

CHAPTER 73

GOVERNMENT - COUNTY

HOUSE BILL 05-1062

BY REPRESENTATIVE(S) Judd, Buescher, Green, and Lindstrom;
also SENATOR(S) Takis.

AN ACT

CONCERNING MATTERS AFFECTING THE SERVICES PERFORMED BY A SHERIFF'S OFFICE.

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

SECTION 1. 13-40-115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-40-115. Judgment - writ of restitution. (3) A WRIT OF RESTITUTION THAT IS ISSUED BY THE COURT PURSUANT SUBSECTION (1) OR (2) OF THIS SECTION SHALL REMAIN IN EFFECT FOR FORTY-FIVE DAYS AFTER ISSUANCE AND SHALL AUTOMATICALLY EXPIRE THEREAFTER.

SECTION 2. 30-1-104 (1) (f), (1) (j), (1) (k), and (1) (gg), Colorado Revised Statutes, are amended to read:

30-1-104. Fees of sheriff. (1) Fees collected by sheriffs shall be as follows:

(f) For serving and returning writ of attachment or replevin on each party, in counties of every class, MILEAGE, AS DESCRIBED IN PARAGRAPH (h.5) OF THIS SUBSECTION (1), AND actual expenses; ~~but not more than seventy-five dollars;~~

(j) For levying execution or writ of attachment, besides actual custodial and transportation costs necessarily incurred in counties of every class, MILEAGE, AS DESCRIBED IN PARAGRAPH (h.5) OF THIS SUBSECTION (1), AND actual expenses; ~~but not more than seventy-five dollars;~~

(k) For levying writ of replevin, besides actual custodial and transportation costs necessarily incurred in counties of every class, MILEAGE, AS DESCRIBED IN PARAGRAPH (h.5) OF THIS SUBSECTION (1), AND actual expenses; ~~but not more than~~

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

~~seventy-five dollars;~~

(gg) For service AND EXECUTION of any writ of restitution or order of possession of premises, besides actual transportation costs necessarily incurred in counties of every class, actual expenses NOT TO EXCEED TWO HUNDRED DOLLARS, EXCEPT THAT A SHERIFF MAY CHARGE FOR ACTUAL EXPENSES IN EXCESS OF TWO HUNDRED DOLLARS IF THE WORK PERFORMED EXCEEDS TWO HOURS IN DURATION. ~~but not more than sixty dollars; except that, if execution of any such writ or order is required, an additional fee of actual expenses not to exceed two hundred dollars plus such transportation costs may be charged but only~~ A SHERIFF MAY CHARGE A FEE UNDER THIS PARAGRAPH (gg) after the sheriff has provided a detailed accounting of his or her actual expenses to the person requesting such service. Actual transportation costs assessed pursuant to this paragraph (gg) shall only be charged once per location for each service or execution.

SECTION 3. 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 10, 2005, if adjournment sine die is on May 11, 2005); 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 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 writs of restitution issued, and to services performed, by a sheriff's office on or after the applicable effective date of this act.

Approved: April 14, 2005