

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0729.01 Richard Sweetman

HOUSE BILL 08-1193

HOUSE SPONSORSHIP

Levy,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROHIBITING A JUDGE FROM PRESIDING OVER A CASE IN
102 WHICH A JUDGE OF THE SAME COURT IS A PARTY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prohibits a judge of a district court from presiding over a case in which a judge or former judge of the same district court is a party. Requires the chief justice of the Colorado supreme court to appoint a presiding judge in such cases.

Prohibits a judge of a county court from presiding over a case in which a judge or former judge of the same county court is a party. Requires the chief justice of the Colorado supreme court to appoint a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

presiding judge in such cases.

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

2 **SECTION 1.** Part 1 of article 5 of title 13, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **13-5-143. Judge as party to a case.** IF A JUDGE OR FORMER
6 JUDGE OF A DISTRICT COURT IS A PARTY TO A CASE THAT IS TO BE TRIED IN
7 THAT DISTRICT COURT, THE PRESIDING JUDGE OF THE CASE SHALL NOT BE
8 A JUDGE OF THE SAME DISTRICT COURT. FOR SUCH A CASE, THE CHIEF
9 JUSTICE OF THE COLORADO SUPREME COURT OR HIS OR HER DESIGNEE
10 SHALL APPOINT A JUDGE FROM OUTSIDE THE JUDICIAL DISTRICT.

11 **SECTION 2.** Part 2 of article 6 of title 13, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **13-6-219. Judge as party to a case.** IF A JUDGE OR FORMER
15 JUDGE OF A COUNTY COURT IS A PARTY TO A CASE THAT IS TO BE TRIED IN
16 THAT COUNTY COURT, THE PRESIDING JUDGE OF THE CASE SHALL NOT BE
17 A JUDGE OF THE SAME COUNTY COURT. FOR SUCH A CASE, THE CHIEF
18 JUSTICE OF THE COLORADO SUPREME COURT OR HIS OR HER DESIGNEE
19 SHALL APPOINT A JUDGE WHO IS NOT A JUDGE OR FORMER JUDGE OF THE
20 SAME COUNTY COURT.

21 **SECTION 3. Effective date - applicability.** (1) This act shall
22 take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly that is
24 allowed for submitting a referendum petition pursuant to article V,
25 section 1 (3) of the state constitution, (August 6, 2008, if adjournment

1 sine die is on May 7, 2008); except that, if a referendum petition is filed
2 against this act or an item, section, or part of this act within such period,
3 then the act, item, section, or part, if approved by the people, shall take
4 effect on the date of the official declaration of the vote thereon by
5 proclamation of the governor.

6 (2) The provisions of this act shall apply to cases filed on or after
7 the applicable effective date of this act.