendant with the following information and materials not later than
6 ~~twenty~~ TWENTY-ONE days after the prosecution files its written intention
7 to seek the death penalty or within such other time frame as the supreme
8 court may establish by rule; except that any reports, recorded statements,
9 and notes, including results of physical or mental examinations and
10 scientific tests, experiments, or comparisons, of any expert whom the
11 prosecuting attorney intends to call as a witness at the sentencing hearing
12 shall be provided to the defense as soon as practicable but not later than
13 ~~forty-five~~ SIXTY-THREE days before trial:

14 (d) The defendant shall provide the prosecuting attorney with the
15 following information and materials no later than ~~thirty~~ THIRTY-FIVE days
16 before the first trial date set for the beginning of the defendant's trial or
17 within such other time frame as the supreme court may establish by rule;
18 however, any reports, recorded statements, and notes, including results of
19 physical or mental examinations and scientific tests, experiments, or
20 comparisons, of any expert whom the defense intends to call as a witness
21 at the sentencing hearing shall be provided to the prosecuting attorney as
22 soon as practicable but not later than ~~thirty~~ THIRTY-FIVE days before trial:

23 (e) (I) Any material subject to this subsection (3.5) that the
24 defendant believes contains information that is privileged to the extent
25 that the prosecution cannot be aware of it in connection with its
26 preparation for, or conduct of, the trial to determine guilt on the
27 substantive charges against the defendant shall be submitted by the

1 defendant to the trial judge under seal no later than ~~forty-five~~ FORTY-NINE
2 days before trial.

3 **SECTION 127.** In Colorado Revised Statutes, 18-3-407, **amend**
4 (2) (a) as follows:

5 **18-3-407. Victim's and witness's prior history - evidentiary**
6 **hearing - victim's identity - protective order.** (2) In any criminal
7 prosecution for class 4 felony internet luring of a child, as described in
8 section 18-3-306 (3) or under sections 18-3-402 to 18-3-405.5, 18-6-301,
9 18-6-302, 18-6-403, and 18-6-404, or for attempt or conspiracy to commit
10 any of said crimes, if evidence, that is not excepted under subsection (1)
11 of this section, of specific instances of the victim's or a witness's prior or
12 subsequent sexual conduct, or opinion evidence of the victim's or a
13 witness's sexual conduct, or reputation evidence of the victim's or a
14 witness's sexual conduct, or evidence that the victim or a witness has a
15 history of false reporting of sexual assaults is to be offered at trial, the
16 following procedure shall be followed:

17 (a) A written motion shall be made at least ~~thirty~~ THIRTY-FIVE days
18 prior to trial, unless later for good cause shown, to the court and to the
19 opposing parties stating that the moving party has an offer of proof of the
20 relevancy and materiality of evidence of specific instances of the victim's
21 or witness' prior or subsequent sexual conduct, or opinion evidence of the
22 victim's or witness' sexual conduct, or reputation evidence of the victim's
23 or witness' sexual conduct, or evidence that the victim or witness has a
24 history of false reporting of sexual assaults that is proposed to be
25 presented.

26 **SECTION 128.** In Colorado Revised Statutes, 18-3-412.5,
27 **amend** (1.5) (b) and (6) as follows:

1 **18-3-412.5. Failure to register as a sex offender.** (1.5) (b) In
2 order to assert the affirmative defense pursuant to this subsection (1.5),
3 the defendant shall provide notice to the prosecuting attorney as soon as
4 practicable, but not later than ~~thirty~~ THIRTY-FIVE days prior to trial, of his
5 or her notice of intent to rely upon the affirmative defense. The notice
6 shall include a description of the uncontrollable circumstance or
7 circumstances and the dates the uncontrollable circumstances began and
8 ceased to exist in addition to the names and addresses of any witnesses
9 the defendant plans to call to support the affirmative defense. The
10 prosecuting attorney shall advise the defendant of the names and
11 addresses of any additional witnesses who may be called to refute such
12 affirmative defense as soon as practicable after their names become
13 known. Upon the request of the prosecution, the court shall first rule as
14 a matter of law whether the claimed facts and circumstances would, if
15 established, constitute sufficient evidence to support submission to the
16 jury.

17 (6) (a) When a peace officer determines that there is probable
18 cause to believe that a crime of failure to register as a sex offender has
19 been committed by a person required to register as a sexually violent
20 predator in this state pursuant to article 22 of title 16, C.R.S., or in any
21 other state, the officer shall arrest the person suspected of the crime. It
22 shall be a condition of any bond posted by such person that the person
23 shall register pursuant to the provisions of section 16-22-108, C.R.S.,
24 within ~~five-business~~ SEVEN days after release from incarceration.

25 (b) When a peace officer makes a warrantless arrest pursuant to
26 this subsection (6), the peace officer shall immediately notify the
27 Colorado bureau of investigation of the arrest. Upon receiving the

1 notification, the Colorado bureau of investigation shall notify the
2 jurisdiction where the sexually violent predator last registered. The
3 jurisdiction where the sexually violent predator last registered, if it is not
4 the jurisdiction where the probable cause arrest is made, shall coordinate
5 with the arresting jurisdiction immediately to determine the appropriate
6 jurisdiction that will file the charge. If the sexually violent predator is
7 being held in custody after the arrest, the appropriate jurisdiction shall
8 have no less than ~~five business~~ SEVEN days after the date of the arrest to
9 charge the sexually violent predator.

10 **SECTION 129.** In Colorado Revised Statutes, 18-6.5-106,
11 **amend** (3) as follows:

12 **18-6.5-106. Payment of treatment costs for victims of crimes**
13 **against at-risk adults or at-risk juveniles - restitution.** (3) If an at-risk
14 adult or an at-risk juvenile has sustained monetary damages as a result of
15 the commission of a crime described in this article against such adult or
16 juvenile, the court shall order the offender to provide restitution pursuant
17 to article 18.5 of title 16 and article 28 of title 17, C.R.S. If, after a
18 reasonable period not to exceed one hundred ~~eighty~~ EIGHTY-TWO days, the
19 offender has not, in the opinion of the court, completed adequate
20 restitution, the offender's probation may be revoked. However, any
21 remaining amount of restitution shall continue to have the full force and
22 effect of a final judgment and remain enforceable pursuant to article 18.5
23 of title 16, C.R.S.

24 **SECTION 130.** In Colorado Revised Statutes, 18-7-103, **amend**
25 (7) as follows:

26 **18-7-103. Injunctions to restrain the promotion of obscene**
27 **materials.** (7) Any person, firm, or corporation sought to be permanently

1 enjoined shall be entitled to a full adversary trial of the issues within one
2 day after the joinder of issue, and a decision shall be rendered by the court
3 within two days of the conclusion of the trial. If the defendant in any suit
4 for a permanent injunction filed under the terms of this article shall fail
5 to answer or otherwise join issue within the time required to file his, her,
6 or its answer, the court, on motion of the party applying for the
7 injunction, shall enter a general denial for the defendant and set a date for
8 hearing on the question raised in the suit for injunction within ~~ten~~
9 FOURTEEN days following the entry of the general denial entered by the
10 court. The court shall render its decision within two days after the
11 conclusion of the hearing.

12

13 **SECTION 131.** In Colorado Revised Statutes, 18-9-309.5,
14 **amend** (3) as follows:

15 **18-9-309.5. Civil remedies - injunctions - forfeiture.** (3) If it is
16 shown to the satisfaction of the court, either by verified complaint or
17 affidavit, that a person is engaged in or about to engage in any act which
18 constitutes a violation of section 18-9-309 (2) or (3), the court shall issue
19 a temporary restraining order to abate and prevent the continuance or
20 recurrence of such act. The court shall direct the sheriff to seize and retain
21 until further order of the court any device which is being used in violation
22 of section 18-9-309 (2) or (3). While the temporary restraining order
23 remains in effect, all property seized pursuant to the order of the court
24 shall remain in the custody of the court. Within ~~ten~~ FOURTEEN days
25 following the filing of a motion of any person adversely affected by a
26 temporary restraining order, the court shall conduct a hearing and
27 determine whether such temporary restraining order shall be continued

1 pending final determination of the action. Until such hearing takes place,
2 the temporary restraining order shall remain in full force and effect.

3 **SECTION 132.** In Colorado Revised Statutes, 18-17-107, **amend**
4 (8) as follows:

5 **18-17-107. Civil investigative demand.** (8) Within ~~twenty~~
6 TWENTY-ONE days after the service of any such demand upon any person,
7 or at any time before the return date specified in the demand, whichever
8 period is shorter, such person may file, in the district court of the state for
9 the judicial district within which such person resides, is found, or
10 transacts business, and serve upon such custodian a petition for an order
11 of such court modifying or setting aside such demand. The time allowed
12 for compliance with the demand in whole or in part as deemed proper and
13 ordered by the court shall not run during the pendency of such petition in
14 the court. Such petition shall specify each ground upon which the
15 petitioner relies in seeking such relief and may be based upon any failure
16 of such demand to comply with the provisions of this section or upon any
17 constitutional or other legal right or privilege of such person.

18 **SECTION 133.** In Colorado Revised Statutes, 18-18-406, **amend**
19 (2) as follows:

20 **18-18-406. Offenses relating to marijuana and marijuana**
21 **concentrate.** (2) Whenever a person is arrested or detained for a
22 violation of subsection (1) of this section, the arresting or detaining
23 officer shall prepare a written notice or summons for such person to
24 appear in court. The written notice or summons shall contain the name
25 and address of such arrested or detained person, the date, time, and place
26 where such person shall appear, and a place for the signature of such
27 person indicating the person's written promise to appear on the date and

1 at the time and place indicated on the notice or summons. One copy of
2 said notice or summons shall be given to the person arrested or detained,
3 one copy shall be sent to the court where the arrested or detained person
4 is to appear, and such other copies as may be required by the law
5 enforcement agency employing the arresting or detaining officer shall be
6 sent to the places designated by such law enforcement agency. The date
7 specified in the notice or summons to appear shall be at least ~~five~~ SEVEN
8 days after such arrest or detention unless the person arrested or detained
9 demands an earlier hearing. The place specified in the notice or summons
10 to appear shall be before a judge having jurisdiction of such class 2 petty
11 offense within the county in which the class 2 petty offense charged is
12 alleged to have been committed. The arrested or detained person, in order
13 to secure release from arrest or detention, shall promise in writing to
14 appear in court by signing the notice or summons prepared by the
15 arresting or detaining officer. Any person who does not honor such
16 written promise to appear commits a class 3 misdemeanor.

17 **SECTION 134.** In Colorado Revised Statutes, 18-18-501, **amend**
18 (2) (c) as follows:

19 **18-18-501. Administrative inspections and warrants.** (2) The
20 procedure for issuance and execution of administrative inspection
21 warrants is as follows:

22 (c) A warrant issued pursuant to this section must be executed and
23 returned within ~~ten~~ FOURTEEN days after its date unless, upon a showing
24 of a need for additional time, the court orders otherwise. If property is
25 seized pursuant to a warrant, a copy must be given to the person from
26 whom or from whose premises the property is taken, together with a
27 receipt for the property taken. The return of the warrant must be made

1 promptly, accompanied by a written inventory of any property taken. The
2 inventory must be made in the presence of the individual executing the
3 warrant and of the person from whose possession or premises the property
4 was taken, if present, or in the presence of at least one credible individual
5 other than the individual executing the warrant. A copy of the inventory
6 must be delivered to the person from whom or from whose premises the
7 property was taken and to the applicant for the warrant.

8 **SECTION 135.** In Colorado Revised Statutes, 19-5-103, **amend**
9 (1.5) (b) as follows:

10 **19-5-103. Relinquishment procedure - petition - hearings.**
11 (1.5) (b) If notices were sent to the parent or Indian custodian of the child
12 and to the Indian child's tribe, pursuant to section 19-1-126, the postal
13 receipts shall be attached to the petition and filed with the court or filed
14 within ~~ten~~ FOURTEEN days after the filing of the petition, as specified in
15 section 19-1-126 (1) (c).

16 **SECTION 136.** In Colorado Revised Statutes, 19-5-103.5,
17 **amend** (2) (b) and (2) (d) (I) (B) as follows:

18 **19-5-103.5. Expedited relinquishment procedure - children**
19 **under one year of age - other birth parents - notice - termination.**
20 (2) (b) Notice of the proceeding pursuant to this section shall be given to
21 every person identified as the other birth parent or a possible birth parent
22 in the manner appropriate under the Colorado rules of juvenile procedure
23 for the service of process or in any manner the court directs; except that
24 notice shall not be required to be given to a person who has received
25 notice pursuant to section 19-5-103.7 if the person waives the right to
26 contest a termination of parental rights and waives the right to further
27 notice concerning the expedited relinquishment or if the person fails to

1 reply as required pursuant to section 19-5-103.7. The notice shall inform
2 the parent or alleged parent whose rights are to be determined that failure
3 to file an answer or to appear within ~~twenty~~ TWENTY-ONE days after
4 service and, in the case of an alleged father, failure to file a claim of
5 paternity under article 4 of this title within ~~twenty~~ TWENTY-ONE days after
6 service, if a claim has not previously been filed, may likely result in
7 termination of the parent's or the alleged parent's parental rights to the
8 child. The notice shall also inform the parent or alleged parent whose
9 rights are to be determined that the person has the right to waive his or
10 her right to appear and contest and that failure to appear and contest may
11 likely result in termination of the parent's or the alleged parent's parental
12 rights to the child. Proof of giving the notice shall be filed with the court
13 before the petition is heard or otherwise acted upon. If no person has been
14 identified as the birth parent, the court shall order that notice be provided
15 to all possible birth parents by publication or public posting of the notice
16 at times and in the places and manner the court deems appropriate.

17 (d) (I) The court shall vacate the proceeding and, at the time of the
18 review of the case pursuant to paragraph (c) of subsection (1) of this
19 section, enter an order terminating the parent-child legal relationship of
20 the other birth parent or possible birth parent if the other birth parent or
21 possible birth parent:

22 (B) Has failed to appear and contest or to file an answer to the
23 petition for termination or to file a paternity action within the prescribed
24 ~~twenty~~ TWENTY-ONE days following the date of the service, publication,
25 or posting of the notice as provided in the notice pursuant to paragraph
26 (b) of this subsection (2); or

27 **SECTION 137.** In Colorado Revised Statutes, 19-5-103.7,

1 **amend** (2), (4) (a) (V), (7) (c) (I) (A), (7) (c) (II), (7) (d), and (7) (f) (I)
2 (B) as follows:

3 **19-5-103.7. Anticipated expedited relinquishment - children**
4 **under one year of age - notice to other or possible parent -**
5 **administrative procedures.** (2) The licensed child placement agency
6 may give notice of the anticipated expedited relinquishment prior to or
7 after the filing of the affidavit and petition with the court, but not more
8 than ~~sixty~~ SIXTY-THREE days prior to the anticipated birth of the child to
9 be relinquished.

10 (4) (a) Notice of the anticipated expedited relinquishment given
11 pursuant to this section shall include the name, mailing address, and
12 physical address of the licensed child placement agency providing the
13 notice and shall inform the other birth parent or possible birth parent of
14 the following:

15 (V) That failure to declare an intent to contest the termination of
16 parental rights may likely result in a termination of the person's parental
17 rights to the child, and that, to declare an intent to contest the termination
18 of the parent-child legal relationship, the other birth parent or possible
19 birth parent shall:

20 (A) No later than ~~twenty~~ TWENTY-ONE days after the date of notice
21 pursuant to paragraph (b) of subsection (3) of this section or before a
22 relinquishment petition is filed with the court, whichever occurs later,
23 either return a reply form to the licensed child placement agency by
24 certified mail, return receipt requested, or personally appear at the
25 licensed child placement agency to declare an intent to contest the
26 termination of parental rights; and

27 (B) No later than ~~twenty~~ TWENTY-ONE days after the date of notice

1 pursuant to paragraph (b) of subsection (3) of this section or before a
2 relinquishment petition is filed with the court, whichever occurs later, file
3 a claim of paternity pursuant to article 4 of this title and notify the
4 licensed child placement agency pursuant to section 19-4-105.5 (4);

5 (7) (c) (I) Notwithstanding any provision of this section to the
6 contrary, if the other birth parent or possible birth parent replies to notice
7 provided by publication pursuant to subsection (3) of this section by
8 contacting the licensed child placement agency in a manner other than is
9 specified in paragraph (b) of this subsection (7), and the other birth parent
10 or possible birth parent provides his or her full name and address, the
11 licensed child placement agency shall:

12 (A) Within ~~three business~~ SEVEN days after the contact, and by
13 certified mail, return receipt requested, send a reply form to the other
14 birth parent or possible birth parent with a written statement informing
15 the person that the date he or she contacted the licensed child placement
16 agency in response to the notice received shall be considered his or her
17 date of reply if he or she returns the form no later than ~~ten~~ FOURTEEN days
18 after the date noted on the return receipt, and that, if he or she returns the
19 form more than ~~ten~~ FOURTEEN days after the date noted on the return
20 receipt, the date the licensed child placement agency actually receives the
21 reply form shall be considered his or her reply date; and

22 (II) The date of reply provided in the manner described in this
23 paragraph (c) shall be the date the other birth parent or possible birth
24 parent contacts the licensed child placement agency in response to the
25 notice received if he or she returns the form no later than ~~ten~~ FOURTEEN
26 days after the date noted on the return receipt of the form. If the other
27 birth parent or possible birth parent returns the form more than ~~ten~~

1 FOURTEEN days after the date noted on the return receipt, the date the
2 reply is received by the licensed child placement agency shall be
3 considered the reply date.

4 (d) Notwithstanding any provision of this section to the contrary,
5 if the other birth parent or possible birth parent files a claim of paternity
6 pursuant to article 4 of this title and provides notice to the licensed child
7 placement agency pursuant to section 19-4-105.5, then such claim and
8 notice shall be deemed to satisfy the requirements of subsection (5) of this
9 section, so long as the claim of paternity is filed and notice is provided to
10 the licensed child placement agency no later than ~~twenty~~ TWENTY-ONE
11 days after receiving notice pursuant to subsection (3) of this section or
12 before a relinquishment petition is filed with the court.

13 (f) (I) Notwithstanding any provision of this section to the
14 contrary, the licensed child placement agency shall respond as specified
15 in subparagraph (II) of this paragraph (f) and shall not have the duty to
16 respond as required in paragraph (a), (b), or (c) of this subsection (7) or
17 to file any further documentation of a respondent's reply if, before the
18 respondent replies to the notice as described in paragraph (a), (b), or (c)
19 of this subsection (7), all of the following have occurred:

20 (B) At least ~~twenty~~ TWENTY-ONE days have passed since the
21 notice was provided; and

22 **SECTION 138.** In Colorado Revised Statutes, 19-5-104, **amend**
23 (7) (a) as follows:

24 **19-5-104. Final order of relinquishment.** (7) (a) A
25 relinquishment may be revoked only if, within ~~ninety~~ NINETY-ONE days
26 after the entry of the relinquishment order, the relinquishing parent
27 establishes by clear and convincing evidence that such relinquishment

1 was obtained by fraud or duress.

2 **SECTION 139.** In Colorado Revised Statutes, 19-5-105, **amend**
3 (3.1) (c) (I), (4), and (5) as follows:

4 **19-5-105. Proceeding to terminate parent-child legal**
5 **relationship.** (3.1) The court may order the termination of the other birth
6 parent's parental rights upon a finding that termination is in the best
7 interests of the child and that there is clear and convincing evidence of
8 one or more of the following:

9 (c) That the parent has not promptly taken substantial parental
10 responsibility for the child. In making this determination the court shall
11 consider, but shall not be limited to, the following:

12 (I) Whether the parent who is the subject of the petition is served
13 with notice and fails to file an answer within ~~thirty~~ THIRTY-FIVE days after
14 service of the notice and petition to terminate the parent-child legal
15 relationship, or within ~~twenty~~ TWENTY-ONE days if the petition for
16 termination was filed pursuant to section 19-5-103.5, or fails to file a
17 paternity action, pursuant to article 4 of this title, within ~~thirty~~
18 THIRTY-FIVE days after the birth of the child or within ~~thirty~~ THIRTY-FIVE
19 days after receiving notice that he is the father or likely father of the
20 child, or, for those petitions filed pursuant to section 19-5-103.5, within
21 ~~twenty~~ TWENTY-ONE days after the birth of the child or after receiving
22 notice that he is the father or likely father of the child;

23 (4) If, after the inquiry, the court is unable to identify the other
24 birth parent or any other possible birth parent and no person has appeared
25 claiming to be the other birth parent and claiming custodial rights, the
26 court shall enter an order terminating the unknown birth parent's
27 parent-child legal relationship with reference to the child. Subject to the

1 disposition of an appeal upon the expiration of ~~thirty~~ THIRTY-FIVE days
2 after an order terminating a parent-child legal relationship is issued under
3 subsection (3) of this section or this subsection (4), the order cannot be
4 questioned by any person, in any manner, or upon any ground, except
5 fraud upon the court or fraud upon a party. Upon an allegation of fraud,
6 the termination order cannot be questioned by any person, in any manner
7 or upon any ground, after the expiration of ~~ninety~~ NINETY-ONE days from
8 the date that the order was entered.

9 (5) Notice of the proceeding shall be given to every person
10 identified as the other birth parent or a possible birth parent in the manner
11 appropriate under the Colorado rules of juvenile procedure for the service
12 of process or in any manner the court directs. The notice shall inform the
13 parent or alleged parent whose rights are to be determined that failure to
14 file an answer or to appear within ~~thirty~~ THIRTY-FIVE days after service
15 and, in the case of an alleged father, failure to file a claim of paternity
16 under article 4 of this title within ~~thirty~~ THIRTY-FIVE days after service, if
17 a claim has not previously been filed, may likely result in termination of
18 the parent's or the alleged parent's parental rights to the minor. The notice
19 also shall inform the parent or alleged parent whose rights are to be
20 determined that such person has the right to waive his or her right to
21 appear and contest and that failure to appear and contest may likely result
22 in termination of the parent's or the alleged parent's parental rights to the
23 minor. Proof of giving the notice shall be filed with the court before the
24 petition is heard. If no person has been identified as the birth parent, the
25 court shall order that notice be provided to all possible parents by
26 publication or public posting of the notice at times and in places and
27 manner the court deems appropriate.

1 **SECTION 140.** In Colorado Revised Statutes, 19-5-203, **amend**
2 (1) (d) (II), (1) (d.5) (II), (1) (j), and (1) (k) as follows:

3 **19-5-203. Availability for adoption.** (1) A child may be
4 available for adoption only upon:

5 (d) (II) Written and verified consent of the parent in a stepparent
6 adoption, accompanied by an affidavit or sworn testimony of such parent,
7 that the other birth parent has abandoned the child for a period of one year
8 or more or that the other birth parent has failed without cause to provide
9 reasonable support for such child for a period of one year or more. Upon
10 filing of the petition in adoption, the court shall issue a notice directed to
11 the other parent, which notice shall state the nature of the relief sought,
12 the names of the petitioner and the child, and the time and place set for
13 hearing on the petition. If the address of the other parent is known,
14 service of such notice shall be in the manner provided by the Colorado
15 rules of civil procedure for service of process. Upon affidavit by the
16 petitioner that, after diligent search, the address of the other parent
17 remains unknown, the court shall order service upon the other parent by
18 one publication of the notice in a newspaper of general circulation in the
19 county in which the hearing is to be held. The hearing shall not be held
20 sooner than ~~thirty~~ THIRTY-FIVE days after service of the notice is
21 complete, and, at such time, the court may enter a final decree of adoption
22 notwithstanding the time limitation in section 19-5-210 (2).

23 (d.5) (II) In a petition for a second-parent adoption, the court shall
24 require a written home study report prepared by a county department of
25 social services, designated qualified individual, or child placement agency
26 and approved by the department pursuant to section 19-5-207.5 (2). If the
27 child of a sole legal parent was adopted by that parent less than ~~six~~

1 ~~months~~ ONE HUNDREDEIGHTY-TWODAYS prior to the filing of an adoption
2 petition by a second prospective parent and if the second prospective
3 parent was included in the home study report that was prepared pursuant
4 to section 19-5-207 for the adoption of the child by the first parent, then
5 that home study report shall be a valid home study report for the purpose
6 of the second parent's adoption. If the filing of a petition for adoption by
7 the second prospective parent occurs ~~six months~~ ONE HUNDRED
8 EIGHTY-TWO DAYS or more after the adoption by the first parent, a
9 separate home study report shall be required pursuant to section 19-5-207.

10 (j) Submission of an affidavit or sworn testimony of the adoptive
11 relative in a kinship adoption that the birth parent or birth parents have
12 abandoned the child for a period of one year or more or that the birth
13 parent or birth parents have failed without cause to provide reasonable
14 support for such child for a period of one year or more, and that the
15 relative seeking the kinship adoption has had physical custody of the child
16 for a period of one year or more and the child is not the subject of a
17 pending dependency and neglect proceeding pursuant to article 3 of this
18 title. Upon filing of the petition in adoption, the court shall issue a notice
19 directed to the birth parent or birth parents, which notice shall state the
20 nature of the relief sought, the names of the petitioner and the child, and
21 the time and place set for hearing on the petition. If the address of the
22 birth parent is known, service of such notice shall be in the manner
23 provided by the Colorado rules of civil procedure for service of process.
24 Upon affidavit by the petitioner that describes with specificity the diligent
25 search made by the petitioner, and that states that, after diligent search,
26 the address of the birth parent or birth parents remains unknown, the court
27 shall order service upon the birth parent or birth parents by one

1 publication of the notice in a newspaper of general circulation in the
2 county in which the hearing is to be held. The hearing shall not be held
3 sooner than ~~thirty~~ THIRTY-FIVE days after service of the notice is
4 complete, and, at such hearing, the court may enter a final decree of
5 adoption notwithstanding the time limitation in section 19-5-210 (2).

6 (k) Submission of an affidavit or sworn testimony of the legal
7 custodian or legal guardian in a custodial adoption that the birth parent or
8 birth parents have abandoned the child for a period of one year or more
9 or that the birth parent or birth parents have failed without cause to
10 provide reasonable support for such child for a period of one year or more
11 and that the legal custodian or legal guardian seeking the custodial
12 adoption has had the child in his or her physical custody for a period of
13 one year or more. Upon filing of the petition in adoption, the court shall
14 issue a notice directed to the birth parent or birth parents, which notice
15 shall state the nature of the relief sought, the names of the petitioner and
16 the child, and the time and place set for hearing on the petition. If the
17 address of the birth parent or birth parents is known, service of such
18 notice shall be in the manner provided by the Colorado rules of civil
19 procedure for service of process. Upon affidavit by the petitioner that
20 describes with specificity the diligent search made by the petitioner, and
21 that states that, after diligent search, the address of the birth parent or
22 birth parents remains unknown, the court shall order service upon the
23 birth parent or birth parents by one publication of the notice in a
24 newspaper of general circulation in the county in which the hearing is to
25 be held. The hearing shall not be held sooner than ~~thirty~~ THIRTY-FIVE days
26 after service of the notice is complete, and, at such hearing, the court may
27 enter a final decree of adoption notwithstanding the time limitation in

1 section 19-5-210 (2).

2 **SECTION 141.** In Colorado Revised Statutes, 19-5-208, **amend**
3 (1) as follows:

4 **19-5-208. Petition for adoption.** (1) The petition for adoption
5 shall be filed not later than ~~thirty~~ THIRTY-FIVE days after the date on
6 which the child is first placed in the home of the adoptive applicants for
7 the purpose of adoption unless the court finds that there was reasonable
8 cause or excusable neglect for not filing the petition. The court shall then
9 fix a date for the hearing.

10 **SECTION 142.** In Colorado Revised Statutes, 19-5-210, **amend**
11 (2) introductory portion as follows:

12 **19-5-210. Hearing on petition.** (2) In stepparent, custodial, or
13 kinship adoptions, the court shall hold a hearing on the petition as soon
14 as possible. In all other adoptions, the court shall hold a hearing on the
15 petition no sooner than ~~six months~~ ONE HUNDREDEIGHTY-TWODAYS after
16 the date the child begins to live in the prospective adoptive parent's home,
17 unless for good cause shown that time is extended or shortened by the
18 court. At the hearing held on the petition, the court shall enter a decree
19 setting forth its findings and grant to the petitioner a final decree of
20 adoption if it is satisfied as to:

21 **SECTION 143.** In Colorado Revised Statutes, 19-5-214, **amend**
22 (1) as follows:

23 **19-5-214. Limitation on annulment of adoption - best interests**
24 **standard.** (1) No final decree of adoption shall be attacked by reason of
25 any jurisdictional or procedural defect after the expiration of ~~ninety~~
26 NINETY-ONE days following the entry of the final decree; except that, in
27 cases of stepparent adoption, no final decree of adoption shall be attacked

1 by reason of fraud upon the court or fraud upon a party, whether or not
2 there is a jurisdictional or procedural defect, after the expiration of one
3 year following the entry of the final decree of adoption.

4 **SECTION 144.** In Colorado Revised Statutes, 24-4-106, **amend**
5 (4) as follows:

6 **24-4-106. Judicial review.** (4) Except as provided in subsection
7 (11) of this section, any person adversely affected or aggrieved by any
8 agency action may commence an action for judicial review in the district
9 court within ~~thirty~~ THIRTY-FIVE days after such agency action becomes
10 effective; but, if such agency action occurs in relation to any hearing
11 pursuant to section 24-4-105, then the person must also have been a party
12 to such agency hearing. A proceeding for such review may be brought
13 against the agency by its official title, individuals who comprise the
14 agency, or any person representing the agency or acting on its behalf in
15 the matter sought to be reviewed. The complaint shall state the facts upon
16 which the plaintiff bases the claim that he OR SHE has been adversely
17 affected or aggrieved, the reasons entitling him OR HER to relief, and the
18 relief which he OR SHE seeks. Every party to an agency action in a
19 proceeding under section 24-4-105 not appearing as plaintiff in such
20 action for judicial review shall be made a defendant; except that, in
21 review of agency actions taken pursuant to section 24-4-103, persons
22 participating in the rule-making proceeding need not be made defendants.
23 Each agency conducting a rule-making proceeding shall maintain a
24 docket listing the name, address, and telephone number of every person
25 who has participated in a rule-making proceeding by written statement,
26 or by oral comment at a hearing. Any person who commences suit for
27 judicial review of the rule shall notify each person on the agency's docket

1 of the fact that a suit has been commenced. The notice shall be sent by
2 first-class certified mail within ~~ten~~ FOURTEEN days after filing of the
3 action and shall be accompanied by a copy of the complaint for judicial
4 review bearing the action number of the case. Thereafter, service of
5 process, responsive pleadings, and other matters of procedure shall be
6 controlled by the Colorado rules of civil procedure. An action shall not
7 be dismissed for failure to join an indispensable party until an opportunity
8 has been afforded to an affected party to bring the indispensable party
9 into the action. The residence of a state agency for the purposes of this
10 subsection (4) shall be deemed to be the city and county of Denver. In any
11 action in which the plaintiff seeks judicial review of an agency decision
12 made after a hearing as provided in section 24-4-105, the parties after
13 issue is joined shall file briefs within the time periods specified in the
14 Colorado appellate rules.

15 **SECTION 145.** In Colorado Revised Statutes, 24-10-109, **amend**
16 (1) as follows:

17 **24-10-109. Notice required - contents - to whom given -**
18 **limitations.** (1) Any person claiming to have suffered an injury by a
19 public entity or by an employee thereof while in the course of such
20 employment, whether or not by a willful and wanton act or omission,
21 shall file a written notice as provided in this section within ~~one hundred~~
22 ~~eighty~~ ONE HUNDRED EIGHTY-TWO days after the date of the discovery of
23 the injury, regardless of whether the person then knew all of the elements
24 of a claim or of a cause of action for such injury. Compliance with the
25 provisions of this section shall be a jurisdictional prerequisite to any
26 action brought under the provisions of this article, and failure of
27 compliance shall forever bar any such action.

1 **SECTION 146.** In Colorado Revised Statutes, 32-1-305, **amend**
2 (7) as follows:

3 **32-1-305. Court hearing - election - declaration of**
4 **organization.** (7) If an order is entered declaring the special district
5 organized, such order shall be deemed final, and no appeal or other
6 remedy shall lie therefrom. The entry of such order shall finally and
7 conclusively establish the regular organization of the special district
8 against all persons except the state of Colorado in an action in the nature
9 of quo warranto commenced by the attorney general within ~~thirty~~
10 THIRTY-FIVE days after entry of such order declaring such special district
11 organized and not otherwise. The organization of said special district
12 shall not be directly or collaterally questioned in any suit, action, or
13 proceeding except as expressly authorized in this subsection (7).

14 **SECTION 147.** In Colorado Revised Statutes, 32-1-602, **amend**
15 (2) (f) as follows:

16 **32-1-602. Procedure for consolidation.** (2) Consolidation may
17 be accomplished in the following manner:

18 (f) Approval by a majority of the eligible electors voting in the
19 election within each of the consolidating special districts concerning the
20 consolidation of the special districts or specified services shall be deemed
21 to conclusively establish the consolidated district against all persons
22 except the state of Colorado which, within ~~thirty~~ THIRTY-FIVE days after
23 the election, may contest the consolidation or the election in an action in
24 the nature of a writ of quo warranto. Otherwise, the consolidation of the
25 districts or services and the organization of the consolidated district shall
26 not directly or indirectly be questioned in any action or proceeding.

27 **SECTION 148.** In Colorado Revised Statutes, 32-1-707, **amend**

1 (6) as follows:

2 **32-1-707. Order of dissolution - conditions attached.** (6) The
3 order of dissolution shall be final and conclusive against all persons;
4 except that an action may be instituted by the state of Colorado in the
5 nature of quo warranto commenced within ~~thirty~~ THIRTY-FIVE days after
6 the order of dissolution. The dissolution of said district shall not be
7 directly or collaterally questioned in any suit, action, or proceeding except
8 as expressly authorized in this subsection (6).

9 **SECTION 149.** In Colorado Revised Statutes, 32-7-109, **amend**
10 (5) as follows:

11 **32-7-109. Election for formation, selection of services, and**
12 **initial board of directors.** (5) The entry of an order forming a service
13 authority shall finally and conclusively establish its regular formation
14 against all persons except the state of Colorado, in an action in the nature
15 of quo warranto, commenced by the attorney general within ~~thirty~~
16 THIRTY-FIVE days after entry of such order, and not otherwise. The
17 formation of the service authority shall not be directly or collaterally
18 questioned in any suit, action, or proceeding, except as expressly
19 authorized in this section.

20 **SECTION 150.** In Colorado Revised Statutes, 32-7-131, **amend**
21 (7) as follows:

22 **32-7-131. Inclusion - counties - municipality - existing service**
23 **authority - procedures.** (7) The district court or the director of the
24 division of local government shall enter an order of inclusion of the
25 county or municipality, as the case may be, in the service authority, which
26 order shall finally and conclusively establish such inclusion against all
27 persons except the state of Colorado, in an action in the nature of quo

1 warranto, commenced by the attorney general within ~~thirty~~ THIRTY-FIVE
2 days after the adoption of the resolution and not otherwise. The inclusion
3 of the county in the service authority shall not be directly or collaterally
4 questioned in any suit, action, or proceeding except as expressly
5 authorized in this section.

6 **SECTION 151.** In Colorado Revised Statutes, 32-12-108, **amend**
7 (5) as follows:

8 **32-12-108. Election for formation - acquisitions - services -**
9 **mill levy limit - board.** (5) The entry of an order forming a rail district
10 shall finally and conclusively establish its regular formation against all
11 persons except the state of Colorado, which may commence an action in
12 the nature of quo warranto, within ~~thirty~~ THIRTY-FIVE days after entry of
13 such order, and not otherwise. The formation of the rail district shall not
14 be directly or collaterally questioned in any suit, action, or proceeding,
15 except as expressly authorized in this section.

16 **SECTION 152.** In Colorado Revised Statutes, **amend** 37-90-114
17 as follows:

18 **37-90-114. Other administrative hearings.** Any person
19 claiming to be injured within the boundaries of a designated ground water
20 basin by any act of the state engineer or commission under the provisions
21 of this article, or the failure of the state engineer or commission to take
22 any action under the provisions of this article, except as provided for the
23 small capacity wells in section 37-90-105, shall file a written petition with
24 the commission stating the basis of the alleged injury. Thereafter, only
25 upon request by a petitioner and upon ~~thirty~~ THIRTY-FIVE days' written
26 notice to any adverse party, the commission shall conduct a hearing upon
27 the petition in the manner provided in section 37-90-113. If notice of any

1 such act has been published pursuant to section 37-90-112 and no hearing
2 has been requested pursuant to such notice, this section shall not be
3 construed to create a subsequent or additional right to request a hearing
4 concerning such act.

5 **SECTION 153.** In Colorado Revised Statutes, 37-90-115, **amend**
6 (1) (b) (I) as follows:

7 **37-90-115. Judicial review of actions of the ground water**
8 **commission or the state engineer.** (1) (b) (I) The notice of such appeal
9 shall be served by the appellant upon the state engineer or the commission
10 and all interested parties within ~~thirty~~ THIRTY-FIVE days after the notice
11 of such decision or act and, unless such appeal is taken within said time,
12 the action of the state engineer or the commission shall be final and
13 conclusive. For purposes of service only, "all interested parties" shall be
14 limited to those parties which appeared at, and were granted party status
15 in, any administrative hearing held by the commission or state engineer
16 concerning the decision or act from which the appeal is taken. If no
17 administrative hearing has been held, notice of such appeal shall be given
18 by publication pursuant to section 37-90-112.

19 **SECTION 154.** In Colorado Revised Statutes, **amend** 37-90-127
20 as follows:

21 **37-90-127. Management district - directors - election - term of**
22 **office.** As the terms of the members of the board of directors expire, their
23 successors shall be nominated by petitions containing the signatures of
24 not less than fifteen percent of the number of qualified taxpaying electors
25 of the division who voted at the last preceding district election, to be filed
26 with the secretary of the district not less than ~~thirty~~ THIRTY-FIVE days
27 before the election; thereafter, the members shall be elected for terms of

1 four years by the plurality vote of the taxpaying electors of the division
2 of the district which they represent. Such elections shall be held on the
3 first Tuesday in February preceding the expiration of such terms and shall
4 be conducted by the district board in the general manner prescribed in
5 section 37-90-124.

6 **SECTION 155.** In Colorado Revised Statutes, **amend** 37-90-131
7 as follows:

8 **37-90-131. Management district - board of directors - control**
9 **measures - hearing - notice - publication - order.** (1) (a) Whenever the
10 board of directors determines that controls, regulations, or conservation
11 measures are necessary in order to ensure the proper conservation of
12 ground water within the district, it shall confer with the ground water
13 commission and ground water users within the district. No such measures
14 or regulations shall be instituted until after a public hearing. Notice of
15 such hearing shall be published. Such notice shall state the time and place
16 of the hearing and in general terms the corrective measures or regulations
17 proposed. Within ~~sixty~~ SIXTY-THREE days after such hearing, the board
18 shall announce the measures or regulations ordered to be taken and shall
19 cause notice of such action to be published. The board has the authority
20 to compel compliance with such measures or regulations by an action
21 brought in the district court of the county in which any failure to comply
22 is found to exist.

23 (b) Any person adversely affected or aggrieved by the
24 announcement of control or conservation measures or regulations adopted
25 by the district board may appeal such decision to the ground water
26 commission by filing a notice of appeal and the grounds therefor with the
27 commission not later than ~~thirty~~ THIRTY-FIVE days after the date of last

1 publication. The commission shall hear all such appeals pursuant to
2 section 37-90-113. The commission shall have authority to affirm or
3 reject the measures or regulations adopted by the district or to modify
4 such measures or regulations but only upon consent from the district
5 board. Judicial review of commission actions in such appeals may be
6 taken pursuant to section 37-90-115.

7 (c) Any person adversely affected or aggrieved by an act of the
8 district board, other than the announcement of control or conservation
9 measures or regulations, has the right to be heard by the board. Such
10 person shall file a written request for a hearing that states the basis of the
11 alleged injury. Unless agreed otherwise by all parties to a hearing or
12 unless otherwise approved by the district due to extenuating
13 circumstances, a hearing shall be held within one hundred ~~eighty~~
14 ~~EIGHTY-TWO~~ days after filing the request for such a hearing. Upon ~~thirty~~
15 ~~THIRTY-FIVE~~ days' written notice to all adverse parties, the district shall
16 conduct a hearing upon the matter. Hearing procedures shall be as
17 informal as possible, with due regard for the rights of the parties. All
18 parties shall have the right to subpoena witnesses and to be heard either
19 in person or by attorney. The district board may have such hearings
20 conducted before an agent or hearing officer. After such hearing, the
21 district board shall issue a written decision containing its findings and
22 conclusions and shall serve its decision upon all parties by first-class
23 mail. Judicial review of such district decisions may be taken in the
24 manner and governed by the standards set forth for review of commission
25 and state engineer decisions in section 37-90-115.

26 (2) Subject to review by the ground water commission pursuant
27 to subsection (1) of this section, the board may institute control measures

1 or regulations to prescribe satisfactory and economical measuring
2 methods for the measurement of water levels in and the amount of water
3 withdrawn from wells and to require reports to be made at the end of each
4 pumping season showing the date and water level at the beginning of the
5 pumping season, the date and water level at the end of the pumping
6 season, and any period of more than ~~thirty~~ THIRTY-FIVE days cessation of
7 pumping during such pumping season.

8 **SECTION 156.** In Colorado Revised Statutes, 37-90-137, **amend**
9 (2) (b) (II) (B), (2) (b) (II) (E), and (3) (c) as follows:

10 **37-90-137. Permits to construct wells outside designated**
11 **basins - fees - permit no ground water right - evidence - time**
12 **limitation - well permits - rules - repeal.** (2) (b) (II) If the state
13 engineer, after a hearing, finds that circumstances in a particular instance
14 so warrant, or if a court decree is entered for the proposed well location
15 after notice has been given in accordance with sub-subparagraph (B) of
16 this subparagraph (II), the state engineer may issue a permit without
17 regard to the limitation specified in sub-subparagraph (B) of
18 subparagraph (I) of this paragraph (b); except that no hearing shall be
19 required and the state engineer may issue a well permit without regard to
20 the limitation specified in sub-subparagraph (B) of subparagraph (I) of
21 this paragraph (b):

22 (B) If the proposed well is part of a water court proceeding
23 adjudicating the water right for the well, or if the proposed well is part of
24 an adjudication of a plan for augmentation or change of water right and
25 if evidence is provided to the water court that the applicant has given
26 notice of the water court application, at least ~~ten~~ FOURTEEN days before
27 making the application, by registered or certified mail, return receipt

1 requested, to the owners of record of all wells within six hundred feet of
2 the proposed well;

3 (E) If the proposed well is an oil and gas well, there is an existing
4 production water well that is not an oil and gas well within six hundred
5 feet of the surface location of the proposed oil and gas well, the state
6 engineer has provided written notice of the application by certified mail
7 to the owners of such wells that are not oil and gas wells within ~~thirty~~
8 THIRTY-FIVE days after receipt of a complete application for the proposed
9 well, and the state engineer has given those to whom notice was provided
10 ~~thirty~~ THIRTY-FIVE days after the date of mailing of such notice to file
11 comments on the proposed well's application.

12 (3) (c) If evidence that the well has been constructed and that the
13 pump was installed, as required pursuant to paragraph (a) of this
14 subsection (3), has not been received as of the expiration date of the
15 permit to construct a well, the state engineer shall so notify the applicant
16 by certified mail. The notice shall give the applicant the opportunity to
17 submit evidence that the well was constructed and that the pump was
18 installed before the expiration date. The evidence must be received by the
19 state engineer within ~~twenty~~ TWENTY-ONE days after receipt of the notice
20 by the applicant and must be accompanied by a filing fee of thirty dollars.
21 If the state engineer finds the evidence to be satisfactory, the permit shall
22 remain in force and effect. The state engineer shall consider any records
23 available in the state engineer's office, any evidence provided to the state
24 engineer, and all other matters set forth in this section in determining
25 whether the permit should remain in force and effect.

26 **SECTION 157.** In Colorado Revised Statutes, 37-90-140, **amend**
27 (1) (d), (3), and (5) as follows:

1 **37-90-140. Inclusion of lands.** (1) (d) Within ~~twenty~~
2 TWENTY-ONE days after the filing of the petition, the board shall examine
3 the petition, and, if it finds that it bears the requisite number of signatures
4 and otherwise meets the stated requirements, it shall accept the petition
5 and shall fix a time and place, not less than ~~thirty~~ THIRTY-FIVE days nor
6 more than ~~fifty~~ FORTY-TWO days after the date of such acceptance, for a
7 hearing thereon. The secretary of the board shall publish a notice of such
8 hearing by one publication in a newspaper of general circulation in every
9 county in which any portion of the district and the proposed additional
10 territory to be included in the district are located. The publication shall be
11 at least ~~ten~~ FOURTEEN days prior to the date of the hearing. Such notice
12 shall state the nature of the petition, the description of the proposed
13 additional territory, and that any person owning any interest in real
14 property within the district or within the proposed additional territory to
15 be included in the district may appear at the hearing and show cause in
16 writing why the petition should not be granted.

17 (3) The board shall appoint three taxpaying electors of the district,
18 including two from the area sought to be included, as judges of the
19 election. The secretary of the board shall have published a notice of the
20 time and place of said election to be held in the territory proposed for
21 inclusion in the district by one publication in a newspaper of general
22 circulation in the territory proposed for inclusion in the district. Such
23 election shall not be held less than ~~twenty~~ TWENTY-ONE days after said
24 publication of notice.

25 (5) Any action of the board with respect to the inclusion of
26 territory within an existing district may be reviewed by the district court
27 in appeal proceedings filed within ~~ten~~ FOURTEEN days after the board's

1 decision has been announced.

2 **SECTION 158.** In Colorado Revised Statutes, 37-90-143, **amend**
3 (2) as follows:

4 **37-90-143. Owners of well permits - update for name and**
5 **address.** (2) Effective January 1, 1995, any owner of an unexpired well
6 permit issued pursuant to this article or article 92 of this title who changes
7 a name or mailing address from that on file with the state engineer shall
8 file, in person, by mail, or by fax, an update with the state engineer within
9 ~~sixty~~ SIXTY-THREE days after the date of the change, on a form prescribed
10 by the state engineer.

11 **SECTION 159.** In Colorado Revised Statutes, 37-90.5-105,
12 **amend** (1) as follows:

13 **37-90.5-105. Access - reasonable accommodation.**
14 (1) Geothermal leases may be awarded by the state board of land
15 commissioners for lands under its jurisdiction through negotiation or by
16 competitive bidding, but no such lease may be awarded prior to a public
17 notice period of ~~thirty~~ THIRTY-FIVE days.

18 **SECTION 160.** In Colorado Revised Statutes, 37-90.5-107,
19 **amend** (3) introductory portion as follows:

20 **37-90.5-107. Relationship to water - when permit required.**
21 (3) The state engineer shall grant a permit to appropriate geothermal
22 fluids within ~~six months of~~ ONE HUNDRED EIGHTY-TWO DAYS AFTER the
23 filing of an application upon a finding that:

24 **SECTION 161.** In Colorado Revised Statutes, 37-92-102, **amend**
25 (4) (b) (II) (A), (4) (b) (II) (C), (4) (b) (II) (D), (4) (b) (III), and (5) as
26 follows:

27 **37-92-102. Legislative declaration - basic tenets of Colorado**

1 **water law.** (4) Any appropriation made pursuant to subsection (3) of this
2 section shall also be subject to the following principles and limitations:

3 (b) (II) For the purposes of this paragraph (b), "adequate public
4 notice and comment process" shall include the following:

5 (A) Notice of the proposed decrease and the date of the public
6 meeting at which it will first be considered shall be printed in the resume
7 in the water court having jurisdiction over the decree that is the subject
8 of the decrease. The first public meeting of the board at which the
9 decrease is to be considered shall occur at least ~~sixty~~ SIXTY-THREE days
10 after the month in which the resume is published. Notice shall also be
11 published in a newspaper of statewide distribution within ~~thirty~~
12 THIRTY-FIVE to ~~forty-five~~ FORTY-NINE days prior to such first public
13 meeting.

14 (C) On the written request of any person made within ~~thirty~~
15 THIRTY-FIVE days after the date of the first public meeting, the board shall
16 delay the subsequent public meeting for up to one year to allow such
17 person the opportunity for the collection of scientific data material to the
18 proposed decrease. Such request may not be interposed solely for delay
19 of the proceedings.

20 (D) On the written request of any person made within ~~thirty~~
21 THIRTY-FIVE days after the date of the first public meeting, the board
22 shall, within ~~sixty~~ SIXTY-THREE days after such request, establish fair and
23 formal procedures for the subsequent public meeting, including the
24 opportunity for reasonable disclosure, discovery, subpoenas, direct
25 examination, and cross examination, and may promulgate rules that will
26 assure orderly procedures. Subject to these rights and requirements, where
27 a meeting will be expedited and the interests of the participants will not

1 be substantially prejudiced thereby, the board may receive all or part of
2 the evidence in written form.

3 (III) The board's final written determination regarding the
4 decrease shall state its effective date, be mailed promptly to the persons
5 who appeared by written or oral comment at the board's proceeding, and
6 be filed promptly with the water court. Within ~~thirty~~ THIRTY-FIVE days
7 after such effective date, any person who appeared by written or oral
8 comment at the board's proceeding may file with the water court and
9 serve the board a petition for judicial review of the board's determination
10 that the decreed appropriation as decreased will preserve the natural
11 environment to a reasonable degree, based on the administrative record
12 and utilizing the criteria of section 24-4-106 (6) and (7), C.R.S. Any such
13 person may request a stay in accordance with the criteria of section
14 24-4-106 (5), C.R.S., pending the review proceeding. If no petition is
15 filed, the court shall promptly enter an order decreasing the board's
16 appropriation decree in accordance with the board's written
17 determination. If a petition is filed, the court shall promptly order briefing
18 and oral argument and render its decision to affirm or set aside the board's
19 determination. If the board's determination is affirmed, the court shall
20 promptly enter an order decreasing the board's appropriation decree in
21 accordance with the board's written determination. If the board's
22 determination is set aside, the court shall enter its order of relief under the
23 provisions of section 24-4-106 (7), C.R.S. Appellate review of the court's
24 order shall be as allowed in other water matters.

25 (5) Within ~~thirty~~ THIRTY-FIVE days after initiating any water rights
26 filing for the adjudication of a recreational in-channel diversion, any
27 county, municipality, city and county, water district, water and sanitation

1 district, water conservation district, or water conservancy district shall
2 submit a copy of the water rights application to the board for review.

3 **SECTION 162.** In Colorado Revised Statutes, 37-92-302, **amend**
4 (2) (b) introductory portion and (4) as follows:

5 **37-92-302. Applications for water rights or changes of such**
6 **rights - plans for augmentation.** (2) (b) The application shall be
7 supplemented by evidence that the applicant has, within ~~ten~~ FOURTEEN
8 days after filing the application, given notice of the application by
9 registered or certified mail, return receipt requested, to:

10 (4) The referee, without conducting a formal hearing, shall make
11 such investigations as are necessary to determine whether or not the
12 statements in the application and statements of opposition are true and to
13 become fully advised with respect to the subject matter of the applications
14 and statements of opposition. The referee shall consult with the
15 appropriate division engineer or the state engineer or both. The engineer
16 consulted shall file a report in writing within ~~thirty~~ THIRTY-FIVE days,
17 unless such time is extended by the referee, which original report shall be
18 filed in the proceedings, and a copy shall be sent by the division engineer
19 to the applicant or the applicant's attorney, who shall then send copies to
20 all parties of record if they have not otherwise been served and so certify
21 before any ruling shall be entered or become effective. A water judge
22 who is acting as a referee in the water judge's division shall have the same
23 authority as provided for the referee in this subsection (4). If the
24 application is rereferred to the water judge by the referee prior to
25 consultation, the division engineer shall file a written recommendation in
26 the proceedings within ~~thirty~~ THIRTY-FIVE days of rereferral, unless such
27 time is extended by the court, and shall send a copy thereof to the

1 applicant or the applicant's attorney, who shall send copies to the other
2 parties, if they have not otherwise been served, before any decree shall be
3 entered or become effective. The water judge may request such written
4 report from the state engineer if the water judge desires.

5 **SECTION 163.** In Colorado Revised Statutes, **amend** 37-92-303
6 as follows:

7 **37-92-303. Rulings by the referee.** (1) Within ~~sixty~~ SIXTY-THREE
8 days after the last day on which statements of opposition may be filed
9 with respect to a particular application, unless such time is extended by
10 the water judge for good cause shown, the referee shall make a ruling on
11 the application unless the referee determines to rerefer the matter to the
12 water judge as specified in subsection (2) of this section. The ruling may
13 disapprove the application in whole or in part in the discretion of the
14 referee even though no statements of opposition have been filed. The
15 ruling of the referee shall give the names of the applicants with respect to
16 each water right or conditional water right involved, the location of the
17 point of diversion or place of storage, the means of diversion, the type of
18 use, the amount and priority, and other pertinent information. In the case
19 of a plan for augmentation, such ruling shall include a complete statement
20 of such plan as approved or disapproved. The ruling shall be filed with
21 the water clerk, subject to judicial review. A copy of the ruling shall be
22 sent by the water clerk by regular or electronic mail to the applicant, to
23 each person who has filed a statement of opposition, to the state engineer,
24 and to the division engineer.

25 (2) The referee may determine not to make a ruling as specified
26 in subsection (1) of this section and to rerefer the matter to the water
27 judge for a decision as provided in this article. Such rereferral shall be

1 accomplished by order of the referee, which shall be entered within ~~sixty~~
2 SIXTY-THREE days following the last month in which statements of
3 opposition may be filed with respect to the particular application, unless
4 such time is extended by the water judge for good cause shown. The
5 referee shall rerefer the matter to the water judge at any time before the
6 referee's hearing upon a motion to rerefer by the applicant or any opposer
7 certifying that party's intent to protest an adverse ruling of the referee. A
8 motion to rerefer shall not be a prerequisite to a protest of the ruling of
9 the referee. A copy of the order shall be sent by the water clerk to the
10 applicant and to each person who has filed a statement of opposition and
11 to the state engineer and the division engineer by regular or electronic
12 mail.

13 **SECTION 164.** In Colorado Revised Statutes, 37-92-304, **amend**
14 (2) and (3) as follows:

15 **37-92-304. Proceedings by the water judge.** (2) Within ~~twenty~~
16 TWENTY-ONE days after the date of mailing thereof, any person, including
17 the state engineer, who wishes to protest or support a ruling of the referee
18 shall file in writing a pleading in quadruplicate with the water clerk and
19 shall mail or deliver a copy to all parties and so certify. Such pleading
20 shall clearly identify the matter and shall state the factual and legal
21 grounds therefor. Upon filing of such a pleading, the party, except for the
22 state engineer who shall pay no filing fee, shall pay a filing fee equal to
23 that for filing an answer to a civil action in district court, as provided in
24 section 13-32-101, C.R.S. No person who is already a party in the matter
25 may be required to file any additional pleading or to pay any additional
26 filing fee to maintain a party status in the case. All fees collected pursuant
27 to this subsection (2) shall be transmitted to the state treasurer and be

1 divided as provided in section 13-32-101, C.R.S.

2 (3) As to the rulings with respect to which a pleading has been
3 filed and as to matters which have been rereferred to the water judge by
4 the referee, there shall be de novo hearings. The court shall not be bound
5 by findings of the referee. The division engineer shall appear to furnish
6 pertinent information and may be examined by any party, and, if
7 requested by the division engineer, the attorney general shall represent the
8 division engineer. The applicant shall appear either in person or by
9 counsel and shall have the burden of sustaining the application, whether
10 it has been granted or denied by the ruling or has been rereferred by the
11 referee, and in the case of a change of water right or a plan for
12 augmentation the burden of showing absence of any injurious effect. All
13 parties of record shall remain parties in the proceedings before the water
14 judge. Any person may move to intervene in proceedings before the water
15 court upon payment of a fee, equal to that for filing an answer to a civil
16 action in district court, except for the state engineer who shall pay no fee,
17 and upon a showing of mistake, inadvertence, surprise, or excusable
18 neglect or to support a referee's ruling. The water court shall grant the
19 motion to intervene only if intervention is sought no less than ~~thirty~~
20 THIRTY-FIVE days before any pretrial conference or due date for trial data
21 certificates and if intervention will not unduly delay or prejudice the
22 adjudication of the rights of the original parties. Service of copies of
23 applications, written pleadings, or any other documents is not necessary
24 for jurisdictional purposes, but the water judge may order service of
25 copies of any documents on any persons and in any manner which he OR
26 SHE deems appropriate.

27 **SECTION 165.** In Colorado Revised Statutes, 37-92-305, **amend**

1 (7) as follows:

2 **37-92-305. Standards with respect to rulings of the referee and**
3 **decisions of the water judge.** (7) Prior to the cancellation or expiration
4 of a conditional water right granted pursuant to a conditional decree, the
5 court wherein such decree was granted shall give notice, within not less
6 than ~~sixty~~ SIXTY-THREE days nor more than ~~ninety~~ NINETY-ONE days, by
7 certified or registered mail to all persons to whom such conditional right
8 was granted, at the last-known address appearing on the records of such
9 court.

10 **SECTION 166.** In Colorado Revised Statutes, 37-92-308, **amend**
11 (3) (b) (III), (3) (b) (IV), (3) (c) (VIII), (3) (e), (5) (a) (III), (7), (10) (d),
12 (11) (b) (II), and (11) (e) as follows:

13 **37-92-308. Substitute water supply plans - special procedures**
14 **for review - water adjudication cash fund - legislative declaration -**
15 **repeal.** (3) (b) Beginning January 1, 2003, the state engineer may
16 approve the operation of a well described in paragraph (a) of this
17 subsection (3) under a substitute water supply plan if the following
18 conditions are met:

19 (III) The state engineer has given the owners of water rights and
20 decreed conditional water rights ~~thirty~~ THIRTY-FIVE days after the date of
21 mailing of such notice to file comments on the substitute water supply
22 plan. Such comments shall include any claim of injury, any terms and
23 conditions that should be imposed upon the plan to prevent injury to a
24 party's water rights or decreed conditional water rights, and any other
25 information the opposer wishes the state engineer to consider in
26 reviewing the substitute water supply plan request.

27 (IV) The state engineer, after consideration of the comments, has

1 determined that the operation and administration of such plan will replace
2 all out-of-priority stream depletions in time, location, and amount in a
3 manner that will prevent injury to other water rights and decreed
4 conditional water rights, including water quality and continuity to meet
5 the requirements of use to which the senior appropriation has normally
6 been put pursuant to section 37-80-120 (3), and will not impair
7 compliance with the South Platte river compact. The state engineer shall
8 impose such terms and conditions as are necessary to ensure that these
9 standards are met. In making the determinations specified in this
10 subparagraph (IV), the state engineer shall hold a public hearing to
11 address the issues. The public hearing shall be held no sooner than
12 thirty-five days and no later than ~~fifty~~ FORTY-NINE days after the date of
13 mailing of notice of the request for approval of the substitute water supply
14 plan. Notice of the time and place of the hearing shall be provided no
15 later than ~~twenty~~ TWENTY-ONE days prior to the hearing to all parties who
16 have subscribed to the substitute water supply plan notification list for
17 water division 1. At the hearing, every party shall be allotted a reasonable
18 amount of time by the state engineer to present its case or defense by oral
19 and documentary evidence and to conduct cross examination. At its own
20 expense, any party may cause the hearing to be recorded by a court
21 reporter or by an electronic recording device. Additionally, in making the
22 determinations specified in this subparagraph (IV), the state engineer
23 shall use the standards listed in paragraph (c) of this subsection (3) for
24 evaluating such plans. It is the legislative intent that the adoption of these
25 standards is only an interim compromise, to give greater certainty to
26 senior surface water users in Colorado than past practices of the state
27 engineer have given, until augmentation plans for these wells have been

1 approved by the water judge for water division 1 and final determinations
2 about the methodologies for calculating the amount and timing of stream
3 depletions have been made by the water judge. These interim standards
4 shall not create any presumptions, shift the burden of proof, or serve as
5 a defense in any application for approval of a plan for augmentation.

6 (c) (VIII) If amendments, including but not limited to the addition
7 of more wells or the addition of different replacement water sources, are
8 proposed to a substitute water supply plan after the initial written notice
9 of the plan was given, the notice, comment, and hearing process described
10 in this paragraph (c) shall be repeated for such amendments. If, in the
11 opinion of the state engineer, an amendment is necessary to prevent
12 immediate injury to other water rights that will occur prior to the
13 expiration of the ~~thirty-day~~ THIRTY-FIVE-DAY comment period provided
14 in subparagraph (III) of paragraph (b) of this subsection (3), the ~~thirty-day~~
15 THIRTY-FIVE-DAY comment period shall be shortened to ~~fifteen~~ FOURTEEN
16 days, the public hearing shall be held no later than ~~twenty-five~~
17 TWENTY-EIGHT days after the date of the mailing of notice of the request
18 for the amendment, and the amendment may be implemented before the
19 comment deadline and the public hearing. For amendments implemented
20 prior to a public hearing, the state engineer shall issue a decision
21 approving or denying the amendment no later than seven days after the
22 conclusion of the public hearing. The state engineer may revoke or further
23 condition the approval of any amendment after the comment and hearing
24 process.

25 (e) When the state engineer approves or denies a substitute water
26 supply plan, the state engineer shall serve a copy of the decision on all
27 parties to the application by first-class mail or, if such parties have so

1 elected, by electronic mail. Every decision of the state engineer shall
2 provide a detailed statement of the basis and rationale for the decision,
3 including a complete explanation of how all stream depletions were
4 calculated, the location where they occur, how all replacement water
5 sources were quantified, and what terms and conditions were imposed to
6 prevent injury to other water rights and why they were imposed. The
7 decision shall also include a description of the consideration given to any
8 written comments that were filed by other parties. Neither the approval
9 nor the denial by the state engineer shall create any presumptions, shift
10 the burden of proof, or serve as a defense in any legal action that may be
11 initiated concerning the substitute water supply plan. Any appeal of a
12 decision made by the state engineer concerning a substitute water supply
13 plan pursuant to this subsection (3) shall be made to the water judge in
14 water division 1 within ~~thirty~~ THIRTY-FIVE days after the date of service
15 of the decision. The water judge shall hear and determine such appeal
16 using the procedures and standards set forth in sections 37-92-304 and
17 37-92-305 for determination of matters rereferred to the water judge by
18 the referee. The proponent of the substitute water supply plan shall be
19 deemed to be the applicant for purposes of application of such procedures
20 and standards. The filing fee for the appeal shall be two hundred
21 seventy-one dollars for the proponent of the substitute water supply plan
22 and seventy dollars for any other party to the appeal. Moneys from such
23 fee shall be transmitted to the state treasurer and deposited in the water
24 adjudication cash fund, which fund is hereby created in the state treasury.
25 The general assembly shall appropriate moneys in the fund for the judicial
26 department's adjudications pursuant to this subsection (3).

27 (5) (a) Beginning January 1, 2002, for new water use plans

1 involving out-of-priority diversions or a change of water right, if no
2 application for approval of a plan for augmentation or a change of water
3 right has been filed with a water court and the water use plan or change
4 proposed and the depletions associated with such water use plan or
5 change will be for a limited duration not to exceed five years, except as
6 otherwise provided in subparagraph (II) of paragraph (b) of this
7 subsection (5), the state engineer may approve such plan or change as a
8 substitute water supply plan if the following conditions are met:

9 (III) The state engineer has given the owners of water rights and
10 decreed conditional water rights ~~thirty~~ THIRTY-FIVE days after the date of
11 mailing of such notice to file comments on the substitute water supply
12 plan. Such comments shall include any claim of injury or any terms and
13 conditions that should be imposed upon the plan to prevent injury to a
14 party's water rights or decreed conditional water rights and any other
15 information the opposer wishes the state engineer to consider in
16 reviewing the substitute water supply plan request.

17 (7) Beginning January 1, 2002, the state engineer may approve a
18 substitute water supply plan if the state engineer determines such plan is
19 needed to address an emergency situation and that the plan will not cause
20 injury to the vested water rights or decreed conditional water rights of
21 others or impair compliance with any interstate compact. Such plan shall
22 not be implemented for more than ~~ninety~~ NINETY-ONE days. For purposes
23 of this section, "emergency situation" means a situation affecting public
24 health or safety where a substitute water supply plan needs to be
25 implemented more quickly than the other procedures set forth in this
26 section allow. For 2003, an "emergency situation" may also mean an
27 immediate need for the use of augmentation wells necessitated by

1 extreme drought conditions if such augmentation wells are also included
2 in a request filed previously, or filed simultaneously with a request under
3 this subsection (7), for approval of a substitute water supply plan under
4 subsection (3) or (4) of this section. Approval pursuant to this section of
5 the use of augmentation wells shall include the terms and conditions
6 needed to account for and replace all out-of-priority stream depletions
7 that will result from such use, including post-pumping depletions. Within
8 ~~five~~ SEVEN days after the date of approval of the use of an augmentation
9 well under this subsection (7), the state engineer shall give notice of the
10 approval to all parties who have subscribed to the substitute water supply
11 plan notification list for water division 1. In all other situations, notice to
12 other water users shall not be required. Neither the approval nor the
13 denial by the state engineer shall create any presumptions, shift the
14 burden of proof, or be a defense in any legal action that may be initiated
15 concerning an emergency substitute water supply plan or in any
16 proceedings under subsection (3) or (4) of this section.

17 (10) (d) When the state engineer approves or denies a substitute
18 water supply plan pursuant to this subsection (10), the state engineer shall
19 serve a copy of the decision on all parties who have subscribed to the
20 substitute water supply plan notification list for water division 1 and all
21 parties to the water court case in which the plan for augmentation was
22 decreed by first-class mail or, if such parties have so elected, by
23 electronic mail. Neither the approval nor the denial by the state engineer
24 shall create any presumptions, shift the burden of proof, or serve as a
25 defense in any legal action involving the substitute water supply plan.
26 Any appeal of a decision made by the state engineer concerning a
27 substitute water supply plan approved or denied pursuant to this

1 subsection (10) shall be made within ~~thirty~~ THIRTY-FIVE days after the
2 date of service of the decision. Any such appeal shall be filed under the
3 same case number as the decreed plan for augmentation and shall be
4 heard under the retained jurisdiction of the water judge, using the
5 procedures and standards set forth in sections 37-92-304 and 37-92-305,
6 for determination of matters rereferred to the water judge by the referee.
7 The water judge shall hear and determine any such appeal on an
8 expedited basis. The applicant for the substitute water supply plan shall
9 not use the proposed substitute water supply in the decreed plan for
10 augmentation until any appeal under this paragraph (d) is decided by the
11 water court. Following the determination on appeal by the water court, the
12 applicant's use of water under the substitute water supply plan shall be
13 governed by such water court determination, unless the terms of the
14 augmentation plan decree provide otherwise.

15 (11) (b) For a substitute water supply plan pursuant to this
16 subsection (11), the state engineer may approve the temporary operation
17 of a coal bed methane well that withdraws tributary ground water only if
18 the following conditions are met:

19 (II) All parties who have subscribed to the substitute water supply
20 plan notification list for the water division in which the proposed plan is
21 located have ~~thirty~~ THIRTY-FIVE days after the date of mailing of such
22 notice to file comments on the substitute water supply plan. Such
23 comments shall include any claim of injury, any terms and conditions that
24 should be imposed upon the plan to prevent injury to a party's water rights
25 or decreed conditional water rights, and any other information a party
26 wishes the state engineer to consider in reviewing the substitute water
27 supply plan request; and

1 (e) Neither the approval nor the denial by the state engineer shall
2 create any presumptions, shift the burden of proof, or serve as a defense
3 in any legal action that may be initiated concerning the substitute water
4 supply plan. Any appeal of a decision made by the state engineer
5 concerning a substitute water supply plan pursuant to this subsection (11)
6 shall be to the water judge of the applicable water division within ~~thirty~~
7 THIRTY-FIVE days after the date of service of the decision. The water
8 judge shall hear and determine such appeal on an expedited basis using
9 the procedures and standards set forth in sections 37-92-304 and
10 37-92-305 for determination of matters referred to the water judge by the
11 referee.

12 **SECTION 167.** In Colorado Revised Statutes, 37-92-309, **amend**
13 (3) (a) and (4) (a) as follows:

14 **37-92-309. Interruptible water supply agreements - special**
15 **review procedures - rules - water adjudication cash fund - legislative**
16 **declaration.** (3) The state engineer is authorized to approve and
17 administer interruptible water supply agreements that permit a temporary
18 change in the point of diversion, location of use, and type of use of an
19 absolute water right without the need for an adjudication pursuant to this
20 article, subject to the following:

21 (a) The applicant for approval of an interruptible water supply
22 agreement shall provide written notice of the application by first-class
23 mail or electronic mail to all parties who have subscribed to the substitute
24 water supply plan notification list, as described in section 37-92-308 (6),
25 for the division or divisions in which the water right is located and in
26 which it will be used, and proof of such notice shall be filed with the state
27 engineer. The application shall be accompanied by a detailed written

1 report, prepared by a professional engineer or other professional
2 acceptable to the state engineer, that evaluates the historical consumptive
3 use, return flows, and the potential for material injury to other water
4 rights relating to the interruptible water supply agreement and that
5 proposes conditions to prevent such injury. The state engineer shall give
6 the owners of water rights ~~thirty~~ THIRTY-FIVE days after the date of
7 mailing of such notice to file comments on the operation of the
8 interruptible water supply agreement. Such comments shall include any
9 claim of injury or any terms and conditions that should be imposed upon
10 the agreement so that it will not cause injury to a party's water rights or
11 decreed conditional water rights, if such conditional rights will be
12 exercised during operation of the interruptible water supply agreement,
13 and any other information the party wishes the state engineer to consider
14 in reviewing the application.

15 (4) (a) When the state engineer approves or denies an interruptible
16 water supply agreement, the state engineer shall serve a copy of the
17 decision upon all parties to the application by first-class mail or, if such
18 parties have so elected, by electronic mail. Neither the approval nor the
19 denial of the agreement by the state engineer shall create any
20 presumptions, shift the burden of proof, or serve as a defense in any legal
21 action that may be initiated concerning the interruptible water supply
22 agreement. Any appeal of a decision made by the state engineer
23 concerning the operation of an interruptible water supply agreement
24 pursuant to this section shall be expedited, shall be limited to the issue of
25 injury, and shall be made within ~~thirty~~ THIRTY-FIVE days after mailing of
26 the decision to the water judge in the applicable water division. All
27 parties to the appeal shall pay to the water clerk a fee to cover the direct

1 costs associated with the expedited appeal. The water judge shall hear and
2 determine such appeal using the procedures and standards set forth in
3 sections 37-92-304 and 37-92-305 for determination of matters rereferred
4 to the water judge by the referee; except that the water judge shall not
5 deem any failure to appeal all or any part of the decision of the state
6 engineer or failure to state any grounds for appeal to preclude any party
7 from raising any claims of injury in a future proceeding before the water
8 judge. The proponent of the interruptible water supply agreement shall be
9 deemed to be the applicant for purposes of application of such procedures
10 and standards. Moneys from such fee shall be transmitted to the state
11 treasurer and deposited in the water adjudication cash fund, which fund
12 is hereby created in the state treasury. The general assembly shall
13 appropriate moneys in the fund for the judicial department's expedited
14 adjudications pursuant to this section.

15 **SECTION 168.** In Colorado Revised Statutes, 37-92-602, **amend**
16 (3) (c) (II) (A), (3) (e), and (3) (f) as follows:

17 **37-92-602. Exemptions - presumptions - legislative**
18 **declaration.** (3) (c) (II) (A) If such relocated well will not change
19 substantially the usage of water which can lawfully be made by means of
20 the existing well, a permit to construct and use the relocated well shall be
21 issued, and the existing well shall be abandoned within ~~ninety~~
22 NINETY-ONE days after the completion of the relocated well.

23 (e) The state engineer shall act upon an application filed under
24 this subsection (3) within ~~forty-five~~ FORTY-NINE days after such filing and
25 shall support his OR HER ruling with a written statement of the basis
26 therefor, and the provisions of article 4 of title 24, C.R.S., shall apply.

27 (f) Any person aggrieved by a decision of the state engineer

1 granting or denying an application filed under this subsection (3) may
2 within ~~thirty~~ THIRTY-FIVE days after such decision file a petition for
3 review with the water clerk of the water division in which the well is
4 located. Upon receipt of such petition, the water judge of said water
5 division shall promptly conduct such hearings as are necessary to
6 determine whether or not the decision of the state engineer shall be
7 upheld. In any case in which the state engineer's decision is reversed, the
8 water judge shall order the state engineer to grant or to deny the
9 application, as such reversal may require, and may specify such terms and
10 conditions as are appropriate. Appeals from any decision of the water
11 judge shall be made as in other civil actions.

12 **SECTION 169.** In Colorado Revised Statutes, 38-35-203, **amend**
13 (1) introductory portion as follows:

14 **38-35-203. Action to enforce.** (1) No spurious lien or spurious
15 document shall hold or affect any real or personal property longer than
16 ~~thirty~~ THIRTY-FIVE days after the lien or document has been recorded or
17 filed in the office of any state or local official or employee, including the
18 office of the clerk and recorder of any county or city and county or the
19 office of the Colorado secretary of state, unless within the ~~thirty~~
20 THIRTY-FIVE days:

21 **SECTION 170.** In Colorado Revised Statutes, 38-35-204, **amend**
22 (1) (a) as follows:

23 **38-35-204. Order to show cause.** (1) Any person whose real or
24 personal property is affected by a recorded or filed lien or document that
25 the person believes is a spurious lien or spurious document may petition
26 the district court in the county or city and county in which the lien or
27 document was recorded or filed or the federal district court in Colorado

1 for an order to show cause why the lien or document should not be
2 declared invalid. The petition shall set forth a concise statement of the
3 facts upon which the petition is based and shall be supported by an
4 affidavit of the petitioner or the petitioner's attorney. The order to show
5 cause may be granted ex parte and shall:

6 (a) Direct any lien claimant and any person who recorded or filed
7 the lien or document to appear as respondent before the court at a time
8 and place certain not less than ~~ten~~ FOURTEEN days nor more than ~~twenty~~
9 TWENTY-ONE days after service of the order to show cause why the lien
10 or document should not be declared invalid and why such other relief
11 provided for by this section should not be granted;

12 **SECTION 171.** In Colorado Revised Statutes, 38-38-101, **amend**
13 (1) (h) as follows:

14 **38-38-101. Holder of evidence of debt may elect to foreclose.**

15 (1) **Documents required.** Whenever a holder of an evidence of debt
16 declares a violation of a covenant of a deed of trust and elects to publish
17 all or a portion of the property therein described for sale, the holder or the
18 attorney for the holder shall file the following with the public trustee of
19 the county where the property is located:

20 (h) A separate document notifying the public trustee that the
21 property referred to in the notice of election and demand is property that
22 requires posting under section 38-38-802. If the document required by
23 this paragraph (h) is not filed at the time the documents required by
24 paragraphs (a) to (e) of this subsection (1) are filed with the public
25 trustee, and the holder determines at a later date that the property requires
26 posting, the holder shall request that the public trustee rerecord the notice
27 of election and demand. Thereafter, all deadlines for the foreclosure

1 action shall be determined according to the date of the rerecording of the
2 notice of election and demand as though the foreclosure was commenced
3 on such date, and the public trustee shall collect a fee of seventy-five
4 dollars from the holder. If the document required by this paragraph (h) is
5 filed in error, the holder may withdraw it by filing with the public trustee
6 an affidavit signed by the holder or the attorney for the holder affirming
7 both that the document required by this paragraph (h) was filed in error
8 and that the property has not been posted pursuant to section 38-38-802.
9 In order to be effective, and thereby notify the public trustee that the
10 property is not eligible for posting, such affidavit shall be filed with the
11 public trustee no later than ~~fifteen calendar~~ FOURTEEN days after the date
12 of the determination of the public trustee that the filing is complete in
13 accordance with section 38-38-102 (1).

14 **SECTION 172.** In Colorado Revised Statutes, 1-40-107, **amend**
15 **(2) as amended by House Bill 12-1313**, as follows:

16 **1-40-107. Rehearing - appeal - fees - signing.** (2) If any person
17 presenting an initiative petition for which a motion for a rehearing is
18 filed, any registered elector who filed a motion for a rehearing pursuant
19 to subsection (1) of this section, or any other registered elector who
20 appeared before the title board in support of or in opposition to a motion
21 for rehearing is not satisfied with the ruling of the title board upon the
22 motion, then the secretary of state shall furnish such person, upon request,
23 a certified copy of the petition with the titles and submission clause of the
24 proposed law or constitutional amendment, together with a certified copy
25 of the motion for rehearing and of the ruling thereon. If filed with the
26 clerk of the supreme court within ~~five business~~ SEVEN days thereafter, the
27 matter shall be disposed of promptly, consistent with the rights of the

1 parties, either affirming the action of the title board or reversing it, in
2 which latter case the court shall remand it with instructions, pointing out
3 where the title board is in error.

4 **SECTION 173. Effective date - applicability.** (1) (a) This act
5 takes effect on July 1, 2012, and, except as provided in subsection (2) of
6 this section, applies to:

7 (I) Time intervals that are counted forward and, under the
8 provisions of this act, commence and end with dates on or after July 1,
9 2012; and

10 (II) Time intervals that are counted backwards and under the
11 provisions of this act commence and end with dates after June 30, 2012.

12 (b) For purposes of this subsection (1), in determining the date that
13 a time interval commences, the first day of the period is counted.

14 (2) This act does not apply to modify the settings of any dates or
15 time intervals set by an order of a court entered before July 1, 2012.

16 (3) The general assembly requests the supreme court to provide by
17 rule, order, or other similar guidance examples of various time intervals
18 related to civil and criminal procedures that are counted forward and that
19 are counted backward and to which this act applies and to which this act
20 does not apply pursuant to subsection (1) of this section.

21 **SECTION 174. Safety clause.** The general assembly hereby
22 finds, determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.