

(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		
_____	Plaintiff	Complaint
(name)		
	vs.	
_____	Defendant	Under Simplified Civil Procedure
Name)		

\_\_\_\_\_, 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  
\_\_\_\_\_ is attached hereto and served  
(name of plaintiff)  
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)  
(name) vs. ) ANSWER  
\_\_\_\_\_, Defendant) UNDER SIMPLIFIED CIVIL PRO-  
(name) ) CEDURE  
\_\_\_\_\_, 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.