

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 26, 2021

Committee on State, Civic, Military, & Veterans Affairs.

After consideration on the merits, the Committee recommends the following:

HB21-1175 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 2, line 6, strike "**procedures - legislative**
- 2 **declaration.**" and substitute "**procedures - repeal.**".
- 3 Page 2, strike lines 15 through 26.
- 4 Strike page 3.
- 5 Page 4, strike lines 1 through 9.
- 6 Page 4, line 10, strike "(II) (A)" and substitute "(c) (I)".
- 7 Page 4, strike lines 15 and 16 and substitute "THAT IS AN ELIGIBLE
- 8 CHARITABLE ORGANIZATION AS DETERMINED BY THE SECRETARY OF STATE
- 9 PURSUANT TO SECTION 39-22-5103.
- 10 (II) A PERSON WHO WISHES TO RESOLVE A PENALTY ASSESSMENT
- 11 THROUGH A DONATION MUST FIRST CONTACT THE COURT WITH
- 12 JURISDICTION OVER THE PENALTY ASSESSMENT TO PAY THE PORTION OF
- 13 THE FINE AND SURCHARGE THAT IS REQUIRED TO BE CREDITED TO A STATE
- 14 FUND. THE AMOUNT OF THE PENALTY ASSESSMENT AND SURCHARGE THAT
- 15 REMAINS AFTER PAYING THE MONEY REQUIRED TO SUPPORT A FUND MAY
- 16 BE RESOLVED AS PROVIDED IN SUBSECTIONS (1)(c)(II)(C) AND
- 17 (1)(c)(II)(D) OF THIS SECTION."
- 18 Page 4, line 17, strike "(B)" and substitute "(III)".

1 Page 4, line 23, strike "(C)" and substitute "(IV)".

2 Page 5, line 5, strike "(D)" and substitute "(V)".

3 Page 5, line 14, strike "(E)" and substitute "(VI)".

4 Page 5, strike lines 18 through 27 and substitute:

5 "(VII) THIS SUBSECTION (1)(c) DOES NOT CREATE ANY DUTY ON
6 A COURT TO AFFIRMATIVELY MONITOR OR INVESTIGATE A PERSON'S
7 DONATION AFTER RECEIVING PROOF OF THE PERSON'S DONATION OF TIME
8 OR MONEY PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION.

9 (VIII) BY DECEMBER 1, 2024, THE JUDICIAL DEPARTMENT SHALL
10 SUBMIT A REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND
11 THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES,
12 DETAILING:

13 (A) THE NUMBER OF PEOPLE WHO RESOLVED A PENALTY
14 ASSESSMENT THROUGH THE DONATION OF TIME OR MONEY TO A
15 NONPROFIT ENTITY , AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS
16 SECTION; AND

17 (B) THE EXTENT TO WHICH THIS SUBSECTION (1)(c) HAS AFFECTED
18 THE REVENUE RAISED BY LAW ENFORCEMENT OFFICES AND THE COURTS.

19 (IX) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE SEPTEMBER
20 1, 2025.

21 **SECTION 2. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect July 1, 2022; except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within the ninety-day period after final adjournment of the general
26 assembly, then the act, item, section, or part will not take effect unless
27 approved by the people at the general election to be held in November
28 2022 and, in such case, will take effect on the date of the official
29 declaration of the vote thereon by the governor."

30 Strike "(1)(c)(II)" and substitute "(1)(c)" on: **Page 4**, lines 18 and 24; and
31 **Page 5**, lines 11 and 16.

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