



Civil Law and Courts

During the 2021 legislative session, the General Assembly examined a number of measures related to civil law and the courts. Specifically, the legislature passed bills regarding civil claims in child sex abuse cases as well as reviewed employer liability laws. Lawmakers also assisted the Judicial Branch in addressing the jury trial backlog due to the pandemic and made changes to court-ordered debt.

Civil Law

Colorado lawmakers passed two measures that addressed civil lawsuit filing deadlines for adult survivors of child sexual abuse. They also debated the limits of a legal doctrine concerning employer responsibility for employees.

Statute of limitations sexual abuse. Colorado law previously gave child sex assault survivors six years from the day they turn 18 years old to sue their abusers. Many survivors of childhood sexual abuse delay disclosure until they are well into adulthood, however, and may miss the opportunity to seek justice. *Senate Bill 21-073* gives future sexual assault survivors unlimited time to sue their abusers starting in January 2022. The law also applies to recent civil cases where:

- the statute of limitation has not yet expired;
- the abuse happened in Colorado; and,
- the abuse is a felony or Class 1 misdemeanor if it was a criminal case.

Institutional accountability for child sex abuse. *Senate Bill 21-088* allows individuals who were abused as children to sue the institutions where it happened. The bill specifically creates a new civil cause of action that allows for claims to be made against an entity if officials knew about sexual misconduct with minors and no action was taken. The cause of action applies retroactively and victims whose assault occurred between January 1, 1960, and January 1, 2022, have a three-year window to file suit. The law caps how much victims may recoup from the lawsuits, with up to \$1.0 million from private entities and up to \$387,000 from governmental entities.

Employer responsibility. Respondent superior under the law means that an employer is liable for harm done by its employees. A recent Colorado Supreme Court case held that in a civil action when an employer admits liability for the actions of its employee, the plaintiff cannot file additional claims against the employer arising out of the same incident. *House Bill 21-1188* undoes the Supreme Court finding and allows a plaintiff to bring multiple claims against an employer.

Civil Law and Courts (cont'd)

Courts

The General Assembly passed two measures to alleviate the pandemic-related jury trial backlog. They also lessened the burden of court-ordered debt, or money owed from involvement in the criminal justice system.

Judicial staffing. Jury trials stacked up during the pandemic, significantly straining judicial system operations and resources. Mobilizing additional judges was recommended as one way to tackle this backlog, but it is a timely process to vet and hire new judges. *House Bill 21-1136* makes it easier for retired judges to return under the existing senior judge program and assist with shortening the jury trial queue. The bill offers flexibility for judges who want to resume judicial duties for shorter stints and also addresses pay and retirement.

Speedy trials. Colorado's speedy trial statute requires a criminal defendant to stand trial within six months of entering a "not guilty" plea, after which charges may be dismissed. Judges and others in the criminal justice system raised concerns that the current trial backlog will adversely impact speedy trials and asked legislators for timing flexibility in state law. The General Assembly responded by passing *House Bill 21-1309*, which makes exceptions to this six month speedy trial deadline. The measure allows trials to be delayed an additional six months due to the COVID-19 pandemic if a case meets certain criteria.

Court-ordered debt. Fees, fines, and other surcharges are imposed by courts on individuals convicted of a crime or a civil infraction. If left unpaid this debt can increase with yearly interest or result in further penalties.

Colorado previously suspended drivers' licenses for unpaid court debt. Without a driver's license, it is difficult to maintain employment, attend school, and obtain health care, among other important tasks. In response, the General Assembly passed *House Bill 21-1314*, which prohibits drivers' licenses suspension because of unpaid court debt.

In addition, Colorado lawmakers heard that juvenile legal financial obligations piled debt onto often struggling families and kept youth involved in the system, instead of attending school and treatment, or learning job skills. *House Bill 21-1315* abolishes certain juvenile justice system fees and forgives outstanding debt.