NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 13-1086

BY REPRESENTATIVE(S) Wilson, Gardner, Gerou, Holbert, Kagan, McLachlan, Mitsch Bush, Pabon, Salazar, Schafer, Stephens, Young; also SENATOR(S) Grantham, King.

CONCERNING THE PREPARATION OF THE RECORD IN APPEALS FROM COUNTY COURT JUDGMENTS.

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

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

13-6-311. Appeals from county court - simplified procedure. (2) (a) Upon the deposit of the estimated record fee, the clerk of the court shall prepare and issue as soon as possible a record of the proceedings in the county court, including the summons, the complaint, proof of service, and the judgment. The record shall also include a transcription of such part of the actual evidence and other proceedings as the parties may designate or, in lieu of transcription, to which they may stipulate. If a stenographic record has been maintained or the parties agree to stipulate, the party appealing shall lodge with the clerk of the court the reporter's transcript of the designated evidence or proceedings or a stipulation covering such items within forty-two days after ~~judgment~~ THE FILING OF THE NOTICE OF APPEAL.

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

If the proceedings have been ~~electrically~~ recorded ELECTRONICALLY, the transcription of designated evidence and proceedings shall be prepared in the office of the clerk of the county court, either by him or her or under his or her supervision, within forty-two days after ~~judgment~~ THE FILING OF THE NOTICE OF APPEAL.

(b) The clerk shall notify, in writing, the opposing parties of the completion of the record, and the parties have twenty-one days within which to file objections. If none are received, the record shall be certified forthwith by the ~~judge~~ CLERK. 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 2. In Colorado Revised Statutes, 16-2-114, **amend** (3) as follows:

16-2-114. Appeals. (3) Upon the filing of a notice of appeal and upon the posting of any advance costs by the appellant, as are required for the preparation of a record, unless the appellant is granted leave to proceed as an indigent, the clerk of the county court shall prepare and issue as soon as possible a record of the proceedings in the county court, including the summons and complaint or warrant, the separate complaint if any has been issued, and the judgment. The record shall also include a transcription or a joint stipulation of such part of the actual evidence and other proceedings as the parties designate. If the proceedings have been ~~electrically~~ recorded ELECTRONICALLY, the transcription of designated evidence and proceedings shall be prepared in the office of the clerk of the court, either by him or her or under his or her supervision, within forty-two days after ~~judgment~~ THE FILING OF THE NOTICE OF APPEAL or within such additional time as may be granted by the county court. The clerk shall notify in writing the opposing parties of the completion of the record, and such parties shall have fourteen days within which to file objections. If none are received, the record shall be certified forthwith by the ~~judge~~ CLERK. If objections are made, the parties shall be called for hearing and the objections settled by the county judge and the record then certified.

SECTION 3. Effective date - applicability. This act takes effect July 1, 2013, and applies to an appeal from a judgment entered 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.

Mark Ferrandino SPEAKER OF THE HOUSE OF REPRESENTATIVES	John P. Morse PRESIDENT OF THE SENATE
Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Cindi L. Markwell SECRETARY OF THE SENATE

APPROVED_____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO