

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 13-0593.01 Brita Darling x2241

**HOUSE BILL 13-1086**

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**HOUSE SPONSORSHIP**

**Wilson,**

**SENATE SPONSORSHIP**

**Grantham,**

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**House Committees**  
Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE PREPARATION OF THE RECORD IN APPEALS FROM**  
102 **COUNTY COURT JUDGMENTS.**

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**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>.)*

Under current law, in county court civil or criminal actions that are appealed to the district court, the record on appeal must be completed within 42 days after judgment. The bill revises the process to require the record to be completed within 42 days after the filing of notice of appeal rather than of the judgment. The completed record shall be certified by

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  
3rd Reading Unamended  
February 7, 2013

HOUSE  
2nd Reading Unamended  
February 6, 2013

the clerk of the court, not by a county court judge.

The bill applies to appeals from judgments entered on or after July 1, 2013.

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

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

4 **13-6-311. Appeals from county court - simplified procedure.**

5 (2) (a) Upon the deposit of the estimated record fee, the clerk of the court  
6 shall prepare and issue as soon as possible a record of the proceedings in  
7 the county court, including the summons, the complaint, proof of service,  
8 and the judgment. The record shall also include a transcription of such  
9 part of the actual evidence and other proceedings as the parties may  
10 designate or, in lieu of transcription, to which they may stipulate. If a  
11 stenographic record has been maintained or the parties agree to stipulate,  
12 the party appealing shall lodge with the clerk of the court the reporter's  
13 transcript of the designated evidence or proceedings or a stipulation  
14 covering such items within forty-two days after ~~judgment~~ THE FILING OF  
15 THE NOTICE OF APPEAL. If the proceedings have been ~~electrically~~  
16 ELECTRONICALLY, the transcription of designated evidence and  
17 proceedings shall be prepared in the office of the clerk of the county  
18 court, either by him or her or under his or her supervision, within  
19 forty-two days after ~~judgment~~ THE FILING OF THE NOTICE OF APPEAL.

20 (b) The clerk shall notify, in writing, the opposing parties of the  
21 completion of the record, and the parties have twenty-one days within  
22 which to file objections. If none are received, the record shall be certified  
23 forthwith by the ~~judge~~ CLERK. If objections are made, the parties shall be  
24 called for hearing and the objections settled by the county judge as soon

1 as possible and the record then certified.

2 **SECTION 2.** In Colorado Revised Statutes, 16-2-114, **amend** (3)  
3 as follows:

4 **16-2-114. Appeals.** (3) Upon the filing of a notice of appeal and  
5 upon the posting of any advance costs by the appellant, as are required for  
6 the preparation of a record, unless the appellant is granted leave to  
7 proceed as an indigent, the clerk of the county court shall prepare and  
8 issue as soon as possible a record of the proceedings in the county court,  
9 including the summons and complaint or warrant, the separate complaint  
10 if any has been issued, and the judgment. The record shall also include a  
11 transcription or a joint stipulation of such part of the actual evidence and  
12 other proceedings as the parties designate. If the proceedings have been  
13 ~~electrically~~ recorded ELECTRONICALLY, the transcription of designated  
14 evidence and proceedings shall be prepared in the office of the clerk of  
15 the court, either by him or her or under his or her supervision, within  
16 forty-two days after ~~judgment~~ THE FILING OF THE NOTICE OF APPEAL or  
17 within such additional time as may be granted by the county court. The  
18 clerk shall notify in writing the opposing parties of the completion of the  
19 record, and such parties shall have fourteen days within which to file  
20 objections. If none are received, the record shall be certified forthwith by  
21 the ~~judge~~ CLERK. If objections are made, the parties shall be called for  
22 hearing and the objections settled by the county judge and the record then  
23 certified.

24 **SECTION 3. Effective date - applicability.** This act takes effect  
25 July 1, 2013, and applies to an appeal from a judgment entered on or after  
26 said date.

27 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.