

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.



HOUSE BILL 10-1395

BY REPRESENTATIVE(S) Gardner B., Kagan, King S., Levy, Liston,
Nikkel, Waller, Carroll T.;
also SENATOR(S) Steadman, Newell.

CONCERNING INTERLOCUTORY APPEALS IN CIVIL CASES.

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

SECTION 1. The introductory portion to 13-4-102 (1), Colorado Revised Statutes, is amended to read:

13-4-102. Jurisdiction. (1) Any provision of law to the contrary notwithstanding, the court of appeals shall have initial jurisdiction over appeals from final judgments of, AND INTERLOCUTORY APPEALS OF CERTIFIED QUESTIONS OF LAW IN CIVIL CASES PURSUANT TO SECTION 13-4-102.1 FROM, the district courts, the probate court of the city and county of Denver, and the juvenile court of the city and county of Denver, except in:

SECTION 2. Article 4 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-4-102.1. Interlocutory appeals of determinations of questions

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

of law in civil cases. (1) THE COURT OF APPEALS, UNDER RULES PROMULGATED BY THE COLORADO SUPREME COURT, MAY PERMIT AN INTERLOCUTORY APPEAL OF A CERTIFIED QUESTION OF LAW IN A CIVIL MATTER FROM A DISTRICT COURT OR THE PROBATE COURT OF THE CITY AND COUNTY OF DENVER IF:

(a) THE TRIAL COURT CERTIFIES THAT IMMEDIATE REVIEW MAY PROMOTE A MORE ORDERLY DISPOSITION OR ESTABLISH A FINAL DISPOSITION OF THE LITIGATION; AND

(b) THE ORDER INVOLVES A CONTROLLING AND UNRESOLVED QUESTION OF LAW.

(2) A MAJORITY OF THE JUDGES WHO ARE IN REGULAR ACTIVE SERVICE ON THE COURT OF APPEALS AND WHO ARE NOT DISQUALIFIED MAY, IF APPROVED BY RULES PROMULGATED BY THE COLORADO SUPREME COURT, ORDER THAT AN INTERLOCUTORY APPEAL PERMITTED BY THE COURT OF APPEALS BE HEARD OR REHEARD BY THE COURT OF APPEALS EN BANC.

SECTION 3. Act subject to petition - effective date. 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

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