

CHAPTER 58

COURTS

HOUSE BILL 13-1126

BY REPRESENTATIVE(S) Wright, Gardner, Kagan;
also SENATOR(S) Aguilar.

AN ACT**CONCERNING STATUTORILY ESTABLISHED TIME INTERVALS.**

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

SECTION 1. In Colorado Revised Statutes, 8-74-107, **amend** (2) as follows:

8-74-107. Court review. (2) Actions, proceedings, or suits to set aside, vacate, or amend any final decision of the industrial claim appeals panel or to enjoin the enforcement thereof may be commenced in the court of appeals by any interested party, including the division. Such actions, proceedings, or suits shall be commenced by filing a notice of appeal in the court of appeals within ~~twenty~~ TWENTY-ONE days of the mailing of the industrial claim appeals panel's decision, together with a certificate of service showing service of a copy of said notice of appeal on the division, the industrial claim appeals office, and all other parties who appeared in the administrative proceedings. The industrial claim appeals office, within ~~twenty~~ TWENTY-ONE days after the service of the notice, shall make return to said court of all documents and papers on file in the matter, of all testimony taken therein, and of certified copies of all findings, orders, and awards, which return shall be deemed its answer to said petition. Such return of the industrial claim appeals office shall constitute the judgment roll in any such action, proceeding, or suit, and it shall not be necessary to settle a bill of exceptions in order to make such return part of the record of such court in such action, proceeding, or suit.

SECTION 2. In Colorado Revised Statutes, 13-4-108, **amend** (2) as follows:

13-4-108. Supreme court review. (2) Within ~~thirty~~ TWENTY-EIGHT days after a rehearing has been refused by the court of appeals, any party in interest who is aggrieved by the judgment of the court of appeals may appeal by application to the

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

supreme court for a writ of certiorari.

SECTION 3. In Colorado Revised Statutes, 13-6-311, **amend** (1) and (2) (b) as follows:

13-6-311. Appeals from county court - simplified procedure. (1) (a) If either party in a civil action believes that the judgment of the county court is in error, he or she may appeal to the district court by filing notice of appeal in the county court within ~~twenty-one~~ FOURTEEN days after the date of entry of judgment and by filing within the said ~~twenty-one~~ FOURTEEN days an appeal bond with the clerk of the county court. The bond shall be furnished by a corporate surety authorized and licensed to do business in this state as surety, or one or more sufficient private sureties, or may be a cash deposit by the appellant and, if the appeal is taken by the plaintiff, shall be conditioned to pay the costs of the appeal and the counterclaim, if any, and, if the appeal is taken by the defendant, shall be conditioned to pay the costs and judgment if the appealing party fails. The bond shall be approved by the judge or the clerk.

(b) Upon filing of the notice of appeal, the posting and approval of the bond, and the deposit by the appellant of an estimated fee in advance for preparing the record, the county court shall discontinue all further proceedings and recall any execution issued. The appellant shall then docket his or her appeal in the district court. A motion for new trial is not required as a condition of appeal. If a motion for new trial is made within ~~twenty-one~~ FOURTEEN days, the time for appeal shall be extended until ~~twenty-one~~ FOURTEEN days after disposition of the motion, but only matters raised on the motion for new trial shall be considered on an appeal thereafter.

(2) (b) The clerk shall notify, in writing, the opposing parties of the completion of the record, and the parties have ~~twenty-one~~ FOURTEEN days within which to file objections. If none are received, the record shall be certified forthwith by the judge. If objections are made, the parties shall be called for hearing and the objections settled by the county judge as soon as possible and the record then certified.

SECTION 4. In Colorado Revised Statutes, 22-63-302, **amend** (10) (b) as follows:

22-63-302. Procedure for dismissal - judicial review. (10) (b) An action for review shall be commenced by the service of a copy of the petition upon the board of the school district and filing the same with the court of appeals within ~~twenty~~ TWENTY-ONE days after the written order of dismissal made by the board. The petition shall state the grounds upon which the review is sought. After the filing of the action for review in the court of appeals, such action shall be conducted in the manner prescribed by rule 3.1 of the Colorado appellate rules.

SECTION 5. In Colorado Revised Statutes, 24-4-106, **amend** (9) and (11) (b) as follows:

24-4-106. Judicial review. (9) The decision of the district court shall be subject to appellate review as may be permitted by law or the Colorado appellate rules, but a notice of intent to seek appellate review must be filed with the district court within

~~forty-five~~ FORTY-NINE days after its decision becomes final. If no notice of intent to seek appellate review is filed with the trial court within ~~forty-five~~ FORTY-NINE days after its decision becomes final, the trial court shall immediately return to the agency its record. Upon disposition of a case in an appellate court which requires further proceedings in the trial court, the agency's record shall be returned to the trial court. On final disposition of the case in the appellate court when no further proceedings are necessary or permitted in the trial court, the agency's record shall be returned by the appellate court to the agency with notice of such disposition to the trial court or to the trial court, in which event the agency's record shall be returned by the trial court to the agency.

(11) (b) Such proceeding shall be commenced by the filing of a notice of appeal with the court of appeals within ~~forty-five~~ FORTY-NINE days after the date of the service of the final order entered in the action by the agency, together with a certificate of service showing service of a copy of said notice of appeal on the agency and on all other persons who have appeared as parties to the action before the agency. The date of service of an order is the date on which a copy of the order is delivered in person or, if service is by mail, the date of mailing.

SECTION 6. In Colorado Revised Statutes, **amend** 28-3.1-420 as follows:

28-3.1-420. Appeal following review and approval. (1) The accused, within ~~thirty~~ THIRTY-FIVE days after the date the final reviewing authority takes action, may take an appeal to the supreme court of the state of Colorado pursuant to the Colorado appellate rules.

(2) When the accused petitions the governor pursuant to section 28-3.1-413 to review the final action of the reviewing authority, the time for filing notice of appeal is extended until ~~thirty~~ THIRTY-FIVE days after the governor announces his or her action or the petition is denied due to the governor's failure to act. No action or failure to act by the governor shall form the basis for appeal, nor shall the supreme court order review by the governor.

SECTION 7. Effective date - applicability. (1) (a) This act takes effect on July 1, 2013, and, except as provided in subsection (2) of this section, applies to:

(I) Time intervals that are counted forward and, under the provisions of this act, commence and end with dates on or after July 1, 2013; and

(II) Time intervals that are counted backwards and under the provisions of this act commence and end with dates after June 30, 2013.

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

(2) This act does not apply to modify the settings of any dates or time intervals set by an order of a court entered before July 1, 2013.

(3) The general assembly requests the supreme court to provide by rule, order, or other similar guidance examples of various time intervals related to civil and criminal procedures that are counted forward and that are counted backward and to

which this act applies and to which this act does not apply pursuant to subsection (1) of this section.

SECTION 8. 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: March 22, 2013