



**Colorado
Legislative
Council
Staff**

HB17-1132

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0669
Prime Sponsor(s): Rep. Lundeen
Sen. Gardner

Date: February 8, 2017
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: JUDICIAL DISQUALIFICATION IN CIVIL ACTIONS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Potential minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Potential ongoing minimal workload increase.		

Summary of Legislation

This bill codifies the right to file a motion to disqualify a judge if the judge:

- is interested in the action or prejudiced;
- has been counsel for any of the parties;
- is or has been a material witness in the case; or
- is so related or connected with any party or a party's attorney as to render it improper for the judge to sit on the trial, appeal, or other proceeding.

The motion must be supported by an affidavit and must be filed within 21 days after the last assignment of the action or hearing to the judge; appearance of the party or his or her attorney giving rise to the grounds for disqualification; or the date on which the moving party knew or should have known of the grounds on which the motion is based.

If the judge who is the subject of the motion does not immediately grant the motion, the issue is referred to the Chief Judge, or if the judge to be disqualified is the Chief Judge, to another Chief Judge in an adjoining jurisdiction. The Chief Judge is directed to reassign cases when a motion is made in good faith and is legally sufficient and is authorized to deny a motion that is not filed in a timely manner.

Background

Under the Colorado Rules of Civil Procedure's Rule 97, a party may file a motion and affidavit to disqualify a judge for similar reasons, but not because the judge has been counsel for any of the parties. House Bill 17-1132 also imposes new time frames not currently included in Rule 97.

State Expenditures

To the extent that creating a new basis for judicial disqualification and shortened time frames for filing such motions lead to more requests, this bill may increase workload in the Judicial Department beginning in FY 2017-18. This analysis assumes that the potential increase is minimal and will not require an adjustment in appropriations for the Judicial Department.

Local Government Impact

Similar to the state, the bill may result in increased motions to disqualify a judge in the Denver County Court or a municipal court. These impacts are assumed to be minimal.

Effective Date

The bill takes effect July 1, 2017, and applies to motions filed on or after this date.

State and Local Government Contacts

District Attorneys Information Technology Judicial