

CHAPTER 17

COURTS

HOUSE BILL 96-1001

BY REPRESENTATIVES Foster, Acquafresca, Adkins, Agler, Allen, Berry, Dean, DeGette, Dyer, Friednash, Jerke, Kaufman, Knox, Kreutz, Lamm, Leyba, Lyle, Mace, Morrison, Pfiffner, Resser, Schwarz, Snyder, Taylor, and Tucker; also SENATORS Matsunaka, Pascoe, Perlmutter, and Rupert.

AN ACT**CONCERNING CIVIL REMEDIES AVAILABLE TO THE SURVIVORS OF HOMICIDE VICTIMS.**

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

SECTION 1. 13-21-203 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-21-203. Limitation on damages. (1) All damages accruing under section 13-21-202 shall be sued for and recovered by the same parties and in the same manner as provided in section 13-21-201, and in every such action the jury may give such damages as they may deem fair and just, with reference to the necessary injury resulting from such death, including damages for noneconomic loss or injury as defined in ~~and subject to the limitations in~~ section 13-21-102.5 AND SUBJECT TO THE LIMITATIONS OF THIS SECTION and including within noneconomic loss or injury damages for grief, loss of companionship, pain and suffering, and emotional stress, to the surviving parties who may be entitled to sue; and also having regard to the mitigating or aggravating circumstances attending any such wrongful act, neglect, or default; except that, if the decedent left neither a widow, widower, or minor children nor a dependent father or mother, the damages recoverable in any such action shall not exceed the limitations for noneconomic loss or injury set forth in section 13-21-102.5, UNLESS THE WRONGFUL ACT, NEGLIGENCE, OR DEFAULT CAUSING DEATH CONSTITUTES A FELONIOUS KILLING, AS DEFINED IN SECTION 15-11-803 (1) (b), C.R.S., AND AS DETERMINED IN THE MANNER DESCRIBED IN SECTION 15-11-803 (7), C.R.S., IN WHICH CASE THERE SHALL BE NO LIMITATION ON THE DAMAGES RECOVERABLE IN SUCH ACTION. No action shall be brought and no recovery shall be had under both section 13-21-201 and section 13-21-202, and in all cases the plaintiff is required to elect under which section he will proceed. There shall be only one civil

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

action under this part 2 for recovery of damages for the wrongful death of any one decedent. Notwithstanding anything in this section or in section 13-21-102.5 to the contrary, there shall be no recovery under this part 2 for noneconomic loss or injury in excess of two hundred fifty thousand dollars, UNLESS THE WRONGFUL ACT, NEGLIGENCE, OR DEFAULT CAUSING DEATH CONSTITUTES A FELONIOUS KILLING, AS DEFINED IN SECTION 15-11-803 (1) (b), C.R.S., AND AS DETERMINED IN THE MANNER DESCRIBED IN SECTION 15-11-803 (7), C.R.S.

SECTION 2. 13-54-102, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-54-102. Property exempt. (4) NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS SECTION, ALL PROPERTY OF A PERSON WHO HAS COMMITTED A FELONIOUS KILLING, AS DEFINED IN SECTION 15-11-803 (1) (b), C.R.S., AND AS DETERMINED IN THE MANNER DESCRIBED IN SECTION 15-11-803 (7), C.R.S., SHALL BE SUBJECT TO ATTACHMENT OR LEVY IN SATISFACTION OF A JUDGMENT AWARDED PURSUANT TO SECTION 13-21-201 OR SECTION 13-21-202 FOR SUCH FELONIOUS KILLING.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1996, and shall apply to all civil actions filed on or after said date.

SECTION 4. 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 20, 1996