

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 16-1147.01 Richard Sweetman x4333

**HOUSE BILL 16-1378**

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**HOUSE SPONSORSHIP**

**Ginal,**

**SENATE SPONSORSHIP**

**Crowder,**

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**House Committees**  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING REQUIRING COURTS TO COLLECT MONEY FROM DUI**  
102 **OFFENDERS FOR THE PURPOSE OF REIMBURSING LAW**  
103 **ENFORCEMENT AGENCIES FOR THE COST OF PERFORMING**  
104 **CHEMICAL TESTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Under current law, upon a motion by a prosecuting attorney and at the discretion of the court, a convicted DUI defendant may be required to reimburse a law enforcement agency for any costs resulting from the

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.*

HOUSE  
3rd Reading Unamended  
April 27, 2016

HOUSE  
Amended 2nd Reading  
April 25, 2016

collection and analysis of any chemical test upon the defendant. The bill requires the court to collect such costs from the defendant and transfer them to the law enforcement agency.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-701, **amend**  
3 (2) (j); and **add** (2) (j.5) as follows:

4 **18-1.3-701. Judgment for costs and fines.** (2) The costs  
5 assessed pursuant to subsection (1) of this section or section 16-18-101,  
6 C.R.S., may include:

7 (j) On proper motion of the prosecuting attorney and at the  
8 discretion of the court, any other reasonable and necessary costs incurred  
9 by the prosecuting attorney or ~~law enforcement agency~~ COLORADO STATE  
10 PATROL that are directly the result of the prosecution of the defendant,  
11 including the costs resulting from the collection and analysis of any  
12 chemical test upon the defendant pursuant to section 42-4-1301.1, C.R.S.,  
13 which costs shall be reimbursed by the defendant directly to the ~~law~~  
14 ~~enforcement agency that performed such chemical tests~~ COLORADO STATE  
15 PATROL.

16 (j.5) ON PROPER MOTION OF THE PROSECUTING ATTORNEY AND AT  
17 THE DISCRETION OF THE COURT, ANY OTHER REASONABLE AND NECESSARY  
18 COSTS INCURRED BY THE PROSECUTING ATTORNEY OR LAW ENFORCEMENT  
19 AGENCY OTHER THAN THE COLORADO STATE PATROL THAT ARE DIRECTLY  
20 THE RESULT OF THE PROSECUTION OF THE DEFENDANT, INCLUDING THE  
21 COSTS RESULTING FROM THE COLLECTION AND ANALYSIS OF ANY  
22 CHEMICAL TEST UPON THE DEFENDANT PURSUANT TO SECTION  
23 42-4-1301.1, C.R.S., WHICH COSTS, IF THEY ARE INCLUDED BY THE  
24 COURT, THE COURT SHALL ASSESS AGAINST THE DEFENDANT, COLLECT

1 FROM THE DEFENDANT, AND TRANSFER TO THE LAW ENFORCEMENT  
2 AGENCY THAT PERFORMED THE CHEMICAL TESTS.

3           **SECTION 2. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2016 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.