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0085 Implementation of the New Judicial Article

Report to the Colorado General Assembly

IMPLEMENTATION OF THE NEW JUDICIAL ARTICLE



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 85

DECEMBER, 1963

LEGISLATIVE COUNCIL
OF THE
COLORADO GENERAL ASSEMBLY

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* * * * *

The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

IMPLEMENTATION
OF THE
NEW JUDICIAL ARTICLE

LEGISLATIVE COUNCIL
REPORT TO THE
COLORADO GENERAL ASSEMBLY

Research Publication No. 85
December, 1963

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222-9911—EXTENSION 2285

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Rep. John L. Kane
Rep. William O. Lennox
Rep. John W. Nichols
Rep. Clarence H. Quinlan

To Members of the Forty-fourth Colorado General Assembly:

Transmitted herewith is the report of the Legislative Council Committee on Amendment No. 1. This report covers the committee's study and its recommendations on the implementation of the new judicial article, including drafts of proposed legislation.

Respectfully submitted,

/s/ Senator Carl W. Fulghum,
Chairman Committee on
Amendment No. 1

CWF/cg

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Chairman
Sen. Fay DeBarard
Vice Chairman

COLORADO GENERAL ASSEMBLY



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222-9911-EXTENSION 2285
November 22, 1963

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Rep. William O. Lennox
Rep. John W. Nichols
Rep. Clarence H. Quintan

Representative C. P. Lamb
Colorado Legislative Council
341 State Capitol
Denver, Colorado

Dear Representative Lamb:

Transmitted herewith is the report of the Legislative Council Committee on Amendment No. 1. This report covers the committee's study and its recommendations on the implementation of the new judicial article, including drafts of proposed legislation.

Respectfully submitted,

/s/ Carl W. Fulghum, Chairman
Committee on Amendment No. 1

CWF/cg

FOREWORD

House Joint Resolution No. 25 (1963) directed the Legislative Council to appoint the members of the judicial committees of both houses to make a study of Amendment No. 1, adopted at the 1962 general election, providing for judicial reorganization and to prepare the necessary implementing and corrective legislation required by the amendment.

The members of the joint committee making this study included: Senator Carl Fulghum, Glenwood Springs, chairman; Representative William Myrick, Englewood, vice chairman; Senator Robert Allen, Denver; Senator Edward J. Byrne, Denver; Senator Vernon Cheever, Colorado Springs; Senator William Chenoweth, Denver; Senator Wilkie Ham, Lamar; Senator Donald Kelley, Denver; Senator Wilson Rockwell, Maher; Senator Dale Tursi, Pueblo; Senator Paul Wenke, Fort Collins; Senator Earl Wolvington, Sterling; Representative Ruth Clark, Fort Collins; Representative Clarence Decker, Denver; Representative Robert Eberhardt, Denver; Representative William Griffith, Denver; Representative Andrew Kelly, Denver; Representative Ben Klein, Denver; Representative John Mackie, Longmont; Representative Harold McCormick, Canon City; Representative Norman Ohlson, Colorado Springs; Representative H. Ted Rubin, Denver; Representative William Stevens, Gypsum; and Representative Oakley Wade, Las Animas.

Pursuant to the provisions of House Joint Resolution No. 25 (1963), the committee appointed an advisory committee consisting of the following members: Chief Justice Albert T. Frantz, Colorado Supreme Court; Judge Clifford Darrow, 9th Judicial District; Judge Neil Horan, 2nd Judicial District; Judge Robert B. Lee, 18th Judicial District; Judge George McLachlan, 15th Judicial District; Judge Hilbert Schauer, 13th Judicial District; Judge Hubert Glover, Pueblo County Court; Judge J. Robert Miller, Larimer County Court; Judge Howard Purdy, Fremont County Court; Judge Charles J. Simon, El Paso County Court; Judge Daniel Shannon, Jefferson County Justice Court; Judge Robert Asher, Logan County Justice Court; Judge Howard Current, Boulder County Justice Court; Judge Rex Scott, Boulder Municipal Court; Professor Douglas Parker, University of Colorado Law School; Professor Robert Yegge, University of Denver Law School; Howard Ashton, Hardin Holmes, Richard Simon, Stewart Shafer, and James M. Pughe, Colorado Bar Association; Robert Awenius, District Court Clerks' Association; Lanceford C. Bjella, Certified Court Reporters' Association; Captain Richard Schippers, Colorado State Patrol, Donald Puffer, Retail Creditmen's Association; Douglas McHendrie, Denver; and Albert J. Tomsic, Walsenburg.

The staff work on this study was the primary responsibility of Harry O. Lawson, Legislative Council senior research analyst, assisted by Roger Weber, Legislative Council research assistant. Professor Albert Menard, University of Colorado Law School, served as legal consultant to the committee.

The Legislative Council Committee on Amendment No. 1 held 19 meetings between April 1963 and December 1963. Ten of these meetings were regional public hearings, held in Alamosa, Denver (two days), Durango, Glenwood Springs, Grand Junction, Fort Collins, Pueblo (two days) and Sterling. At these hearings, judges, other court officials,

legislators, county commissioners, other public officials, attorneys, and interested citizens met with the committee to discuss local needs and to present recommendations for the implementation of the new judicial article. The committee also met with the Colorado Bar Association and held several workshop sessions (including five two-day meetings) at which time the committee reviewed and revised the proposed implementing legislation.

The committee wishes to express its deep appreciation to the members of the advisory committee, who spent many days at their own expense attending the regional hearings and the workshop sessions. The assistance provided by advisory committee members in exploring the problems involved in the implementation of the new judicial article and in developing recommendations for such implementation was invaluable. The committee also wishes to thank all of the judges, attorneys, and others for their assistance, both individually and through their various associations and committees. In particular, the committee would like to thank Jack F. Healy, judicial administrator, for his help throughout the study; Presiding Judge William Burnett, Denver Municipal Court, the judges and other members of his staff for their assistance generally and, in particular, for the use of the municipal court rooms for a demonstration of electronic recording equipment; and Kenneth Johnson, district court clerk, Larimer County, for his valuable suggestions concerning the transfer of court records and other administrative matters.

This report also includes drafts of the proposed implementing legislation approved by the committee following its lengthy deliberations. The length and scope of this legislation illustrates the magnitude of the committee's assignment.

December, 1963

Lyle C. Kyle
Director

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IMPLEMENTATION OF THE NEW JUDICIAL ARTICLE

Provisions of Amendment No. 1

Amendment No. 1, adopted at the 1962 general election, repealed and replaced Article VI of the Colorado Constitution, which provides for the state's judicial system. In addition, Amendment No. 1 repealed Article XIV, Section 11 of the constitution, which provided for justices of the peace and constables as constitutional officers.¹ Most of the provisions of the new judicial article are scheduled to take effect on the second Tuesday in January, 1965. Consequently, it is necessary for the General Assembly to pass the implementing and corrective legislation during the 1964 session, no action being taken during the 1963 session.

Court Structure

The new judicial article provides that the judicial power of the state shall be vested in a supreme court, district courts, a probate court in the City and County of Denver, a juvenile court in the City and County of Denver, county courts, and such other courts or judicial officers with jurisdiction inferior to the supreme court as the General Assembly may establish.

The supreme court, district courts, and county courts are retained from the previous judicial article. Justice of the peace courts are eliminated as constitutional courts; the Denver juvenile court is given constitutional status; and the Denver probate court is created as a constitutional court. The authority of the General Assembly to establish other courts inferior to the supreme court was also contained in the previous judicial article.

Original Jurisdiction

The district court continues to be the trial court of general jurisdiction, with probate matters expressly included within the court's jurisdiction, except in the City and County of Denver, where the Denver probate court is given such jurisdiction. The Denver juvenile court is given exclusive jurisdiction over juvenile matters within the city and county, and the probate court is given exclusive jurisdiction over mental health cases within the city and county. In the rest of the state, juvenile and mental health jurisdiction would be in the district court under its general jurisdictional authority, unless the General Assembly were to place this jurisdiction in the county court or in a new statutory court. Such jurisdiction could not be given exclusively to another court by the General Assembly, however, and would have to be shared with the district court.

County Court. The General Assembly is given the authority to prescribe the jurisdiction of the county court within certain limits prescribed by the new judicial article. County courts are barred from

1. The full text of the new judicial article is attached to this report as Appendix A.

having jurisdiction of felonies or in civil cases where the boundaries or title to real property shall be in question. The General Assembly is also given the authority to provide simplified procedures in county court for claims not exceeding \$500 and for the trial of misdemeanors.

Appellate Jurisdiction

The new judicial article provides that the supreme court shall continue as the highest state court of review. The right of appellate review by the supreme court of final judgments of the district courts and the Denver probate and juvenile courts is also provided in the new judicial article. The General Assembly is given the authority to establish the appellate jurisdiction of the district and county courts.

Other Provisions

Supreme Court. The qualifications for supreme court justices have been increased by providing that to be eligible a person shall have been licensed to practice law in this state for five years at the time of his election or selection. The previous requirement was that such person be learned in the law. The administrative authority of the supreme court over other state courts and the supreme court's rule making power are clarified in the new judicial article. The supreme court is also authorized to select a chief justice by court rule. Under the old judicial article, the position was a rotating one; the justice with the fewest years to serve in a regular term became chief justice for a 12-month period. The number of members of the supreme court may be increased from seven to nine upon request of the supreme court and approval by two-thirds of the members of each house of the General Assembly. Generally, in other respects the provisions of the new and old judicial articles concerning the supreme court are similar.

District Court. The eligibility requirements for district judges were also increased in the same way as for supreme court justices. Generally, the provisions of the old judicial article pertaining to judicial district boundaries and increases and decreases in the number of district judges were carried forward in the new judicial article. These changes still require a two-thirds vote of each house of the General Assembly. There were a few major changes and additions, however. Under the new judicial article, a district judge still may not have his office abolished during the term for which he was elected or appointed, but he may be required to serve in a judicial district other than his own, as long as such district encompasses his county of residence. Further, district court terms are to be established by court rule rather than statute, and separate divisions of the district court may also be established by court rule in the absence of any statutory provisions for court divisions.

County Court. The General Assembly is authorized to establish the qualifications for the office of county judge and the number of county judges in each county. Under the old judicial article, each county was allowed only one county judge. An exception is made in the new judicial article for the City and County of Denver, however. The new judicial article provides that the number, manner of selection,

and term of office of the judges of the Denver county court shall be as provided in Denver's charter and ordinances.

Judicial Selection. Supreme court justices, district judges, and county judges (Denver excepted) will continue to be elected under the new judicial article in the same way and for the same terms as they have in the past.² Judges of the Denver juvenile and probate courts must meet the same qualifications and shall be elected for the same terms as district judges.

The previous judicial article required that all district judges be elected at the same general election, with a similar provision applying to county judges. When a vacancy occurred under the old judicial article, the person appointed to fill the vacancy (or his successor) was elected at the next general election for the remainder of the unexpired term.

Under the new judicial article, the requirement that all judges of the same court be elected for full terms at the same time has been eliminated. The removal of this restriction makes it possible to elect for full terms in 1964 those additional district judges required in the implementation of the new judicial article. The vacancy provisions have also been altered. Judges elected to fill a vacancy shall serve a full term rather than the remainder of the unexpired term. The net effect of these changes will be staggered terms of office, assuring continuity on the court and a reduction of the number of judicial positions appearing on the ballot at any one general election in multi judge districts and counties.

Basic Implementation Problems

Administration of Justice Committee

The Legislative Council Committee on the Administration of Justice, which drafted the new judicial article, did not adopt specific enabling legislation to be presented to the General Assembly upon passage of the amendment, even though there was general agreement among most committee members on the organization and structure of the new court system. The Administration of Justice Committee, however, had some preliminary drafts of implementing legislation prepared which generally followed the committee views on the new court system. These drafts, while not approved by the Administration of Justice Committee, have served two important purposes: 1) as an illustration of the court system generally proposed by the committee which drafted the judicial article; and 2) as a starting point for further discussion and development of the implementing legislation to be placed before the General Assembly for its consideration.

The Administration of Justice Committee generally favored a two-level trial court system outside of Denver, with a transfer of important jurisdiction such as probate, mental health, and juvenile matters to the district court from the county court. It was proposed

2. Supreme court -- ten years, district court -- six years, county court -- four years.

that the new county court would be a court of relatively minor jurisdiction which would be readily accessible to the public and where matters could be quickly decided. Adoption of simplified procedures would allow litigants to bring matters before the new county court without an attorney if they so chose. It was the intent to require lawyer county judges to the greatest extent possible and to provide more than one county judge in those counties where caseload and/or geography so required. Further, the Administration of Justice Committee favored the elimination of trials de novo (retrying cases on appeal) to the greatest extent possible, although it had not worked out precisely the appellate procedure for district and county courts.

The new judicial article was designed to be sufficiently flexible to allow not only for implementing legislation along the general lines favored by the committee, but also to permit the General Assembly to increase or decrease the number of judges, change jurisdiction (within the limits prescribed in the new judicial article), and create additional courts or judicial officers as might be needed to meet changing conditions and needs. In fact, it would be possible under the new judicial article for the General Assembly to re-establish justice of the peace courts, if it so desired.

Scope and Development of Present Study

During the first two months of the 1963 session of the General Assembly, a number of informal meetings were held to explore the possibilities of drafting implementing legislation for consideration during the 1963 session. These meetings involved judges, bar association officials, other attorneys, and a number of legislators, including the chairmen of the senate and house judiciary committees. As a consequence of these meetings, it was decided that it would not be possible to prepare implementing legislation for consideration at the 1963 session.

There were several reasons for this decision:

- 1) the general lack of agreement at these meetings on some of the major aspects of implementation, primarily county court jurisdiction, numbers of district judges, and judicial district boundaries;
- 2) the request from the bench and bar in several areas of the state for the opportunity to discuss problems peculiar to these areas;
- 3) the comprehensive scope of the new legislation and statutory changes involved in implementing the new judicial article; and
- 4) the concern over the cost of implementation and the need to give thorough consideration to all of the fiscal ramifications.

Accordingly, it was decided that the members of the senate and house judiciary committees should serve on a joint interim committee to prepare implementing legislation to be considered at the 1964 session of the General Assembly, with staff services to be provided by the Legislative Council. This study committee was one of several authorized by House Joint Resolution No. 25 (1963).

Regional Hearings. At its organization meeting on April 26, 1963, the Committee on Amendment No. 1 decided to hold a series of regional hearings to discuss the implementation of the new judicial article generally and local problems specifically, and a meeting schedule and agenda were also adopted.

Judges, local bar association members, legislators, other officials, and the general public were notified considerably in advance of the time and place of the regional hearings. The local bar association in each area held a series of meetings prior to the regional hearing to prepare a report for presentation to the committee. To assist the local bar associations, judges, and others in their deliberations prior to the regional hearings, the committee prepared and distributed a reference report which included:³

- 1) outline of subjects to be covered by the implementing legislation;
- 2) data on caseloads, estimated number of judges, and proposed district boundary changes;
- 3) preliminary recommendations and comments by local bar associations;
- 4) preliminary drafts of implementing legislation prepared by the Administration of Justice Committee;
- 5) text of the new judicial article; and
- 6) meeting schedule and topical agenda.⁴

Regional Hearing Summary. The regional hearings were well attended, and the committee was presented with comprehensive written and oral statements, including recommendations.⁵ With few exceptions, all of the local bar associations made written reports. Written recommendations and comments were also received from the district judges' association and from the county judges' association. The discussions at the regional hearings centered mainly on the following subjects:

- 1) County Court: jurisdiction, number of judges, judicial qualifications and salaries, simplified procedures, court of record provisions, appellate procedures, and place of holding court.
- 2) District Courts: jurisdiction (as to juvenile, mental health, and domestic relations matters), district boundaries, number of district judges, powers and authorities of court clerks and referees (with particular reference to probate matters), and appellate procedure.

3. Source Book: Implementation of Amendment No. 1, Reference Material and Proposed Drafts. Colorado Legislative Council, April, 1963.

4. See Appendices B(1) and B(2) for the complete agendas used at the regional hearings.

5. Copies of the minutes of the regional hearings are available in the files of the Legislative Council.

3) Other: court fees, transfer of cases and records, transfer of judges, salaries of court personnel, and judicial budget control and method of financing.

County Court Jurisdiction. The foremost matter of concern at the regional hearings (aside from judicial district boundaries and number of district judges) was the jurisdiction of the new county court. The question of county court jurisdiction is extremely important, because the decision made on this matter will set the pattern for the whole judicial system. Although a variety of recommendations on county court jurisdiction were made, there were two major viewpoints on this question, which may be summarized as follows:

1) Substantial Jurisdiction. The top limit of the county court's civil jurisdiction should be \$5,000. In addition, the county court should have concurrent jurisdiction over juvenile, mental health, and domestic relations matters. The advocates of this point of view state that the county court should have substantial jurisdiction to give it important status and to attract qualified, competent persons to the position of county judge. Further, the increased jurisdiction should provide a sufficient caseload to pay an adequate salary, so that judges could be required to be lawyers in most counties, and it should also relieve some of the pressures on the district court. Failure to provide substantial jurisdiction in the county court will result in its becoming a glorified justice of the peace court, and few lawyers will be interested in the position. As a consequence, the major purpose of Amendment No. 1 (upgrading of the lower courts) would be defeated. It is also argued that juvenile and mental health matters should be handled by a local judge familiar with the community in which the problem arose.

2) Limited Jurisdiction. Those favoring limited jurisdiction recommend a top dollar limit in civil cases ranging from \$500 to \$2,000, with no jurisdiction in domestic relations, mental health, and juvenile matters. Possibly, county judges could be appointed by district judges as referees in mental health and juvenile matters in certain circumstances. Arguments supporting a county court of limited jurisdiction include: a) Overlapping jurisdiction between the county and district courts would be virtually eliminated, making for more efficient and economical administration of justice. b) A court does not need substantial jurisdiction to be held in high regard (for example, the Jefferson and Pueblo county justice of the peace courts and the Boulder and Denver municipal courts). c) Regardless of jurisdiction, it is not going to be possible to have lawyer judges in some 20 counties. Removal of important matters from the jurisdiction of non lawyer judges was a major objective of Amendment No. 1, and it would be complicated and cumbersome to set different jurisdictional limits for lawyer and non lawyer judge county courts, as well as possibly unconstitutional. In particular, juvenile, mental health, and domestic relations cases should be heard by a judge with legal training and the court resources to handle these matters properly. d) Lawyers will still be attracted to the position in many counties even with limited jurisdiction, because in most of them it will be a part-time salaried position and will not conflict with the practice of law in the district court (especially important with respect to probate matters).

Both points of view and the arguments pro and con were given serious consideration by the committee in its deliberations following the regional hearings.

Subjects Covered by Implementing Legislation

The following outline summarizes those subjects considered by the committee in arriving at its decisions on the legislation necessary to implement the new judicial article. These matters were discussed at the several workshop meetings following the regional hearings.

County Court

I. Jurisdiction

A) Civil

- 1) Upper dollar limit
- 2) Other matters
 - a) mental health
 - b) juvenile
 - c) domestic relations
 - d) birth certificates and change of name
 - e) injunctions

B) Criminal

- 1) Misdemeanors
- 2) Preliminary hearings and bindovers

C) Appellate (municipal court)

D) Difference in jurisdiction

- 1) Lawyer county judges and non lawyer county judges
- 2) Population or class of county

E) Simplified procedures

1) Civil

- a) need for both small claims and simplified procedures
- b) upper dollar limits
 - i) simplified procedures
 - ii) small claims, if adopted
 - iii) assigned claims
 - iv) stay of execution
 - v) prohibition of attorneys
- c) record provisions

2) Criminal

- a) jurisdiction
- b) appointment of counsel
- c) jury trial
- d) record provisions

II. Appeal Procedure

A) Right of removal (to district court)

- 1) Civil cases
- 2) Criminal cases

- 3) Lawyer judge courts
- 4) Non lawyer judge courts
- 5) Simplified procedures
 - a) civil
 - b) criminal
- 6) Removal to:
 - a) district court
 - b) lawyer county judge
 - c) district judge sitting in county court

B) Appeal procedure

- 1) Differentiation (if any) between lawyer and non lawyer judge county courts
- 2) Civil
- 3) Criminal
- 4) Simplified procedure (small claims)
 - a) civil
 - b) criminal
- 5) Appeal on record
- 6) De novo
 - a) circumstances
 - b) types of cases

III. Court of Record Provisions

A) Civil cases

- 1) Mandatory
- 2) Request of litigant

B) Criminal cases

- 1) Mandatory
- 2) Request of defendant

C) Simplified procedure

- 1) Civil
 - a) mandatory
 - b) request of litigant
- 2) Criminal
 - a) mandatory
 - b) request of defendant

D) Means of securing record

- 1) Certified court reporters
- 2) Non certified court reporters
- 3) Mechanical and/or electronic devices
- 4) Any of above methods

IV. County Judges

A) Qualifications

- 1) Lawyer judges
 - a) size of county or other determining factors

- b) alternative if no lawyer runs or accepts appointment
- c) full-time lawyer judges
 - i) basis for determination
 - ii) counties affected
- d) part-time lawyer judges
 - i) basis for determination
 - ii) counties affected
- 2) Non lawyer judges
 - a) qualifications
 - b) size of county or other determining factors

B) Number of county judges

- 1) Multi judge counties
 - a) counties with more than one judge
 - b) additional judges full or part time
 - c) method of selecting additional judges
 - i) election
 - ii) appointment

C) Other duties

- 1) Sit as district judges
- 2) Act as referees for district judges
 - a) circumstances and types of cases
 - b) authority
- 3) Serve as municipal judges or police magistrates if so appointed

D) Salary

- 1) Method of classification
 - a) size of county
 - b) full time or part time
 - c) lawyer or non lawyer
- 2) Amount

V. Court Organization

A) Place of holding court

- 1) County seat
- 2) Other localities
- 3) Legislation
- 4) Court rule

B) Selection of presiding judge in multi judge counties

C) Court records

- 1) Multi judge counties
- 2) Courts elsewhere than county seat

D) Court clerks

- 1) Powers
- 2) Salaries

- E) Magistrates
 - 1) Need
 - 2) Method of selection
 - 3) Compensation
 - F) Service of process
 - G) Requirement for judicial bond
 - H) Transfer of justice of the peace cases
 - I) Court rules
 - J) Terms of court
- VI. Special Provisions re Traffic and Game and Fish Cases
- A) Waiver of right to be tried in county of alleged offense
 - B) Bonding procedures
 - C) Extension of penalty assessment system

District Court

I. District Organization

- A) Judicial district boundaries and proposed changes
 - 1) Proposed changes generally acceptable
 - a) 4th district -- transfer of Douglas County to 18th district (Arapahoe)
 - b) 6th district -- form new district with Montezuma and Dolores counties
 - c) 7th district -- divide district by making Mesa County a separate judicial district
 - d) 8th district -- divide district into three:
 - 1) Boulder, 2) Larimer and Jackson, and 3) Weld
 - 2) Proposed changes generally unacceptable and/or strongly opposed
 - a) 4th district -- transfer of Lincoln and Kit Carson counties to other judicial districts
 - b) 5th, 9th, and 14th districts -- consolidation of three districts into two
 - c) 15th district -- addition of Kit Carson County from 4th district
 - d) 16th district -- transfer of Bent County to 15th district, addition of Lincoln County
- B) Number of district judges

- C) Requirement as to residence of judges
 - 1) Specific problem districts
 - a) 3rd district -- judge needed in Walsenburg, as well as in Trinidad
 - b) 6th district -- if not divided, judge needed in Cortez, as well as in Durango
 - c) 11th district -- judge needed in Salida, as well as in Canon City
 - 2) Legality of residence requirements

II. District Court Divisions

- A) Legislation or court rule
- B) Number of divisions and types of cases
- C) Judicial election by division

III. Surrogate Authority and Appointment of Referees

- A) Types of cases
 - 1) probate
 - 2) juvenile
 - 3) mental health
 - 4) civil
 - 5) domestic relations
 - 6) other
- B) Nature and extent of surrogates' and/or referees' authority
- C) Surrogate and/or referee functions performed by:
 - 1) district court clerks
 - 2) county judges
 - 3) probation officers (juvenile matters)
 - 4) other
- D) Legislation or court rule
 - 1) Entirely by legislation
 - 2) Broad conveyance of authority by legislation, court rule as to designation of referee and/or surrogate and duties
 - 3) Entirely by court rule
 - 4) Rules promulgated by:
 - a) supreme court
 - b) individual districts

IV. Transfer of County Court Cases and Records

V. Other Matters

- A) Promulgation of rules of probate procedure
- B) Docket fees
 - 1) Continued state retention of 30 per cent
 - a) present district court jurisdiction
 - b) jurisdiction transferred from county court
 - 2) Docket fee increase
 - a) amount
 - b) types of cases and procedures
- C) Number of court employees and salaries
 - 1) Determination by district judges
 - 2) Legislative provision of salary levels
 - a) maximum
 - b) minimum
 - c) categories of employees affected
 - 3) Review by county commissioners
 - 4) Need for separate judicial levy

City and County of Denver

I. Probate Court

- A) Number of judges
- B) Review of original proposed legislation
- C) Relationship to probate procedures in other districts

II. Juvenile Court

- A) Number of judges
- B) Review of original proposed legislation
- C) Relationship to juvenile procedures in other districts

III. Superior Court

- A) Retention of superior court
 - 1) Alternatives to retention
 - a) appellate review by district court
 - b) appellate review by another county judge or division
 - 2) Need for retention
 - a) appellate review burden on other courts
 - b) alleviation of case load burden on other courts through concurrent original jurisdiction

- B) Jurisdiction⁶
 - 1) Appellate
 - a) municipal
 - b) county court
 - 2) Original
 - a) civil
 - i) limit, upper and/or lower
 - ii) kinds of cases
 - iii) simplified procedure
 - b) criminal
- C) Qualification, salaries, number of judges, etc.
 - 1) Qualifications
 - 2) Salary
 - 3) Number of judges
 - 4) Length of term
- D) Court of record provisions
 - 1) All cases in which court has concurrent original jurisdiction
 - 2) If not all cases, which ones?
 - 3) Method of making record
- E) Appeal procedure
 - 1) Similar to that conferred on district courts outside of Denver
 - 2) Different procedure
- F) Appeals from superior court
 - a) Differentiation between court's appellate and original jurisdiction
 - b) To supreme court
 - i) matter of right
 - ii) certiorari

IV. County -- Municipal Court

- A) Relationship of statutory provision on county court to city charter amendment
- B) Other matters not covered

Other Matters

- A) Juvenile detention facilities
 - 1) Statutory permission for such facilities to be constructed on a district-wide basis and for apportioning the cost thereof

6. B) through F) assume continuation of the Superior Court.

- 2) Statutory permission for inter district establishment of detention facilities and apportioning the cost thereof
- 3) Statutory provision for the use of detention facilities and payment therefore by other counties in a judicial district where one county already has such a facility (example -- El Paso County)

B) Probation

- 1) Extension of state aid to adult probation
 - a) basis
 - b) amount
- 2) Changes needed in juvenile probation statutes
 - a) authorize service on district basis
 - b) continuation of state aid
 - c) provide for multi district juvenile probation services (Tri-district Probation Department presently handles adults for the 1st, 17th, and 18th districts)

COMMITTEE RECOMMENDATIONS

Following is a summary of the recommendations of the Legislative Council Committee on Amendment No. 1 concerning the statutory implementation of the new judicial article.⁷

County Court

Jurisdiction

The new county court shall have concurrent original jurisdiction with the district court in civil actions (including torts) in which the debt, damage, or the value of the personal property claimed does not exceed \$500. The county court shall also have concurrent original jurisdiction with the district court in petitions for change of name, the issuance of corrected or delayed birth certificates, and in cases of forcible entry, forcible detainer, or unlawful detainer, except when such cases involve the boundary or title to real property or if the value of the monthly rental or the total damages claimed exceeds \$500.

The county courts shall have concurrent jurisdiction with the district court in all misdemeanors and in the issuance of restraining orders affecting breaches of the peace and shall also have jurisdiction in preliminary hearings and bindovers in felony cases, including the issuance of warrants.

Referees. All other jurisdiction (including domestic relations, mental health, and juvenile cases) shall be placed in the district court, except that district judges, in their discretion, may appoint county judges as referees in juvenile and mental health matters. County judges who serve as referees in juvenile and mental health cases shall not receive additional compensation for this service, but any expenses incurred shall be reimbursed by the district court. County judges who are designated as referees in other matters, however, shall be entitled to the same compensation as the district judge might award any non judicial referee so appointed.

Simplified Procedure

All civil cases brought in county court shall be tried under simplified civil procedure, such procedure to be provided by supreme court rules or, in the absence of such rules, by legislation. Parties to actions under simplified procedure may appear and act personally or may be represented by an attorney; provided that in claims involving accounts receivable or negotiable interests, parties to actions may be represented by an agent, except as limited by 28-1-27, CRS 1953.⁸ Simplified criminal procedure shall apply as to the means by which alleged offenders are brought before the county court. The trial and disposition of criminal matters in the county court shall follow the Colorado Rules of Criminal Procedure.

7. Drafts of the recommended legislation are attached to this report as Appendix D.
8. 28-1-27, CRS 1953 provides that it shall be a violation of this article for anyone engaged in the collection business to appear before any court in towns or cities of 100,000 population or more unless represented by a licensed attorney. Further, no (collection agency) licensee shall render or advertise that it will render legal service, but any licensee may solicit claims for collection, take assignments thereof, and pursue the collection thereof.

Number of Judges, Qualifications, and Salaries

Number of Judges. The number of county judges shall be one for each county, with the following exceptions: Denver (to be determined by charter and ordinances); Adams and Jefferson, three each; and Arapahoe, Boulder, El Paso, Pueblo, and Weld, two each. In addition, the office of associate county judge shall be created, and there shall be two categories of associate judge: part-time and temporary. All associate county judges shall be salaried, and no county may have more than two part-time associate judges. The position of part-time associate county judge shall be created by the board of county commissioners, and such positions shall be designated as one-half time or one-fourth time. A half-time associate judge shall receive a salary equal to one-half of that paid to the county judge, and a one-fourth time associate judge shall receive a salary equal to one-fourth of that paid to the county judge. The county judge shall appoint the part-time associate judges, who will serve at his pleasure.

In all counties not having more than one county judge, nor having a part-time associate judge, a temporary associate judge shall be appointed by the county judge. Temporary associate judges shall serve only when the county judge is incapacitated or absent from the county, and they shall be compensated on a per diem basis. The per diem allowance shall be equal to 1/240 of the county judge's salary and shall not exceed 30 days in any calendar year.

Qualifications. The qualifications for lawyer county judges shall be as presently provided by statute, with the addition of Alamosa County, and shall apply as follows:

Full-time Lawyer Judges: Denver, Adams, Arapahoe, Boulder, El Paso, Larimer, Jefferson, Mesa, Pueblo, and Weld counties.

Lawyer Judges (not full time): Otero, Morgan, Logan, Fremont, Las Animas, La Plata, Montrose, Delta, Montezuma, Prowers, Garfield, Rio Grande, and Alamosa counties.

County judges in all other counties may be attorneys, but are not required to be. Non lawyer county judges shall be required to be high school graduates and to attend a training institute established by the supreme court (unless excused by the supreme court). Such institute shall be held between election and the time the judge takes office. Expenses for attending the institute shall be paid by the counties. Lawyer county judges elected to that office for the first time may attend the training institute at county expense.

In the 10 largest counties, associate county judges (if such are appointed) shall have the same qualifications as the county judge. In the other 12 counties where lawyer judges are required, associate judges shall be attorneys, if possible. If no attorney will accept the position, the associate judge must have the same qualifications as a non lawyer county judge. In all other counties, an associate judge must have the same qualifications as a non lawyer county judge.

Salaries. With the exception of Denver County, county judges shall receive the same salaries as are presently provided by statute. County judges in the City and County of Denver shall receive an annual salary of \$12,000.

Table I. Table I shows the estimated new county court caseload for each county, the recommended number of county judges, and the present judicial salary which is recommended to remain in effect. All counties are included except Denver.

Table I

NEW COUNTY COURT^a ESTIMATED
CASELOADS, NUMBER OF JUDGES,^a AND SALARIES^b

<u>Counties</u>	<u>Estimated Caseload^c</u>	<u>Recommended No. of Judges</u>	<u>Recommended Salary</u>
<u>More than 50,000 Population (9)</u>			
El Paso	8,000	2 ^d	\$11,500
Jefferson	11,000	3 ^d	11,500
Adams	7,200	3 ^d	11,500
Pueblo	6,500	2 ^d	11,500
Arpahoe	7,200	2 ^d	11,500
Boulder	5,500	2 ^d	11,500
Weld	3,500	2 ^d	11,500
Larimer	3,000	1 ^d	11,000
Mesa	2,700	1 ^d	11,000
<u>10,000 - 25,000 Population (13)</u>			
Otero	1,200	1 ^d	\$ 9,200
Morgan	1,500	1 ^d	7,200
Logan	1,000	1 ^d	7,200
Fremont	1,000	1 ^d	7,200
Las Animas	1,200	1 ^d	7,200
La Plata	1,200	1 ^d	6,600
Montrose	1,500	1 ^d	6,600
Delta	750	1 ^d	6,000
Montezuma	1,000	1 ^d	6,000
Prowers	750	1 ^d	6,000
Garfield	850	1 ^d	6,000
Rio Grande	500	1 ^d	6,000
Alamosa	400	1	5,600
<u>7,000 - 10,000 Population (7)</u>			
Yuma	300	1	5,200
Conejos	550	1	5,200
Chaffee	450	1	5,200
Huerfano	600	1	5,200
Bent	375	1	5,000
Lake	400	1	5,000
Moffat	400	1	5,000
<u>5,000 - 7,000 Population (7)</u>			
Kit Carson	250	1	5,000
Washington	250	1	5,000
Routt	300	1	5,000
Baca	300	1	5,000
Gunnison	400	1	4,250
Lincoln	450	1	4,250
Rio Blanco	200	1	4,250
<u>3,500 - 5,000 Population (9)</u>			
Douglas	1,300	1	4,250
Eagle	400	1	4,250
Saguache	250	1	4,200
Phillips	100	1	4,200
Sedgwick	200	1	4,200
Costilla	200	1	4,200
Crowley	75	1	4,200
Elbert	175	1	4,200
Grand	450	1	4,200

Table I
(continued)

<u>Counties</u>	<u>Estimated Caseload^c</u>	<u>Recommended No. of Judges</u>	<u>Recommended Salary</u>
<u>2,000 - 3,500 Population (9)</u>			
San Miguel	200	1	\$ 4,200
Clear Creek	650	1	3,800
Cheyenne	100	1	3,800
Archuleta	200	1	3,800
Teller	100	1	3,800
Kiowa	75	1	3,800
Pitkin	100	1	3,800
Dolores	100	1	3,600
Summit	125	1	3,600
<u>Less than 2,000 Population (8)</u>			
Park	125	1	3,600
Jackson	100	1	3,200
Ouray	125	1	3,200
Custer	50	1	3,200
San Juan	35	1	3,000
Gilpin	125	1	3,000
Mineral	30	1	1,200
Hinsdale	15	1	1,200

a) Denver excluded.

b) Recommended.

c) Does not include delayed birth certificates and changes of name.

d) Lawyer judge required.

Record Provisions

The county court shall be a court of record, and full record shall be made of any county court case at the option of either litigant or upon the court's own motion. There shall be no charge except for the preparation of a transcript, and indigent criminal defendants shall receive records without charge. The court may determine the method by which the record is to be made, including the use of mechanical or electronic recording equipment.

Appellate Procedure

Appeals from the county court shall lie to the district court. The district court shall review the case on the record and affirm, reverse, remand, or modify the judgment; provided that the district court may remand the case for a new trial with such instructions as it may deem necessary, or it may try the case de novo. Appeals from municipal court shall lie to the county court, where they will be heard de novo. A record must be made if further appeal is to be taken to the district court. In Denver, municipal and county court appeals shall lie to the superior court.

Court Administration and Procedures

The county court shall sit at the county seat and may provide by rule for hearings and trials to be held within the county at locations other than the county seat. In each county with more than one county judge, the court shall designate a presiding judge by rule. If the presiding judge is not so designated, the supreme court departmental justice shall name the presiding judge.

In counties requiring full-time lawyer county judges, there shall be a clerk of the county court and such additional employees as deemed necessary by the court. The maximum salary for the clerk of the county court in these counties (except Denver) shall be \$6,000. In the other counties where lawyer judges are required, there shall also be a court clerk, whose maximum salary shall be \$4,800. In the remaining counties, the position of county court clerk shall be authorized by the county commissioners; however, the district court clerk may serve as the clerk of the county court with the concurrence of the judges of both courts. A consolidated clerical office may also be established in counties where non full-time lawyer judges are required, if the judges of the district and county courts agree.

In counties where the county judge serves as his own clerk, he shall be required to be bonded. In counties where the judge has a clerk, only the clerk shall be required to be bonded. Terms of court shall be established by court rule, but at least one term shall be held annually.

Special Provisions Concerning the Place of Trial in Misdemeanors

Normally, a defendant shall be required to appear in a county court in the county in which the alleged offense took place; however, for convenience certain exceptions have been provided: 1) If the alleged offense is a traffic violation for which a penalty assessment ticket could be issued, the defendant may elect to appear in the county court of an adjoining county if such is more convenient; or 2) For all other alleged misdemeanors, the offender may elect to be tried in an adjoining county, if the arresting officer and all other parties to the case agree.

In counties of more than 100,000 population, if the alleged offense takes place in the defendants county of residence, the case must be tried in that county, the exceptions listed above notwithstanding.

The county in which such cases are tried shall bear the costs of such trials, and shall receive any fees and fines (to the extent provided by law) resulting therefrom.

More liberal bonding procedures in traffic violations are also being considered by the committee for incorporation in the implementing legislation.

General Comments

In the committee's opinion, its recommendations which would create a county court of limited jurisdiction provide the least costly method of implementing the new judicial article consistent with the principles of good judicial administration. Few county court employees will be needed, especially in the counties where full-time lawyer judges will not be required. It is estimated that at least 87 per cent of all cases in the new county court will be filed in counties where lawyer judges are required, and there is considerable likelihood that there also may be lawyer judges in some of the other counties as well.

It is anticipated that the committee's recommendations will have the practical effect of eliminating overlapping jurisdiction with the district court. Misdemeanor cases can be expected to be brought almost exclusively in county court. While both courts have jurisdiction of civil cases under \$500, the docket fee will be only one-fourth as much in county court, and such cases may be brought without an attorney. Fragmented jurisdiction should also be eliminated by placing all mental health, juvenile, and domestic relations jurisdiction in the court which has major civil and probate jurisdiction. At the same time, a certain amount of flexibility will be provided to meet local needs in multi county non urban judicial districts, because county judges may be appointed as referees in juvenile and mental health matters.

Convenience and accessibility has been provided for in several ways:

- 1) permission for county court to sit outside of county seat;
- 2) creation of the office of associate judge; and
- 3) permission under certain circumstances for an alleged offender to be tried in an adjoining county if more convenient.

The appellate procedure recommended by the committee should reduce trials de novo to the greatest extent possible while at the same time keeping the cost of making records at a minimum.

District Court

Judicial District Boundaries

The committee has recommended that several changes be made in judicial district boundaries. These changes include:

- 1) transfer of Douglas and Elbert counties from the 4th to the 18th judicial district;
- 2) division of the 6th district into two districts, the first to consist of Archuleta, La Plata, and San Juan counties (continue as 6th district), and the second to consist of Dolores and Montezuma counties (22nd district);

3) division of the 7th district into two districts, one to consist of Mesa county (21st district), and the other consisting of the remaining six counties in the district (continues as 7th district); and

4) division of the 8th district into three districts; Larimer and Jackson counties (continue as 8th district), Weld county (19th district), and Boulder county (20th district).

Figure 1 shows the judicial district boundaries according to the committee's recommendations. Figure 2 shows the judicial district boundaries as they are presently constituted.

Number of District Judges

The committee recommends an increase in the number of district judges from 41 to 69, with the 28 additional district judges to be elected to full terms at the 1964 general election. Of this 28, it is estimated that 10 are necessary because of normal growth and, therefore, should not be attributed to Amendment No. 1. In an effort to plan for future growth, the committee has also recommended that six districts (1st, 4th, 8th, 17th, 18th, and 19th) receive an additional judge in 1969 -- to be elected at the 1968 general election. Table II shows the recommended number of district judges and estimated case-loads by judicial district.

Other Matters⁹

1) Geographic divisions of the district court are recommended for two districts (3rd and 11th) to assure that the two population centers in each of these districts will have a resident district judge.

2) State aid to juvenile probation shall continue at the present level and juvenile probation services may be provided on an inter-district basis (as is presently provided for adult probation).

3) Contractual arrangements may be made among counties or among judicial districts for juvenile detention facilities and services.

4) Legislation is needed to clarify the selection of directors of the Northern Colorado Water Conservancy District, because four judicial districts are now involved.

5) The statutory point system for suspension of drivers' and chauffeurs' licenses should be reconsidered by the General Assembly, and the Governor is requested to place this subject in his agenda for the 1964 session.

9. District court jurisdiction (including appellate) has been discussed in a previous section, as has permissive legislation for joint district-county court clerical functions.

Figure 1
 JUDICIAL DISTRICTS OF COLORADO (PROPOSED)

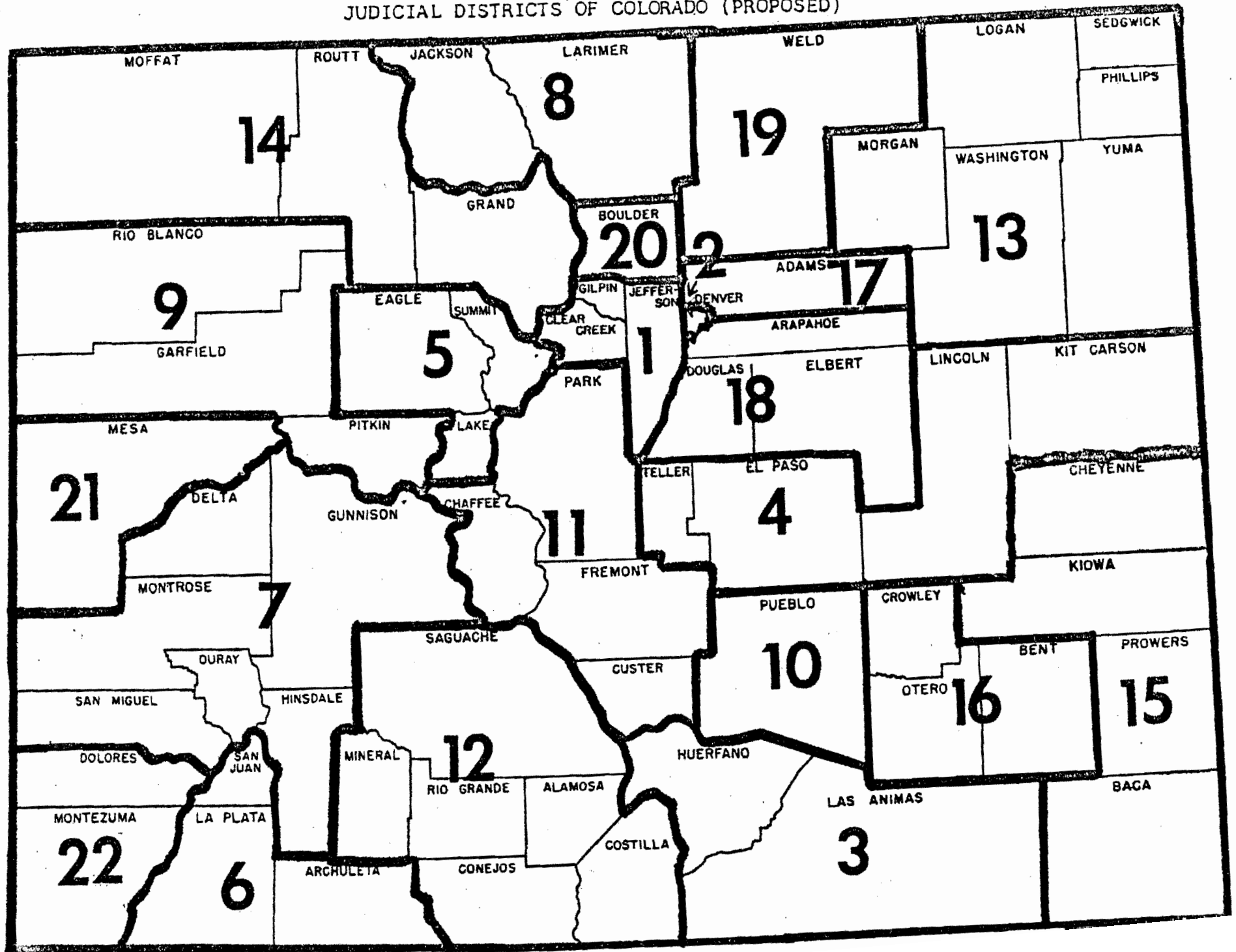
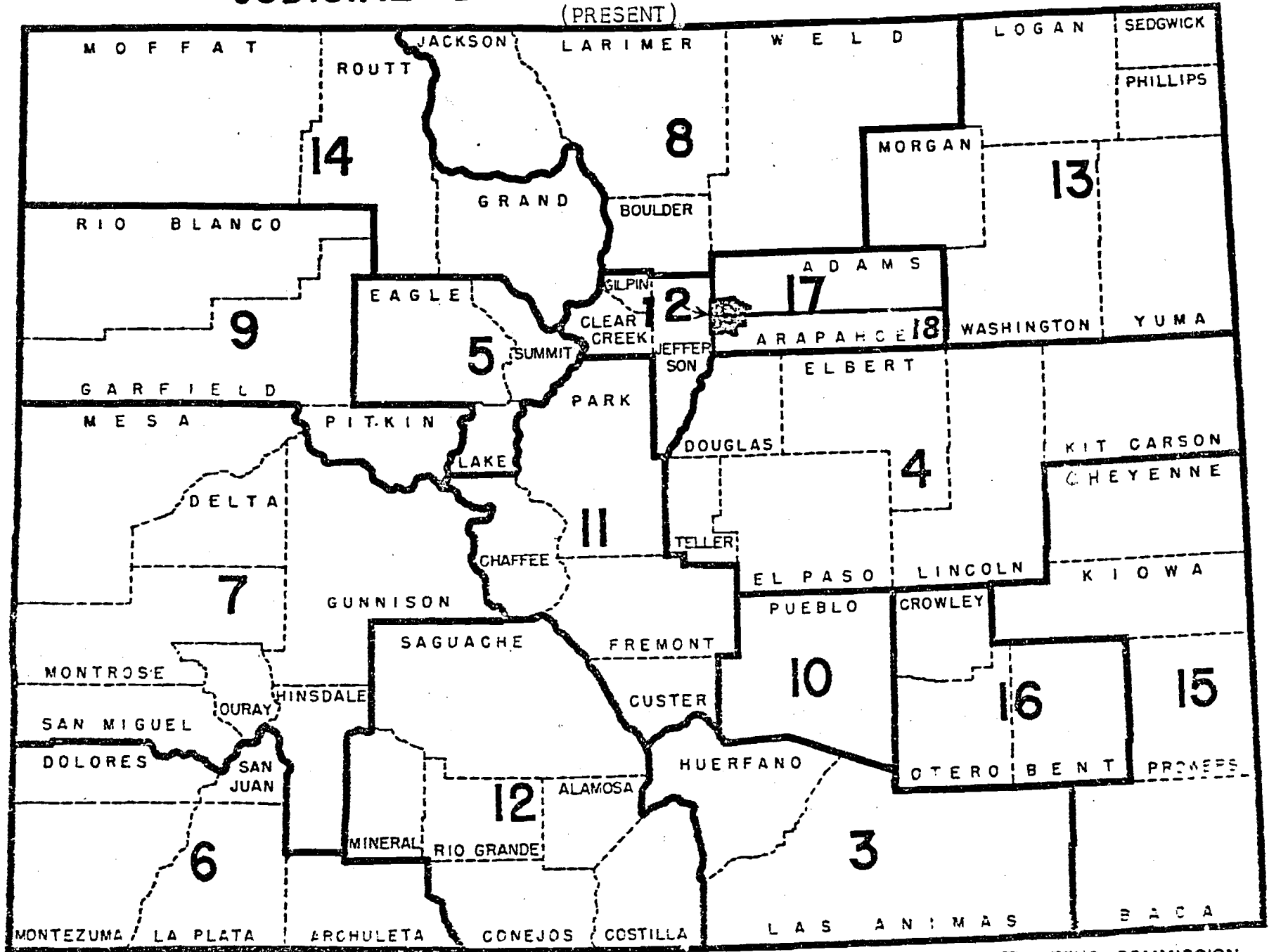


Figure 2

JUDICIAL DISTRICTS OF COLORADO (PRESENT)



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Table II

RECOMMENDED NUMBER OF DISTRICT JUDGES
AND ESTIMATED CASELOADS, BY JUDICIAL DISTRICT

<u>District</u> ^a	<u>Estimated Case Filings</u> ^b	<u>Present No. of Judges</u> ^c	<u>Additional Judges 1964</u> ^d	<u>Total</u>	<u>Case Filings Per Judge</u>	<u>Additional Judges 1969</u>
1st	3,000	3	2	5	600	1
2nd	9,670	10	4 (4)	14	691	--
3rd	670	1	1	2	335	--
4th	4,000	4	2	6	667	1
5th	275	1	--	1	275	--
6th	410	1	1	2	205	--
7th	960	1	1	2	480	--
8th	1,020	1	1 (.5)	2	510	1
9th	400	1	1	2	200	--
10th	2,250	2	2 (1)	4	562	--
11th	750	1	1	2	375	--
12th	790	2	--	2	395	--
13th	1,180	2	2	4	295	--
14th	360	1	--	1	360	--
15th	600	1	1	2	300	--
16th	650	1	1	2	325	--
17th	2,060	2	2 (1)	4	515	1
18th	2,350	2	2 (1)	4	587	1
19th	1,250	1	1 (.5)	2	625	1
20th	1,450	1	2 (1)	3	483	--
21st	1,120	1	1 (1)	2	510	--
22nd	400	1	--	1	400	--

a. As recommended by committee.

b. Based on 1962 filings as reported to judicial administrator; includes probate, mental health, and juvenile cases and estimates of county court and municipal court appeals.

c. Prorated in those districts where boundaries change or the creation of new districts is recommended.

d. Judges needed as a result of normal growth rather than Amendment No. 1 shown in parenthesis.

City and County of Denver

Probate and Juvenile Courts

There shall be one judge of the Denver probate court and two judges of the Denver juvenile court. The jurisdiction of the Denver juvenile court and the juvenile jurisdiction of district courts in other counties shall be the same.

Superior Court

The superior court shall have one judge whose qualifications, term of office, and salary shall be the same as for district judges. Vacancies in the office shall be filled in the same way as vacancies in the office of district judge. The superior court shall have appellate jurisdiction of county court and municipal court decisions and original civil jurisdiction concurrent with the district court from \$500 to \$5,000. The superior court shall be a court of record in all proceedings.

Over-all Court Structure

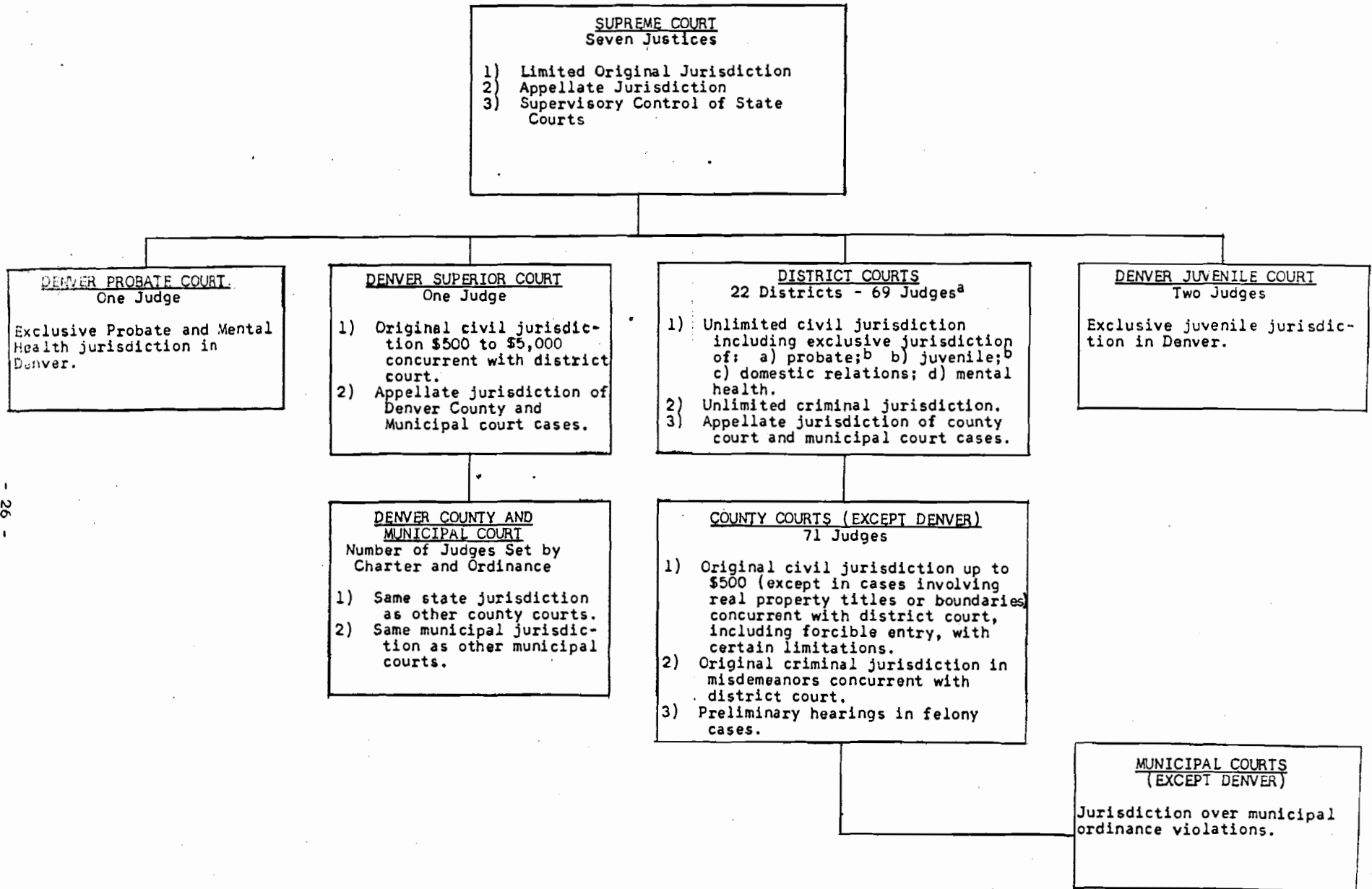
A graphic outline of the court system resulting from the new judicial article and the committee's recommendations for implementing legislation thereof is shown in figure 3. For comparative purposes, figure 4 presents the court system in existence under the old judicial article.

Docket Fees

The following changes in docket fee amounts and fee distribution is recommended by the committee:

- 1) The fee in traffic cases shall be \$5 rather than \$4.
- 2) The plaintiff's docket fee in district court civil cases shall be \$20 instead of \$15, and the defendant's fee shall be \$10 instead of \$7.50.
- 3) Fees from all cases docketed in district courts shall be divided with 90 per cent retained by the county in which the case is filed and 10 per cent to the state. At present, the state receives 30 per cent of the fees from cases docketed in district court, and the counties retain the other 70 per cent.
- 4) The answer fee in civil cases in the new county court shall be \$5; the present justice court answer fee is \$2.
- 5) Probate fees shall be increased for estates in excess of \$100,000.

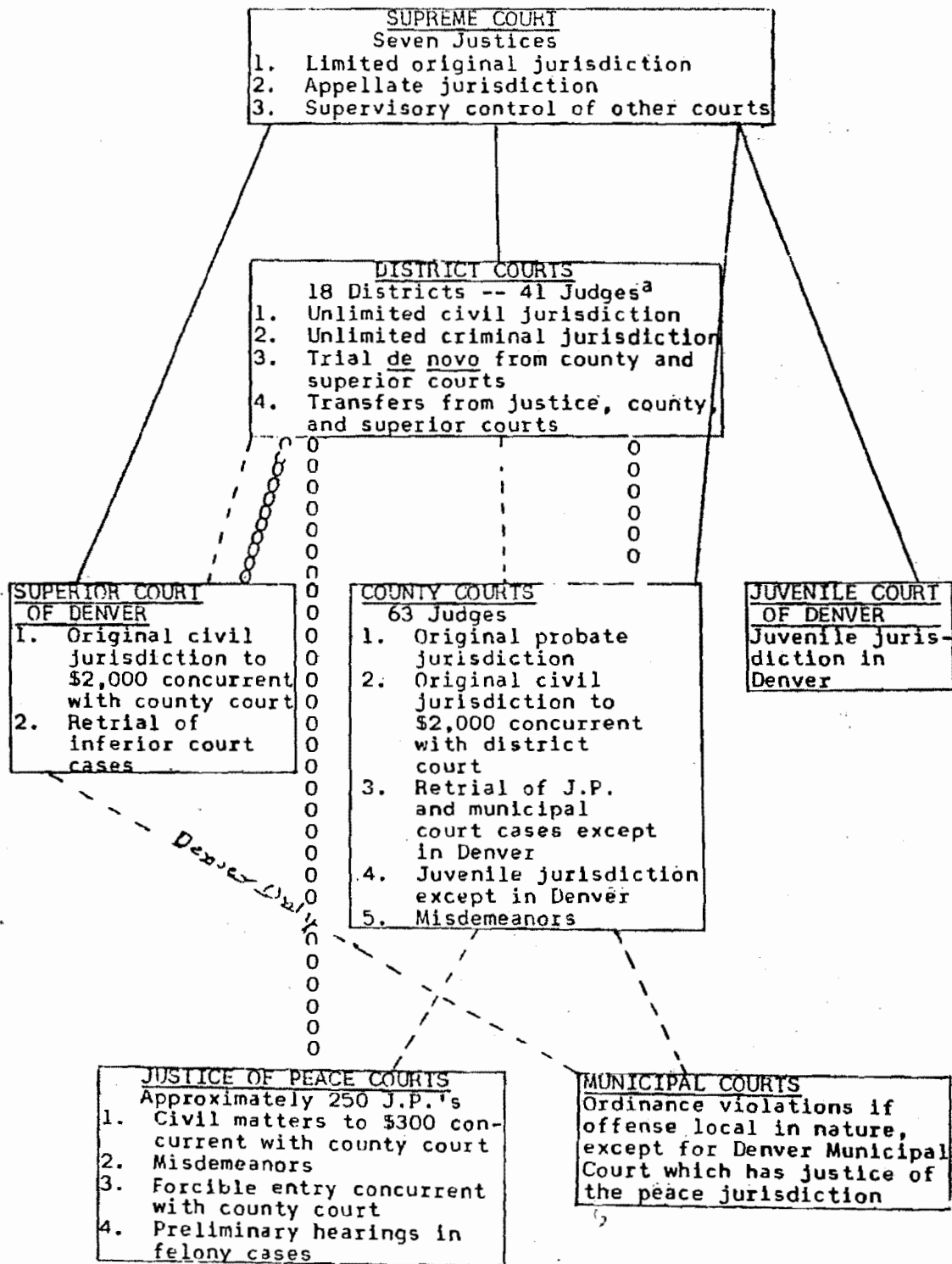
Figure 3
PROPOSED COURT STRUCTURE



a. Six additional judges to be elected in populous districts in 1968.
b. Except in Denver.

Figure 4

THE JUDICIAL SYSTEM OF COLORADO



a. Additional judges elected in November 1960 in 17th and 18th judicial districts, will assume office in January 1961, raising total to 41.
 --- writ of error
 --- trial de novo
 ooo transfers

COST OF IMPLEMENTING THE NEW JUDICIAL ARTICLE

The court system cost estimates presented in this report are based on the following:

- 1) committee recommendations concerning county court jurisdiction, number of county and district judges, judicial district boundary changes, authorization for associate county judges, and authorization for county court clerical positions;
- 2) each county's estimated revenue increase from the proposed docket fee changes and the proposed 90/10 fee division between the counties and the state;¹⁰
- 3) estimated new county court caseloads and the fees therefrom;
- 4) present court expenditures (1962 or 1963) as shown on county budgets, audits, and/or questionnaires filled out for the county commissioners' association; and
- 5) certain assumptions concerning: a) the actual application of proposed statutory provisions concerning associate judges and clerks, b) transfer of county court personnel to district court, and c) amount of personnel needed as a consequence of the creation of additional district judgeships.¹¹

Because of the number of variables involved and the unavailability of some of the specific data needed, these estimates should be used as general cost indicators rather than as precise cost projections. Further these estimates have validity only insofar as the underlying assumptions are valid, and they are applicable only to the proposed court system recommended by the committee. Increases in county judicial salaries, creation of additional associate county judgeships, and provision of county court clerks in small counties could result in a substantial upward revision of the estimated court costs projected in this report.

Estimated State Expenditures

The state is currently spending \$707,238 which covers the annual salary of 41 district judges at \$14,000 each, the state's share of retirement for these judges, travel, and an annual share of \$1,200 for the salary of each of 18 district attorneys. The additional cost to the state is estimated at \$447,840 or an increase of 63.3 per cent computed as follows:

28 additional district judges at \$14,000 per year	\$392,000
retirement for 28 judges at 12 per cent of salary	47,040
salaries for four additional district attorneys	4,800

10. Not taken into account were the proposed probate fee increase and the proposed \$5 answer fee in county court civil actions.

11. See Appendix C for a detailed explanation of the methodology and assumptions used in making these cost estimates.

district judges' travel (additional)	14,000
sub total	\$457,840
less state's share of fee increase and 10% of fees from present county court jurisdiction to be transferred to district court	
Total	10,000
	\$447,840

Of this amount of increase, \$178,600 or 39.9 per cent is a result of normal growth and not of Amendment No. 1. This amount attributed to normal growth consists of \$173,600 for the salary and retirement of 10 district judges and \$5,000 for travel.

The amount which can be attributed to Amendment No. 1 is \$274,240 or an increase of 38.8 per cent.

Estimated Increased Court Expenditures for Counties¹²

Over-all Increase

It is estimated that the net annual over-all increase in court operating costs to be borne by the counties (excluding Denver) will be slightly more than \$200,000. If it were not for the anticipated increase in fees, this over-all increase would be approximately \$549,000. The anticipated fee increase of \$349,000 includes:

- 1) the increase in civil docket fees approved by the committee;
- 2) the proposed change in the county's share of fees from 70 per cent to 90 per cent, modified by the state's 10 per cent share of fees for county court cases which will be within the district court's jurisdiction;
- 3) the proposed change in traffic case docket fees from \$4 to \$5; and
- 4) the anticipated fee revenue from the new county court, which includes fees presently retained by justices of the peace but which will accrue to the counties under the proposed system.

Not included are the proposed probate fee increase and the \$5 answer fee in county court civil actions, as these recommendations were made by the committee subsequent to this analysis. It is estimated that these additional fee increases will reduce county court costs significantly from the amounts presented here.

Counties With Decreases

It is estimated that 15 counties will have a net decrease in their court operating costs. This is due in large part to the anticipated increase in fee revenue; however, included among these counties are seven of the 12 counties which are in judicial districts where there will be no increase in the number of district judges or county judges (5th, 12th, 14th). In most cases, the estimated decrease is small.

¹². Denver excluded.

These counties and the estimated decreases in their operating costs are as follows:

<u>1st District</u>	<u>Estimated Decrease</u> ¹³
Clear Creek	\$1,450
<u>3rd District</u>	
Huerfano	1,450
Las Animas	1,300
<u>5th District</u>	
Eagle	550
Lake	2,800
<u>10th District</u>	
Pueblo	3,100
<u>12th District</u>	
Alamosa	450
Conejos	1,800
Saguache	50
<u>13th District</u>	
Phillips	2,700
Sedgwick	700
Washington	100
<u>14th District</u>	
Grand	2,600
Moffat	2,800
<u>18th District</u>	
Douglas	1,550

Counties With Increase

As might be expected, the largest estimated increases in operating costs generally are in the larger counties where there will be a significant increase in the number of county judges and district judges. These are also the counties with the largest anticipated fee increases, so that the net gain in over-all cost is less than might appear from a cursory examination. These counties and the estimated increases in their operating costs are as follows:

<u>1st District</u>	<u>Estimated Increase</u> ¹³
Gilpin	\$ 1,600
Jefferson	27,200
<u>4th District</u>	
El Paso	21,700
Elbert	850
Kit Carson	1,600
Lincoln	1,700
Teller	1,200

13. Rounded off to the nearest \$50.

<u>5th District</u>	<u>Estimated Increase</u> ¹³
Summit	\$ 150
<u>6a</u>	
Dolores	400
Montezuma	650
<u>6b</u>	
Archuleta	500
La Plata	4,200
San Juan	200
<u>7a</u>	
Mesa	6,600
<u>7b</u>	
Delta	4,450
Gunnison	1,200
Hinsdale	400
Montrose	2,900
Ouray	650
San Miguel	350
<u>8a (20th District)</u>	
Boulder	25,150
<u>8b (8th District)</u>	
Jackson	2,000
Larimer	20,350
<u>8c (19th District)</u>	
Weld	14,300
<u>9th District</u>	
Garfield	5,100
Pitkin	1,150
Rio Blanco	2,250
<u>11th District</u>	
Chaffee	200
Custer	1,450
Fremont	2,750
Park	1,500
<u>12th District</u>	
Costilla	250
Mineral	500
Rio Grande	1,600
<u>13th District</u>	
Logan	5,300
Morgan	2,000
Yuma	3,000
<u>14th District</u>	
Routt	50

<u>15th District</u>	<u>Estimated Increase</u> ¹³
Baca	\$ 800
Cheyenne	1,000
Kiowa	1,500
Prowers	1,700
<u>16th District</u>	
Bent	900
Crowley	200
Otero	5,200
<u>17th District</u>	
Adams	37,150
<u>18th District</u>	
Arapahoe	9,900

Amount of Increase Attributed to Normal Growth

The following judicial districts as presently constituted are considered either to need additional district judges immediately or in the very near future because of normal growth aside from the passage of Amendment No. 1;¹⁴

<u>District</u>	<u>Judges</u>
7th	1
8th	2
10th	1
17th	1
18th	1

The over-all cost to the counties in these judicial districts for the addition of these judges is estimated at between \$125,000 and \$165,000 and includes additional reporters, division clerks, baliffs, steno-clerks, and supplies and equipment, where applicable. No attempt was made to apportion these costs on a county-by-county basis for two reasons:

1) Proposed changes in judicial district boundaries make it difficult in some instances to assess these costs precisely to individual counties.

2) The anticipated increase in fees is a direct consequence of the implementation of Amendment No. 1, and the effect of this increase on over-all costs has not been segregated as to judges added because of Amendment No. 1 and those added because of normal growth.

14. Not including Denver (2nd District) where four additional judges have been recommended because of growth.

Table III

Table III presents a more detailed breakdown by county of estimated court expenditures and includes the following information:

- 1) present court expenditures;
- 2) estimated court expenditures;
- 3) difference between present and estimated expenditures;
- 4) increase costs of district attorney's office where applicable;
- 5) estimated fee increases; and
- 6) net increase or decrease in court expenditures.

TABLE III

ESTIMATED EXPENDITURES FOR NEW COURT SYSTEM (Excluding Denver) AS CURRENTLY PROPOSED BY LEGISLATIVE COUNCIL COMMITTEE ON AMENDMENT #1

	Present Court Expenditures				Estimated Court Expenditures Under Amendment #1			Difference-- Present & Est. Expend.	Est. Change in D.A. Exp.	Est. Fee Increase	Net Increase or Decrease of Amount
	District Court	County Court	Justice Court	Total	District Court	County Court	Total				
<u>1st District</u>											
Clear Creek	\$ 9,340 ^c	\$ 5,645 ^c	\$ 3,000 ^c	\$ 17,985	\$ 12,745	\$ 6,125	\$ 18,870	\$ 885	\$	\$ 2,238	\$-1,453
Gilpin	4,813 ^c	5,120 ^c	15 ^c	9,948	7,785	4,425	12,210	2,262		654	1,008
Jefferson	168,915 ^{cg}	78,500 ^c	59,200 ^c	306,615	264,835	96,740	361,575	54,960		27,783	27,177
<u>3rd</u>											
Huerfano	11,455 ^c	12,214 ^c	4,500 ^c	28,169	19,525	8,425	27,950	-219		1,246	-1,465
Las Animas	22,435 ^c	25,304 ^c	10,820 ^c	58,559	43,455	15,795	59,250	691		2,007	-1,316
<u>4th</u>											
El Paso	122,730 ^c	85,158 ^{ce}	55,950 ^c	263,838	239,088	62,880	301,968	38,130		16,434	21,696
Kit Carson	7,044 ^c	8,064 ^c	300 ^c	15,408	11,308	7,025	18,333	2,925		1,340	1,585
Lincoln	7,800 ^c	8,050 ^c	400 ^c	16,250	12,700	6,481	19,181	2,931		1,238	1,693
Teller	6,000 ^c	6,800 ^c	100 ^c	12,900	9,550	5,375	14,925	2,025		841	1,184
<u>5th</u>											
Eagle	12,122 ^c	6,125 ^c	550 ^c	18,797	13,997	6,631	20,628	1,831		2,381	-550
Lake	12,958 ^c	10,971 ^c	3,020 ^f	26,949	18,729	7,475	26,204	-745		2,054	-2,749
Summit	11,927 ^c	5,506 ^c	150 ^c	17,583	13,833	5,150	18,983	1,400		1,232	168
<u>6th</u>											
Archuleta	5,010 ^c	5,550 ^c	300 ^c	10,860	7,260	5,200	12,460	1,600		1,105	495
La Plata	23,020 ^c	17,767 ^c	2,000 ^c	42,787	40,395	13,870	54,265	11,478		7,257	4,221
San Juan	2,629 ^c	3,450 ^c	250 ^c	6,329	2,779	4,029	6,808	479		265	214
<u>7th</u>											
Delta	14,190 ^c	16,327 ^c	1,500 ^c	32,017	27,470	13,400	40,870	8,853	1,000	5,403	4,450
Gunnison	5,500 ^c	7,950 ^c	500 ^c	13,950	10,700	6,331	17,031	3,081	600	2,469	1,212
Hinsdale	250 ^c	1,580 ^c	150 ^c	1,980	550	1,850	2,400	420	50	74	396
Montrose	13,850 ^c	14,322 ^c	13,500 ^c	41,672	25,980	18,925	44,905	3,233	1,200	1,553	2,880
Ouray	3,576 ^c	3,500 ^c	700 ^c	7,776	4,376	4,525	8,901	1,125	300	759	666
San Miguel	5,786 ^c	4,836 ^c	750 ^c	11,372	6,786	5,875	12,661	1,289	300	1,243	346
<u>8th</u>											
Jackson	5,000 ^c	5,700 ^c	300 ^c	11,000	8,800	4,475	13,275	2,275	600	894	1,981
Larimer	27,859 ^b	28,152 ^b	14,812 ^b	70,823	59,741	42,345	102,086	31,263	3,000	13,898	20,365
<u>9th</u>											
Garfield	17,100 ^c	14,815 ^c	1,000 ^c	32,915	29,435	13,880	43,315	10,400		5,278	5,122
Pitkin	4,500 ^c	4,875 ^c	200 ^c	9,575	7,500	4,525	12,025	2,450		1,295	1,155
Rio Blanco	10,450 ^c	8,510 ^c	350 ^c	19,310	16,600	6,441	23,041	3,731		1,482	2,249
<u>10th</u>											
Pueblo	95,187 ^b	86,253 ^b	40,651 ^b	222,091	187,732	52,560	240,292	18,201		21,320	-3,119
<u>11th</u>											
Chaffee	9,376 ^c	9,616 ^c	2,000 ^c	20,992	16,592	7,850	24,442	3,450		3,242	208
Custer	2,370 ^c	3,400 ^c	300 ^c	6,070	3,170	4,700	7,870	1,800		359	1,441
Fremont	15,688 ^d	16,613 ^d	3,935 ^d	36,236	29,437	15,565	45,002	8,766		6,002	2,758
Park	6,040 ^c	9,950 ^c	300 ^c	16,290	13,440	5,150	18,590	2,300		828	1,472

TABLE III
(continued)

	Present Court Expenditures				Estimated Court Expenditures Under Amendment #1			Difference-- Present & Est. Expend.	Est. Change in D.A. Exp.	Est. Fee Increase	Net Increase or Decrease Amount
	District Court	County Court	Justice Court	Total	District Court	County Court	Total				
12th											
Alamosa	\$15,215 ^c	\$13,760 ^c	\$2,036 ^c	\$31,011	\$22,703	\$ 8,922	\$31,625	\$ 614	\$	\$ 1,059	\$ -445
Conejos	13,500 ^c	10,699 ^c	1,000 ^c	25,199	18,375	8,475	26,850	1,651		3,485	-1,834
Costilla	4,550 ^c	6,133 ^c	125 ^c	10,808	6,545	5,875	12,420	1,612		1,344	268
Mineral	1,550 ^c	2,070 ^c	100 ^c	3,720	2,420	2,000	4,420	700		168	532
Rio Grande	15,780 ^c	10,855 ^c	250 ^c	26,885	19,555	12,120	31,675	4,790		3,194	1,590
Saguache	6,090 ^c	7,400 ^c	200 ^c	13,690	9,215	5,875	15,090	1,400		1,419	-19
13th											
Logan	18,335 ^b	15,656 ^b	1,228 ^b	35,219	32,507	15,205	47,712	12,593		7,311	5,282
Morgan	22,976 ^b	16,756 ^b	2,441 ^b	42,173	36,978	15,565	52,543	10,370		9,360	2,010
Phillips	5,800 ^d	3,572 ^d	6,172 ^d	15,544	7,100	6,330	13,430	-2,114		605	-2,719
Sedgwick	8,132 ^d	6,590 ^d	1,090 ^d	15,812	10,632	5,825	16,457	645		1,359	-714
Washington	9,800 ^c	11,980 ^c	1,800 ^c	23,580	17,680	7,125	24,805	1,225		1,295	-70
Yuma	9,790 ^c	8,175 ^c	500 ^c	18,465	14,640	8,175	22,815	4,350		1,304	3,040
14th											
Grand	8,000 ^c	5,200 ^c	2,600 ^c	15,800	9,100	6,625	15,725	-75		2,507	-2,582
Reutt	7,650 ^c	8,720 ^c	400 ^c	16,770	11,370	7,475	13,845	2,075		2,067	3
Moffat	6,700 ^c	6,475 ^c	800 ^c	13,975	6,700	7,175	13,875	-100		2,687	-2,787
15th											
Baca	10,115 ^a	8,480 ^a	300 ^a	18,895	15,807	7,025	22,832	3,937		3,123	814
Cheyenne	6,000 ^c	6,432 ^c	1,000 ^c	13,432	9,400	5,815	15,215	1,783		804	979
Kiowa	7,675 ^c	5,240 ^c	925 ^c	13,840	10,215	5,375	15,590	1,750		277	1,473
Prowers	17,522 ^c	15,666 ^c	1,585 ^c	34,773	28,142	14,010	42,152	7,379		5,717	1,662
16th											
Bent	7,336 ^c	7,079 ^c	1,970 ^c	16,385	10,746	7,550	18,296	1,911		973	938
Crowley	4,080 ^c	6,325 ^c	400 ^c	10,805	6,205	5,825	12,030	1,225		995	230
Utero	22,659 ^b	19,573 ^b	1,537 ^b	43,769	37,579	18,335	55,914	12,145		6,958	5,187
17th											
Noams	195,453 ^c	93,284 ^c	20,110 ^c	308,847	297,043	98,940	385,983	77,136		40,002	37,136
18th											
Arapahoe	156,241 ^c	65,617 ^c	31,400 ^c	253,258	240,498	62,880	303,378	50,120		40,247	9,873
Douglas	9,750 ^c	8,450 ^c	4,500 ^c	22,700	17,700	10,181	27,881	5,181		6,728	-1,547
Elbert	4,515 ^c	6,526 ^c	450 ^c	11,491	7,481	5,825	13,306	1,815		955	860
19th											
Weld	58,000 ^c	42,900 ^c	10,845 ^c	111,745	97,370	48,060	145,430	33,685	4,000	23,374	14,311
20th											
Boulder	76,340 ^c	74,284 ^c	9,000 ^c	159,624	158,544	54,260	212,804	53,180	4,000	32,015	25,165
21st											
Mesa	50,769 ^b	27,674 ^b	4,553 ^b	82,996	74,163	24,745	98,908	15,912	1,500	10,800	6,612
22nd											
Dolores	5,596 ^c	5,565 ^c	200 ^c	11,361	7,441	5,200	12,641	1,280		884	396
Montezuma	12,765 ^c	15,058 ^b	928 ^b	28,751	23,817	13,400	37,217	8,466		7,807	659

- a. County budget filed with Tax Commission--1962 actual and estimated.
b. Questionnaire filled out for County Commissioner's Association, 1962 actual.
c. County budget filed with Tax Commission--1963 budget request.
d. Audit filed with State Auditor--1962 actual.
e. Includes county court probation office, listed separately on budget.
f. Adjusted to account for fees submitted to county and returned to J.P.'s.
g. Includes county's share of Tri-District Probation budget.

APPENDIX A

SENATE CONCURRENT RESOLUTION NO. 12

BY SENATORS FULGHUM, BYRNE, BENNETT, McVICKER, ROGERS, WENKE, CHEEVER, BROWN, HEWETT, ALLEN, CHENOWETH, DONNELLY and DeBERARD; also REPRESENTATIVES ROMER, TOMSIC, KANE, BYRNE, JOHNSON, EBERHARDT, STRELTZER, EVANS, MACKIE, MYRICK, CLARK, GALLEGOS, CALABRESE, KNOX, RUBIN, BRADEN, OHLSON, LENNOX, DOUGLASS and BURCH.

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO PROVIDING FOR THE REORGANIZATION OF THE JUDICIAL DEPARTMENT, BY THE REPEAL OF PRESENT ARTICLE VI OF SAID CONSTITUTION, AND THE ENACTMENT OF A NEW ARTICLE VI RELATING TO THE JUDICIAL DEPARTMENT; AND BY THE REPEAL OF SECTION 11 OF ARTICLE XIV OF SAID CONSTITUTION RELATING TO JUSTICES OF THE PEACE AND CONSTABLES.

Be It Resolved by the Senate of the Forty-third General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. There shall be submitted to the qualified electors of the state of Colorado, at the next general election for members of the general assembly, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to-wit:

Article VI of the constitution of the state of Colorado is hereby repealed and the following new article VI enacted in lieu thereof, said repeal and enactment to be effective on the second Tuesday of January, 1965, except that the repeal of sections 10, 16, and 22 of the present article VI and the enactment of sections 8, 11, 14, 15, and 16 of the new article VI shall become effective immediately:

JUDICIAL DEPARTMENT

Section 1. Vestment of judicial power. The judicial power of the state shall be vested in a supreme court, district courts, a probate court in the city and county of Denver, a juvenile court in the city and county of Denver, county courts, and such other courts or judicial officers with jurisdiction inferior to the supreme court, as the general assembly may, from time to time establish; provided, however, that nothing herein contained shall be construed

to restrict or diminish the powers of home rule cities and towns granted under article XX, section 6 of this constitution to create municipal and police courts.

SUPREME COURT

Section 2. Appellate jurisdiction. (1) The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be coextensive with the state, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

(2) Appellate review by the supreme court of every final judgment of the district courts, the probate court of the city and county of Denver, and the juvenile court of the city and county of Denver shall be allowed, and the supreme court shall have such other appellate review as may be provided by law. There shall be no appellate review by the district court of any final judgment of the probate court of the city and county of Denver or of the juvenile court of the city and county of Denver.

Section 3. Original jurisdiction - opinions. The supreme court shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and such other original and remedial writs as may be provided by rule of court with authority to hear and determine the same; and each judge of the supreme court shall have like power and authority as to writs of habeas corpus. The supreme court shall give its opinion upon important questions upon solemn occasions when required by the governor, the senate, or the house of representatives; and all such opinions shall be published in connection with the reported decision of said court.

Section 4. Terms. At least two terms of the supreme court shall be held each year, at the seat of government.

Section 5. Personnel of court - departments. The supreme court shall consist of not less than seven justices, who may sit en banc or in departments.

In case said court shall sit in departments, each of said departments shall have full power and authority of said court in the determination of causes, the issuing of writs and the exercise of all powers authorized by this constitution, or provided by law, subject to the general control of the court sitting en banc, and such rules and regulations as the court may make, but no decision of any department shall become judgment of the court unless concurred in by at least three justices, and no case involving construction of the constitution of this state or of the United States shall be decided except by the court en banc. Upon request of the supreme court, the number of justices may be increased to no more than nine members whenever two-thirds of the members of each house of the general assembly concur therein. The court shall provide by rule for the manner of selecting a chief justice from among the court membership, who shall preside at all sessions of the court.

Section 6. Election of justices. The justices of the supreme court shall be elected by the electors of the state at large. Vacancies shall be filled as provided in section 20 of this article.

Section 7. Term of office. The term of office of justices of the supreme court shall be ten years, and justices of the supreme court holding office on the effective date of this constitutional amendment shall continue in office for the remainder of the respective terms for which they were elected or appointed.

Section 8. Qualifications of justices. No person shall be eligible to the office of justice of the supreme court unless he shall be a qualified elector of the state of Colorado and shall have been licensed to practice law in this state for at least five years.

DISTRICT COURTS

Section 9. District courts - jurisdiction. (1) The district courts shall be trial courts of record with general jurisdiction, and shall have original jurisdiction in all civil, probate, and criminal cases, except as otherwise

provided herein, and shall have such appellate jurisdiction as may be prescribed by law.

(2) Effective the second Tuesday in January, 1965, all causes pending before the county court in each county, except those causes within the jurisdiction of the county court as provided by law, and except as provided in subsection (3) of this section, shall then be transferred to and pending in the district court of such county, and no bond or obligation given in any of said causes shall be affected by said transfer.

(3) In the city and county of Denver, exclusive original jurisdiction in all matters of probate, settlements of estates of deceased persons, appointment of guardians, conservators and administrators, and settlement of their accounts, the adjudication of the mentally ill, and such other jurisdiction as may be provided by law shall be vested in a probate court, created by section 1 of this article, and to which court all of such jurisdiction of the county court of the city and county of Denver shall be transferred, including all pending cases and matters, effective on the second Tuesday of January, 1965.

Section 10. Judicial districts - district judges. (1) The state shall be divided into judicial districts. Such districts shall be formed of compact territory and be bounded by county lines. The judicial districts as provided by law on the effective date of this amendment shall constitute the judicial districts of the state until changed. The general assembly may by law, whenever two-thirds of the members of each house concur therein, change the boundaries of any district or increase or diminish the number of judicial districts.

(2) In each judicial district there shall be elected by the electors thereof one or more judges of the district court. The term of office of a district judge shall be six years and district judges holding office on the effective date of this constitutional amendment shall continue in office for the remainder of the respective terms for which they were elected or appointed. Vacancies shall be filled as provided in section 20 of this article.

(3) The number of district judges provided by law for each district on the effective date of this amendment shall constitute the number of judges for the district until changed. The general assembly may by law, whenever two-thirds of the members of each house concur therein, increase or diminish the number of district judges, except that the office of a district judge may not be abolished until completion of the term for which he was elected or appointed, but he may be required to serve in a judicial district other than the one for which elected, as long as such district encompasses his county of residence.

(4) Separate divisions of district courts may be established in districts by law, or in the absence of any such law, by rule of court.

Section 11. Qualifications of district judges. No person shall be eligible to the office of district judge unless he shall be a qualified elector of the judicial district at the time of his election or selection and shall have been licensed to practice law in this state for five years. Each judge of the district court shall be a resident of his district during his term of office.

Section 12. Terms of court. The time of holding courts within the judicial districts shall be as provided by rule of court, but at least one term of the district court shall be held annually in each county.

DISTRICT ATTORNEYS

Section 13. District attorneys - election - term - salary - qualifications. In each judicial district there shall be a district attorney elected by the electors thereof, whose term of office shall be four years. District attorneys shall receive such salaries and perform such duties as provided by law. No person shall be eligible to the office of district attorney who shall not, at the time of his election possess all the qualifications of district court judges as provided in this article. All district attorneys holding office on the effective date of this amendment shall continue in office for the remainder of the respective terms for which they were elected or appointed.

PROBATE AND JUVENILE COURTS

Section 14. Probate court - jurisdiction - judges - election - term -

qualifications. The probate court of the city and county of Denver shall have such jurisdiction as provided by section 9, subsection (3) of this article. The judge of the probate court of the city and county of Denver shall have the same qualifications and term of office as provided in this article for district judges and shall be elected initially by the qualified electors of the city and county of Denver at the general election in the year 1964. Vacancies shall be filled as provided in section 20 of this article. The number of judges of the probate court of the city and county of Denver may be increased as provided by law.

Section 15. Juvenile court - jurisdiction - judges - election - term - qualifications. The juvenile court of the city and county of Denver shall have such jurisdiction as shall be provided by law. The judge of the juvenile court of the city and county of Denver shall have the same qualifications and term of office as provided in this article for district judges and shall be elected initially by the qualified electors of the city and county of Denver at the general election in the year 1964. Vacancies shall be filled as provided in section 20 of this article. The number of judges of the juvenile court of the city and county of Denver may be increased as provided by law.

COUNTY COURTS

Section 16. County judges - election - term - qualifications. In each county there shall be elected by the electors thereof in the year 1964, and every four years thereafter, one or more judges of the county court as may be provided by law, whose term of office shall be four years, and whose qualifications shall be prescribed by law; except that the number, manner of selection, and term of office of judges of the county court of the city and county of Denver shall be as provided in the charter and ordinances of the city and county of Denver. County judges shall be qualified electors of their counties at the time of their election or appointment.

Section 17. County courts - jurisdiction - appeals. County courts shall

have such civil, criminal, and appellate jurisdiction as may be provided by law, provided such courts shall not have jurisdiction of felonies or in civil cases where the boundaries or title to real property shall be in question. Appellate review by the supreme court or the district courts of every final judgment of the county courts shall be as provided by law.

MISCELLANEOUS

Section 18. Compensation and services. Justices of the supreme court, district judges, probate judges, juvenile judges, and county judges shall receive such compensation as may be provided by law, which may be increased or decreased during their terms of office, and shall receive such pension or retirement benefits as may be provided by law. No supreme court justice, district court judge, probate judge, juvenile judge, or county court judge shall accept nomination for any public office other than judicial, the term of which shall begin more than thirty days before the end of his term of office, without first resigning from his judicial office, nor shall he hold at any other time any other public office during his term of office, nor hold office in any political party organization. No supreme court justice, district court judge, probate judge, or juvenile judge shall engage in the practice of law. District judges, probate judges, juvenile judges, and county judges possessing the qualifications of district judges, when called upon to do so, may serve in any state court with full authority as provided by law. Any county judge may serve in any county court or as a municipal judge or police magistrate as provided by law, or in the case of home rule cities as provided by charter and ordinances.

Section 19. Laws relating to courts - uniform. All laws relating to state courts shall be general and of uniform operation throughout the state, and except as hereafter in this section specified the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform. County courts may be classified or graded as may

be provided by law, and the organization, jurisdiction, powers, proceedings, and practice of county courts within the same class or grade, and the force and effect of the proceedings, judgments and decrees of county courts in the same class or grade shall be uniform; provided, however, that the organization and administration of the county court of the city and county of Denver shall be as provided in the charter and ordinances of the city and county of Denver.

Section 20. Vacancies. (1) Vacancies occurring in any of the elective judicial offices of the supreme court, district courts, probate court of the city and county of Denver, and the juvenile court of the city and county of Denver shall be filled by appointment of the governor. Judges appointed under the provisions of this section to elective judicial offices shall hold office until the next general election and until their successors elected thereat shall be duly qualified. Such successors shall be elected for a full term to their respective offices.

(2) Vacancies occurring in the office of county judge of any county shall be filled by appointment of the county commissioners of such county. County judges appointed under the provisions of this section shall hold office until the next general election and until their successors elected thereat shall be duly qualified. Such successors shall be elected for a full term to their respective offices.

(3) Other vacancies occurring in judicial offices shall be filled as now or hereafter provided by law.

(4) Vacancies occurring in the office of district attorney shall be filled by appointment of the governor. District attorneys appointed under the provisions of this section shall hold office until the next general election and until their successors elected thereat shall be duly qualified. Such successors shall be elected for the remainder of the unexpired term in which the vacancy was created.

Section 21. Rule making power. The supreme court shall make and promulgate rules governing the administration of all courts and shall make and promulgate

rules governing practice and procedure in civil and criminal cases, except that the general assembly shall have the power to provide simplified procedures in county courts for claims not exceeding five hundred dollars and for the trial of misdemeanors.

Section 22. Process - prosecution - in name of people. In all prosecutions for violations of the laws of Colorado, process shall run in the name of "The People of the State of Colorado"; all prosecutions shall be carried on in the name and by the authority of "The People of the State of Colorado", and conclude, "against the peace and dignity of the same".

Section 23. Retirement of judges. Any judge of any court now existing in the state of Colorado, or hereafter created, shall be retired from office if found permanently disabled, by reason of mental or physical infirmities, from performing the duties of his office. Issues concerning retirement for disability shall be initiated by motion of the attorney general to the supreme court for investigation concerning the permanent disability of such judge, whereupon said court may appoint a referee who shall have authority to subpoena witnesses and make full investigation and submit his report thereon to the court. In proceedings against a justice of the supreme court under this section, such justice shall be disqualified from sitting as a judge. In the event the court shall determine such judge to be so permanently disabled, he shall be retired with such pension or retirement benefits as he would have received had he fully completed his then term of office. Upon such retirement his office shall be deemed vacant and be filled as provided by law.

Effective on the second Tuesday in January, 1965, all justices of the peace courts shall cease to exist, and as of said date section 11 of article XIV of the constitution of the state of Colorado shall be repealed, and no justices of the peace or constables shall be elected at the general election held in 1964.

SECTION 2. Each elector voting at said election and desirous of voting for or against the said amendment shall cast his vote as provided by law either

"Yes" or "No" on the proposition: "An amendment to the constitution of the state of Colorado providing for the reorganization of the judicial department, by the repeal of present article VI of said constitution, and the enactment of a new article VI relating to the judicial department; and by the repeal of section 11 of article XIV of said constitution relating to justices of the peace and constables."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the proposition shall have voted "Yes", the said amendment shall become a part of the state constitution.

APPENDIX B¹

REGIONAL MEETING AGENDA¹ (Topics for Discussion)

I. District Courts

- A) District organization (boundaries and judges)
 - 1) Judicial district boundaries
 - 2) Number of district judges
 - 3) Requirement as to residence of judges
- B) District court divisions
 - 1) Number of divisions and type of cases
 - 2) Legislation or court rule
 - 3) Judicial election by division
- C) Surrogate authority for district court clerks
 - 1) Probate
 - 2) Other matters
 - 3) Legislation or court rule

II. County Courts

- A) Qualifications, salaries, and number of county judges
 - 1) Qualifications
 - a) requirement for lawyer judges
 - i) basis for determination
 - ii) option if no lawyer runs or accepts appointment
 - b) counties requiring full-time lawyer judges
 - c) qualifications for non lawyer judges
 - 2) Number of judges
- B) Jurisdiction (except simplified procedure and/or small claim limits)
 - 1) Civil
 - a) top dollar amount
 - b) domestic relations
 - c) injunctions
 - d) other matters
 - 2) Criminal
 - 3) Appellate jurisdiction
- C)
 - 1) Multi judge counties
 - 2) One judge counties
- D) Court of record provisions -- application to court's jurisdiction
 - 1) All cases
 - 2) If not all cases, which ones?
 - 3) Simplified procedure and/or small claim cases
 - 4) Relationship to appeal procedure

- E) Simplified procedures
 - 1) Civil
 - a) need for both small claims and simplified procedures
 - b) upper dollar limits
 - c) record provisions
 - d) prohibition of lawyers (if desirable or constitutional -- in what cases)
 - e) assigned claims
 - f) stay of execution
 - 2) Criminal
 - a) jurisdiction
 - b) appointment of counsel
 - c) record provisions

- F) Appeal procedures and related matters
 - 1) Right of removal
 - a) civil
 - b) criminal
 - c) lawyer judge courts
 - d) non lawyer judge courts
 - e) cases brought under small claims or simplified procedures
 - 2) Appeal procedure
 - a) lawyer judge courts
 - b) non lawyer judge courts
 - c) cases under small claims and simplified procedures
 - d) relationship of removal process
 - e) appeal on record of trial de novo
 - i) if trials de novo allowed - under what circumstances
 - ii) simplified procedure and small claims cases -- on record or trial de novo

III. Other Matters (To Be Covered by Written Comments -- Time May Preclude Discussion at Regional Meetings)

- A) District courts
 - 1) Probate rules
 - 2) Delinquency procedures
 - 3) Detention facilities
 - 4) Transfer of judges (expenses and remuneration)
 - 5) Probation
 - 6) Salaries of court personnel
 - 7) Other

- B) County courts
 - 1) Salaries
 - a) lawyer judges (full time)
 - b) lawyer judges (part time)
 - c) non lawyer judges
 - 2) Record making
 - a) electronic or mechanical recording equipment
 - b) reporters
 - i) certified
 - ii) non certified

- 3) Other matters
- a) selection of presiding judge in multi judge counties
 - b) requirement for judicial bond
 - c) terms of court
 - d) powers and salaries of court clerks
 - e) need for magistrates
 - f) waiver of right to be tried in county of alleged offense
 - g) transfer of judges (expenses and remuneration)
 - h) appointment of county judges as municipal judges or police magistrates
 - i) transfer of justice of the peace jurisdiction
 - j) court rules
 - k) other

1. For all hearings except the City and County of Denver.

APPENDIX B²

DENVER REGIONAL MEETING
August 16, 1963

AGENDA

I. District Courts

- A) Number of district judges
- B) District court divisions
 - 1) Legislation or court rule
 - 2) Judges elected by division
- C) Authority for court clerks
 - 1) Types of matters
 - 2) Legislation or court rule

II. Probate Court

- A) Number of judges
- B) Review and critique of proposed legislation establishing a probate court in the City and County of Denver (see D, page 48, Source Book)
- C) Relationship to probate procedures in other districts

III. Juvenile Court

- A) Number of judges
- B) Review and critique of proposed legislation relating to juvenile courts (see E, page 55, Source Book)
- C) Relationship to juvenile procedures in other districts

IV. Superior Court

- A) Retention of superior court
 - 1) Alternatives to retention
 - a) appellate review by district court
 - b) appellate review by another county judge or division
 - 2) Need for retention
 - a) appellate review burden on other courts
 - b) alleviation of case load burden on other courts through concurrent original jurisdiction

Note -- The following items assume continuation of the Superior Court

B) Jurisdiction

1) Appellate

- a) } municipal
- b) } county court

2) Original

- a) civil
 - i) } limit
 - ii) } kinds of cases
 - iii) } simplified procedure
- b) criminal

C) Qualification, salaries, number of judges, etc.

- 1) } Qualifications
- 2) } Salary
- 3) } Number of judges
- 4) } Length of term

D) Court of record provisions

- 1) All cases in which court has concurrent original jurisdiction
- 2) If not all cases, which ones?

E) Appeal procedures and related matters

1) Appeals on the record or de novo

- a) county court
 - i) } all cases
 - ii) } simplified procedure
- b) municipal court

2) Appeals from superior court

- a) Differentiation between court's appellate and original jurisdiction
- b) To supreme court
 - i) } matter of right
 - ii) } certiorari

V. County -- Municipal Court

A) Jurisdiction (not including simplified procedure or small claims cases)

1) Civil

- a) } top dollar amount
- b) } types of cases

- 2) Criminal
- B) Number of judges and qualifications, etc.
 - 1) Qualifications
 - 2) Number of judges
 - 3) Salary
 - 4) Method of selection
- C) Court of record provisions
 - 1) All cases
 - 2) If not all cases, which ones?
 - 3) Simplified procedure and/or small claim cases
 - 4) Relationship to appeal procedure
- D) Simplified procedures
 - 1) Civil
 - a) need for both small claims and simplified procedures
 - b) upper dollar limits
 - c) record provisions
 - d) prohibition of lawyers (if desirable or constitutional -- in what cases)
 - e) assigned claims
 - f) stay of execution
 - 2) Criminal
 - a) jurisdiction
 - b) appointment of counsel
 - c) record provisions
- E) Appeal procedures and related matters
 - 1) County court cases
 - a) civil
 - i) rules of civil procedure
 - ii) simplified procedure
 - b) types of cases
 - c) circumstances
- F) Relationship of (A-E) above to charter amendment

VI. Other Matters (as time permits)

- A) District court
 - 1) Transfer of judges
 - a) assignment out of district
 - b) expenses and remuneration
 - 2) Other

B) Other courts (probate, juvenile, superior, county)

1) Record making

a) electronic or mechanical recording equipment

b) reporters

i) certified

ii) non certified

2) Powers of court clerks

3) Transfer of judges (expenses and remuneration)

4) Waiver of right to be tried in county of alleged offense

5) Other

COST ESTIMATE METHODOLOGY

New County Courts

In estimating the cost of new county courts, the following items were included in addition to judicial salaries:

1) Clerks. Clerks were included only in those counties where clerks will be authorized by statute. In the other counties the authorization of clerks will be given to the county commissioners. These are the counties with such small caseloads that clerks do not appear to be justified. The creation of such officers, therefore, by the county commissioners should not be charged to the initial implementation of the amendment. Salaries for the court clerks were computed at either \$6,000 or the present county clerk's salary in those nine counties where the salary limit would be set by statute according to the committee's preliminary recommendations. In the other 12 counties where clerks will be authorized by statute but salaries not set, the present salaries of the county court clerks were used.

2) Reporters or Equipment. An allowance for either reporters salaries or recording equipment was included in each county, based on caseload and number of judges.

3) Additional Clerical Personnel. Additional clerical personnel was included only in the nine largest counties, and the amount computed was based on caseload, number of judges, present salary levels, and present experience in the Jefferson and Pueblo consolidated justice courts.

4) Associate County Judges. Salaries for part-time associate county judges were included for only two counties, Larimer (1 at 1/2 time and 1 at 1/4 time) and Montrose (1 at 1/2 time). In these two counties, it appears that associate judges will be needed because of geographical factors. The authority to create part-time associate judges would be placed in the county commissioners, and any increased cost from the creation of this position should therefore not be attributed to the initial implementation of the amendment, except in Larimer and Montrose counties.

Salaries for temporary associate judges were budgeted for all single judge counties not having a part-time associate judge.¹ The amount budgeted was equal to 1/240 of the county judge's salary times 30. This would be the maximum amount which could be paid as temporary associate judge.

5) Retirement. This item was included only for those counties which presently have their county judges under P.E.R.A.

6) Office Supplies and Jurors' and Witness Fees. Amounts for these items were estimated according to anticipated caseloads.

1. As required in the proposed legislation.

7) Mileage and Meetings. Included in this category was travel and attendance at the recommended institute plus travel in counties which may hold court outside the county seat.

8) Miscellaneous. This was calculated as a small amount in all counties, except those which might be reasonably expected to pay rent for court held outside of the county seat.

District Court

To the present costs of operating the district court in each county were added the following:

1) Present County Court Expenditures. The total cost for present county court operations was transferred to district court, including juvenile probation, but excluding the following: a) judge's salary; b) judge's retirement (if any); c) salaries for reporters and baliffs (if any); d) expense for outside judges; and e) part-time and/or temporary personnel. This total cost transfer included all full-time personnel (with the above exceptions) at present salary levels, even though there might be some downward adjustments which would be related to the salary of the district court clerk and even though in some larger counties consolidation might result in fewer clerks being needed.

2) Reporters. A reporter added at current salary levels for each additional district judge. The salaries for these additional reporters were apportioned in multi-county districts in the same way as at present. Where proposed district boundary changes affect multi-county districts, new apportionments were derived on the basis of county populations.

3) Additional Clerks. Additional clerical personnel was included in the large counties where more than one district judge would be added. These additional clerical employees include division clerks where this category presently exists.

4) Other Personnel. Allowances were included for baliffs and stenographers in those counties where it appeared such would be needed after weighing the effect of the transfer of county court positions.

5) Office Supplies and Equipment. An additional allowance was made in some counties (primarily large ones) for extra office supplies and equipment. This sum is in addition to the amount allowed for these purposes in the present county court budget and also part of the amount transferred to district court.

6) District Attorneys. In making the cost increase estimates in the district attorney's office in those districts (old and proposed) affected by recommended judicial boundary changes, the following were considered:

a) new district population and its effect on statutory salaries;

b) state \$1,200 annual salary assistance;

- c) increased stenographic costs; and
- d) offsetting factors such as reduced mileage and fewer deputies where applicable.

Fee Increases

- 1) The 1962 district court fees collected and retained by each county were increased by 10/7 to obtain an estimate of total district court fees.
- 2) The proportion of total district court fees collected by each county was computed. These proportions were then applied to the total estimated district court fee increase (Denver excluded) to determine the amount of the increase to accrue to each county. This amount was then added to the total district court fees in each county.
- 3) The 1962 county court fees collected by each county were then added to the total district court fees (including the estimated increase). This combined total was multiplied by 90 per cent to obtain an estimate of fees which would accrue to each county under the new 90/10 distribution formula as modified by the increase in district court civil docket fees. The difference between this amount and the amount of 1962 county and district court fees retained by each county represented the net anticipated increase.
- 4) 1963 district and county court fees collected and retained by each county (where this information was available) was compared with similar totals for 1963 and the per cent of increase or decrease computed. The net increases computed in 3) above were then modified according to the percentages of difference between 1962 and 1963.
- 5) The amount of fees to be realized from the new county court was computed by multiplying the estimated caseload by \$5, and from this total was subtracted an amount equal to \$5 times 4 per cent of 70 per cent of the estimated caseload. (This adjustment was made to allow for dismissals and acquittals in traffic cases and was based on the justice court docket analysis which indicated that there were dismissals or acquittals in 4 per cent of the traffic cases which comprise 70 per cent of total caseloads.) The net total computed fees for the new county court is considered to be low, because no allowance was made for other fees which justice courts are now allowed in civil actions.
- 6) The estimated new county court fees to be received in each county were then added to the district court fees estimated for each county under the new county court system. From this total was subtracted the amount of fees now collected by each county from all three courts (district, county, justice of the peace), the remainder is the over-all amount of anticipated revenue increase from fees in each county.

APPENDIX D

A BILL FOR AN ACT
RELATING TO JUDICIAL DISTRICTS AND DISTRICT COURTS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Judicial districts and terms. The state is hereby divided into twenty-two judicial districts as prescribed by this act. Terms of court shall be fixed by rules adopted by the district court in each district, provided that at least one term of court shall be held each calendar year in each county within the district, at the county seat of such county.

SECTION 2. First district. (1) The first judicial district shall be composed of the counties of Clear Creek, Gilpin, and Jefferson.

(2) The number of judges for the first judicial district shall be five, effective on the second Tuesday in January, 1965, through the Monday preceding the second Tuesday in January, 1969. On and after the second Tuesday in January, 1969, the number of judges for the first judicial district shall be six.

SECTION 3. Second district. (1) The second judicial district shall be composed of the city and county of Denver.

(2) The number of judges for the second judicial district shall be fourteen.

SECTION 4. Third district. (1) The third judicial district shall be composed of the counties of Las Animas and Huerfano.

(2) The number of judges for the third judicial district shall be two.

(3) The third judicial district shall be divided into two divisions. The northern division shall consist of the county of Huerfano and the southern division shall consist of the county of Las Animas. One judge of the district shall maintain his official residence and chambers in the northern division of the district and one judge shall maintain his official residence and chambers in the southern division of the district. Travel and maintenance expenses shall be allowed a judge of the district only when he is outside the county of his official residence. For all other purposes the district shall be considered as a single entity. The allocation of judges to the northern and southern division shall be made by court rule. In the event that the judges of the district are unable to agree upon an allocation by rule, the matter shall be determined by the departmental justice of the Supreme Court.

SECTION 5. Fourth District. (1) The fourth judicial district shall be composed of the counties of Elbert, El Paso, Kit Carson, Lincoln, and Teller.

(2) The number of judges for the fourth judicial district shall be six, effective on the second Tuesday in January, 1965, through the Monday preceding the second Tuesday in January, 1969. On and after the second Tuesday in January, 1969, the number of judges for the fourth judicial district shall be seven.

SECTION 6. Fifth district. (1) The fifth judicial district shall be composed of the counties of Eagle, Lake, and Summit.

(2) The number of judges for the fifth judicial district shall be one.

SECTION 7. Sixth district. (1) The sixth judicial district shall be composed of the counties of Archuleta, La Plata, and San Juan.

(2) The number of judges for the sixth judicial district shall be two.

SECTION 8. Seventh district. (1) The seventh judicial district shall be composed of the counties of Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel.

(2) The number of judges for the seventh judicial district shall be two.

SECTION 9. Eighth district. (1) The eighth judicial district shall be composed of the counties of Larimer and Jackson.

(2) The number of judges for the eighth judicial district shall be two, effective on the second Tuesday in January, 1965, through the Monday preceding the second Tuesday in January, 1969. On and after the second Tuesday in January, 1969, the number of judges for the eighth judicial district shall be three.

SECTION 10. Ninth district. (1) The ninth judicial district shall be composed of the counties of Garfield, Pitkin, and Rio Blanco.

(2) The number of judges for the ninth judicial district shall be two.

SECTION 11. Tenth district. (1) The tenth judicial district shall be composed of the county of Pueblo.

(2) The number of judges for the tenth judicial district shall be four.

SECTION 12. Eleventh district. (1) The eleventh judicial district shall be composed of the counties of Chaffee, Custer, Fremont, and Park.

(2) The number of judges for the eleventh judicial district shall be two.

(3) The eleventh judicial district shall be divided into two divisions. The northern division shall consist of the counties of Chaffee and Park and the southern division shall consist of the counties of Fremont and Custer. One judge of the district shall maintain his official residence and chambers in the northern division of the district and one judge shall maintain his official residence and chambers in the southern division of the district. Travel and maintenance expenses shall be allowed a judge of the district only when he is outside the county of his official residence. For all other purposes the district shall be considered as a single entity. The allocation of judges to the northern and southern division shall be made by court rule. In the event that the judges of the district are unable to agree upon an allocation by rule, the matter shall be determined by the departmental justices of the Supreme Court.

SECTION 13. Twelfth district. (1) The twelfth judicial district shall be composed of the counties of Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache.

(2) The number of judges for the twelfth judicial district shall be two.

SECTION 14. Thirteenth district. (1) The thirteenth judicial district shall be composed of the counties of Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma.

(2) The number of judges for the thirteenth judicial district shall be four.

SECTION 15. Fourteenth district. (1) The fourteenth judicial district shall be composed of the counties of Grand, Moffat, and Routt.

(2) The number of judges for the fourteenth judicial district shall be one.

SECTION 16. Fifteenth district. (1) The fifteenth judicial district shall be composed of the counties of Baca, Cheyenne, Kiowa, and Prowers.

(2) The number of judges for the fifteenth judicial district shall be two.

SECTION 17. Sixteenth district. (1) The sixteenth judicial district shall be composed of the counties of Bent, Crowley, and Otero.

(2) The number of judges for the sixteenth judicial district shall be two.

SECTION 18. Seventeenth district. The seventeenth judicial district shall be composed of the county of Adams.

(2) The number of judges for the seventeenth judicial district shall be four, effective on the second Tuesday in January, 1965, through the Monday before the second Tuesday in January, 1969. On and after the second Tuesday in January, 1969, the number of judges for the seventeenth judicial district shall be five.

SECTION 19. Eighteenth district. (1) The eighteenth judicial district shall be composed of the counties of Arapahoe and Douglas.

(2) The number of judges for the eighteenth judicial district shall be four, effective on the second Tuesday in January, 1965, through the Monday before the second Tuesday in January, 1969. On and after the second Tuesday in January, 1969, the number of judges for the eighteenth judicial district shall be five.

SECTION 20. Nineteenth district. (1) The nineteenth judicial district shall be composed of the county of Weld.

(2) The number of judges for the nineteenth judicial district shall be two, effective on the second Tuesday in January, 1965, through the first Monday in January, 1969. On and after the second Tuesday in January, 1969, the number of judges for the nineteenth judicial district shall be three.

SECTION 21. Twentieth district. (1) The twentieth judicial district shall be composed of the county of Boulder.

(2) The number of judges for the twentieth judicial district shall be three.

SECTION 22. Twenty-first district. (1) The twenty-first judicial district shall be composed of the county of Mesa.

(2) The number of judges for the twenty-first judicial district shall be two.

SECTION 23. Twenty-second district. (1) The twenty-second judicial district shall be composed of the counties of Dolores and Montezuma.

(2) The number of judges for the twenty-second judicial district shall be one.

SECTION 24. Transfer of cases. All actions, causes, issues, motions and proceedings, civil, criminal, and special, pending upon the docket of the district court of any county which is transferred to another judicial district by this act shall remain upon the docket for said county and shall be considered as pending in the district court of the judicial district to which the county is transferred. The transfer of a county or a judge to another judicial district or the creation of a new judicial district as a result of this act shall not affect in any manner the actions, causes, issues, motions, and proceedings now pending in any county, and any such matter which has been submitted to a judge and is awaiting decision in district court for any county at the time the county or judge is transferred to another district may be decided by such judge as if transfer had not taken place.

SECTION 25. Assignment of judges. Duly elected or appointed judges of the district court holding office on the effective date of this act shall continue in office until the completion of the term for which elected or appointed. They shall serve as judges of the district court for the district in which their county of residence is included by this act.

SECTION 26. Election of additional judges. (1) At the general election held in 1964, district judges shall be elected to fill any vacancies which will exist as of the second Tuesday in January, 1965, in the judicial districts created by this act, effective as of that date. Judges elected pursuant to this subsection shall take office on the second Tuesday in January, 1965, and shall serve for a regular term of six years, except that judges elected to fill a vacancy created by a death or resignation taking place prior to the general election of 1964 shall be elected for the unexpired portion of said term.

(2) At the general election held in 1968, additional district judges shall be elected to fill any vacancies which will exist as of the second Tuesday in January, 1969, in any judicial district. Judges elected pursuant to this subsection shall take office on the second Tuesday in January, 1969, and shall serve for a regular term of six years.

SECTION 27. District attorneys. At the general election in 1964, a district attorney shall be elected for each judicial district prescribed by this act. District attorneys so elected shall take office on the second Tuesday in January, 1965, and shall serve for a term of four years.

SECTION 28. Repeals. Article 3, chapter 37, Colorado Revised Statutes 1953, consisting of sections 37-3-1 through 37-3-20, as amended, is hereby repealed, effective as of the second Tuesday in January, 1965.

SECTION 29. Severability Clause. If any provision of this act or the application thereof to any person or circumstance is held

invalid such invalidity shall not affect other provisions of this act, or the application thereof, which can be given validity or effect without said invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 30. Effective date. For the transaction of judicial matters, the effective date of the alignment of the judicial districts provided in this act shall be the second Tuesday in January, 1965, and all other provisions of this act shall take effect as of such date, except as otherwise specifically provided herein.

A BILL FOR AN ACT

CONCERNING THE APPOINTMENT OF DIRECTORS OF WATER CONSERVANCY DISTRICTS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 149-6-9(1), Colorado Revised Statutes 1953, is hereby amended to read:

149-6-9. Appointment of board of directors. (1)(a) Within thirty days after entering the decree incorporating said district, the court shall appoint a board of directors of the district consisting of not more than fifteen persons who are residents of the counties in which the water conservancy district is situated, all of whom shall be the owners of real property in said district.

(b) At the expiration of their respective terms of office as fixed by the court, appointments shall be made by said court for the term of two years. The court shall fill all vacancies which may occur on the board. Each director shall hold office during the term for which he is appointed and until his successor is duly appointed and has qualified, and shall furnish a corporate surety bond at the expenses of the district, in amount and form fixed and approved by the court, conditioned for the faithful performance of his duties as such director.

(c) FOR THE PURPOSES OF THIS SUBSECTION (1), ON THE EFFECTIVE DATE OF THIS PARAGRAPH (c), THE TERM "THE COURT" MEANS THE DISTRICT COURT IN AND FOR THE COUNTY IN WHICH THE PETITION FOR THE ORGANIZATION OF THE WATER CONSERVANCY DISTRICT HAS BEEN FILED, COMPOSED OF ONE DISTRICT JUDGE FROM EACH JUDICIAL DISTRICT OF THE STATE WHICH CONTAINS TERRITORY INCLUDED IN SUCH WATER CONSERVANCY DISTRICT.

SECTION 2. 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.

A BILL FOR AN ACT
RELATING TO COURT FEES AND SALARIES.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 56-1-2 (2), Colorado Revised Statutes 1953 (1960 Perm. Supp.), as amended by section 1 of chapter 57, Colorado Session Laws 1962, is hereby further amended to read:

56-1-2 (2) The judges of the district court of this state AND THE JUDGES OF THE JUVENILE AND SUPERIOR COURTS IN THE CITY AND COUNTY OF DENVER shall each receive an annual salary of fourteen thousand dollars AND THE JUDGE OF THE PROBATE COURT IN THE CITY AND COUNTY OF DENVER SHALL RECEIVE AN ANNUAL SALARY OF FOURTEEN THOUSAND FIVE HUNDRED DOLLARS.

SECTION 2. 56-2-3, Colorado Revised Statutes 1953 (1960 Perm. Supp.), as amended by section 2 of chapter 59, Colorado Session Laws 1962, is hereby further amended to read:

56-2-3. Class 1. Class 1 shall consist of the city and county of Denver. The county judge JUDGES of the city and county of Denver shall receive an annual salary of fourteen TWELVE thousand five hundred dollars.

SECTION 3. 56-4-15, Colorado Revised Statutes 1953 (1960 Perm. Supp.), as amended by section 1 of chapter 125, Colorado Session Laws 1963, is hereby further amended to read:

56-4-15. Fees paid monthly. (1) It shall be the duty of CLERKS OF JUVENILE, PROBATE, SUPERIOR, AND COUNTY COURTS, county sheriffs, county-judges, county clerks and recorders, and all county officials other than clerks of the district court to collect all fees of their respective offices and to pay the same to the county treasurer of their respective counties monthly, also to file monthly with the county treasurer an itemized statement of all fees so collected.

(2) It shall be the duty of clerks of the district court to collect all fees of their office and to pay ~~thirty~~ TEN per cent of the total docket fees collected under section 56-5-1 (2), and ~~thirty~~ TEN per cent of the total docket fees collected under section 56-5-1 (5) from all plaintiffs, petitioners, third-party plaintiffs, appellees, and all parties filing a cross-claim or counterclaim, and ~~thirty~~ TEN PER CENT of the total fees collected under section 56-5-1 (3), and section 56-5-3, and ~~thirty~~ TEN PER CENT of the total docket fees collected under section 56-5-1 (5) from all defendants, respondents, third-party defendants, appellants, or other parties not filing a cross-claim or counterclaim, AND TEN PER CENT OF THE TOTAL DOCKET FEES COLLECTED UNDER SECTION 56-5-2, to the treasurer of the state of Colorado, to be paid into the general fund of the state, and to pay all other fees collected by said clerks to the county treasurers of their respective counties, all such payments to be made monthly. It shall also be the duty of such clerks to file monthly with the county

treasurer an itemized statement of all fees so collected and to file monthly a copy thereof with the state treasurer.

(3) The provisions of this section shall apply to all actions commenced after THE SECOND TUESDAY IN JANUARY, 1965, ~~July 1, 1958~~; statutes in effect prior to THE SECOND TUESDAY IN JANUARY, 1965, ~~July 1, 1958~~, shall apply to all actions commenced prior to said date.

SECTION 4. 56-5-1, Colorado Revised Statutes 1953 (1960 Perm. Supp.), is hereby amended to read:

56-5-1. Docket fees in civil actions. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and except in the probate proceedings in the ~~county~~ DISTRICT OR PROBATE court and except as provided in section 56-5-3, and in section 56-5-4, there shall be paid in advance the total docket fees provided in subsections (2) to (7) of this section.

(2) By the plaintiff in an action for a decree of divorce, annulment, or separate maintenance; and by the petitioner in an action for a declaratory judgment concerning the status of a marriage, a fee of ~~fifteen~~ TWENTY dollars; provided, that where relief other than a decree of divorce, annulment or separate maintenance is sought and granted, directing payment through registry of the court, an additional fee of five dollars shall be paid at the time of the entry of such decree or order.

(3) By the defendant in an action for a decree of divorce, annulment, or separate maintenance; and by the respondent to an action for a declaratory judgment concerning the status of a marriage, a fee of ~~seven~~ TEN dollars ~~and-fifty-cents~~.

(4) By each plaintiff, petitioner, third-party plaintiff, ~~appellant~~, and each party filing a cross-claim or counterclaim, whenever a money judgment sought is ~~two-thousand~~ FIVE HUNDRED dollars or less and such action is commenced in a court of record of appropriate limited jurisdiction, a fee in the amount of ~~ten~~ FIVE dollars and by each defendant, respondent, third-party defendant, or other party not filing a cross-claim or counterclaim, ~~and-by-each-appellant~~, a fee in the amount of five dollars.

(5) By each plaintiff, petitioner, third-party plaintiff, ~~appellant~~, and each party filing a cross-claim or counterclaim filed in a district court of the state a fee of ~~fifteen~~ TWENTY dollars AND BY EACH APPELLANT A FEE OF FIFTEEN DOLLARS; by each defendant or respondent not filing a cross-claim or counterclaim, a fee of ~~seven~~ TEN dollars ~~and-fifty-cents~~.

(6) In case of parties appearing jointly, only one fee shall be charged or paid, and no fee shall be charged in any event for the filing of a disclaimer, or for an acknowledgement of service for the purpose of conferring jurisdiction, or for an appearance or answer filed by a guardian ad litem, or by an attorney appointed by the court to represent and protect the interest of any defendant.

(7) In cases of change of venue or place of trial, or transfer from a county court or superior court to a district court on account of jurisdiction, the court to which the venue or place of trial is changed, or transferred on account of jurisdiction, shall receive one-half of the docket fees paid to the court of the first venue from said court of first venue and shall docket the case, and the court where the proceeding is originally filed shall retain one-half of such fees.

(8) The provisions of this section shall apply to all actions commenced after THE SECOND TUESDAY IN JANUARY, 1965, July-1,-1958; statutes in effect prior to THE SECOND TUESDAY IN JANUARY, 1965, July 1,-1958, shall apply to all actions commenced prior to said date.

SECTION 5. 56-5-2 (1) and (5), Colorado Revised Statutes 1953 (1960 Perm. Supp.), are hereby amended to read:

56-5-2. FEES IN PROBATE PROCEEDINGS. (1) (a) For services rendered by judges and clerks of ~~county~~ DISTRICT OR PROBATE courts in all counties of the state of Colorado, in estates of deceased persons minors, or mental incompetents, the following fees, and no others, shall be charged:

(b) Petition and order of transfer, without the appointment of a fiduciary, under the small estates act, or any amendment thereof..... \$ 3.00

(c) Estates of \$500.00 or less..... \$ 10.00

(d) Basic docket fee at time of filing first papers in any estate over \$500.00..... \$ 15.00

(e) Estates over \$500.00 and not more than \$1,500.00..... \$ 15.00

(f) Estates over \$1,500.00 and not more than \$2,500.00, an additional fee of \$15.00, or a total of..... \$ 30.00

(g) Estates over \$2,500.00 and not more than \$5,000.00, an additional fee of \$20.00, or a total of..... \$ 35.00

(h) Estates over \$5,000.00 and not more than \$10,000.00, an additional fee of \$35.00, or a total of..... \$ 50.00

(i) Estates over \$10,000.00 and not more than \$20,000.00, an additional fee of \$60.00, or a total of..... \$ 75.00

(j) Estates over \$20,000.00 and not more than \$30,000.00, an additional fee of \$75.00, or a total of..... \$ 90.00

(k) Estates over \$30,000.00 and not more than \$50,000.00, an additional fee of \$100.00, or a total of.... \$115.00

~~(l) Estates over \$50,000.00 and not more than \$100,000.00, an additional fee of \$135.00, or a total of..... \$150.00~~

(l) ESTATES OVER \$50,000.00, AN ADDITIONAL FEE OF \$100.00, OR A TOTAL OF \$115.00, PLUS \$2.00 FOR EACH \$1,000.00 OR FRACTION OF \$1,000.00 OF GROSS INVENTORY VALUE IN EXCESS OF \$50,000.00.

~~(m) -- Estates over \$100,000.00 an additional fee of \$135.00, or a total of \$150.00, plus \$1.00 for each \$1,000.00 or fraction of \$1,000.00 of gross inventory value in excess of \$100,000.00.~~

(n) (m) Caveats..... \$ 15.00

(o) (n) Sale or mortgage of real estate: At the time of the issuance of the decree authorizing such sale or mortgage there shall be paid a fee of \$2.50 for each one thousand dollars or major fraction thereof that the selling price or principal sum of the mortgage exceeds \$1,000.00, provided, that in no event shall such total fee for sale or mortgage exceed \$50.00.

(p) (o) WHERE ADDITIONAL ASSETS ARE REVEALED BY THE FILING OF INTERMEDIATE OR FINAL REPORTS, THE FEES CHARGED SHALL BE ACCORDING TO THE GROSS VALUE OF THE ESTATE ADMINISTERED ACCORDING TO THE ABOVE.

(q) Where new assets are discovered, and the estate, which has been closed, has to be reopened, the fees charged at the time of reopening shall be according to the gross value as set forth above.

(r) Foreign wills, without administration, to be credited on fee charged if administration had later..... \$-11.25
\$ 15.00

(s) No fee shall be charged for lodging wills with the court pending probate, or for lodging wills when probate is not justified.

(s) Testamentary trusts:

(i) Basic docket fee at time of filing first papers for appointment of trustee..... \$ 15.00

(ii) Estate of \$10,000.00 or less, no additional fee, a total of..... \$ 15.00

(iii) Estates over \$10,000.00 and not more than \$20,000.00, an additional fee of \$15.00, a total of..... \$ 30.00

(iv) Estates over \$20,000.00 and not more than \$40,000.00, an additional fee of \$30.00, a total of..... \$ 45.00

(v) Estates over \$40,000.00 and not more than \$60,000.00, an additional fee of \$45.00, a total of..... \$ 60.00

~~(vi) -- Estates over \$60,000.00 and not more than \$80,000.00, an additional fee of \$60.00, a total of..... \$-75.00~~

{vii}---Estates-over-\$80,000.00-and-not
more-than-\$100,000.00,-an-additional
fee-of-\$75.00,-a-total-of-----\$-90.00

{viii}--Estates-over-\$100,000.00,-an-additional
fee-of-\$75.00,-a-total-of-\$90.00-plus
\$7.50-for-each-\$25,000.00-ex-fraction
of-\$25,000.00-in-excess-of-the-first
\$100,000.00,

(vi) ESTATES OVER \$60,000.00, AN ADDITIONAL
FEE OF \$60.00, PLUS \$1.00 PER THOUSAND OR
FRACTION OF \$1,000.00 IN EXCESS OF THE
FIRST \$60,000.00.

(t) Mental health cases:

(i) Hospitalization..... \$ 7.50

(ii) Proceeding requiring commissioners..... \$ 15.00

(5) The provisions of this section shall apply to all actions
commenced after July-1,-1958 THE SECOND TUESDAY IN JANUARY, 1965;
statutes in effect prior to July-1,-1958 THE SECOND TUESDAY IN
JANUARY, 1965, shall apply to all actions commenced prior to said
date.

SECTION 6. 56-5-3, (1) and (7), Colorado Revised Statutes 1953
(1960 Perm. Supp.), are hereby amended to read:

56-5-3. Docket fees in special proceedings. (1) In cases where
an appeal is taken from a judgment of a justice-of-the-peace COUNTY
COURT IN A CRIMINAL MATTER OR FROM A police magistrate or municipal
court, the appellant shall pay a docket fee of ten dollars and the
appellee shall pay a docket fee of five dollars. SUCH APPEALS SHALL
NOT BE SUBJECT TO THE TAX IMPOSED BY 135-4-29 FOR THE USE OF THE
COMMITTEE ON STATUTE REVISION.

(7) The provisions of this section shall apply to all actions
commenced after July-1,-1958 THE SECOND TUESDAY IN JANUARY, 1965;
statutes in effect prior to July-1,-1958 THE SECOND TUESDAY IN
JANUARY, 1965 shall apply to all actions commenced prior to said date.

SECTION 7. 56-5-5, (1) and (3), Colorado Revised Statutes 1953
(1960 Perm. Supp.), are hereby amended to read:

56-5-5. Docket fees in criminal actions. (1) At the time of
the first appearance of the defendant in all criminal actions and in
all courts of record except the COUNTY COURT AND supreme court there
shall be charged against the defendant a total docket fee of ten
dollars which shall be payable upon conviction of the defendant. IN
COUNTY COURTS, THE TOTAL DOCKET FEE IN CRIMINAL ACTIONS SHALL BE FIVE
DOLLARS. Said fees shall cover all clerks' fees prior to judgment.

(3) The provisions of this section shall apply to all actions commenced after July-1,-1958 THE SECOND TUESDAY IN JANUARY, 1965; statutes in effect prior to July-1,-1958 THE SECOND TUESDAY IN JANUARY, 1965 shall apply to all actions commenced prior to said date.

SECTION 8. Repeals. Sections 56-2-2, 56-2-13, 56-2-14, 56-2-15, 56-4-4, 56-4-5, 56-4-6, and 56-5-3 (2) and (3) Colorado Revised Statutes 1953, and all other acts or parts of acts in conflict with this act are hereby repealed.

SECTION 9. Effective date. The effective date of all provisions of this act, except as otherwise specifically provided herein, shall be the second Tuesday in January, 1965.

SECTION 10. Severability clause. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. 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.

A BILL FOR AN ACT
ESTABLISHING A JUVENILE COURT IN THE CITY AND COUNTY OF DENVER.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Establishment. Pursuant to the provisions of Section 1, Article VI of the Colorado Constitution, there is hereby established the juvenile court in the city and county of Denver.

SECTION 2. Court of Record - Powers. The juvenile court shall be a court of record with such powers as are inherent in constitutionally created courts and with such legal and equitable powers to effectuate its jurisdiction and carry out its orders, judgments and decrees as are possessed by the district courts.

SECTION 3. Jurisdiction. (1) The juvenile court in the city and county of Denver shall have exclusive original jurisdiction in said county:

(a) in proceedings concerning neglected, dependent or delinquent children under the age of eighteen years, or persons who cause, encourage or contribute thereto,

(b) in proceedings concerning any child alleged to have violated or attempted to violate any state law or municipal ordinance except a state traffic or game and fish law or a municipal traffic ordinance and except as provided in subsections (2) and (3) of this section, prior to having become eighteen years of age, and

(c) in proceedings concerning the adoption, relinquishment, custody, support, or guardianship of the person or other disposition of children under the age of eighteen years and the care and protection of their persons from neglect, cruelty or abuse.

(2) The juvenile court in the city and county of Denver shall have concurrent jurisdiction with the district court in proceedings in which a child sixteen years of age or older but less than eighteen years of age is alleged to have violated or attempted to violate a state law the violation of which constitutes a felony except crimes of violence punishable by death or imprisonment for life. When the juvenile court has concurrent jurisdiction, the child shall be brought before the juvenile court and if the juvenile court deems it contrary to the best interest of such child or of the public to retain jurisdiction, the juvenile court shall certify the child for proper criminal proceedings to the district court, meanwhile directing that the child be kept in custody as provided in 22-8-7, Colorado Revised Statutes 1953 (1960 Perm. Supp.).

(3) The juvenile court in the city and county of Denver shall have no jurisdiction in cases in which a child sixteen years of age or older but less than the age of eighteen years is charged with a crime of violence punishable by death or life imprisonment. If a child under sixteen years of age is so charged, the juvenile court shall have exclusive jurisdiction.

(4) Nothing contained in the Article shall deprive other courts of the right (a) to determine the custody of children upon writs of habeas corpus, or (b) to determine the custody, support or guardianship of children when such matters are incidental to the determination of causes pending in such other courts, or (c) to determine matters pertaining to the property or estates of children and to appoint guardians of the estates of children and to supervise the administration of such estates. Such other courts, however, may certify questions pertaining to guardianship or custody to the juvenile court for hearing and determination or recommendation.

SECTION 4. Number of judges. There shall be two judges of the juvenile court.

SECTION 5. Qualifications of judges. A judge of the juvenile court shall be a qualified elector of the city and county of Denver at the time of his election or selection and shall have been licensed to practice law in the state of Colorado for five years at such time. He shall be a resident of the city and county of Denver during his term of office.

SECTION 6. Activities of judge. A judge of the juvenile court shall devote his full time to judicial duties and shall not engage in the private practice of law while serving in office.

SECTION 7. Compensation of judge. A juvenile court judge shall receive an annual salary equal to that received by the district judges in the second judicial district.

SECTION 8. Election and term of office. (1) The term of office of a juvenile court judge shall be six years.

(2) At the general election in 1964, two juvenile court judges shall be elected for the juvenile court of the city and county of Denver in the same manner provided for the election of district judges. The judges so elected shall take office on the second Tuesday in January 1965 and shall serve for six years and until their successors shall be elected, qualified and take office.

SECTION 9. Vacancies. If the office of a juvenile court judge becomes vacant due to death, resignation or other cause, the vacancy shall be filled by the appointment by the governor of an individual qualified as provided herein. A judge so appointed shall hold office until the next general election and thereafter until his successor elected thereat shall be duly qualified and take office. A juvenile judge shall be elected at such next general election to take office on the second Tuesday of the following January and serve for a full term of six years.

SECTION 10. Juvenile court judge may request assistance - compensation. (1) Whenever the presiding judge of the juvenile court shall, in his opinion, believe that the court is unable, on account of the accumulation of judicial business in the court, or by reason of the disability of a judge, to give due and prompt attention to all business pending in such court and to give speedy justice to all litigants therein, such presiding juvenile court judge may request the assistance of any district, probate, or superior court judge, or of any county judge within this state who is qualified by law to sit as a district court judge, and such judge when so requested and not otherwise officially engaged may hold court for the judge so requested for the purpose of hearing and determining any matters pending before said court, and such judge so requested may enter any judgment, order or decree, final or interlocutory, in any matter or cause so heard by him with like effect as if entered by the judge so requesting. No formal or written request shall be necessary to authorize any such judge to so act, but the request may be conveyed in any manner satisfactory to the judges concerned, and when a judge so assumes to act for a juvenile court judge, his authority shall be conclusively presumed.

(2) Such assisting judge shall be paid, in addition to any other allowance and compensation provided by law, in the same manner as judges are paid who assist in the district court for the second judicial district, for each day he has performed such official duties, upon a certificate from the calling judge setting forth the number of days such judge has so served, the compensation set forth below:

(a) If such assisting judge shall be a county judge, he shall be paid the sum of twenty dollars per day, and he shall in addition be reimbursed for his expenses not in excess of the amounts specified in section 37-4-12 (2), as amended.

(b) In case such assisting judge shall be a district judge, he shall be reimbursed only for his expenses incurred not in excess of the amounts specified in section 37-4-13 (1), as amended, if sitting outside his district.

(c) In case such assisting judge shall be a probate or superior court judge, he shall be reimbursed only for his expenses incurred, not in excess of the amounts specified in section 37-4-12 (3), as amended.

SECTION 11. Referees. The judges of the juvenile court of the city and county of Denver may appoint referees for the purpose of hearing any case or matter under the jurisdiction of the court, and whose duties, authority and compensation shall be as prescribed by rule of court, established by the judges of the juvenile court. A referee must be licensed to practice law in the State of Colorado.

SECTION 12. Clerk. (1) The judges of the juvenile court shall appoint a clerk thereof, who shall receive such compensation as shall be fixed by the judges and who shall hold office during the pleasure of the judges.

(2) Before taking office, the clerk of the juvenile court shall give bond to the people of the State of Colorado in the amount of ten thousand dollars, executed by a corporate surety approved by the Secretary of State, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office. The bond shall be filed with the Secretary of State.

(3) The powers and duties of the clerk of the juvenile court shall be similar to the powers and duties of the clerk of the district court. The duties of the clerk of the juvenile court shall also include such matters as may be assigned to him by law, by court rules and by the juvenile judges.

SECTION 13. Other employees. The judges of the juvenile court shall also appoint the superintendent of juvenile hall, probation officers and such other employees as may be necessary to carry out the functions and duties of the juvenile court, including the clerk's office thereof and juvenile hall. The superintendent of juvenile hall, officers and all other employees of the juvenile court, including juvenile hall, shall hold their office during the pleasure of the judges, and their salaries shall be set by the juvenile court judges.

SECTION 14. Presiding judges. The juvenile court, by rule, shall provide for the designation of a presiding judge. If there is a failure to select a presiding judge by rule, the departmental judge of the Supreme Court for the judicial department in which the court is located shall designate a presiding judge.

SECTION 15. Judges to sit separately: In the juvenile court each of the judges shall sit separately for the trial of cases and the transaction of judicial business and each of the courts so held shall be known as the juvenile court. Each judge shall have all of the powers which he might have if he were the sole judge of the court, including the power to vacate his own judgments, decrees or orders or those of a predecessor when permitted by law, but not juvenile court orders of another judge of the juvenile court who is still in office.

SECTION 16. Judges may sit en banc. The juvenile court may sit en banc for the purpose of making rules of court, the appointment of a clerk and other employees or the approval thereof as provided in this act and the conduct of other business relating to the administration of the court. In the event that the judges sitting en banc be evenly divided on a matter and unable to reach agreement, it may be referred to the departmental judge of the Supreme Court for the department in which the court is located. The court sitting en banc shall have no power to review any order or decision of the court made by any judge sitting separately.

SECTION 17. Practice and Procedure. Practice and procedure in the juvenile court shall be conducted in accordance with this act, with

any laws providing special proceedings in the juvenile court and, except in matters specifically covered by this act or by laws providing special proceedings, with the Colorado Rules of Civil or Criminal Procedure. In particular, civil proceedings in the juvenile court shall be captioned the people in the interest of the child or children involved, and concerning any person as respondent, and, unless for good cause, when ordered by the court, no court costs or docket fees shall be taxed or collected in such cases.

SECTION 18. Rules of court. The juvenile court shall have the power to make rules for the conduct of its business to the extent that such rules are not in conflict with the rules of the Supreme Court or the laws of the state but are supplementary thereto. Juvenile court rules shall be subject to review by the Supreme Court.

SECTION 19. Terms. Terms of the juvenile court shall be fixed by rule of court, provided that at least one term shall be held each year.

SECTION 20. Seal. The juvenile court shall have a seal, bearing upon the face thereof the words "The Juvenile Court of the City and county of Denver."

SECTION 21. Process. The juvenile court or a judge thereof shall have the power to issue process necessary to acquire jurisdiction, to require attendance and to enforce all orders, decrees and judgments. Such process shall run to any county within the state, and when authorized by law in special proceedings or, in the absence thereof, by the Rules of Civil Procedure in civil cases or the Rules of Criminal Procedure in criminal cases, may be served outside of the state. Any sheriff to whom process is directed is hereby authorized and required to execute the same and he shall be entitled to the same fees as are allowed by law for serving like process from the district court. Persons other than the sheriff or his deputies also may serve process from the juvenile court when permitted by law in special proceedings or, in the absence thereof, by the Rules of Civil Procedure in civil cases or the Rules of Criminal Procedure in criminal cases.

SECTION 22. Venue. Venue in the juvenile court shall be determined by any applicable statute prescribing a special proceeding, or, in the absence thereof, by the Rules of Civil Procedure in civil cases and the Rules of Criminal Procedure in criminal cases.

SECTION 23. Sheriff to attend. It shall be the duty of the sheriff of the city and county of Denver to attend in the juvenile court.

SECTION 24. District attorney to prosecute. The district attorney of the second judicial district shall be the prosecuting attorney in the juvenile court.

SECTION 25. Juries. When required, juries may be selected and summoned as provided for courts of record in Chapter 78, Colorado Revised Statutes 1953, as amended. With the permission of the district court, the juvenile court may use the panel of jurors summoned for the district court of the second judicial district.

SECTION 26. Judgments. The judgments of the juvenile court shall be enforceable in the same manner as judgments of the district court and, when appropriate, may be made liens upon real estate or other property in the manner provided for judgments of the district court.

SECTION 27. Appellate review. Appellate review of final judgments of the juvenile court shall be by the supreme court and, in civil cases, shall be conducted in the same manner as prescribed by the Rules of Civil Procedure for review by the supreme court of final civil judgments of the district courts, and, in criminal cases, shall be conducted in the same manner as prescribed by the Rules of Criminal Procedure for review by the supreme court of final criminal judgments of the district courts.

SECTION 28. Fees. The fees charged by the juvenile court and the clerk thereof shall be those provided by Article 5 of Chapter 56, Colorado Revised Statutes 1953, as amended.

SECTION 29. Juvenile hall. (1) There is hereby established in the city and county of Denver a detention facility to be known as juvenile hall to be operated as a division of the juvenile court, and which is to be separate and entirely removed from any common jail. Children under 18 years of age may be detained therein by order, warrant or direction of the juvenile court. The conduct, method of discipline, education and care of said children shall be under the direction of the superintendent of juvenile hall and subject to the approval of the juvenile court judges. Whenever convenient, the court may hold its court sessions in juvenile hall.

(2) The school board of the city and county of Denver, when requested by the judges of the juvenile court, shall furnish such teachers and any books or appliances necessary for the proper education of such children as may be detained therein for any cause, and the expense thereof shall be paid by the school board of the city and county of Denver.

SECTION 30. Funds. Funds for the establishment and operation of the juvenile court and juvenile hall, including the salaries of the employees thereof as designated by the judges, shall be provided in the same manner as funds are provided for the establishment and operation of the district courts for the second judicial district, except that funds for the salary of the judges of the juvenile court shall be provided from county funds.

SECTION 31. Supervision by supreme court. The supervisory powers of the supreme court established by Article 10, Chapter 37, Colorado Revised Statutes 1953 (1960 Perm. Supp.) shall extend to the juvenile court.

SECTION 32. Transfer of cases and records. (1) All cases and matters within the jurisdiction of the juvenile court as provided in section 3 of this act which are pending on the second Tuesday in January 1965, before the juvenile court for the city and county of Denver, heretofore established, shall be transferred to the juvenile court hereby established on that date. No further fees, bond or other action shall be required solely by virtue of such transfer and such cases shall be pending on the docket of the juvenile court upon the same terms as existed for each such case immediately before the transfer.

(2) All juvenile court records, pleadings, files, stocks, bonds, securities, funds and all other papers which were heretofore filed and which were in the custody of the juvenile court of the city and county of Denver heretofore established, prior to the effective date of this act, shall be transferred to the juvenile court hereby established on the second Tuesday in January, 1965.

SECTION 33. Repeals. Article 9 of chapter 37, Colorado Revised Statutes 1953, as amended, is hereby repealed.

SECTION 34. Effective date. The effective date of all provisions of this Act, except as otherwise specifically provided herein, shall be the second Tuesday in January, 1965.

SECTION 35. Severability clause. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 36. 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.

A BILL FOR AN ACT
ESTABLISHING A PROBATE COURT IN THE CITY AND COUNTY OF DENVER.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Establishment. Pursuant to the provisions of Section 1, Article VI of the Colorado Constitution, there is hereby established the probate court in the city and county of Denver.

SECTION 2. Court of record powers. The probate court shall be a court of record with such powers as are inherent in constitutionally created courts and with such legal and equitable powers to effectuate its jurisdiction and carry out its orders, judgments and decrees as are possessed by the district courts.

SECTION 3. Jurisdiction. (1) The probate court of the city and county of Denver shall have original and exclusive jurisdiction in said county of the administration, settlement and distribution of estates of decedents and wards; the probate of wills; the granting of letters testamentary, of administration, of guardianship and of conservatorship; the administration of guardianships of minors and of mentally competent persons and of conservatorships of mentally incompetent persons; proceedings under Chapter 71, Colorado Revised Statutes 1953; the determination of heirship; actions on the official bonds of fiduciaries appointed by it; the construction of wills; the administration of testamentary trusts except as provided in subsection (2) hereof; and all other probate matters.

(2) If a testamentary trust is established by the will of the decedent and if it appears that it was not the intention of the testator that the court should continue the administration of the estate after the payment in full of all debts and legacies except the trust property, the court shall proceed to final settlement of such estate as in other cases, order the trust fund or property to be turned over to the trustee as such, and shall not require the filing of inventories and accounts, or supervise the administration of the trust. However, any party in interest of such trust, including the trustee thereof, may invoke the jurisdiction of the probate court with respect to any and all matters pertaining to the administration or distribution of such trust, or to construe the will under which it was established.

(3) A court of probate shall have jurisdiction to determine every legal and equitable question arising in connection with decedents' and wards' estates, so far as the question concerns any person who is before the court by reason of any right to, or obligation to, the estate.

(4) Nothing in this act shall prevent a district court sitting in law or equity from construing a will which is not before the probate court or from determining questions arising in connection with trusts which are not under the jurisdiction of the probate court.

SECTION 4. Number of judges. There shall be one judge of the probate court.

SECTION 5. Qualifications of judges. A judge of the probate court shall be a qualified elector of the city and county of Denver at the time of his election or selection and shall have been licensed to practice law in the state of Colorado for five years at such time. He shall be a resident of the city and county of Denver during his term of office. He shall not engage in the private practice of law while serving in office.

SECTION 6. Compensation of judges. A probate judge shall receive an annual salary as provided by law.

SECTION 7. Election and term of office. (1) The term of office of a probate judge shall be six years.

(2) At the general election in 1964, a probate judge shall be elected for the probate court of the city and county of Denver in the same manner provided for the election of district judges. The judge so elected shall take office on the second Tuesday in January, 1965 and shall serve for six years.

SECTION 8. Vacancies. If the office of probate judge becomes vacant due to death, resignation or other cause, the vacancy shall be filled by the appointment by the governor of an individual qualified as provided herein. A judge so appointed shall hold office until the next general election and thereafter until his successor, who shall be elected thereat, shall duly qualify and take office. The successor so elected shall take office on the second Tuesday in January following the general election at which he is elected and serve for a full term of six years.

SECTION 9. Probate judge may call other judges - compensation. (1) Whenever the probate judge shall, in his opinion, be unable, on account of the accumulation of judicial business in his court, or by reason of disability, to give due and prompt attention to all business pending in such court and to give speedy justice to all litigants therein, such probate judge may request the assistance of any district, juvenile or superior court judge, or of any county judge within this state who is qualified by law to sit as a district judge, and such judge when so requested and not otherwise officially engaged may hold court for the judge so requesting, for the purpose of hearing and determining any matters pending before said court, and such judge so requested may enter any judgment, order, or decree, final or interlocutory, in any matter or cause so heard by him with like effect as if entered by the judge so requesting. No formal or written request shall be necessary to authorize any such judge to so act, but the request may be conveyed in any manner satisfactory to the judges concerned, and when a judge so assumes to act for a probate judge, his authority shall be conclusively presumed.

(2) If such assisting judge shall be a county judge, he shall be paid, in addition to any other allowance and compensation provided by law, by the county commissioners of the county in which he has performed such duties, out of the general county fund or out of the fund appropriated for the probate court, the sum of twenty dollars per day for each day he has performed such official duties upon a certificate from the calling judge setting forth the number of days such judge has so served, and he shall in addition be reimbursed for his expenses not in excess of the amounts specified in section 37-4-12 (2), Colorado Revised Statutes 1953, as amended.

(3) If such assisting judge shall be a district judge, he shall be reimbursed only for his expenses incurred not in excess of the amounts specified in section 37-4-13 (1), Colorado Revised Statutes 1953, as amended, if sitting outside his district.

(4) If such assisting judge shall be a juvenile judge or superior court judge, he shall be reimbursed only for his expenses incurred, not in excess of the amounts specified in section 37-4-12 (3), Colorado Revised Statutes 1953, as amended.

SECTION 10. Clerk. (1) The judge of the probate court shall appoint a clerk thereof, who shall receive such compensation as shall be fixed by the judge and who shall serve at the pleasure of the judge.

(2) Before taking office, the clerk of the probate court shall give bond to the people of the state of Colorado in the amount of \$25,000, executed by a corporate surety approved by the secretary of state, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office. The bond shall be filed with the secretary of state.

(3) The powers and duties of the clerk of the probate court shall be similar to the powers and duties of the clerk of the district court including such powers as may be delegated to the clerk of the district court in probate matters. The duties of the clerk of the probate court shall also include such matters as may be assigned to him by law, by court rules and by the probate judge.

SECTION 11. Other employees. The judge of the probate court may appoint such deputy clerks, assistants, reporters, stenographers and bailiffs as shall be necessary for the transaction of the business of the court at such compensation, payable monthly, as shall be fixed by the judge. All such employees shall serve at the pleasure of the judge.

SECTION 12. Practice and procedure. Practice and procedure in the probate court shall be conducted in accordance with laws providing special proceedings for matters within its jurisdiction and with the Colorado Rules of Civil Procedure.

SECTION 13. Rules of court. The probate court shall have the power to make rules for the conduct of its business to the extent that such rules are not in conflict with the rules of the supreme court or the laws of the state but are supplementary thereto. Probate court rules shall be subject to review by the supreme court.

SECTION 14. Terms. Terms of the probate court shall be fixed by rule of court, provided that at least one term shall be held each year.

SECTION 15. Seal. The probate court shall have a seal, bearing upon the face thereof the words "The Probate Court of the city and county of Denver, Colorado."

SECTION 16. Process. The probate court or the judge thereof shall have the power to issue process necessary to acquire jurisdiction, to require attendance and to enforce all orders, decrees and judgments. Such process shall run to any county within the state and, when authorized by law in special proceedings or, in the absence thereof, by the Rules of Civil Procedure, may be served outside of the state. Any sheriff to whom process is directed is hereby authorized and required to execute the same and he shall be entitled to the same fees are allowed by law for serving like process from the district court. Persons other than the sheriff or his deputies also may serve process from the probate court when permitted by law in special proceedings or in the absence thereof by the Rules of Civil Procedure.

SECTION 17. Venue. Venue in the probate court shall be determined as provided in Chapter 152, Colorado Revised Statutes 1953, as amended, or by other applicable statutes prescribing special proceedings, or, in the absence thereof, by the Rules of Civil Procedure.

SECTION 18. Juries. When required, juries may be selected and summoned as provided for courts of record in Chapter 78, Colorado Revised Statutes 1953, as amended. With the permission of the district court, the probate court may use the panel of jurors summoned for the district court of the second judicial district.

SECTION 19. Judgments. The judgments of the probate court shall be enforceable in the same manner as judgments of the district court and may be made liens upon real estate or other property in the manner provided for judgments of the district court.

SECTION 20. Appeals. Appellate review of final judgments of the probate court shall be by the supreme court and shall be conducted in the same manner as prescribed by the Rules of Civil Procedure for review by the supreme court of final judgments of the district courts.

SECTION 21. Fees. The fees charged by the probate court and the clerk thereof shall be those provided by Article 5 of Chapter 56, Colorado Revised Statutes 1953, as amended.

SECTION 22. Funds. Funds for the establishment and operation of the probate court, including the salaries of the employees thereof as designated by the judge, shall be provided in the same manner as funds are provided for the establishment and operation of the district courts for the second judicial district, except that funds for the salary of the judge of the probate court shall be provided from county funds.

SECTION 23. Supervision by supreme court. The supervisory powers of the supreme court established by Article 10, Chapter 37, Colorado Revised Statutes 1953 (1960 Perm. Supp.) shall extend to the probate court.

SECTION 24. Effective date. The effective date of all provisions of this act, except as otherwise specifically provided herein, shall be the second Tuesday in January, 1965.

SECTION 25. Severability clause. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 26. 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.

A BILL FOR AN ACT

RELATING TO MENTALLY ILL AND MENTALLY DEFICIENT PERSONS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 71-1-1 Colorado Revised Statutes 1953 is hereby amended by the addition thereto of a new subsection to read:

(2)(d) Court shall mean the district courts of the State of Colorado except in the City and County of Denver and the probate court in the City and County of Denver, on and after the second Tuesday in January, 1965.

SECTION 2. Article 1 of Chapter 71, Colorado Revised Statutes 1953 is hereby amended by adding thereto a NEW SECTION to read:

71-1-34. Jurisdiction of Courts. The district courts of the State of Colorado, except in the City and County of Denver, and the probate court in the City and County of Denver shall have exclusive original jurisdiction to hear and determine matters under this article on and after the second Tuesday in January, 1965. All powers and duties placed in the county court by this article shall be transferred to such courts as of that date, and all reference to the county court in this article shall be construed to refer to the district courts or the probate court.

SECTION 3. Revisor of Statutes. The revisor of statutes, in compiling revised statutes, is hereby directed to eliminate references to county courts and to substitute references to the district courts as such action may be necessary to make all sections of article 1, Chapter 71 Colorado Revised Statutes 1953 and other affected statutes state accurately the changes in civil jurisdiction and duties made by this act.

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.

A BILL FOR AN ACT

RELATING TO WILLS, ESTATES AND HEIRSHIP

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 152-1-1 (3) Colorado Revised Statutes 1953 (1960 Perm. Supp.) is hereby amended to read:

152-1-1 (3) "Court" means the court having jurisdiction of the administration of the estate or the proceeding. SUCH COURT SHALL BE THE APPROPRIATE DISTRICT COURT OF THE STATE OF COLORADO, EXCEPT IN THE CITY AND COUNTY OF DENVER, AND THE PROBATE COURT IN THE CITY AND COUNTY OF DENVER, ON AND AFTER THE SECOND TUESDAY IN JANUARY 1965.

SECTION 2. Article 1 of Chapter 152, Colorado Revised Statutes 1953 is hereby amended by adding thereto a NEW SECTION to read:

152-1-15. Jurisdiction of Courts. The district court of the State of Colorado, except in the City and County of Denver, and the probate court in the City and County of Denver shall have exclusive original jurisdiction to hear and determine matters under Chapter 152, Colorado Revised Statutes 1953 on and after the second Tuesday in January, 1965. All powers and duties placed in the county court by this article shall be transferred to such courts as of that date, and all reference to the county court in this article shall be construed to refer to the district courts or the probate court on and after the second Tuesday in January, 1965.

SECTION 3. Revisor of Statutes. The revisor of statutes, in compiling revised statutes, is hereby directed to eliminate references to county courts and to substitute references to the district courts as such action may be necessary to make all sections of Chapter 152 Colorado Revised Statutes 1953 and other affected statutes state accurately the changes in civil jurisdiction and duties made by this act.

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.

A BILL FOR AN ACT
RELATING TO SUPERIOR COURTS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-11-2, Colorado Revised Statutes 1953 (1960 Perm. Supp.) as amended by section 1, chapter 95, Session Laws of Colorado 1963, is hereby further amended to read:

37-11-2. Jurisdiction. (1) Such superior courts shall have exclusive jurisdiction to ~~conduct trials de novo of matters originating in and appealed~~ AFFIRM, REVERSE, REMAND, MODIFY, OR TRY DE NOVO CASES APPEALED from the municipal, police magistrate, and justice COUNTY courts within the county, or city and county, involving violations of city ordinances and justice COUNTY court judgments, whether civil OR criminal. ~~or small claims.~~ Whenever, in the statutes of this state, county DISTRICT courts have been given jurisdiction to try OR REVIEW cases on appeal from municipal, police magistrate, and justice COUNTY courts, such county DISTRICT courts are henceforth deprived of this jurisdiction when sitting in and for the county in which a superior court has been created.

(2) Such superior courts shall have original jurisdiction concurrent with the county courts DISTRICT COURTS in all civil and criminal actions, suits and proceedings whatsoever, where the debt, damage, or claim, or value of the property involved shall not BE LESS THAN FIVE HUNDRED DOLLARS, NOR exceed two FIVE thousand dollars; and ~~also in actions for divorce, separate maintenance and annulment~~ provided, however that said superior courts shall not have jurisdiction over matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators, nor settlement of their accounts, nor lunacy proceedings.

SECTION 2. 37-11-3, Colorado Revised Statutes 1953 (1960 Perm. Supp.), as amended by section 2, chapter 95, Session Laws of Colorado 1963, is hereby further amended to read:

37-11-3. Procedure. The practice and pleading in ON APPEALS TO superior courts shall be governed by the same statutes as now or hereafter may be provided for the appeal of municipal, police magistrate, and justice COUNTY court judgments to county DISTRICT courts, and except as to matters so provided for by statute, ~~or as to criminal matters,~~ the practice and procedure of superior courts shall be in accordance with the Colorado rules of civil and criminal procedure, and the Colorado rules of criminal procedure. Terms of court, and other matters not covered by such rules or by statute, may be regulated by rules of the SUPERIOR courts hereby created.

SECTION 3. 37-11-5, Colorado Revised Statutes 1953 (1960 Perm. Supp.), as amended by section 3, chapter 95, Session Laws of Colorado 1963, is hereby amended further to read:

37-11-5. Qualifications, election, and compensation of judges -- vacancy -- applicability of act. (1) (a) A judge of a superior court

shall have the same qualifications as provided by law for district judges. At the general election in the year 1964, superior court judges shall be elected for a term of six years beginning on the second Tuesday of January next after their election. When a vacancy occurs in a superior court judgeship because of death, resignation or other cause, such judgeship shall be filled in the same manner as now provided for the appointment of a ~~county~~ DISTRICT judgeship when a vacancy exists.

(2) A judge of the superior court shall receive an annual salary of ~~fourteen-thousand-dollars~~ THE SAME AMOUNT PROVIDED BY LAW FOR DISTRICT JUDGES.

SECTION 4. 37-11-6 Colorado Revised Statutes 1953 (1960 Perm. Supp.) is hereby amended to read:

37-11-6. Funds and operation. (1) Funds for the establishment and operation of a superior court, including such employees as the judge thereof may designate, shall be provided in the same manner provided for the establishment and operation of ~~county-courts~~ DISTRICT COURTS EXCEPT THAT FUNDS FOR THE SALARIES OF THE JUDGES OF A SUPERIOR COURT SHALL BE PROVIDED BY THE COUNTY IN WHICH THE COURT IS LOCATED.

(2) The judge of the superior court may establish an office of the clerk of the superior court and may appoint a clerk and such other employees necessary to carry out the functions and duties of such office. The power and duties of the clerk shall be similar to the powers and duties of the clerks of the district courts and ~~county courts~~. Any such clerk so appointed shall qualify and give bond as clerks of the district court and ~~county-courts~~ are required to do, and be subject to the same liabilities as are provided by law in relation to the clerks of the district courts and ~~county-courts~~. THE FEE SCHEDULES OF THE OFFICE OF THE CLERK OF THE SUPERIOR COURT SHALL BE THE SAME AS THE FEE SCHEDULES PROVIDED BY LAW FOR THE OFFICE OF THE DISTRICT COURT CLERK.

SECTION 5. 37-11-8. Colorado Revised Statutes (1960 Perm. Supp.) as amended by section 4, chapter 95, Session Laws of Colorado 1963, is hereby further amended to read:

37-11-8. Appeals and writs of error. (1) Appeals may shall be taken from superior COURTS to ~~district-courts~~ THE SUPREME COURT in such cases and in such manner as may be prescribed by law, THE RULES OF CIVIL PROCEDURE AND THE RULES OF CRIMINAL PROCEDURE for appeals from ~~county~~ DISTRICT courts; ~~provided, that appeals shall be taken from the superior courts to the supreme court in criminal cases filed in the superior courts in such manner as may be prescribed by law for appeals from district courts.~~ Writs of error shall lie from the supreme court to every final judgment of a superior court. No appeal shall lie to the district court from any judgment given upon an appeal from a municipal, police magistrate, or justice court.

SECTION 6. 37-11-9 Colorado Revised Statutes 1953 (1960 Perm. Supp.) is hereby amended to read:

37-11-9. Change of venue. Where there exists concurrent jurisdiction, changes of venue to and from superior courts may be taken to and from a ~~county~~ DISTRICT court for the same causes as are provided for changes of venue in the ~~county~~ DISTRICT courts.

SECTION 7. 37-11-10 Colorado Revised Statutes 1953 (1960 Perm. Supp.) is hereby amended to read:

37-11-10. Judgments lien on real estate. The judgments of superior courts shall be enforceable and may be made liens upon real estate in the manner provided by law for judgments in the ~~county~~ DISTRICT courts.

SECTION 8. 37-11-12 Colorado Revised Statutes (1960 Perm. Supp.) is hereby amended to read:

37-11-12. Jurisdiction of supreme court. The jurisdiction of the supreme court over ~~county~~ DISTRICT courts provided in sections 37-10-1 to 37-10-3 shall also apply to superior courts created by this article.

SECTION 9. Effective date. The effective date of all provisions of this act shall be the second Tuesday in January, 1965, except as otherwise specifically provided herein.

SECTION 10. 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.

A BILL FOR AN ACT

CONCERNING FORCIBLE ENTRY AND DETAINER

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 58-1-9, Colorado Revised Statutes 1953 is hereby amended to read:

58-1-9. Jurisdiction of Courts. -- The district courts in their respective districts, and county courts ~~and justices of the peace~~ in their respective counties shall have jurisdiction of all cases of forcible entry, forcible detainer or unlawful detainer, arising under this article, and the person or persons entitled to the possession of any premises may recover possession thereof by action brought in any of said courts, in the manner provided in this article. In all actions hereafter brought before ~~justices of the peace~~ COUNTY COURTS under subsection (6), (7), (8), and (9) of section 58-1-4 where the allegations of the complaint shall be put in issue by a verified answer, AND IN ACTIONS IN WHICH THE VERIFIED ANSWER ALLEGES A MONTHLY RENTAL VALUE OF THE PROPERTY IN EXCESS OF FIVE HUNDRED DOLLARS, the ~~justice~~ COUNTY COURT, upon the filing of said answer, shall suspend all proceedings therein and certify said cause and transmit the papers therein to the district court of the same county. Causes so certified by ~~justices of the peace~~ THE COUNTY COURT shall be proceeded within the courts to which they have been certified in all respects as if originally begun in the court to which they have been certified as aforesaid. THE JURISDICTION OF THE COUNTY COURT TO ENTER JUDGMENT FOR RENT, OR DAMAGES, OR BOTH, AND TO RENDER JUDGMENT ON A COUNTERCLAIM IN FORCIBLE ENTRY AND DETAINER, SHALL BE LIMITED TO A TOTAL OF FIVE HUNDRED DOLLARS IN FAVOR OF EITHER PARTY, EXCLUSIVE OF COSTS AND ATTORNEYS' FEES.

SECTION 2. 58-1-11, Colorado Revised Statutes (1961 Supp.) is hereby further amended to read:

58-1-11. Issuance and return of summons. -- Upon filing the complaint, as provided in section 58-1-10, the ~~justice of the peace or~~ clerk of the court shall issue a summons, as in other cases, except that it shall command the defendant to appear before the court at a place in such summons named, and at a time and on a day which shall be not less than five nor more than seven days from the day of issuing the same to answer the complaint of the plaintiff. The summons shall also contain a statement addressed to the defendant stating that "if you fail to file with the court, at or before the time for appearance specified in the summons, an answer to the complaint, setting forth the grounds upon which you base your claim for possession, and denying or admitting all of the material allegations of the complaint, judgment by default may be taken against you for the possession of the property described in the complaint, for the rent, if any, due or to become due, for present and future damages, costs, and for any other relief to which the plaintiff is entitled."

SECTION 3. 58-1-12, Colorado Revised Statutes 1953 (1961 Supp.) is hereby further amended to read:

58-1-12. Service. -- (1) Such summons may be served by personal service as in any civil action. A copy of the complaint must be served with the summons.

(2) If personal service cannot be had upon the defendant by the sheriff or constable, he having made diligent effort to make such personal service, the sheriff or constable may make service by posting a copy of such summons and the complaint in some conspicuous place upon the premises.

(3) Such service shall be made at least five days before the day for appearance specified in such summons, and the time and manner of such service shall be endorsed upon such summons, by the officer or other person making service thereof.

SECTION 4. 58-1-18, Colorado Revised Statutes 1953, is hereby amended to read:

58-1-18. Appeals--bond. -- If either party shall feel aggrieved by the judgment rendered in such action before ~~such justice~~ THE COUNTY COURT, he may appeal TO THE DISTRICT COURT OR THE SUPERIOR COURT IF ONE HAS BEEN ESTABLISHED as in other cases tried before ~~justices-of-the-peace~~ THE COUNTY COURT, except as provided in this article. No such appeal by a defendant shall stay proceedings on such judgment, unless the appellant, within forty-eight hours, Sundays excepted, after judgment, shall execute and file with the ~~justice~~ COUNTY COURT his undertaking to plaintiff, with A CORPORATE SURETY OR ~~two~~ ONE or more SUFFICIENT PRIVATE sureties, to be approved by the ~~justice~~ COURT, to the effect that the appellant will pay all costs which have accrued, or may thereafter accrue, and all damages which plaintiff may have sustained, or may thereafter sustain, in consequence of the wrongful detention of the premises in question, during the pendency of such appeal.

Upon taking such appeal and filing such undertaking, all further proceedings in the case shall be stayed, and the appellate court shall thereafter issue all needful writs and process to carry out any judgment which may be rendered thereon in the appellate court. The court in which the appeal is pending, at any time, may require a new undertaking in a larger amount with the same or different sureties, to be approved by the appellate court, if deemed necessary to secure the rights of the parties. ~~Such undertaking in appeal may be filed with and approved by the clerk of the county, as in appeals in other cases.~~

SECTION 5. 58-1-19. Colorado Revised Statutes 1953, is hereby amended to read:

58-1-19. Deposit of rent. -- In all appeals from the judgment of a ~~justice-of-the-peace~~ COUNTY COURT, in an action founded upon subsection (4) of section 58-1-4, the defendant, in addition to the undertaking required by section 58-1-18, and at the time of the filing thereof, shall deposit with such ~~justice~~ COURT the amount of rent found due and specified in such judgment. Unless such deposit be made, the appeal shall be deemed and taken as not being perfected, and proceedings as upon such judgment shall thereupon be had accordingly. If the appeal be perfected, the ~~justice~~ COURT shall transmit such deposit to the clerk of the appellate court, with the papers in such case; and the appellant

thereafter, at the time when the rents become due, as specified in the judgment appealed from, and, as often as the same become due, shall deposit the amount thereof with the clerk of such appellate court. In case the appellant, at any time during the pendency of such appeal, and before final judgment therein, shall neglect or fail to make any deposit of rent, falling due at the time specified in the judgment appealed from, the court in which such appeal is pending, upon such fact being made to appear, and upon motion of the appellee, shall affirm the judgment appealed from, with costs; and proceedings thereupon shall be had as in like cases determined upon the merits.

SECTION 6. 58-1-23, Colorado Revised Statutes, 1953, is hereby amended to read:

58-1-23. Appeals and writs of error--bond. -- Appeals and writs of certiorari to the supreme court from the judgment of the district, ~~or-county~~ OR SUPERIOR courts of this state, in proceedings under this article, shall be allowed as in other cases; provided, that in addition to the conditions now prescribed by law, the condition of the undertaking on appeal, and the time of filing the same shall be AS required by this article in cases of appeal from ~~justice-of-the-peace~~ THE COUNTY COURT. In cases of appeal, from judgments founded upon causes of action embraced in subsection (4) of section 58-1-14 the deposit of rent money during pendency of appeal shall be made, or judgment of affirmance shall be entered in the manner provided in section 58-1-19. In all other cases where judgment is rendered for the possession of the premises the party appealing from such judgment, ~~whether-in-justice-courts-or-courts-of-record~~; in addition to the undertaking hereinbefore mentioned, shall make and file an additional undertaking with sufficient sureties to be approved by the ~~justice-or~~ court in such sum as may be fixed by such ~~justice-or~~ court conditioned for the payment to the plaintiff of all sums that may be awarded to the plaintiff for the use and occupation of the premises, pending such appeal, either in said action or in any other action thereafter instituted by the plaintiff against said defendant, during the pendency of said appeal.

SECTION 7. 58-1-25, Colorado Revised Statutes 1953, is hereby amended to read:

58-1-25. Writ of restitution after judgment. -- ~~Writs-of restitution-and-execution-for-damages-and-costs-shall-issue-in-the same-manner-as-upon-judgments-entered-in-justices'-courts;-but~~ No writ of restitution shall issue upon any judgment entered in any action under the provisions of this article, out of any court, until after the expiration of forty-eight hours from the time of the entry of such judgment; and such writs shall be executed by the officer having the same, only in the day-time, and between sunrise and sunset.

SECTION 8. Repeals. 58-1-16 and 58-1-20 Colorado Revised Statutes 1953 are hereby repealed.

SECTION 9. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or provisions, application or applications which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 10. Effective date. This act shall take effect on the second Tuesday of January, 1965.

SECTION 11. 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.

A BILL FOR AN ACT
RELATING TO COUNTY COURTS.

Be It Enacted by the General Assembly of the State of Colorado.

Article 1 -- Establishment and Jurisdiction

SECTION 1. Establishment. Pursuant to the provisions of Section 1, Article VI of the Colorado Constitution, there is hereby established in each county of the state of Colorado a county court.

SECTION 2. Court of record. Each county court shall be a court of record, with such powers as are inherent in constitutionally created courts.

SECTION 3. Statewide jurisdiction. The jurisdiction of the county court shall extend to all cases which arise within the boundaries of this state or are subject to its judicial power and which are within the limitations imposed by this act, but the exercise of this jurisdiction shall be subject to restrictions of venue as established by this act.

SECTION 4. Original civil jurisdiction. (1) The county court shall have concurrent original jurisdiction with the district court in civil actions, suits, and proceedings in which the debt, damage, or the value of the personal property claimed does not exceed \$500, including by way of further example and not limitation, jurisdiction to hear and determine actions in tort and assess damages therein not to exceed \$500. The county court shall also have jurisdiction of counter claims in all such actions when the counter claim does not exceed \$500.

(2) The county court shall have concurrent original jurisdiction with the district court in cases of forcible entry, forcible detainer or unlawful detainer except when such cases involve the boundary or title to real property and except as provided in section 58-1-9, Colorado Revised Statutes 1953, as amended. Judgment in the county court for rent, damages on account of unlawful detention, and damages for injury to property under this subsection shall not exceed a total of \$500, exclusive of costs and attorney's fees, nor shall the county court have jurisdiction if the monthly rental value of the property exceeds \$500.

(3) The county court shall have concurrent original jurisdiction with the district court in petitions for change of name or the issuance of corrected or delayed birth certificates.

(4) The county court shall have concurrent original jurisdiction to require peace bonds pursuant to 39-2-1, Colorado Revised Statutes 1953, and to issue restraining orders to prevent assaults and threatened bodily harm pursuant to 40-2-48, Colorado Revised Statutes 1953 (1960 Supp.)

(5) The county court shall have original jurisdiction to hear and decide any civil action which was within the jurisdiction of the justice of the peace court prior to the effective date of this act or to perform any duty which was vested in a justice of the peace prior to such date.

(6) The revisor of statutes, in compiling revised statutes, is hereby directed to eliminate references to the justice of the peace courts and to substitute therefor references to the county courts as such action may be necessary in other statutes in order that such statutes state accurately the changes in civil jurisdiction and duties made by this act and by Section 23 of Article VI of the Colorado Constitution as amended and effective on the second Tuesday in January, 1965.

SECTION 5. Specific limits on civil jurisdiction. (1) The county court shall have no civil jurisdiction except that specifically conferred upon it by law. In particular it shall have no jurisdiction over the following matters:

(a) Matters of probate.

(b) Matters of mental health, including commitment, restoration to competence, and the appointment of conservators.

(c) Matters of divorce, annulment and separate maintenance.

(d) Matters affecting children, including custody, support, guardianship, adoption, dependency or delinquency.

(e) Matters affecting boundaries or title to real property.

(f) Original proceedings for the issuance of injunctions, except as specifically authorized in this act.

(2) Any powers or duties previously placed in the county court by law in connection with any of the matters excluded from the jurisdiction of the county court by this section are hereby transferred to the district court or, if within their jurisdiction, to the probate court or juvenile court in the city and county of Denver, and the statutes relating thereto shall be so construed. The revisor of statutes is hereby directed to make such substitution in the designation of courts in other statutes as may be required to state the provisions of this section in compiling revised statutes.

(3) Nothing in this section shall be deemed to prevent the appointment of county judges as referees in juvenile, mental health, and other matters. Such appointments are hereby authorized. When made, the county judge shall be a district court officer for the designated purposes.

SECTION 6. Original criminal jurisdiction. The county court shall have concurrent original jurisdiction with the district court in the following criminal matters:

(1) Criminal actions for the violation of state laws which constitute misdemeanors, except those actions involving children over which the juvenile court of the city and county of Denver or the district courts of the state other than in Denver have exclusive jurisdiction.

(2) The issuance of warrants, the conduct of preliminary examinations, the issuance of bindover orders, and the admission to bail in felonies and misdemeanors.

(3) The hearing and decision of any other criminal matters within the jurisdiction of the justice of the peace courts prior to the effective date of this statute. The revisor of statutes, in compiling revised statutes, is hereby directed to eliminate references to the justice of the peace courts and to substitute therefor references to the county courts as such action may be necessary in other statutes in order that such statutes state accurately the changes in criminal jurisdiction and duties made by this act and by Section 23 of Article VI of the Colorado Constitution as amended and effective on the second Tuesday of January, 1965.

Article 2 -- Judges and Other Personnel

SECTION 7. Classification of counties. For such organizational and administrative purposes as are specified in this Article, counties shall be classified as provided in this section. The classifications established herein shall not be deemed to have any effect upon any classifications now provided by law for any other purpose and specifically shall have no effect upon the existing classification of counties for the purpose of fixing judicial salaries for county judges as provided by 56-2-3 and 56-2-18, Colorado Revised Statutes 1953, as re-enacted by chapter 59, Colorado Session Laws 1962. Classes of counties for this article shall be:

(1) Class A. Class A shall consist of the city and county of Denver.

(2) Class B. Class B shall consist of the counties of Adams, Arapahoe, Boulder, El Paso, Jefferson, Larimer, Mesa, Pueblo, and Weld.

(3) Class C. Class C shall consist of the counties of Alamosa, Delta, Fremont, Garfield, LaPlata, Las Animas, Logan, Montezuma, Montrose, Morgan, Otero, Prowers, and Rio Grande.

(4) Class D. Class D shall consist of the counties of Archuleta, Baca, Bent, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Dolores, Douglas, Eagle, Elbert, Gilpin, Grand, Gunnison, Jackson, Hinsdale, Huerfano, Kiowa, Kit Carson, Lake, Lincoln, Mineral, Moffat, Ouray, Park, Phillips, Pitkin, Saguache, San Juan, San Miguel, Sedgewick, Summit, Rio Blanco, Routt, Teller, Washington, and Yuma.

SECTION 8. Number of Judges. In each county, there shall be one county judge except that in the counties of Adams and Jefferson there shall be three county judges, in the counties of Arapahoe, Boulder,

El Paso, Pueblo and Weld there shall be two county judges, and in the city and count of Denver there shall be the number of county judges provided by the charter and ordinances thereof.

SECTION 9. Qualifications of judges. (1) The county judge shall be a qualified elector of the county for which he is elected or appointed and shall reside there so long as he serves as county judge.

(2) In counties of Class A, B, and C, as those classes are defined in this article, no person shall be eligible for election or appointment to the office of county judge unless he shall have been admitted to the practice of law in Colorado.

(3) In counties of Class D, as such class is defined in this article, no person shall be eligible for election or appointment to the office of county judge unless he shall have graduated from high school or have attained the equivalent of a high school education as indicated by the possession of a certificate of equivalency issued by the Colorado department of education based upon the record made on the General Educational Development Test.

(4) Judges elect who have not been admitted to the practice of law shall not take office for the first time as county judge until they have attended an institute on the duties and functioning of the county court to be held under the supervision of the supreme court, unless such attendance is waived by the supreme court. Judges who are attorneys and who are taking office for the first time as county judge may attend this institute if they wish. All judges shall be entitled to their actual and necessary expenses while attending this institute, said expenses to be paid by the county which they will serve. The supreme court shall establish the institute to which this subsection refers and shall provide that it be held every two years between the time of the general election and December 31 of such year.

SECTION 10. Activities of judge. In counties of Class A and B, county judges shall devote their full time to judicial duties and shall not engage in the private practice of law. They may also serve as municipal judges in counties of Class A, but may not do so in counties of Class B.

(2) In counties of Class C and D, county judges, if admitted to the bar, may engage in the private practice of law in courts other than the county court and in matters which have not and will not come before the county court and may serve as municipal judges.

(3) When the ends of justice shall be best so served, county judges of any class county may be appointed as referees for the district court in juvenile and mental health matters and shall receive no additional compensation for such service. County judges may accept appointment as referees in any other matter and for such service a county judge shall be entitled to such compensation as the appointing district judge may allow, payable from district court funds.

SECTION 11. Term and election of judges. The term of office of county judges shall be four years. At the general election in November, 1964, county judges as provided herein shall be elected to serve a term of four years beginning on the second Tuesday in January, 1965. This section shall not apply to the city and county of Denver and the term of office and manner of selection of county judges therein shall be determined by the charter and ordinances thereof.

SECTION 12. Vacancies. If a vacancy in the office of county judge shall occur by death, resignation, or otherwise, the board of county commissioners shall appoint an individual possessing the qualifications herein specified to fill such vacancy. The individual so appointed shall serve until the next general election and thereafter until his successor takes office. A county judge shall be elected at such general election and he shall take office on the second Tuesday of the following January and serve for a four year term.

SECTION 13. Bond. If a county judge or associate county judge is to act as his own clerk, he shall execute to the people of the state of Colorado a bond, in the penal sum of \$10,000, with a corporate surety to be approved by the secretary of state, conditioned for the faithful performance of the duties as clerk required of him by law and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office. The premium for such bond shall be paid by the county in which the judge serves. The bond herein provided shall be executed and filed with the secretary of state before the judge shall enter upon the duties of his office.

SECTION 14. Associate county judges. (1) Pursuant to the power to create judicial officers with jurisdiction inferior to the supreme court provided in Article VI, Section 1, of the Constitution, there is hereby created the office of associate county judge.

(2) Associate county judges, when provision is made for part time or substitute positions pursuant to this act, shall be appointed by the county judge or by the county judges sitting en banc and shall serve at the pleasure of the county judge or judges.

(3) Associate county judges when actually performing judicial duties shall have all of the jurisdiction and power of a county judge and their orders and judgments shall be those of the county courts.

(4) No person shall be appointed as an associate county judge in counties of Class A and B unless he shall have been admitted to the practice of law in Colorado. In counties of Class C, an attorney shall be appointed if available. If an attorney is not available in such counties, and in all other counties, and appointee shall have graduated from high school or attained the equivalent of a high school education as indicated by the possession of a certificate of equivalency issued by the Colorado department of education based upon the record made on the General Educational Development Test.

SECTION 15. Associate county judges -- part time. (1) In any county, when made necessary by docket congestion or geographic factors, the county commissioners may authorize part time positions for associate county judges, such positions not to exceed two in number nor to equal one full time position.

(2) Salaries for such positions shall be fixed by the county commissioners at either one-fourth or one-half of the annual salary of the county judge.

SECTION 16. Associate county judges -- substitute. (1) In any county in which there is only one county judge and in which there are no part time positions occupied by associate county judges there shall be appointed by the county judge one associate county judge to sit on a substitute basis to hear and dispose of all matters within the jurisdiction of the county court during the absence from the county, illness or unavailability of the county judge. When the said substitute associate county judge has actually performed judicial duties, it shall be conclusively presumed that one of the contingencies herein specified existed.

(2) The associate county judge and any successor thereto appointed to serve on a substitute basis shall receive a salary equivalent to one two hundred and fortieth of the annual salary fixed for the county judge for each day on which he actually performs judicial duties, provided that such judge and his successors, if any, may receive compensation for not more than thirty days of service in any one year.

SECTION 17. Judge may call other judges. (1) Whenever the sole county judge of any county or the presiding judge of any multi-judge county court in his opinion, on account of the accumulation of judicial business in the court, believes that the court is unable to give due and prompt attention to all business pending in such court and to give speedy justice to all litigants therein, such judge may request the assistance of any other county judge, or any district, juvenile, probate, or superior court judge in this state, and such judge when so requested and not otherwise officially engaged may serve, for the purpose of hearing and determining any matters pending before said court, and such judge so requested may enter any judgment, order, or decree, final or interlocutory, in any matter or cause so heard by him with like effect as if entered by the judge so requesting. The assisting judge may sit for the trial of separate matters at one and the same time as the regular judge or judges or may temporarily replace them as circumstances may require.

(2) No formal or written request shall be necessary to authorize any such judge to act for a county judge, but the request may be conveyed in any manner satisfactory to the judges concerned, and when any such judge so assumes to act for a county judge, his authority shall be conclusively presumed.

(3) No county judge shall be called for assistance into counties of Classes A, B and C, unless he has been admitted to the practice of law in this state.

SECTION 18. Remuneration of assisting judge. (1) Whenever the county judge or the presiding judge of any county of Class A or B, under the authority conferred by this act, shall call to his assistance a county judge, from a county of Class C or D, such assisting judge shall be paid, in addition to any other allowance and compensation provided for by law, by the county commissioners of the county in which he has performed such duties, out of the general county fund, the sum of twenty dollars per day for each day he has performed such official duties upon a certificate from the calling judge setting forth the number of days such judge has so served, and he shall in addition be reimbursed for his expenses not in excess of the amounts specified in Colorado Revised Statutes section 37-4-12 (2), as amended. In all other instances, the assisting county judge shall receive only his expenses, as provided in Colorado Revised Statutes, section 37-4-12 (2) as amended, except that the maximum allowance shall be twenty dollars per day.

SECTION 19. Reports of judicial service. Whenever an associate county judge on a substitute basis or an assisting judge from another county or from the district court, juvenile court, probate court or superior court actually performs judicial duties in a county court, a report of such fact, indicating the name of the judge so serving, the number of days served and the number of matters handled, shall be made by the clerk of the county court served to the departmental justice for the judicial department to which the county has been allocated pursuant to Colorado Revised Statutes 1953, section 37-10-1. This report shall be filed immediately upon completion of the service.

SECTION 20. Appointment of Clerk. (1) The position of clerk of the county court is hereby established in counties of Classes A, B and C. In counties of Class A the appointment of the clerk shall be made and his salary shall be fixed as prescribed in the charter and ordinances thereof. In counties of Class B the clerk shall be appointed by the judge or judges of the county court and his salary shall be fixed by the judge or judges thereof at an amount not to exceed \$6,000 per year. In counties of Class C the clerk shall be appointed by the judge and his salary shall be fixed by the judge with the approval of the board of county commissioners at an amount not to exceed \$4,800 a year.

(2) A position for clerk of the county court other than the judge may be established by the county judge after the approval of the board of county commissioners in counties of Class D. The clerk, if the position be established and filled, shall receive such compensation as shall be fixed by the judge with the approval of the board of county commissioners. Appointment of a person to fill the position shall be made by the county judge.

(3) In counties of Class C and D, if both the district judge or judges and the county judge find it to be feasible and desirable and with the concurrence of both, a consolidated clerks office may be established to serve both the district court and the county court. If such an office is established, the records of the district court and the county court shall be kept separately and only facilities and personnel shall be consolidated.

(4) In any county in which there is no clerk of the county court provided by any of the means set out in the other subsections of this section, the judge of the county court shall act as ex officio clerk without further compensation and have all the duties and powers of the clerk.

SECTION 21. Duties of clerk. The powers and duties of the clerk of the county court shall be similar to the powers and duties of the clerk of the district court exclusive of the powers of the district clerk in probate and shall include such duties as may be assigned to him by law, by court rules and by the county judge.

SECTION 22. Bond of clerk. If a clerk of the county court shall be appointed, before taking office he shall give bond to the people of the state of Colorado in amount not to exceed \$10,000, said amount to be fixed by the county commissioners, executed by a corporate surety approved by the secretary of state, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office. The bond shall be filed with the secretary of state. The premium shall be paid by the county in which the clerk serves

SECTION 23. Other employees. (1) In counties of Class A such deputy clerks, assistants, reporters, stenographers and bailiffs as shall be necessary for the transaction of the business of the county court may be appointed and their compensation fixed in the manner provided in the charter and ordinances thereof. In counties of Classes B, C and D, the judges of the county court may appoint, with the approval of the board of county commissioners, such deputy clerks, clerical assistants, reporters, stenographers and bailiffs as shall be necessary for the business of their respective courts at such compensation, payable monthly, as shall be fixed by such judges with the approval of the board of county commissioners.

SECTION 24. Presiding judges. In each county court which has more than one county judge, the court, by rule, shall provide for the designation of a presiding judge. If there is a failure to select a presiding judge by rule, the departmental judge of the supreme court for the judicial department in which the county is located shall designate a presiding judge.

SECTION 25. Judges to sit separately. In each county court which has more than one county judge, each of said judges shall sit separately for the trial of cases and the transaction of judicial business and each of the courts so held shall be known as the county court of the county wherein held. Each judge shall have all of the powers which he might have if he were the sole judge of the court, including the power to vacate his own judgments, decrees or orders or those of a predecessor when permitted by law, but not county court orders of another judge of the same county court who is still in office.

SECTION 26. Judges may sit en banc. In each county court which has more than one judge, the court may sit en banc for the purpose of making rules of court, the appointment of a clerk and other employees or the approval thereof as provided in this act and the conduct of other business relating to the administration of the court. If the county judges of a county court are evenly divided on a matter and shall fail to agree, the same shall be referred to the departmental judge of the supreme court for decision. The court sitting en banc shall have no power to review any order or decision of the court made by any judge sitting separately.

Article 3 -- General Procedural Provisions

SECTION 27. Court rules. Each county court shall possess the power to make rules for the conduct of its business to the extent that such rules are not in conflict with the rules of the supreme court or the laws of the state but are supplementary thereto. In each county court which has more than one judge, or has an associate judge sitting regularly, the court shall make such rules as it deems necessary for the classification, arrangement and distribution of the business of the court among the several judges thereof. All county court rules shall be subject to review by the supreme court.

SECTION 28. Terms of court. Terms of the county court shall be fixed by rule of the court in each county, provided that at least one term shall be held in each county in each year.

SECTION 29. Place of holding court. In each county, the county court shall sit at the county seat, and the county court by rule or order also may provide for hearing and trials to be held in locations other than the county seat. In particular, if the corporate limits of a municipality extend into two counties, the county court of either county, for the hearing of matters for which venue is properly laid before them or the requirements thereof are waived, may sit at any place within such municipality, without regard to the location of the county line. Where the county court sits regularly at locations other than the county seat, proper venue within the county shall be fixed by court rule.

SECTION 30. Court facilities. The county commissioners shall provide court facilities at the county seat and are authorized to do so elsewhere. Such facilities may be provided by arrangement with municipal authorities, by rental or by other appropriate means.

SECTION 31. Maintenance of records. (1) Permanent records of the county court shall be maintained at the office of the clerk of the court at the county seat.

(2) If the county court sits regularly at a location other than the county seat, and the court so provides by rule, cases may be docketed at such locations and thereafter all pleadings, writs, judgments and other documents in the case shall be filed at such other

location.

(a) In civil cases, an additional copy of each item filed shall be supplied by the person filing the same for all matters filed at such locations. The date and time of filing shall be entered on all copies of such items. A notice of docketing and the original of each document filed shall be forwarded forthwith to the clerk of the court at the county seat. A temporary copy of each item shall remain at the location away from the county seat where the case is docketed until the case is terminated and for thirty days thereafter. Temporary records then shall be destroyed. In the event that it becomes necessary to determine the priority between items of record in the county court, the time of filing shall prevail.

(b) In criminal cases, a single copy of items filed shall be sufficient. A notice of docketing of criminal cases with sufficient information to identify the defendant and the offense charged shall be forwarded forthwith to the clerk of the court at the county seat. After termination of the case, all records on file therein and a transcript of the judgment shall be forwarded to the county seat.

SECTION 32. Seal. The county court of each county shall have an appropriate seal.

SECTION 33. Process. Each county court or judge thereof shall have the power to issue process necessary to acquire jurisdiction, to require attendance and to enforce all orders, decrees and judgments. Such process shall run to any county within the state and, when authorized by the Rules of Civil Procedure, may be served outside the state. Any sheriff to whom process is directed is hereby authorized and required to execute the same and he shall be entitled to the same fees as are allowed for serving like process from the district courts. Persons other than the sheriff or his deputies may also serve process from the county court when permitted by the Rules of Civil Procedure or by law.

SECTION 34. Juries. (1) When required, juries shall be selected and summoned as provided for courts of record in Chapter 78, Colorado Revised Statutes, with such exceptions as are provided in this section. With the consent of the district court and the jury commissioners, the county court may, if feasible, use the same panel of jurors summoned for the district court. Jurors selected and summoned for the county court may also be used in municipal court in counties of Class A, as defined in article 2 of this act.

(2) If a county court sits regularly in a location other than the county seat and if jury trials are held at such location as well as at the county seat, the county commissioners in counties of less than 40,000 population or the jury commissioner in counties of more than 40,000 are authorized to establish jury districts within the county for the selection of county court jurors. The county shall be divided into as many such districts as there are places in which the county court regularly holds jury trials and each district shall include one such place as well as appropriate contiguous territory.

In counties so divided, the county commissioners or the jury commissioner shall select separate lists of persons from each jury district to serve as county court jurors within their respective districts. Such lists shall contain not less than one hundred and not more than three hundred names. When jurors are to be summoned for county court service within such districts, names shall be drawn from the list by the clerk of the county court in counties of less than 40,000 and by the jury commissioner in counties of more than 40,000. In all other respects, the provisions of Chapter 78, Colorado Revised Statutes shall be followed in selecting, drawing and summoning jurors in counties divided into county court jury districts.

SECTION 35. Verbatim record of proceedings. At the request of any party and in conformity with rules of court or by direction of the judge, a verbatim record of the proceedings and evidence at trials in the county court shall be maintained by electric devices or by stenographic means as the judge of the court may direct, except as such record may be unnecessary in certain proceedings pursuant to specific provisions of law.

SECTION 36. Appeals from county court. (1) Appeals from final judgments and decrees of the county courts shall be taken to the district court for the judicial district in which the county court entering such judgment is located. Appeals shall be based upon the record made in the county court.

(2) The district court shall review the case on the record on appeal and affirm, reverse, remand or modify the judgment, provided that the district court, in its discretion may remand the case for a new trial with such instructions as it may deem necessary or it may direct that the case be tried de novo before the district court.

(3) In counties in which a superior court has been established, appeals from the county court shall be taken to the superior court rather than the district court. All of the provisions of this act governing appeals from the county court to the district courts are applicable when the appeal is taken to the superior court pursuant to this subsection.

(4) Further appeal to the supreme court from a determination of the district court or the superior court in a matter appealed to such court from the county court may be made only upon writ of certiorari issued in the discretion of the supreme court and pursuant to such rules as that court may promulgate.

Articel 4 -- Simplified Civil Procedure in County Courts

SECTION 37. Purpose. In order to make available to litigants a simple and expeditious method of handling smaller claims and suits while preserving the essentials of fairness and proper application of principles of law, and to facilitate the handling of these matters by an individual if he desires to act in his own behalf, a system of simplified civil procedure is provided by this article.

SECTION 38. Application. (1) In county courts, civil actions for the recovery of money only, including tort actions for damages, where the amount claimed does not exceed five hundred dollars (\$500) exclusive of interest and costs and actions for the possession of personal property not exceeding five hundred dollars (\$500) in value shall be brought under the simplified procedures provided by this article. Any procedural matter not specifically covered by some provision of this article shall be decided according to the Rules of Civil Procedure or by statutes generally applicable to courts of record or particularly applicable to the county court.

(2) The procedure for the recovery of the possession of real property known as forcible entry and detainer shall be as provided in Chapter 58, Colorado Revised Statutes 1953.

SECTION 39. Representation. Parties to actions under simplified procedure may appear and act personally or may be represented by an attorney or, in claims based upon accounts receivable, negotiable instruments or forcible entry and detainer, by an agent, except as limited by Colorado Revised Statutes 1953, section 28-1-27. For this purpose, party shall include a person or corporation holding a properly assigned claim.

SECTION 40. Venue. The proper venue for actions under this article shall be determined as provided in Rule 98 of the Rules of Civil Procedure. A motion for change of venue in actions under this article shall be filed on or before the date fixed in the summons for answer or appearance.

SECTION 41. Commencement of action. Civil actions under this article shall be commenced by filing with the county court a complaint consisting of a sworn statement of claim setting forth briefly the facts and circumstances giving rise to the action. Substantially the following form may be used but is not mandatory:

In the County Court for _____ County

(name) Plaintiff }
vs. }

(Name) Defendant }
Complaint
Under Simplified
Civil Procedure

_____, being first duly sworn, deposes and
(Plaintiff's name)
says:

1. That _____ is a resident of _____
(defendant's name)
county with postoffice address of _____
Street, City of _____, State of _____.

2. That the amount claimed from _____
(defendant's name)
is _____ dollars and _____ cents
(\$_____) together with proper interest, costs
and any other items allocable by statute or
specific agreement.

or

That the personal property claimed from
_____ is of the value of _____
(defendant's name)
dollars and _____ cents (\$_____) and
may be described as follows: (describe property
briefly).

3. That such claim arises from the following event
or transaction: (describe briefly).

4. That the defendant is (is not) in the military
service of the United States and in support of
this statement plaintiff sets forth the following
facts: (state facts concerning military status
of defendant -- if the military status of
defendant is not known so state here).

5. (If a jury trial is demanded, so state immedi-
ately below -- an additional cost of \$15.00 must
be paid to the clerk if such demand is made.)

(Plaintiff's signature)

(Plaintiff's street address)

(Plaintiff's city and state)

Subscribed and sworn to before me this _____
day of _____, 19____.

SECTION 42. Oath. The complaint and answer in simplified
procedure may be sworn to before any person authorized to administer
oaths, including a notary public or the clerk or deputy clerk of the
county court.

SECTION 43. Docketing of case and issuance of summons. Upon the filing of the sworn complaint and the payment of a docket fee of \$5.00, the clerk of the county court shall docket the case and issue a summons directing the defendant to file an answer or to appear before the court at a time stated in the summons, which shall be not later than twenty days from the date the summons was issued, provided that the summons shall be served on the defendant at least ten days before the appearance date. An attorney may issue a summons, inserting therein a date certain for appearance. If an attorney issues a summons, it shall be filed with the clerk of the court together with the complaint and the case docketed within three days after service. The following form for a summons shall be used:

In the County Court for _____ County

_____, Plaintiff)
(name)
vs.
_____, Defendant)
(name)

Summons
to
Answer

The people of the state of Colorado to _____,
(name of defendant)
greetings:

You are hereby ordered to appear before the County Court of the County of _____, sitting at _____, on the _____ day of _____, 19____, at _____ a.m. (p.m.) and at that time or prior there to make written answer why judgment should not be entered against you on the sworn complaint of _____,
(name of plaintiff)
filed in this action. A true copy of the claim of _____
(name of plaintiff) is attached hereto and served herewith.

A failure to appear or answer may result in the entry of judgment against you. A failure to assent in an answer a counter claim which you now have against the plaintiff may result in such claim being permanently barred. If you do answer denying all or part of the claim or asserting any counter claim or set off, a time for trial of your case will be fixed at the appearance directed by this summons.

Dated at _____, this _____ day of _____, 19____.

SECTION 44. Forms. The sworn complaint, the summons and a form for answer may be placed upon a single sheet of paper or may be placed on separate sheets, provided that they are served jointly as set out herein.

SECTION 45. Service of summons and complaint. The summons, with a true copy of the sworn complaint attached, shall be served on the defendant in the manner provided by Rule 4, Colorado Rules of Civil Procedure. At the same time the defendant shall be provided with a copy of a form for use in filing an answer. Proof of service shall be made in the manner provided by Rule 4, Colorado Rules of Civil Procedure.

SECTION 46. Answer. The defendant, if he wishes to contest the claim of the complainant in any way, or to assert any counter claim or set off, shall file with the county court a written answer under oath on or before the appearance date. Substantially the following form may be used but is not mandatory:

In the County Court for _____ County

_____ , Plaintiff)	} ANSWER	
(name) vs.)		} UNDER SIMPLIFIED CIVIL PRO-
_____ , Defendant)		
(name)		

_____, being first duly sworn, deposes
(name of defendant)

and says:

1. That the amount or damages claimed to be due to _____ by the complaint in (name of plaintiff) this action is not due and owing for the following reasons (describe reasons and defenses briefly).

or

That the personal property claimed by _____ should not be ordered (name of plaintiff) to be turned over to him for the following reasons (describe reasons and defenses briefly).

2. (If applicable) That _____
(name of defendant)
asserts the following counter claim or set
off against _____ (describe briefly).
(plaintiff)

3. (If a jury trial is demanded, so state im-
mediately below -- an additional cost of \$15.00
must be paid to the clerk if such demand is
made.

(Defendant's signature)

(Defendant's street address)

(Defendant's city and state)

Subscribed and sworn to before me this _____
day of _____, 19__.

SECTION 47. Counter claims. (1) If the defendant possesses a counter claim against the plaintiff at the time the action is begun and the counter claim is within jurisdiction of the county court, with the total amount claimed being less than \$500 exclusive of interests and costs, he shall file such counter claim in his answer or thereafter be barred from suit thereon, if such counter claim arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction or is not the subject of another pending action. The defendant may elect to file a counter claim not arising out of the transaction or occurrence.

(2) If the defendant possesses a counter claim against the plaintiff at the time the action is begun and the total amount claimed exceeds \$500 exclusive of interest and costs, the defendant may:

(a) File suit against the plaintiff in the district court or the superior court, where applicable, on the counter claim, making reference to the suit in county court and asking that such suit be transferred to the district court and joined with the action there pending. Upon notification to the county court from the district court that an action has been filed requesting such transfer, proceedings in the county court shall be discontinued and the clerk of the county court shall certify all records in the case to the district court for consolidation with the action in such court, or,

(b) File a counter claim in the action pending in the county court, but any judgment in his favor will be limited to \$500 exclusive of interest and costs and suit for the excess due him over that sum will be barred thereafter, or

(c) Fail to take either action, but in such event suit on the counter claim will be barred thereafter, if it arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction or is not the subject of another pending action.

SECTION 48. Appearance on return date. (1) Upon the date and at the time set for appearance, if the defendant has filed no answer or fails to appear and if the plaintiff proves by appropriate return that service was made upon the defendant as provided herein at least ten days prior to the appearance date, the judge may enter judgment for the plaintiff for the amount due, including interest, costs and other items provided by statute or the agreement. The judge may require evidence as to any fact before entering such judgment.

(2) Upon the date and at the time set for appearance if the defendant contests the claim or interposes a counter claim or set off, the judge shall proceed to set the action for trial. If both parties are ready, the trial may be held forthwith if such appears proper. Otherwise, it shall be held as soon as possible.

SECTION 49. Procedure. The procedure for the hearing and disposition of actions under this article shall be expeditious and consistent with the achievement of justice between the parties. The rules and laws of evidence shall apply. Formal pleadings, other than the complaint and answer, and written motions shall be dispensed with except when required by the nature of the proceeding. Witnesses may be required to appear by subpoena issued as provided in the Rules of Civil Procedure. Continuances may be granted for good cause shown.

SECTION 50. Trial by jury. On or before the appearance date, either party may request trial of factual issues by jury and a failure to do so shall be deemed a waiver of any right to a jury trial. The court, in its discretion, may grant a request therefor made later. The jury shall consist of three members.

SECTION 51. Attachment and garnishment. Attachment and garnishment shall be available in simplified civil procedure in the manner provided by the Rules of Civil Procedure. In addition to the causes of attachment set forth in the Rules of Civil Procedure, it shall be a cause of attachment in simplified procedure that the debt is for services or for farm products, house rent, household furniture and furnishings, fuel, groceries and provisions, clothing and wearing apparel for the debtor and his family or any of them, or for any of the said articles.

SECTION 52. Claim and delivery. In an action for the possession of specific personal property, claim and delivery (replevin) proceedings shall be available to the plaintiff as provided in the Rules of Civil Procedure.

SECTION 53. Execution and other process after judgment. If judgment be against the defendant, he shall make payment thereof forthwith. If he fails to do so, execution may issue immediately unless the defendant requests a stay of execution and the court grants such request. Procedures to enforce execution and other process after judgment and the fees therefor shall be as provided by law or the Rules of Civil Procedure.

SECTION 54. Appeals. (1) If either party in a civil action believe that the judgment of the county court is in error, he may appeal to the district court by filing notice of appeal in the county court within ten days after the date of entry of judgment and by filing within the said ten days an appeal bond with the clerk of the county court. The bond shall be furnished by a corporate surety or one or more sufficient private sureties or may be a cash deposit by the appellant and, if the appeal is taken by the plaintiff, shall be conditioned to pay the costs of the appeal and the counter claim, if any, and, if the appeal be taken by the defendant, shall be conditioned to pay the costs and judgment if the appealing party fail. The bond shall be approved by the judge or the clerk. Upon filing of the notice of appeal, the posting and approval of the bond, and the deposit by the appellant of an estimated fee in advance for preparing the record, the county court shall discontinue all further proceedings and recall any execution issued. The appellant shall then docket his appeal in the district court. A motion for new trial shall not be required as a condition of appeal. If a motion for a new trial is made within ten days, the time for appeal shall be extended until ten days after disposition of the motion, but only matters raised on the motion for new trial shall be considered on an appeal thereafter.

(2) Upon the deposit of the estimated record fee the clerk of the court shall prepare and issue as soon as may be 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 days after judgment. If the proceedings have been electrically recorded, the transcription of designated evidence and proceedings shall be prepared in the clerk of the county court's office, either by him or under his supervision within forty days after judgment. The clerk shall notify in writing opposing parties of the completion of the record and such parties shall have ten days within which to file objections. If none are received, the record shall be certified forthwith by the judge. 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.

(3) When the record has been duly certified and any additional fees therefor paid, it shall be filed with the clerk of district court by the clerk of the county court and the opposing parties notified of such filing by the clerk of the county court.

(4) A written brief setting out matters relied upon as constituting error and outlining any arguments to be made shall be filed in the district court by the appellant within twenty days after filing of the record therein. A copy of such brief shall be served on the appellee. The appellee may file an answering brief within twenty days after such service. In the discretion of the district court, the time for filing of briefs and answers may be extended.

(5) Unless there is further review by the supreme court upon certiorari and pursuant to the rules of such court, after final disposition of the appeal by the district court, the judgment on appeal therein shall be certified to the county court for action as directed by the district court, except upon trials de novo held in the district court or in cases in which the judgment is modified in which cases the judgment shall be that of the district court and enforced therefrom.

Article 5 -- Simplified Criminal Procedure in the County Court
for Trial of Misdemeanors

SECTION 55. Statement of purpose. In order to provide a simple and expeditious method for the prosecution of misdemeanors in county courts but one which also guarantees to the defendant a method of exercising his constitutional rights, the General Assembly does hereby establish this simplified criminal procedure for misdemeanors to be used under the circumstances set forth in this article.

SECTION 56. Definitions. As used in this article:

(1) Complaint means a written statement of the essential facts constituting a misdemeanor.

(2) Peace officer means a duly appointed officer of the Colorado State Patrol, officers authorized to enforce the game and fish laws, a sheriff, under sheriff or deputy sheriff, and a police officer of a city or town.

(3) Summons means a notice to appear before a county court.

(4) Summons and complaint means a single document containing all of the requisites of both a summons and a complaint.

SECTION 57. Application of article. (1) This article applies only to the prosecution of misdemeanors in county courts under simplified procedure and has no application to misdemeanors in other courts or to felonies.

(2) Any matter arising in a proceeding under simplified procedure

not specifically covered by this article shall be decided by the Rules of Criminal Procedure, by applicable statutes, or by common law principles, provided that due regard shall be had for speed and simplicity.

SECTION 58. Initiation of prosecution. Prosecution of a misdemeanor under simplified procedure shall be commenced by the issuance of a summons and complaint or by the issuance of a summons following a complaint filed with the county court or by the filing of a complaint following arrest as provided in this article.

SECTION 59. Issuance of summons and complaint. A summons and complaint may be issued by any peace officer for an offense constituting a misdemeanor which was committed in his presence or, if not committed in his presence, concerning which he has reasonable grounds for believing was committed in fact and was committed by the person charged. A copy of a summons and complaint so issued shall be filed immediately with the county court before which appearance is required, and a second copy shall be supplied to the district attorney or deputy district attorney for such county.

SECTION 60. Issuance of summons after complaint. A summons may be issued by the county court, if a sworn complaint has been filed by any person with the county court requesting issuance of a summons under simplified procedure and it appears from the complaint that there is probable cause to believe that a misdemeanor has been committed and that the defendant has committed it. A copy of a summons so issued shall be supplied to the district attorney or deputy district attorney for the county. If the district attorney so requests, a warrant may be issued instead of a summons. In such event, the person named in the warrant shall be brought before the court as provided in the Rules of Criminal Procedure.

SECTION 61. Content of summons and complaint. The summons and complaint issued by a peace officer shall contain the name of the defendant, shall identify the offense charged including a citation of the statute alleged to have been violated, shall contain a brief statement or description of the offense charged, including the date and approximate location thereof, and shall direct the defendant to appear before a county court at a stated date, time and place. It may also contain such other information as is required by law for specific offenses.

SECTION 62. Content of summons after complaint. A summons issued out of the county court after the complaint is filed need contain only the date, time and place of appearance of the defendant, but a copy of the complaint shall be attached thereto and served therewith.

SECTION 63. Place of appearance and trial. The place at which the summons directs the defendant to appear shall be the place at

which trial shall be held, unless a change of venue is granted. It shall be a place at which the county court of the county in which the offense was alleged to have been committed sits regularly unless otherwise provided by this section. If the summons and complaint is issued by a peace officer and served personally upon the defendant by such peace officer, it may direct appearance at a place in which the county court of an adjoining county sits regularly, if such a place is agreed to be more convenient by both the peace officer and the defendant. If the summons and complaint issued by a peace officer charges the commission of a traffic offense for which a penalty assessment ticket may issue pursuant to the provisions of section 13-4-132 Colorado Revised Statutes 1953, as amended, the defendant may elect to appear at a place where the county court of an adjoining county sits regularly, provided that the defendant so notifies the officer issuing the summons at the time of issuance and further provided that the defendant may not make such an election if the alleged offense took place in the county of his residence and such county has a population of over 100,000. Costs and fines, to the extent provided by law, shall be retained by the county in which the matter is heard.

SECTION 64. Service of summons. A summons issued pursuant to this act shall be served personally upon the defendant and a copy given to him. In lieu of personal service, service may be made by leaving a copy at the defendant's usual place of abode with some person over the age of eighteen years residing therein or by mailing a copy to the defendant's last known address by certified mail with return receipt requested not less than five days prior to the time the defendant is required to appear.

SECTION 65. Failure to appear. If a person upon whom a summons has been served pursuant to this article fails to appear in person or by counsel at the place and time specified therein, a bench warrant may issue for his arrest.

SECTION 66. Arrest followed by complaint. If, rather than issuing a summons, a peace officer makes an arrest without a warrant of a person for a misdemeanor, he shall take the arrested person without unnecessary delay before the county judge of the county in which the offense is alleged to have been committed, or under the circumstances set out in section 57 above, a county judge of an adjoining county. In such cases, a complaint shall be filed forthwith by the peace officer or some other person in the county court and a copy thereof given to the defendant at or before the time he is brought before the county judge.

SECTION 67. Appearance of defendant before judge -- subsequent procedure. Upon appearance of the defendant before the judge in response to a summons or following arrest for a misdemeanor as provided in this article and in all proceedings thereafter unless otherwise provided in this act, the Colorado Rules of Criminal Procedure shall be applicable. Prosecution may be conducted on the summons and complaint or the separate complaint if one has been filed, and it shall not be necessary to file an information or indictment although the

district attorney may elect to do so. Trial may be held forthwith provided that the court calendar permits, immediate trial appears proper, and the parties do not request a continuance for good cause. Otherwise the case shall be set for trial as soon as possible.

SECTION 68. Appeals. (1) If the defendant believes that the judgment of the county court in a criminal action under simplified procedure is in error, he may appeal to the district court for the county by giving notice of appeal to the county court within ten days after the date of entry of the judgment. The appeal shall then be docketed in the district court and the docket fee paid. No motion for new trial or in arrest of judgment shall be required as a prerequisite of appeal although they may be made if a party so desires. An appeal to the district court upon a question of law may be taken by the state from a decision of the county court under simplified procedure under the conditions specified in 39-7-27 (2) Colorado Revised Statutes 1953 (1960 Perm. Supp.).

(2) Upon the filing of a notice of appeal and upon the posting of such advance costs by the appellant as may be 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 may be 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 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. The party appealing shall lodge with the clerk of the court the reporter's transcript of the designated testimony and proceedings or a stipulation covering such items within forty days after judgment. If the proceedings have been electrically recorded, the transcription of designated evidence and proceedings shall be prepared in the clerk of the court's office, either by him or under his supervision, within forty days after judgment. The clerk shall notify in writing the opposing parties of the completion of the record and such parties shall have ten days within which to file objections. If none are received, the record shall be certified forthwith by the judge. If objections are made, the parties shall be called for hearing and the objections settled by the county judge and the record then certified.

(3) When the record has been duly certified and any additional fees therefor paid, it shall be filed with the clerk of the district court by the clerk of the county court and the opposing parties notified by the clerk of the county court of such filing.

(4) A written brief setting out matters relied upon as constituting error and outlining any arguments to be made shall be filed in the district court by the appellant within twenty days after certification of the record. A copy of the appellant's brief shall be served upon the appellee. The appellee may file an answering brief within twenty days after such service. In the discretion of the district court, the time for filing briefs and answers may be extended.

(5) Pending the docketing of the appeal, a stay of execution may be granted by the county court. If a sentence of imprisonment has

been imposed, the defendant may be required to post bail and if a fine and costs have been imposed, a deposit of the amount thereof or the posting of a bond for the payment thereof may be required by the county court. At any time after the docketing of the appeal such actions may be taken by the district court. Stays of execution granted by the county court or district court and bonds posted with such courts shall remain in effect until after final disposition of the appeal unless modified by the district court.

(6) Except in a case tried de novo, no action on appeal shall result in an increase in penalty.

(7) Unless there is further review by the supreme court upon certiorari pursuant to the rules of such court, after final disposition of the appeal the judgment on appeal entered by the district court shall be certified to the county court for action as directed by the district court, except in cases tried de novo by the district court or in cases in which the district court modifies the county court judgment and in such cases the judgment on appeal shall be that of the district court and so enforceable.

Article 6 -- Transfer of Cases and Records,
Repeals and Construction

SECTION 69. Transfer of pending cases from county courts. (1) On the effective date of this act all cases pending on the docket of the county court which are no longer within the jurisdiction of the county court as provided in sections four and five of this act shall be transferred to the docket of the district court for the county, except as provided in subsection (2) of this section, and be pending in such court, without affecting any bond or obligation in such cases. All records, funds, bonds, or any other items pertaining to the cases transferred shall be forwarded forthwith by the clerk of the county court to the clerk of the district court.

(2) In the city and county of Denver all cases pending on the docket of the county court on the effective date of this act in all matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators and settlement of their accounts and the adjudication of the mentally ill shall be transferred to the docket of the probate court and be pending in such court without affecting any bond or obligation in such cases. All records, funds, bonds or any other items pertaining to the cases transferred shall be forwarded forthwith by the clerk of the county court to the clerk of the probate court. All civil cases pending on the docket of the county court involving debts, damages or claims alleged to exceed \$500 shall be transferred to the docket of the superior court and be pending in such court without affecting any bond or obligation in such cases. All records, funds, bonds or any other items pertaining to the cases transferred shall be forwarded forthwith by the clerk of the county court to the clerk of the superior court.

SECTION 70. Transfer of terminated cases and records from county courts. (1) The records and all documents and items pertaining

thereto of all cases terminated in the county courts prior to the second Tuesday in January, 1965 shall be placed in the custody of the clerk of the district court, except as provided in subsection (2) of this section, and any proceeding to reopen these cases shall be brought in the district court. The clerk of the district court shall have the power to certify the contents of these records in appropriate cases.

(2) In the city and county of Denver the records of all terminated cases in the county court in matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators and settlement of their accounts and the adjudication of the mentally ill shall be placed in the custody of the clerk of the probate court and any proceedings to reopen these cases shall be brought in the probate court. The clerk of the probate court shall have the power to certify the content of these records in appropriate cases. The records of all other terminated cases in the county court in the city and county of denver shall be placed in the custody of the clerk of the superior court and any proceedings to reopen these cases shall be brought in the superior court. The clerk of the superior court shall have the power to certify these records in appropriate cases.

SECTION 71. Transfer of pending cases and records to the county courts. (1) On the effective date of this act all dockets and records of each justice of the peace shall be transferred to the county court of the county in which the justice precinct is located. Judgments entered by the justice of the peace but not yet satisfied shall be enforceable in the manner provided by law for county court judgments. Civil and criminal matters pending before each justice of the peace shall be continued in the county courts and be subject thereafter to the provisions of law and rules of procedure applicable in the county courts on and after the second Tuesday in January 1965.

(2) On the effective date of this act, all dockets and records of the small claims courts of any county shall be transferred to the county court for said county. Judgments of the small claims court not satisfied shall be enforceable as provided by law for county court judgments. Matters pending in the small claims court of any county shall be transferred to the county court of said county and further proceedings shall be conducted pursuant to the provisions of law and rules of procedure applicable in the county courts on and after the second Tuesday in January 1965.

SECTION 72. Repeals. Sections 37-1-3, 37-4-27, 37-5-1 through 37-5-22 inclusive, 37-6-1 through 37-6-15 inclusive, 37-7-1 through 37-7-6 inclusive, 37-8-1 through 37-8-11 inclusive, 56-2-13, and 56-3-9 and all sections of chapter 79 from 79-1-1 through 79-15-27 inclusive of the Colorado Revised Statutes 1953 as amended and all other acts or parts of acts in conflict with this act are hereby repealed.

SECTION 73. Effective date. The effective date of all provisions of this act, except as otherwise specifically provided herein, shall be the second Tuesday in January 1965.

SECTION 74. Severability clause. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 75. 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.

A BILL FOR AN ACT
RELATING TO MUNICIPAL COURTS, POLICE COURTS AND POLICE MAGISTRATES
COURTS AND TO APPEALS FROM SUCH COURTS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 139-36-1, Colorado Revised Statutes 1953, is hereby amended to read:

139-36-1. Definition. The term "municipal court" as used in this article shall mean police courts existing under the laws of this state and courts existing by or under the terms of the charter or ordinances of any municipality in this state, when acting as police courts or trying any person for a violation of a municipal ordinance. ~~This article shall not apply to any municipal court in cases where such court is exercising the jurisdiction and functions of a justice of the peace.~~

SECTION 2. 139-36-2, Colorado Revised Statutes 1953, is hereby amended to read:

139-36-2. Appeal by defendant. Appeals may be taken by any defendant from any judgment of a municipal court to the county court of the county in which such municipal court is located, or TO THE SUPERIOR COURT IN THE COUNTY, IF SUCH HAS BEEN ESTABLISHED. ~~where~~ The cause shall be tried de novo IN THE APPELLATE COURT, UNLESS THE MUNICIPAL COURT SHALL HAVE BEEN ESTABLISHED AS A COURT OF RECORD BY EITHER LOCAL CHARTER OR ORDINANCES AND THE APPEAL IS TAKEN TO A SUPERIOR COURT. IF THE MUNICIPAL COURT ENTERING THE JUDGMENT IS A COURT OF RECORD, THE CAUSE IN THE SUPERIOR COURT SHALL BE HEARD ON THE RECORD AND THE PRACTICE AND PROCEDURE IN SUCH CASE SHALL BE THE SAME AS PROVIDED BY LAW AND RULES FOR THE APPEAL OF MISDEMEANOR CONVICTIONS FROM THE COUNTY COURT TO THE DISTRICT OR SUPERIOR COURTS.

SECTION 3. 139-36-4, Colorado Revised Statutes 1953 (1960 Perm. Supp.), is hereby amended to read:

139-36-4. Time -- docket fee -- bond. Appeals may be taken within ten days after entry of any judgment of a municipal court. No such appeal shall be allowed until the appellant shall have paid to the clerk of the municipal court one dollar and fifty cents as a fee for preparing the transcript of record on appeal. IF THE MUNICIPAL COURT IS A COURT OF RECORD, THE CLERK OF THE MUNICIPAL COURT SHALL BE ENTITLED TO THE SAME ADDITIONAL FEES FOR PREPARING THE RECORD AS IS THE CLERK OF THE COUNTY COURT ON THE APPEAL OF MISDEMEANORS. No stay of execution shall be granted until the appellant shall have executed an approved bond as provided in sections 139-36-7 and 139-36-8.

SECTION 4. 139-36-8, Colorado Revised Statutes 1953, is hereby amended to read:

139-36-8. Approval of sureties. Sureties shall be approved by a judge of the municipal court, or by the judge of the county OR SUPERIOR

court to which the appeal is taken.

SECTION 5. 139-36-13, Colorado Revised Statutes 1953 (1960 Perm. Supp.), as amended by section 1 of chapter 283 of Colorado Session Laws 1963, is hereby further amended to read:

139-36-13. Docket fee -- dismissal. The appellant shall pay to the clerk of the county court, or superior court, as is proper, within ten days from the date he ordered the transcript of record a docket fee ~~of seven-dollars-and-fifty-cents;~~ as provided by law. If he does not do so, his appeal may be dismissed on motion of the municipality.

SECTION 6. 139-36-14, Colorado Revised Statutes 1953, is hereby amended to read:

139-36-14. Procedendo on dismissal. Upon dismissal of an appeal, the clerk of the county OR SUPERIOR court shall at once issue a procedendo to the municipal court from the judgment of which appeal was taken, to the amount of the judgment and all costs incurred before the municipal court.

SECTION 7. 139-84-5, Colorado Revised Statutes 1953, is hereby amended to read:

139-84-5. Qualifications of magistrate. The police magistrate shall be a resident of ANY COUNTY IN WHICH such city IS LOCATED and a qualified elector therein. Nothing contained in this article shall be construed to prohibit the appointment by such city council of a ~~justice-of-the-peace~~ COUNTY JUDGE, OTHERWISE ELIGIBLE AND having the qualifications, to the office of police magistrate.

SECTION 8. 139-84-6, Colorado Revised Statutes 1953 is hereby amended to read:

139-84-6. Compensation. ~~Such-police-magistrate-shall-receive, as-compensation-for-his-services,-the-same-fees-or-compensation-as-are now,-or-may-hereafter-be,-provided-by-law-for-justices-of-the-peace, for-like-services-in-the-county-where-such-city-is-located.~~ The city council may SHALL provide by ordinance for the compensation SALARY of such police magistrate.

SECTION 9. 139-85-5, Colorado Revised Statutes 1953, is hereby amended to read:

139-85-5. Qualifications of magistrate. The police magistrate shall be a resident of THE COUNTY IN WHICH such city IS LOCATED, and a qualified elector therein. Nothing contained in this article shall be construed to prohibit the appointment by such city council of a ~~justice of-the-peace~~ COUNTY JUDGE, OTHERWISE ELIGIBLE AND having the qualifications, to the office of police magistrate.

SECTION 10. 139-85-6, Colorado Revised Statutes 1953 is hereby amended to read:

139-85-6. Compensation. ~~Such police magistrate shall receive, as compensation for his services; the same fees or compensation as are now, or may hereafter be, provided by law for justices of the peace; for like services in the county where such city is located.~~ The city council may SHALL provide by ordinance for the compensation SALARY of such police magistrate.

SECTION 11. 139-86-1, Colorado Revised Statutes 1953, is hereby amended to read:

139-86-1. Actions for penalties -- juries -- witnesses -- appeal. All actions brought to recover any fine or to enforce any penalty under any ordinance of any incorporated town, shall be brought in the name of the people of the state of Colorado as plaintiff. No prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and if united, would not have exceeded the jurisdiction of the court or magistrate. No person shall be incompetent as judge, juror or witness in any action to which the town shall be a party, on account of his being a resident citizen or property owner within such town. Appeals shall be allowed from a judgment ~~of any justice of the peace, or mayor, or~~ OF THE police magistrate, to the county court, in cases arising under the ordinances of any town, as in other cases.

SECTION 12. 139-86-4, Colorado Revised Statutes 1953, is hereby amended to read:

139-86-4. Police magistrate -- towns. In all incorporated towns there is hereby established and created the office of police magistrate, and the board of trustees of such town may appoint a ~~justice of the peace, or~~ any other person who is an elector of ANY COUNTY IN WHICH the said town is located, INCLUDING A COUNTY JUDGE IF OTHER WISE ELIGIBLE AND QUALIFIED, AS such police magistrate, who HE shall have jurisdiction within the territorial limits of such town, of all cases arising under the ordinances of such town, and whose HIS powers, compensation, method of procedure and fees shall be DETERMINED IN the same WAY as ~~justices of the peace, those of police magistrates in like cases, of the county in which such town is situated.~~ OF CITIES OF LESS THAN 25,000 POPULATION.

SECTION 13. Repeals. 139-36-16, Colorado Revised Statutes 1953, and all other acts or parts of acts in conflict with this act are hereby repealed.

SECTION 14. Effective date. The effective date of all provisions of this act, except as otherwise specifically provided herein, shall be the second Tuesday in January, 1965.

SECTION 15. Severability clause. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 16. 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.

A BILL FOR AN ACT
RELATING TO CHILDREN.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 4-1-2 Colorado Revised Statutes 1953 is hereby amended to read:

4-1-2. Jurisdiction and venue. A THE juvenile court ~~if functioning; otherwise; a county court~~ IN THE CITY AND COUNTY OF DENVER AND THE DISTRICT COURTS ELSEWHERE shall have jurisdiction of all petitions for the adoption of minor children. Any such petition may be filed in the county in which the petitioner or petitioners have their domicile; or the person to be adopted is located; or any lawfully licensed child placement agency, having legal or physical care, custody or control of the person to be adopted, is located.

SECTION 2. 22-8-8 (2) Colorado Revised Statutes 1953 (1960 Perm. Supp.) is hereby amended to read:

22-8-8 (2). The county DISTRICT or juvenile courts ~~of~~ FOR any two or more counties having a total combined population of twenty-five thousand or more by the latest federal census, WHETHER OR NOT SAID COUNTIES ARE IN THE SAME JUDICIAL DISTRICT, OR THE DISTRICT COURT FOR TWO OR MORE COUNTIES WHICH COMPRISE AN ENTIRE JUDICIAL DISTRICT WITHOUT REGARD TO THE POPULATION THEREOF, may jointly appoint probation officers qualified by training and experience to supervise the probation of delinquent children, at such compensation as shall be fixed by the county or juvenile courts, with the approval of a majority of the respective boards of county commissioners. The salaries of such probation officers shall be borne by the counties jointly appointing probation officers out of the county general fund in proportion to the population of the respective counties as determined by the last preceding federal census, except that if such probation officers meet the standards as prescribed in section 22-8-9 (2) as determined by the director of institutions, their salaries shall be paid in the following manner: One-half of each month's salary or two hundred dollars per month, whichever is less by the state and the balance by the several counties as herein provided.

SECTION 3. 22-8-9 (1) Colorado Revised Statutes 1953 (1960 Perm. Supp.) is hereby amended to read:

22-8-9 (1). The state treasurer, upon notification from the director of institutions that such probation officers are qualified according to the standards prescribed in subsection (2) of this section, is hereby authorized and directed to reimburse each county of at least twenty-five thousand population, or group of counties having a total combined population of twenty-five thousand or more by the latest federal census OR GROUP OF COUNTIES MAKING UP AN ENTIRE JUDICIAL DISTRICT which have jointly appointed probation officers, for the salary of each duly qualified probation officer appointed in accordance with section 22-8-8, up to a maximum amount which shall not exceed one-half

of the salary of each such full-time probation officer, or two hundred dollars per month, whichever is less.

SECTION 4. Chapter 22 Colorado Revised Statutes 1953 as amended is hereby further amended by the addition of a NEW ARTICLE 13 thereto, to read:

Article 13 -- Detention Facilities For Children

22-13-1. Establishment of juvenile detention facility. The establishment of a juvenile detention facility, hereinafter referred to as a juvenile facility, by action of the county commissioners in counties other than the city and county of Denver is hereby authorized. It shall be entirely separate and removed from any common jail. Juvenile detention facilities in the city and county of Denver shall be established and operated as provided by the statute establishing the juvenile court of the city and county of Denver.

22-13-2. Joint establishment or utilization. Two or more counties may enter into an agreement to jointly establish and operate a juvenile facility and each may contribute capital as well as operating funds for the purpose. In lieu of joint establishment and operation, a county establishing or operating a juvenile facility may agree to accept juveniles from other counties and to provide for their care, subject to instructions from the district court which directs their detention. The county providing for the care of such juveniles shall be reimbursed for the service by the county from which the juvenile is ordered held. Reimbursement may be by payment at an appropriate daily rate or by payment of a fixed annual amount, or by an appropriate combination of these two or any other factors, the basis of reimbursement to be settled by agreement between the county providing care and the county from which the juvenile is ordered held.

22-13-3. Admission. Children under eighteen years of age may be detained in a juvenile facility by warrant, order or direction of the district court.

22-13-4. Use. A juvenile facility shall be utilized to care for or correct any child before the district court, or under its jurisdiction or control, or detained for any reason.

22-13-5. Operation. A juvenile facility shall be operated as a division of the district court for the county in which they are established, the district judges for all counties involved shall be vested with the governing authority and may sit en banc for the purpose. The judge or judges of the district court shall appoint a superintendent and other employees of the juvenile facility, all of whom shall be officers of the court and shall serve during the pleasure of the judges. The salaries of employees and the budget for the operation of a juvenile facility shall be fixed by the district judge or judges with the approval of the county commissioners.

22-13-6. Supervision. The conduct, method of discipline, education and care of children in a juvenile facility shall be the

responsibility of the superintendent thereof, subject to the control of the district judge or judges.

22-13-7. Education. The school boards of the school districts which a juvenile facility serves, when requested by the district judge or judges, shall furnish the teachers and any books or equipment needed for the proper education of such children as may be present in juvenile hall. The expense of such activities shall be shared and paid by each school district served, in the proportion which the school enrollment of each school district bears to the total school enrollment of all the districts served.

SECTION 5. Chapter 22, Colorado Revised Statutes 1953, is hereby amended by the addition of a NEW ARTICLE 14 thereto, to read:

Article 14 -- Jurisdiction of Courts

22-14-1. The district courts of the state of Colorado, except in the city and county of Denver, and the juvenile court in the city and county of Denver shall have exclusive original jurisdiction to hear and determine matters under Chapter 22, Colorado Revised Statutes 1953, on and after the second Tuesday in January, 1965. For this purpose, the district court shall sit as a juvenile court. Exclusive jurisdiction shall not extend to traffic and game and fish violations and such matters may be brought before county courts. All other powers and duties placed in the county courts by this chapter shall be transferred to the district courts as of the second Tuesday in January, 1965, and all reference to the county courts in this chapter shall be construed thereafter to refer to the district courts or the juvenile court in the city and county of Denver.

22-14-2. The revisor of statutes, in compiling revised statutes, is hereby directed to eliminate references to county courts and to substitute references to the district courts as such action may be necessary to make all sections of chapter 22, Colorado Revised Statutes 1953 and other affected statutes state accurately the changes in jurisdiction and duties made by this act.

SECTION 6. Effective date. The effective date of all provisions of this act, except as otherwise specifically provided herein, shall be the second Tuesday in January, 1965.

SECTION 7. Severability clause. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 8. 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.