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THE FATE OF THE COURT BILLS IN THE FORTY-FIRST GENERAL ASSEMBLY

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Legislation affecting judges and courts is, of course, of deep interest to the bench but of almost equal interest to the bar. Consequently, this *post mortem* is tendered so that the lawyers of the state may be aware of what happened to the various bills which were proposed in the 41st General Assembly which would have changed and in most cases improved Colorado's judicial system.

THE JUDICIAL SELECTION PLAN

Senate Concurrent Resolution No. 2 embodied the long sought reform in our method of selecting judges for our major courts. This bill to remove the selection of judges from the political arena obviously had to be in the form of a constitutional amendment. In S.C.R. No. 2, the legislature was being asked to place the proposed constitutional amendment upon the ballot in 1958. Several hearings were held before the judiciary committees of the House and Senate, at which time was generously allotted to both proponents and opponents to express their views. Much serious consideration was devoted to this concurrent resolution with the result that many legislators, formerly either neutral or indeed vigorously opposed to its subject matter, became interested and in many cases indicated a change of position in favor of the proposal. Owing to a policy proposed by the Governor and adopted by the Assembly, however, no final action was taken placing any constitutional amendment on the ballot. It was agreed that an interim committee consisting of the judiciary committees of the House and Senate would be formed to consider, between now and the 1958 session of the General Assembly, all constitutional amendment proposals. In line with this policy, Senate Concurrent Resolution No. 2 was referred to this committee on constitutional amendments. During the ensuing months additional opportunity will be presented for further discussion of the judicial selection plan amendment.

JUDGES' COMPENSATION BILLS

Quite a number of bills were presented which would have increased the compensation of judges of the various courts. For supreme court judges there were House Bills No. 5 and No. 38; for district court, House Bill No. 3; for the county and juvenile courts, House Bills 25, 303 and 408, relating to certain counties

only, and Senate Bill 115, relating to the Denver courts; and for the superior court, House Bill 50. There was also a bill for compensation of courts of record generally,¹ and a bill to adjust the compensation of justices of the peace.²

In addition to the direct salary bills, there was a bill which would have increased the expense allowances for judges³ and one which would have furnished additional expense money for judges while on duty outside their home counties.⁴

Without exception all of these bills failed of passage.

The only bill passed which had to do with financial assistance to the courts was the retirement bill.⁵

QUALIFICATIONS OF JUDGES

Another bill affecting courts which did pass and was signed by the Governor is House Bill 57 which provides that henceforth with the exception of incumbent judges, any new candidate for the office of County Judge in counties of the first or second class must, as a pre-requisite qualification, be a lawyer.

JURISDICTIONAL AND PROCEDURAL BILLS

A bill⁶ relating to criminal proceedings before the justice courts and requiring the judge to render a decision within ten days has been passed and was signed by the Governor. Likewise, a bill⁷ granting to the justice and police courts the power to suspend fines and grant stays of execution was passed and signed.

On the other hand the following bills failed: House Bill 11, involving appeals from police, municipal and justice courts; House Bills 381 and 259 relating to the jurisdiction of the superior court; and House Bill 269 relating to the superior court's power to grant probation. Also House Bill 308 relating to justices and constables failed of passage.

¹ House Bill 156.

² Senate Bill 212.

³ House Bill 12.

⁴ House Bill 146.

⁵ Senate Bill 173.

⁶ House Bill 46.

⁷ House Bill 182.



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