

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 13-0593.01 Brita Darling x2241

HOUSE BILL 13-1086

HOUSE SPONSORSHIP

Wilson,

SENATE SPONSORSHIP

Grantham,

House Committees
Local Government

Senate Committees
Judiciary

A BILL FOR AN ACT

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

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.*

SENATE
2nd Reading Unamended
February 28, 2013

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.

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.