CHAPTER 180

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COURTS

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HOUSE BILL 95-1356

BY REPRESENTATIVES Adkins, Kaufman, and George;
also SENATORS Wham, Casey, Hopper, Johnson, Matsunaka, and Norton.

AN ACT

CONCERNING INCREASES IN JUDICIAL SALARIES AND, IN CONNECTION THEREWITH, INCREASING CERTAIN COURT FEES TO PROVIDE FUNDING FOR THE INCREASES IN JUDICIAL SALARIES AND MAKING AN APPROPRIATION.

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

SECTION 1. 13-30-104, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-30-104. Judicial compensation adjustment. (1) Effective July 1, 1988, the annual compensation of justices and judges in effect on the preceding June 30, as provided in section 13-30-103 (1) (a) to (1) (g) and (1) (j), shall be increased by four thousand five hundred dollars, and the annual compensation of all special associate, associate, and assistant county judges shall be adjusted as a percentage of such amount as provided in section 13-30-103 (1) (k).

(2) (a) EFFECTIVE JULY 1, 1995, THE ANNUAL COMPENSATION OF JUSTICES AND JUDGES IN EFFECT ON THE PRECEDING JUNE 30, AS PROVIDED IN SECTION 13-30-103 (1) (a) TO (1) (g) AND (1) (j) AND SUBSECTION (1) OF THIS SECTION, SHALL BE INCREASED BY FOUR THOUSAND DOLLARS, AND THE ANNUAL COMPENSATION OF ALL SPECIAL ASSOCIATE, ASSOCIATE, AND ASSISTANT COUNTY JUDGES SHALL BE ADJUSTED AS A PERCENTAGE OF SUCH AMOUNT AS PROVIDED IN SECTION 13-30-103 (1) (k).

(b) EFFECTIVE JULY 1, 1996, THE ANNUAL COMPENSATION OF JUSTICES AND JUDGES IN EFFECT ON THE PRECEDING JUNE 30, AS PROVIDED IN SECTION 13-30-103 (1) (a) TO (1) (g) AND (1) (j), SUBSECTION (1) OF THIS SECTION, AND PARAGRAPH (a) OF THIS SUBSECTION (2), SHALL BE INCREASED BY THREE THOUSAND DOLLARS, AND THE ANNUAL COMPENSATION OF ALL SPECIAL ASSOCIATE, ASSOCIATE, AND ASSISTANT COUNTY JUDGES SHALL BE ADJUSTED AS A PERCENTAGE OF SUCH AMOUNT AS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PROVIDED IN SECTION 13-30-103 (1) (k).

(c) EFFECTIVE JULY 1, 1997, THE ANNUAL COMPENSATION OF JUSTICES AND JUDGES IN EFFECT ON THE PRECEDING JUNE 30, AS PROVIDED IN SECTION 13-30-103 (1) (a) TO (1) (g) AND (1) (j), SUBSECTION (1) OF THIS SECTION, AND PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2), SHALL BE INCREASED BY THREE THOUSAND DOLLARS, AND THE ANNUAL COMPENSATION OF ALL SPECIAL ASSOCIATE, ASSOCIATE, AND ASSISTANT COUNTY JUDGES SHALL BE ADJUSTED AS A PERCENTAGE OF SUCH AMOUNT AS PROVIDED IN SECTION 13-30-103 (1) (k).

SECTION 2. 13-32-101 (1) (a), (1) (b), (1) (d), (1) (f), and (5), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

13-32-101. Docket fees in civil actions - support registry fund created. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (2) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(a) By the petitioner in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage and by the petitioner in an action for a declaratory judgment concerning the status of marriage, a fee of seventy-nine NINETY dollars;

(b) By the respondent in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage and by the respondent to an action for a declaratory judgment concerning the status of marriage, PRIOR TO JULY 1, 1997, a fee of forty dollars, AND, ON OR AFTER JULY 1, 1997, A FEE OF FORTY-FIVE DOLLARS;

(d) By each plaintiff, petitioner, third-party plaintiff, and party filing a cross claim or counterclaim filed in a district court of the state, a fee of seventy-nine NINETY dollars, and by each appellant, a fee of fifty dollars; by an appellee and by each defendant or respondent not filing a cross claim or counterclaim, PRIOR TO JULY 1, 1997, a fee of forty dollars, AND, ON OR AFTER JULY 1, 1997, A FEE OF FORTY-FIVE DOLLARS;

(f) By petitioner in adoption proceedings, a fee of seventy-nine NINETY dollars.

(5) In any proceeding held pursuant to articles 5, 10, 11, 13, and 14 of title 14, C.R.S., where a decree or final or permanent order has been entered and more than sixty days have passed, there shall be assessed at the time of filing a motion to modify, amend, or alter said decree or order, a fee of fifteen TWENTY dollars.

SECTION 3. 13-32-102 (1) (b), (1) (c), (1) (d), (1) (e), and (1) (f), Colorado Revised Statutes, 1987 Repl. Vol., are amended to read:

13-32-102. Fees in probate proceedings. (1) For services rendered by judges and clerks of district or probate courts in all counties of the state of Colorado in proceedings had pursuant to articles 10 to 20 of title 15, C.R.S., the following fees

shall be charged:

(b) Docket fee at time of filing first papers in any estate not coming within the provisions of paragraph (a) of this subsection (1) . . . . ~~79.00~~ 90.00

(c) Additional fee payable by petitioner at time of filing petition for supervised administration of a decedent's estate pursuant to sections 15-12-501 and 15-12-502, C.R.S., except for contested claims . . . . ~~79.00~~ 90.00

(d) Docket fee to be paid by the claimant prior to hearing on any contested claim, which fee shall be taxed by the district or probate court in the same manner as costs in civil actions . . . . ~~79.00~~ 90.00

(e) Registration fee for registration of trust pursuant to article 16 of title 15, C.R.S. . . . . ~~75.00~~ 90.00

(f) Docket fee at time of filing first papers in each action relating to ~~79.00~~ 90.00

SECTION 4. 13-32-103 (3), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-32-103. Docket fees in special proceedings. (3) In cases where a motion to authorize a sale in accordance with the provisions of rule 120, C.R.C.P., the applicant shall pay a docket fee of ~~seventy-five~~ NINETY dollars.

SECTION 5. 13-53-106, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-53-106. Fees. Any person filing a foreign judgment shall pay to the clerk of the court ~~seventy-five~~ NINETY dollars. Fees for docketing, transcription, or other enforcement proceedings shall be as provided for judgments of the courts of this state.

SECTION 6. 15-12-623 (1) (a) (III), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

15-12-623. Public administrator - administration - reports - fees. (1) The following court docket fees shall be charged:

(a) Public administrator statements of account in small estates, as "small estates" is defined in section 15-12-1201, having gross assets:

	Fee	Tax	Total
(III) $2,000.00 or more	~~$79.00~~ $89.00	1.00	~~80.00~~ 90.00

SECTION 7. 16-11-204 (2) (a) (V), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-11-204. Conditions of probation. (2) (a) When granting probation, the court may, as a condition of probation, require that the defendant:

(V) Pay reasonable costs of the court proceedings or costs of supervision of probation, or both. When the payment of costs of court or probation supervision is a condition of probation, the court shall fix the amount thereof, which shall not exceed an amount the defendant can or will be able to pay, and shall fix the manner of performance. The probation supervision fee shall be fifty dollars, if the charge is a misdemeanor or petty offense, including traffic offenses. If the charge is a felony, FOR SENTENCES IMPOSED PRIOR TO JULY 1, 1996, the fee shall be twenty dollars per month, and shall be FOR SENTENCES IMPOSED ON OR AFTER JULY 1, 1996, AND, PRIOR TO JULY 1, 1997, THE FEE SHALL BE THIRTY DOLLARS PER MONTH, AND, FOR SENTENCES IMPOSED ON OR AFTER JULY 1, 1997, THE FEE SHALL BE THIRTY-FIVE DOLLARS PER MONTH. THE FEE SHALL BE IMPOSED according to the length of ordered probation.

SECTION 8. Effective date - applicability. Sections 3 through 6 of this act shall take effect July 1, 1997, and shall apply to any motions, papers, petitions, claims, judgments, or statements filed, proceedings commenced, or trusts registered on or after such date. The remainder of this act shall take effect July 1, 1995, and shall apply to any action, complaint, claim, cross claim, counterclaim, motion, or judgment filed, any proceeding commenced, or any sentence to probation imposed on or after said date.

SECTION 9. Appropriation - future appropriation. (1) (a) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department for allocation to the administrative special purposes section, for the fiscal year beginning July 1, 1995, the sum of nine hundred eighty thousand forty-four dollars ($980,044), or so much thereof as may be necessary, for the implementation of this act.

(b) Implementation of this act during the fiscal year beginning July 1, 1996, will require an appropriation from the general fund to the judicial department, for allocation to the administrative special purposes section, for said fiscal year in an amount estimated to be seven hundred thirty-five thousand thirty-three dollars ($735,033).

(c) Implementation of this act during the fiscal year beginning July 1, 1997, will require an appropriation from the general fund to the judicial department, for allocation to the administrative special purposes section, for said fiscal year in an amount estimated to be seven hundred thirty-five thousand thirty-three dollars ($735,033).

(2) (a) Implementation of this act during the fiscal year beginning July 1, 1996, will require an appropriation from the general fund to the department of the treasury for said fiscal year in an amount estimated to be twenty-two thousand four hundred dollars ($22,400).

(b) Implementation of this act during the fiscal year beginning July 1, 1997, will require an appropriation from the general fund to the department of the treasury for said fiscal year in an amount estimated to be sixteen thousand eight hundred dollars ($16,800).

(c) Implementation of this act during the fiscal year beginning July 1, 1998, will

require an appropriation from the general fund to the department of the treasury for said fiscal year in an amount estimated to be sixteen thousand eight hundred dollars ($16,800).

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1995