

NOTE: This bill has been prepared for the signature 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 10-1291

BY REPRESENTATIVE(S) Priola, Acree, Apuan, Balmer, Bradford, Kerr J., King S., Labuda, Levy, Liston, Looper, Massey, McCann, McFadyen, McNulty, Middleton, Murray, Nikkel, Sonnenberg, Stephens, Swalm, Waller, Court, Gardner B., Kefalas, Pace, Schafer S., Summers, Todd, Vigil;
also SENATOR(S) Newell, Hodge, Mitchell.

CONCERNING THE ELIMINATION OF CERTAIN WITNESS FEES, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 13-33-102 (1), (2), (3), (4), and (6), Colorado Revised Statutes, are amended to read:

13-33-102. Fees of witnesses. (1) ~~Witnesses shall receive for attending in any court of record, except municipal courts, court commissioner, or magistrate, the following fees: In counties of the first class, one dollar and fifty cents per day; second class, two dollars per day; third class, two dollars per day; fourth class, two dollars and fifty cents per day; fifth class, two dollars and fifty cents per day.~~

(2) ~~For attending before a municipal court, witnesses shall receive~~

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

~~the following fees. In counties of the first class, fifty cents per day; second class, seventy-five cents per day; third class, one dollar per day; fourth class, two dollars per day; fifth class, two dollars per day; except that the governing body of a municipality may, by resolution or ordinance, set higher or lower fees for attending its municipal court.~~

~~(3) For attending inquest over dead body before coroner, witnesses shall receive the same fees as provided in subsection (2) of this section for witnesses attending before a municipal court, to be paid out of the county treasury.~~

(4) Witnesses in courts of record called to testify only to an opinion founded on special study or experience in any branch of science or to make scientific or professional examinations and state the result thereof shall receive ~~additional~~ compensation, to be fixed by the court, with reference to the value of the time employed and the degree of learning or skill required.

(6) Notwithstanding the provisions of subsections ~~(1) to (5)~~ (4) AND (5) of this section, the witness fee specified in this section shall not be paid to any witness who at the time of testifying is in the legal custody of any state or federal agency or any local law enforcement agency and whose transportation to court is provided at government expense.

SECTION 2. Repeal. 1-1-113 (2), Colorado Revised Statutes, is repealed as follows:

1-1-113. Neglect of duty and wrongful acts - procedures for adjudication of controversies - review by supreme court. ~~(2) The petitioner shall be required to deposit in court the statutory witness fees pursuant to section 13-33-102, C.R.S., for each person cited or summoned into court as a party or a witness, to be paid to the party or witness if the charge is not sustained. The money so deposited shall be returned to the party depositing it if any of the charges are sustained.~~

SECTION 3. Appropriation - adjustments to the 2010 long bill. For the implementation of this act, the general fund appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2010, to the judicial department, trial courts, for district attorney mandated costs, is decreased by seventeen thousand three hundred dollars (\$17,300).

SECTION 4. Specified effective date - applicability. This act shall take effect July 1, 2010, and shall apply to witnesses appearing on or after said date.

SECTION 5. 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.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO