

## CHAPTER 169

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**COURTS**


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**HOUSE BILL 04-1084**

BY REPRESENTATIVE(S) Cadman, Crane, Hall, Hefley, McFadyen, Miller, Schultheis, and Welker;  
also SENATOR(S) McElhany.

**AN ACT**

**CONCERNING THE EXECUTION OF A WRIT OF RESTITUTION AFTER ENTRY OF JUDGMENT IN A FORCIBLE  
ENTRY AND DETAINER ACTION.**

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

**SECTION 1.** 13-40-122 (1), Colorado Revised Statutes, is amended to read:

**13-40-122. Writ of restitution after judgment.** (1) No writ of restitution shall issue upon any judgment entered in any action under the provisions of this article out of any court until after the expiration of forty-eight hours from the time of the entry of such judgment; and such writs shall be executed by the officer having the same only in the daytime and between sunrise and sunset. ANY WRIT OF RESTITUTION GOVERNED BY THIS SECTION MAY BE EXECUTED BY THE COUNTY SHERIFF'S OFFICE IN WHICH THE PROPERTY IS LOCATED BY A SHERIFF, UNDERSHERIFF, OR DEPUTY SHERIFF, AS DESCRIBED IN SECTION 16-2.5-103 (1) OR (2), C.R.S., WHILE OFF-DUTY OR ON-DUTY AT RATES CHARGED BY THE EMPLOYING SHERIFF'S OFFICE IN ACCORDANCE WITH SECTION 30-1-104 (1) (gg), C.R.S.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the

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

act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to actions filed on or after the applicable effective date of this act.

Approved: April 21, 2004