



# The Time Machine

Finding Historic Statutes  
and Procedural Rules in Colorado

BY STACI PRATT

It's a little-known fact that attorneys must sometimes engage in time travel—not to confront a mythical past filled with dragons and broadswords, but rather to locate statutory and procedural materials from different eras in Colorado's history. This can be a daunting task. Researchers who visit the Wise Law Library reference desk in search of historic copies of statutory materials and rules of procedure often spend hours of their valuable time painstakingly examining our dusty books (or *we* do, when time permits). Given the challenges associated with this approach, I began to wonder if there was a better way.

## Why Research Historic Statutory and Procedural Materials?

As a starting point, it's worth asking why anyone would want to do this. The answer is found in the way the law applies to historic events. For example, in Colorado, a contract's interpretation is generally governed by the law at the time the contract was made. Since a court's goal is to give meaning to the intentions of the parties at the time they entered the agreement,<sup>1</sup> this approach makes sense.

Similarly, criminal prosecutors and defense attorneys must be able to locate historic versions

of Colorado criminal statutes. The Colorado Supreme Court has stated that the law in effect when the crime was committed generally controls the sentence for that offense.<sup>2</sup>

(Note: if you're seeking historic administrative rules implementing these statutory provisions, please see this recent *Colorado Lawyer* article by Katherine Hales.<sup>3</sup> In addition, if you wish to trace the legislative history of a current statute, please review these two excellent resources.<sup>4</sup>)

## How Do You Find Historic Statutes?

But how does a researcher obtain that historic statute? If your client is accused of committing a crime that happened several decades ago, for example, how should you proceed?

### Option 1: Traditional Legal Databases

If you're using a traditional subscription-based legal database, your success will depend on which database you have access to and how far back in time you need to go:

- Lexis+ has Colorado statutory materials dating back to 1992.
- Westlaw contains prior versions of Colorado statutes dating back to 1989.
- HeinOnline has historical versions of Colorado statutes from 1868 onward.

So, if the crime occurred before 1989 and you have access to HeinOnline, you're in luck! To use this database effectively, however, you'll benefit from knowing the various names Colorado statutory materials have possessed over time and searching accordingly (see the accompanying table).

For researchers who lack access to HeinOnline or wish to avoid staring at the publication table, there is another great and *free* source that goes back just as far.

### Option 2: The Colorado Office of Legislative Legal Services

The Colorado Office of Legislative Services hosts what I would describe as a statutory time machine—providing electronic copies of specified portions of the Colorado Revised Statutes from any year without charge. For those who are unfamiliar with it, the office is the legal counsel to the Colorado General Assembly and is an excellent resource of legislative information for the public. It not only houses an extensive library of statutory materials, but also has staff on hand to answer questions about the legislative process and help people understand legislative history.

To request free electronic copies of specified portions of the Colorado Revised Statutes, visit the office's website at <https://leg.colorado.gov/agencies/office-legislative-legal-services/colorado-revised-statutes>. Then scroll down to select the "Go to Printout Request Form" link and fill out the request form.

There is also a fee-based option for those who would like their printouts certified so that they may be introduced in court proceedings.<sup>5</sup> According to the website, the following charges apply for this service:

- The office charges for the staff person's time spent isolating the requested material, formatting the statutory provisions (if necessary), and preparing the material for delivery in the requested manner at the hourly rate of \$35 per hour, with a .25-hour minimum.
- The office charges \$.10 per page to cover the cost for data delivery.
- If the consumer requests the statutory provisions to be certified, there is an additional \$2 certification fee.

## PUBLICATION HISTORY OF COLORADO STATUTES\*

| Name                                                                                                      | Citation          | Year  | Publisher                                         |
|-----------------------------------------------------------------------------------------------------------|-------------------|-------|---------------------------------------------------|
| Revised Statutes of Colorado (territory)                                                                  | R.S. p. __, § __  | 1868  | David C. Collier (Public Printer)                 |
| General Laws of Colorado                                                                                  | G.L. § __         | 1877  | Tribune Steam Printing House                      |
| General Statutes of Colorado                                                                              | G.S. § __         | 1883  | Times Steam Printing & Publishing House           |
| Revised Statutes of Colorado                                                                              | R.S. 08: § __     | 1908  | Smith-Brooks Printing Co.                         |
| Compiled Laws of Colorado                                                                                 | C.L. § __         | 1921  | Smith-Brooks Printing Co.                         |
| Colorado Statutes Annotated                                                                               | CSA: C. __, § __  | 1935  | Bradford-Robinson Printing Co.                    |
| Colorado Revised Statutes                                                                                 | CRS 53: § __      | 1953  | Callaghan & Co. (Chicago)                         |
| Colorado Revised Statutes                                                                                 | C.R.S. 1963: § __ | 1963  | Bradford-Robinson Printing Co.                    |
| Colorado Revised Statutes (last recodification of entire set)                                             | C.R.S.            | 1973  | Bradford-Robinson Printing Co.                    |
| Colorado Revised Statutes (From 1997 forward, Colorado Revised Statutes are reprinted in full each year.) | C.R.S.            | 1997  | Bradford Publishing Co.                           |
| Colorado Revised Statutes 2002                                                                            | C.R.S.            | 2002  | Bradford Publishing Co. (last year as publisher)  |
| Colorado Revised Statutes 2003+                                                                           | C.R.S.            | 2003+ | LexisNexis takes over publishing and distributing |

\*The publication history of Colorado's statutes helps you narrow your search terms to the correct series of publications in HeinOnline.

To request certified copies, contact Nate Carr, assistant to the revisor of statutes, at [nate.carr@coleg.gov](mailto:nate.carr@coleg.gov) or (303) 866-2584.

### Conclusion

The Colorado Office of Legislative Legal Services is a wonderful resource for legal researchers who may need to go beyond the offerings of a subscription database in search of historic statutes. There is no charge for copies, it's easy to make requests online, and the excellent staff members promptly reply to requests. Whether you're engaged in criminal law, work with contracts, or just need to find the law the way it was, consider it for your next time-traveling journey. 



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### NOTES

1. See, e.g., *Bd. of Cnty. Comm'rs of Boulder Cnty. v. Crestone Peak Res. Operating LLC*, 538 P.3d 745 (Colo. 2023) (reaffirming Colorado's approach to reviewing oil and gas leases as individual contracts and the court's role in determining and effectuating the intent and reasonable expectations of the parties at the time the contract was made).
2. See, e.g., *People v. Brooks*, 426 P.3d 353, 360 (Colo. 2018).
3. Hales, "Researching Historic Regulations in Colorado," 53 *Colo. Law.* 12 (Mar. 2024), <https://cl.cobar.org/departments/researching-historic-regulations-in-colorado>.
4. Lewis and Carr, "Understanding Colorado Statutory Source Notes," 42 *Colo. Law.* 39 (Jan. 2013); Jacobstein, "Colorado Statutes: Past, Present, and Future," 33 *Rocky Mountain L. Rev.* 36 (1960-61) (comprehensive study of Colorado's early law).
5. Colorado Rule of Evidence 902(4) governs public records, including statutes, which are self-authenticating if they are certified as correct by the custodian of the record.