

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 28, 2018

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB18-056 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 2, line 3, strike "(1)" and substitute "(1) (a)".

2 Page 2, after line 12 insert:

3 "(b) WHEN THE DEBT, DAMAGE, OR VALUE OF THE PERSONAL
4 PROPERTY CLAIMED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION IS
5 FIFTEEN THOUSAND DOLLARS OR LESS, EXCLUSIVE OF ATTORNEY FEES, THE
6 MONETARY AMOUNTS IN SUBSECTION (1)(a) OF THIS SECTION DO NOT
7 INCLUDE ATTORNEY FEES, REGARDLESS OF WHETHER THE ATTORNEY FEES
8 ARE TREATED AS COSTS OR DAMAGES. WHEN THE DEBT, DAMAGE, OR
9 VALUE OF THE PERSONAL PROPERTY CLAIMED PURSUANT TO SUBSECTION
10 (1)(a) OF THIS SECTION IS MORE THAN FIFTEEN THOUSAND DOLLARS,
11 EXCLUSIVE OF ATTORNEY FEES, THE MONETARY AMOUNTS IN SUBSECTION
12 (1)(a) OF THIS SECTION INCLUDE ALL ELEMENTS OF DAMAGES AVAILABLE
13 PURSUANT TO STATUTE OR COMMON LAW, AND ATTORNEY FEES,
14 REGARDLESS OF WHETHER THE ATTORNEY FEES ARE TREATED AS COSTS OR
15 DAMAGES, BUT DO NOT INCLUDE INTEREST OR ORDINARY COURT COSTS."

16 Page 3, strike line 23 and substitute "(1)(d), (5)(o) introductory portion,
17 and (5)(o)(II); **repeal** (1)(c)(III) introductory portion, (1)(c)(III)(A),
18 (1)(c)(III)(B), (5)(g), and (5)(h); and **add** (1)(c)(III.5), (5)(g.5), and
19 (5)(h.5)".

20 Page 4, strike lines 6 through 19 and substitute:

21 "(c) ~~(H) Except as provided in subparagraph (IV) of this~~

1 paragraph (c):

2 ~~(A) On and after July 1, 2010, by each plaintiff, petitioner,~~
3 ~~third-party plaintiff, and party filing a cross claim or counterclaim, when~~
4 ~~a money judgment sought is fifteen thousand dollars or less and such~~
5 ~~action is commenced in a court of record of appropriate limited~~
6 ~~jurisdiction, a fee in the amount of ninety-seven dollars.~~

7 ~~(B) On and after July 1, 2010, by each defendant, respondent,~~
8 ~~third-party defendant, or other party in such court not filing a cross claim~~
9 ~~or counterclaim, when a money judgment sought is fifteen thousand~~
10 ~~dollars or less and such action is commenced in a court of record of~~
11 ~~appropriate limited jurisdiction, a fee in the amount of ninety-two dollars.~~

12 (III.5) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(IV) OF THIS
13 SECTION:

14 (A) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF,
15 PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM
16 OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS LESS THAN ONE
17 THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF
18 RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF
19 EIGHTY-FIVE DOLLARS.

20 (B) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT,
21 RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT
22 NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT
23 SOUGHT IS LESS THAN ONE THOUSAND DOLLARS AND SUCH ACTION IS
24 COMMENCED IN A COURT OF RECORD OF APPROPRIATE LIMITED
25 JURISDICTION, A FEE IN THE AMOUNT OF EIGHTY DOLLARS.

26 (C) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF,
27 PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM
28 OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS ONE THOUSAND
29 DOLLARS OR MORE BUT LESS THAN FIFTEEN THOUSAND DOLLARS AND
30 SUCH ACTION IS COMMENCED IN A COURT OF RECORD OF APPROPRIATE
31 LIMITED JURISDICTION, A FEE IN THE AMOUNT OF ONE HUNDRED FIVE
32 DOLLARS.

33 (D) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT,
34 RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT
35 NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT
36 SOUGHT IS ONE THOUSAND DOLLARS OR MORE BUT LESS THAN FIFTEEN
37 THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF
38 RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF
39 ONE HUNDRED DOLLARS.

40 (E) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF,
41 PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM

1 OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS FIFTEEN
2 THOUSAND DOLLARS OR MORE BUT DOES NOT EXCEED THIRTY-FIVE
3 THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF
4 RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF
5 ONE HUNDRED FORTY DOLLARS.

6 (F) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT,
7 RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT
8 NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT
9 SOUGHT IS FIFTEEN THOUSAND DOLLARS OR MORE BUT DOES NOT EXCEED
10 THIRTY-FIVE THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A
11 COURT OF RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE
12 AMOUNT OF ONE HUNDRED THIRTY-FIVE DOLLARS."

13 Page 4, line 23, strike "THIRTY" and substitute "FORTY-NINE".

14 Page 4, after line 23 insert:

15 ~~"(5) (g) Each fee collected pursuant to sub-subparagraph (A) of~~
16 ~~subparagraph (HH) of paragraph (c) of subsection (1) of this section shall~~
17 ~~be transmitted to the state treasurer and fifty-four dollars shall be~~
18 ~~deposited in the judicial stabilization cash fund created in subsection (6)~~
19 ~~of this section, five dollars shall be deposited in the court security cash~~
20 ~~fund established pursuant to section 13-1-204, thirty-seven dollars shall~~
21 ~~be deposited in the justice center cash fund created in paragraph (a) of~~
22 ~~subsection (7) of this section, and one dollar shall be deposited in the~~
23 ~~general fund pursuant to section 2-5-119. C.R.S.~~

24 (g.5) EACH FEE COLLECTED PURSUANT TO SUBSECTION
25 (1)(c)(III.5)(A), (1)(c)(III.5)(C), OR (1)(c)(III.5)(E) OF THIS SECTION
26 SHALL BE TRANSMITTED TO THE STATE TREASURER AND FIVE DOLLARS
27 SHALL BE DEPOSITED IN THE COURT SECURITY CASH FUND ESTABLISHED
28 PURSUANT TO SECTION 13-1-204, THIRTY-SEVEN DOLLARS SHALL BE
29 DEPOSITED IN THE JUSTICE CENTER CASH FUND CREATED IN SUBSECTION
30 (7)(a) OF THIS SECTION, AND ONE DOLLAR SHALL BE DEPOSITED IN THE
31 GENERAL FUND PURSUANT TO SECTION 2-5-119. THE REMAINING BALANCE
32 SHALL BE DEPOSITED IN THE JUDICIAL STABILIZATION CASH FUND CREATED
33 IN SUBSECTION (6) OF THIS SECTION.

34 (h) ~~Each fee collected pursuant to sub-subparagraph (B) of~~
35 ~~subparagraph (HH) of paragraph (c) of subsection (1) of this section shall~~
36 ~~be transmitted to the state treasurer and fifty dollars shall be deposited in~~
37 ~~the judicial stabilization cash fund created in subsection (6) of this~~
38 ~~section, five dollars shall be deposited in the court security cash fund~~
39 ~~established pursuant to section 13-1-204, and thirty-seven dollars shall be~~

1 ~~deposited in the justice center cash fund created in paragraph (a) of~~
2 ~~subsection (7) of this section.~~

3 (h.5) EACH FEE COLLECTED PURSUANT TO SUBSECTION
4 (1)(c)(III.5)(B), (1)(c)(III.5)(D), OR (1)(c)(III.5)(F) OF THIS SECTION
5 SHALL BE TRANSMITTED TO THE STATE TREASURER AND FIVE DOLLARS
6 SHALL BE DEPOSITED IN THE COURT SECURITY CASH FUND ESTABLISHED
7 PURSUANT TO SECTION 13-1-204, AND THIRTY-SEVEN DOLLARS SHALL BE
8 DEPOSITED IN THE JUSTICE CENTER CASH FUND CREATED IN SUBSECTION
9 (7)(a) OF THIS SECTION. THE REMAINING BALANCE SHALL BE DEPOSITED IN
10 THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (6) OF
11 THIS SECTION.

12 (o) Each fee collected pursuant to ~~paragraph (d) of subsection (1)~~
13 SUBSECTION (1)(d) of this section shall be transmitted to the state
14 treasurer and divided as follows:

15 (II) On and after ~~July 1, 2010~~ JANUARY 1, 2019, one hundred fifty
16 SEVENTY-FIVE dollars shall be deposited in the judicial stabilization cash
17 fund created in subsection (6) of this section, five dollars shall be
18 deposited in the court security cash fund established pursuant to section
19 13-1-204, sixty-eight dollars shall be deposited in the justice center cash
20 fund created in ~~paragraph (a) of subsection (7)~~ SUBSECTION (7)(a) of this
21 section, and one dollar shall be deposited in the general fund pursuant to
22 section 2-5-119. ~~C.R.S.~~".

** ** ** ** **