

## CHAPTER 56

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**CRIMINAL LAW AND PROCEDURE**


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**HOUSE BILL 17-1056**

BY REPRESENTATIVE(S) Weissman, Becker K., Benavidez, Buckner, Carver, Esgar, Exum, Foote, Garnett, Ginal, Gray, Herod, Hooton, Humphrey, Jackson, Kennedy, Kraft-Tharp, Lebsock, Lontine, McKean, McLachlan, Melton, Michaelson Jenet, Mitsch Bush, Neville P., Pettersen, Ransom, Rosenthal, Saine, Salazar, Sias, Valdez, Williams D., Wist, Duran; also SENATOR(S) Kefalas and Gardner, Aguilar, Baumgardner, Fields, Jahn, Kerr, Lambert, Martinez Humenik, Merrifield, Tate, Todd.

**AN ACT**

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

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

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

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

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

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

(a) A CHARITABLE TRUST OR OTHER ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL REVENUE CODE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

OF 1986", AS AMENDED;

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

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

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

**18-18-432. Drug offender public service and rehabilitation program.**

(2) (c) (I) If not already established pursuant to law, there may be established in each judicial district in the state a useful public service program under the direction of the chief judge of the judicial district. ~~It shall be~~ The purpose of the useful public service program is to identify and seek the cooperation of governmental entities and political subdivisions thereof and corporations organized not for profit or charitable trusts, AS SPECIFIED IN SUBSECTION (2)(c)(II) OF THIS SECTION, for the purpose of providing useful public service jobs; to interview and assign persons who have been ordered by the court to perform useful public service to suitable useful public service jobs; and to monitor compliance or noncompliance of such persons in performing useful public service assignments as specified in ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION. NOTHING IN THIS SUBSECTION (2) LIMITS THE AUTHORITY OF AN ENTITY THAT IS THE RECIPIENT OF COMMUNITY OR USEFUL PUBLIC SERVICE TO ACCEPT OR REJECT SUCH SERVICE, IN ITS SOLE DISCRETION.

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

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

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

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

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

**42-4-1301.4. Useful public service - definitions - local programs - assessment of costs.** (3) (a) There may be established in the probation department of each judicial district in the state a useful public service program under the direction of the chief probation officer. It is the purpose of the useful public service program: To identify and seek the cooperation of governmental entities and political subdivisions thereof, as well as corporations organized not for profit or charitable trusts, AS SPECIFIED IN SUBSECTION (3)(c) OF THIS SECTION, for the purpose of providing useful public service jobs; to interview and assign persons who have been ordered by the court to perform useful public service to suitable useful public service jobs; and to monitor compliance or noncompliance of such persons in performing useful public service assignments within the time established by the court.

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

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

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

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

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

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

Approved: March 20, 2017