

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 17-0656.01 Duane Gall x4335

HOUSE BILL 17-1056

HOUSE SPONSORSHIP

Weissman,

SENATE SPONSORSHIP

Kefalas and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIGIBILITY OF A VETERANS' SERVICE**
102 **ORGANIZATION TO ACCEPT PUBLIC SERVICE ASSIGNMENTS**
103 **OFFERED IN CONNECTION WITH MISDEMEANOR SENTENCING.**

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://leg.colorado.gov>.)

Currently, only an organization that is exempt from taxation under section 501 (c)(3) of the federal internal revenue code (tax code) may accept services offered through a program of community or useful public service operated by a county court, probation department, county sheriff, or other local governmental entity in connection with sentencing for

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
Amended 2nd Reading
February 1, 2017

specified misdemeanors. Veterans' service organizations may be organized under other provisions of the tax code such as section 501 (c)(4) or 501 (c)(19).

The bill expands the criteria for organizations that may accept community or useful public service assignments to include veterans' service organizations organized under 501 (c)(4) or 501 (c)(19) of the tax code, and specifies that the court or other entity making the assignment retains discretion to determine which organizations may be included in its program of community or useful public service.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-507, **amend**
3 (1), (2)(b), and (2.5) as follows:

4 **18-1.3-507. Community or useful public service -**
5 **misdemeanors.** (1) Any sentence imposed pursuant to section
6 18-1.3-501 (2) ~~shall be~~ IS subject to the conditions and restrictions of this
7 section.

8 (2) (b) Nothing in this subsection (2) ~~shall limit~~ LIMITS the
9 authority of an entity ~~which~~ THAT is the recipient of community or useful
10 public service to accept or reject such service, in its sole discretion.

11 (2.5) ~~A charitable trust that is exempt from taxation under section~~
12 ~~501 (c)(3) of the federal "Internal Revenue Code of 1986", as amended,~~
13 ~~shall be~~ THE FOLLOWING ORGANIZATIONS ARE eligible to provide
14 community or useful public service jobs established under this ~~article~~
15 ARTICLE 1.3 or any other provision of law so long as ~~the charitable trust~~
16 ~~meets~~ THEY MEET any other requirement related to the provision of ~~such~~
17 THOSE jobs, AS ESTABLISHED BY THE ENTITY THAT IS THE RECIPIENT OF
18 COMMUNITY OR USEFUL PUBLIC SERVICE:

19 (a) A CHARITABLE TRUST OR OTHER ORGANIZATION THAT IS
20 EXEMPT FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL

1 "INTERNAL REVENUE CODE OF 1986", AS AMENDED;

2 (b) A CIVIC LEAGUE OR ORGANIZATION THAT IS EXEMPT FROM
3 TAXATION UNDER SECTION 501 (c)(4) OF THE FEDERAL "INTERNAL
4 REVENUE CODE OF 1986", AS AMENDED, AND THAT ALSO WOULD QUALIFY
5 AS A VETERANS' SERVICE ORGANIZATION AS DEFINED IN SECTION 501
6 (c)(19) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS
7 AMENDED; AND

8 (c) A VETERANS' SERVICE ORGANIZATION THAT IS EXEMPT FROM
9 TAXATION UNDER SECTION 501 (c)(19) OF THE FEDERAL "INTERNAL
10 REVENUE CODE OF 1986", AS AMENDED.

11 **SECTION 2.** In Colorado Revised Statutes, 18-18-432, **amend**
12 **(2)(c)** as follows:

13 **18-18-432. Drug offender public service and rehabilitation**
14 **program.** (2) (c) (I) If not already established pursuant to law, there may
15 be established in each judicial district in the state a useful public service
16 program under the direction of the chief judge of the judicial district. ~~It~~
17 ~~shall be~~ The purpose of the useful public service program is to identify
18 and seek the cooperation of governmental entities and political
19 subdivisions thereof and corporations organized not for profit or
20 charitable trusts, AS SPECIFIED IN SUBSECTION (2)(c)(II) OF THIS SECTION,
21 for the purpose of providing useful public service jobs; to interview and
22 assign persons who have been ordered by the court to perform useful
23 public service to suitable useful public service jobs; and to monitor
24 compliance or noncompliance of such persons in performing useful
25 public service assignments as specified in ~~paragraph (a) of this subsection~~
26 ~~(2)~~ SUBSECTION (2)(a) OF THIS SECTION. NOTHING IN THIS SUBSECTION (2)
27 LIMITS THE AUTHORITY OF AN ENTITY THAT IS THE RECIPIENT OF

1 COMMUNITY OR USEFUL PUBLIC SERVICE TO ACCEPT OR REJECT SUCH
2 SERVICE, IN ITS SOLE DISCRETION.

3 (II) IN ADDITION TO GOVERNMENTAL ENTITIES AND POLITICAL
4 SUBDIVISIONS THEREOF, THE FOLLOWING ORGANIZATIONS ARE ELIGIBLE
5 TO PROVIDE COMMUNITY OR USEFUL PUBLIC SERVICE JOBS ESTABLISHED
6 UNDER THIS SECTION OR ANY OTHER PROVISION OF LAW SO LONG AS THEY
7 MEET ANY OTHER REQUIREMENT RELATED TO THE PROVISION OF THOSE
8 JOBS, AS ESTABLISHED BY THE ENTITY THAT IS THE RECIPIENT OF
9 COMMUNITY OR USEFUL PUBLIC SERVICE:

10 (A) A CHARITABLE TRUST OR OTHER ORGANIZATION THAT IS
11 EXEMPT FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL
12 "INTERNAL REVENUE CODE OF 1986", AS AMENDED;

13 (B) A CIVIC LEAGUE OR ORGANIZATION THAT IS EXEMPT FROM
14 TAXATION UNDER SECTION 501 (c)(4) OF THE FEDERAL "INTERNAL
15 REVENUE CODE OF 1986", AS AMENDED, AND THAT ALSO WOULD QUALIFY
16 AS A VETERANS' SERVICE ORGANIZATION AS DEFINED IN SECTION 501
17 (c)(19) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS
18 AMENDED; AND

19 (C) A VETERANS' SERVICE ORGANIZATION THAT IS EXEMPT FROM
20 TAXATION UNDER SECTION 501 (c)(19) OF THE FEDERAL "INTERNAL
21 REVENUE CODE OF 1986", AS AMENDED.

22 **SECTION 3.** In Colorado Revised Statutes, 42-4-1301.4, **amend**
23 **(3) as follows:**

24 **42-4-1301.4. Useful public service - definitions - local**
25 **programs - assessment of costs.** (3) (a) There may be established in the
26 probation department of each judicial district in the state a useful public
27 service program under the direction of the chief probation officer. It is the

1 purpose of the useful public service program: To identify and seek the
2 cooperation of governmental entities and political subdivisions thereof,
3 as well as corporations organized not for profit or charitable trusts, AS
4 SPECIFIED IN SUBSECTION (3)(c) OF THIS SECTION, for the purpose of
5 providing useful public service jobs; to interview and assign persons who
6 have been ordered by the court to perform useful public service to
7 suitable useful public service jobs; and to monitor compliance or
8 noncompliance of such persons in performing useful public service
9 assignments within the time established by the court.

10 (b) NOTHING IN THIS SUBSECTION (3) LIMITS THE AUTHORITY OF
11 AN ENTITY THAT IS THE RECIPIENT OF COMMUNITY OR USEFUL PUBLIC
12 SERVICE TO ACCEPT OR REJECT SUCH SERVICE, IN ITS SOLE DISCRETION.

13 (c) IN ADDITION TO GOVERNMENTAL ENTITIES AND POLITICAL
14 SUBDIVISIONS THEREOF, THE FOLLOWING ORGANIZATIONS ARE ELIGIBLE
15 TO PROVIDE COMMUNITY OR USEFUL PUBLIC SERVICE JOBS ESTABLISHED
16 UNDER THIS SECTION OR ANY OTHER PROVISION OF LAW SO LONG AS THEY
17 MEET ANY OTHER REQUIREMENT RELATED TO THE PROVISION OF THOSE
18 JOBS, AS ESTABLISHED BY THE ENTITY THAT IS THE RECIPIENT OF
19 COMMUNITY OR USEFUL PUBLIC SERVICE:

20 (I) A CHARITABLE TRUST OR OTHER ORGANIZATION THAT IS
21 EXEMPT FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL
22 "INTERNAL REVENUE CODE OF 1986", AS AMENDED;

23 (II) A CIVIC LEAGUE OR ORGANIZATION THAT IS EXEMPT FROM
24 TAXATION UNDER SECTION 501 (c)(4) OF THE FEDERAL "INTERNAL
25 REVENUE CODE OF 1986", AS AMENDED, AND THAT ALSO WOULD QUALIFY
26 AS A VETERANS' SERVICE ORGANIZATION AS DEFINED IN SECTION 501
27 (c)(19) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS

1 AMENDED; AND

2 (III) A VETERANS' SERVICE ORGANIZATION THAT IS EXEMPT FROM
3 TAXATION UNDER SECTION 501 (c)(19) OF THE FEDERAL "INTERNAL
4 REVENUE CODE OF 1986", AS AMENDED.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.