

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0681.01 Richard Sweetman x4333

HOUSE BILL 17-1077

HOUSE SPONSORSHIP

Valdez,

SENATE SPONSORSHIP

Coram,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USEFUL PUBLIC SERVICE CASH FUND.**

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>.)

The bill creates the useful public service cash fund (fund) in the judicial branch to facilitate the administration of programs that supervise the performance of useful public service by persons who are required to perform such service pursuant to a criminal sentence. The fund is excluded from statutory limitations on uncommitted cash reserves.

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.

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 (6) as follows:

4 **18-1.3-507. Community or useful public service -**
5 **misdemeanors - useful public service cash fund created.** (6) (a) The
6 court shall assess ~~an amount~~ A FEE, not to exceed one hundred twenty
7 dollars, upon every person required to perform community or useful
8 public service pursuant to section 18-1.3-501 (2), 18-18-432, OR
9 42-4-1301.4. THE AMOUNT OF THE FEE MUST BE COMMENSURATE WITH
10 THE COSTS OF ADMINISTERING THE PERSON'S COMMUNITY OR USEFUL
11 PUBLIC SERVICE PROGRAM. The court may waive this fee if the court
12 determines the defendant to be indigent. IN COUNTIES WHERE THE
13 JUDICIAL DEPARTMENT OPERATES THE LOCAL USEFUL PUBLIC SERVICE
14 PROGRAM, THE COURT SHALL TRANSFER EACH SUCH FEE TO THE STATE
15 TREASURER, WHO SHALL CREDIT THE FEE TO THE FUND CREATED IN
16 SECTION 18-1.3-507.5.

17 (b) ~~Such amount shall~~ MONEY COLLECTED AS FEES PURSUANT TO
18 SUBSECTION (6)(a) MAY be used by the operating agency responsible for
19 overseeing such person's community or useful public service program OR
20 BY THE JUDICIAL DEPARTMENT, AS MAY BE APPLICABLE, to pay the cost of
21 administration of the program and the cost of personal services. ~~Such~~
22 ~~amount is to be commensurate with program costs in providing services~~
23 ~~and shall be adjusted from time to time by the general assembly to insure~~
24 ~~that the operating agencies shall be financially self-supporting.~~ The
25 proceeds from such amounts ~~shall~~ MAY be used by the operating agency
26 only for defraying the cost of personal services and other operating
27 expenses related to the administration of the program, a general liability

1 policy covering such person, and, if such person will be covered by
2 workers' compensation insurance pursuant to subsection (5) of this
3 section or an insurance policy providing such or similar coverage, the cost
4 of purchasing and keeping in force such insurance coverage and ~~shall~~
5 MAY not be used by the operating agency for any other purpose.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 18-1.3-507.5 as
7 follows:

8 **18-1.3-507.5. Useful public service cash fund created.** (1) THE
9 USEFUL PUBLIC SERVICE CASH FUND, REFERRED TO WITHIN THIS SECTION
10 AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS
11 OF MONEY COLLECTED AS FEES AND CREDITED TO THE FUND PURSUANT TO
12 SUBSECTION (3) OF THIS SECTION AND ANY OTHER MONEY THAT THE
13 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.
14 MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE JUDICIAL
15 DEPARTMENT FOR THE COST OF ADMINISTERING USEFUL PUBLIC SERVICE
16 PROGRAMS AND ASSOCIATED COSTS FOR PERSONAL SERVICES.

17 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
18 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
19 FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY
20 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE
21 FUND AND MAY NOT BE TRANSFERRED TO THE GENERAL FUND OR TO
22 ANOTHER FUND.

23 (3) IN COUNTIES WHERE THE JUDICIAL DEPARTMENT OPERATES A
24 USEFUL PUBLIC SERVICE PROGRAM AS PROVIDED IN SECTION 18-1.3-507,
25 18-18-432, OR 42-4-1301.4, THE COURT SHALL COLLECT ANY MONEY
26 ASSESSED AS FEES PURSUANT TO SUCH SECTIONS AND TRANSFER SUCH
27 MONEY TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE

1 FUND.

2 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **add**
3 (5)(II) as follows:

4 **24-75-402. Cash funds - limit on uncommitted reserves -**
5 **reduction in the amount of fees - exclusions - repeal.**

6 (5) Notwithstanding any provision of this section to the contrary, the
7 following cash funds are excluded from the limitations specified in this
8 section:

9 (II) THE USEFUL PUBLIC SERVICE CASH FUND CREATED IN SECTION
10 18-1.3-507.5.

11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.