

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0452.01 Jerry Barry x4341

HOUSE BILL 16-1057

HOUSE SPONSORSHIP

Ransom,

SENATE SPONSORSHIP

Merrifield,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATUTORILY ESTABLISHED TIME PERIODS THAT ARE**
102 **MULTIPLES OF SEVEN DAYS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill changes several time periods in title 19 to conform to court rules and previous acts that made time periods multiples of 7.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** In Colorado Revised Statutes, 19-1-108, **amend** (3)
2 (c) introductory portion, (3) (c) (II), and (5.5) as follows:

3 **19-1-108. Magistrates - qualifications - duties.** (3) (c) In
4 proceedings under article 3 of this title, the right to require a hearing
5 before a judge ~~shall be deemed~~ IS waived unless:

6 (II) A request is made by a party or the people of the state of
7 Colorado in writing within ~~five~~ SEVEN days after receipt of notice of the
8 setting if the matter is set for hearing outside of the presence of counsel
9 for a represented party or if the matter is set on notice.

10 (5.5) A request for review ~~shall~~ MUST be filed within ~~fifteen~~
11 FOURTEEN days for proceedings under articles 2, 4, and 6 of this title or
12 within ~~five~~ SEVEN days for proceedings under article 3 of this title after
13 the parties have received notice of the magistrate's ruling and ~~shall~~ MUST
14 clearly set forth the grounds relied upon. Such review ~~shall be~~ IS solely
15 upon the record of the hearing before the magistrate and ~~shall be~~ IS
16 reviewable upon the grounds set forth in rule 59 of the Colorado rules of
17 civil procedure. A petition for review ~~shall be~~ IS a prerequisite before an
18 appeal may be filed with the Colorado court of appeals or Colorado
19 supreme court. The judge may, on his or her own motion, remand a case
20 to another magistrate after action is taken on a petition for review.

21 **SECTION 2. Effective date - applicability.** (1) (a) This act
22 takes effect on July 1, 2016, and, except as provided in subsection (2) of
23 this section, applies to:

24 (I) Time intervals that are counted forward and, under the
25 provisions of this act, commence and end with dates on or after July 1,
26 2016; and

27 (II) Time intervals that are counted backwards and, under the

1 provisions of this act, commence and end with dates after June 30, 2016.

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

4 (2) This act does not apply to modify the settings of any dates or
5 time intervals set by an order of a court entered before July 1, 2016.

6 (3) The general assembly requests the supreme court to provide
7 by rule, order, or other similar guidance examples of various time
8 intervals related to **civil, criminal, and juvenile** procedures that are
9 counted forward and that are counted backward and to which this act
10 applies and to which this act does not apply pursuant to subsection (1) of
11 this section.

12 **SECTION 3. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.