

CHAPTER 31

COURTS

HOUSE BILL 16-1057

BY REPRESENTATIVE(S) Ransom, Conti, Kagan, Saine, Windholz;
also SENATOR(S) Merrifield, Aguilar, Garcia, Grantham, Heath, Hodge, Holbert, Jones, Kerr, Newell, Steadman, Todd, Ulibarri.

AN ACT**CONCERNING STATUTORILY ESTABLISHED TIME PERIODS THAT ARE MULTIPLES OF SEVEN DAYS.**

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

SECTION 1. In Colorado Revised Statutes, 19-1-108, **amend** (3) (c) introductory portion, (3) (c) (II), and (5.5) as follows:

19-1-108. Magistrates - qualifications - duties. (3) (c) In proceedings under article 3 of this title, the right to require a hearing before a judge ~~shall be deemed~~ is waived unless:

(II) A request is made by a party or the people of the state of Colorado in writing within ~~five~~ SEVEN days after receipt of notice of the setting if the matter is set for hearing outside of the presence of counsel for a represented party or if the matter is set on notice.

(5.5) A request for review ~~shall~~ MUST be filed within ~~fifteen~~ FOURTEEN days for proceedings under articles 2, 4, and 6 of this title or within ~~five~~ SEVEN days for proceedings under article 3 of this title after the parties have received notice of the magistrate's ruling and ~~shall~~ MUST clearly set forth the grounds relied upon. Such review ~~shall be~~ IS solely upon the record of the hearing before the magistrate and ~~shall be~~ IS reviewable upon the grounds set forth in rule 59 of the Colorado rules of civil procedure. A petition for review ~~shall be~~ IS a prerequisite before an appeal may be filed with the Colorado court of appeals or Colorado supreme court. The judge may, on his or her own motion, remand a case to another magistrate after action is taken on a petition for review.

SECTION 2. Effective date - applicability. (1) (a) This act takes effect on July

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

1, 2016, and, except as provided in subsection (2) of this section, applies to:

(I) Time intervals that are counted forward and, under the provisions of this act, commence and end with dates on or after July 1, 2016; and

(II) Time intervals that are counted backwards and, under the provisions of this act, commence and end with dates after June 30, 2016.

(b) For purposes of this subsection (1), in determining the date that a time interval commences, the first day of the period is counted.

(2) This act does not apply to modify the settings of any dates or time intervals set by an order of a court entered before July 1, 2016.

(3) The general assembly requests the supreme court to provide by rule, order, or other similar guidance examples of various time intervals related to civil, criminal, and juvenile procedures that are counted forward and that are counted backward and to which this act applies and to which this act does not apply pursuant to subsection (1) of this section.

SECTION 3. 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.

Approved: March 18, 2016