

SB21-173

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gonzales

1 Amend printed bill, page 8, strike lines 13 through 27.

2 Page 9, strike lines 1 through 5 and substitute:

3 "SECTION 6. In Colorado Revised Statutes, **amend** 13-40-118
4 as follows:

5 **13-40-118. Deposit of rent.** (1) In all appeals from the judgment
6 of a county court, in an action founded upon section 13-40-104 (1)(d), the
7 defendant, at the time of the filing thereof, shall deposit with the court the
8 amount of rent found due and specified in ~~such~~ THE judgment. Unless
9 ~~such~~ THE deposit is made, the appeal is not perfected, and proceedings
10 upon ~~such~~ THE judgment ~~shall thereupon~~ MUST be had accordingly. If the
11 appeal is perfected, the court shall transmit ~~such~~ THE deposit to the clerk
12 of the appellate court, with the papers in ~~such~~ THE case; and the appellant
13 thereafter, at the time when the rents become due as specified in the
14 judgment appealed from and as often as the same become due, shall
15 deposit the amount thereof with the clerk of ~~such~~ THE appellate court. In
16 case the appellant, at any time during the pendency of ~~such~~ THE appeal
17 and before final judgment therein, neglects or fails to make any deposit
18 of rent, falling due at the time specified in the judgment appealed from,
19 the court in which such appeal is pending, upon such fact being made to
20 appear and upon motion of the appellee, shall affirm the judgment
21 appealed from with costs; and proceedings thereupon ~~shall~~ MUST be had
22 as in like cases determined upon the merits.

23 (2) A DEPOSIT SHALL NOT BE REQUIRED TO PERFECT AN APPEAL IF
24 A COUNTY, DISTRICT, OR APPEALS COURT IS SATISFIED THAT THE
25 DEFENDANT IS UNABLE TO DEPOSIT THE AMOUNT OF RENT SPECIFIED IN
26 THE JUDGMENT BECAUSE THE DEFENDANT IS FOUND TO BE INDIGENT
27 PURSUANT TO SECTION 13-16-103. UPON A FINDING OF INDIGENCY AND
28 THE FILING OF THE PROPER APPEAL DOCUMENTS PURSUANT TO THE
29 COLORADO APPELLATE RULES, THE APPEAL WILL BE PERFECTED AND A
30 JUDGMENT CANNOT BE EXECUTED."

31 Renumber succeeding sections accordingly.

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