

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0744.01 Jacob Baus x2173

HOUSE BILL 22-1150

HOUSE SPONSORSHIP

Bockenfeld and Exum, Snyder

SENATE SPONSORSHIP

Cooke and Fields,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF SIGNATURE REQUIREMENTS FOR**
102 **PERSONS WHO ARE ALLEGED TO HAVE VIOLATED CERTAIN**
103 **OFFENSES.**

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>.)

Under current law, a defendant is required to execute the defendant's signature on citations for a misdemeanor, petty offense, misdemeanor traffic offense, or traffic infraction to signify agreement to pay the penalties or appear in court.

The bill eliminates the defendant signature requirement.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
February 22, 2022

HOUSE
2nd Reading Unamended
February 18, 2022

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1705, **amend**
3 (1) introductory portion, (1)(e), and (2) as follows:

4 **42-4-1705. Person arrested to be taken before the proper**
5 **court.** (1) Whenever a person is arrested for any violation of this ~~article~~
6 ARTICLE 4 punishable as a misdemeanor, the arrested person ~~shall~~ MUST
7 be taken without unnecessary delay before a county judge who has
8 jurisdiction of such offense as provided by law, in any of the following
9 cases:

10 (e) In any other event when the provisions of section 42-4-1701
11 (5)(b) and (5)(c) apply. ~~and the person arrested refuses to give a written~~
12 ~~promise to appear in court as provided in section 42-4-1707.~~

13 (2) Whenever any person is arrested by a police officer for any
14 violation of this ~~article~~ ARTICLE 4 punishable as a misdemeanor and is not
15 required to be taken before a county judge as provided in subsection (1)
16 of this section, the arrested person ~~shall~~ MUST, in the discretion of the
17 officer, either be given a written notice or summons to appear in court as
18 provided in section 42-4-1707 or be taken without unnecessary delay
19 before a county judge who has jurisdiction of such offense when the
20 arrested person does not furnish satisfactory evidence of identity or when
21 the officer has reasonable and probable grounds to believe the person will
22 ~~disregard a written promise to~~ NOT appear in court. The court shall
23 provide a bail bond schedule and available personnel to accept adequate
24 security for such bail bonds.

25 **SECTION 2.** In Colorado Revised Statutes, 42-4-1707, **amend**
26 (3)(a) and (6) as follows:

1 **42-4-1707. Summons and complaint or penalty assessment**
2 **notice for misdemeanors, petty offenses, and misdemeanor traffic**
3 **offenses - release - registration.** (3) (a) Whenever a penalty assessment
4 notice for a misdemeanor, petty offense, or misdemeanor traffic offense
5 is issued pursuant to section 42-4-1701 (5)(a), the penalty assessment
6 notice that ~~shall be served upon the defendant by the peace officer shall~~
7 SERVES UPON THE DEFENDANT MUST contain the name and address of the
8 defendant, the license number of the vehicle involved, if any, the number
9 of the defendant's driver's license, if any, a citation of the statute alleged
10 to have been violated, a brief description of the offense, the date and
11 approximate location ~~thereof~~ OF THE OFFENSE, the amount of the penalty
12 prescribed for the offense, the amount of the surcharges ~~thereon~~ pursuant
13 to sections 24-4.1-119 (1)(f), 24-4.2-104 (1), and 24-33.5-415.6, ~~C.R.S.~~;
14 the number of points, if any, prescribed for the offense pursuant to section
15 42-2-127, and the date the penalty assessment notice is served on the
16 defendant; ~~shall~~ MUST direct the defendant to appear in a specified county
17 court at a specified time and place in the event the penalty and surcharges
18 ~~thereon~~ are not paid; ~~shall~~ MUST be signed by the peace officer; and ~~shall~~
19 MUST contain a ~~place for the defendant to elect to execute a signed~~
20 ~~acknowledgment of guilt and an agreement to pay the penalty prescribed~~
21 ~~and surcharges thereon within twenty days, as well as such other~~
22 information as may be required by law to constitute the penalty
23 assessment notice to be a summons and complaint ~~should~~ IF the
24 prescribed penalty and surcharges ~~thereon~~ ARE not ~~be~~ paid within the time
25 allowed in section 42-4-1701.

26 (6) If the defendant is otherwise eligible to be issued a summons
27 and complaint or a penalty assessment notice for a violation of this title

1 TITLE 42 punishable as a misdemeanor, petty offense, or misdemeanor
2 traffic offense and if the defendant does not possess a valid Colorado
3 driver's license, the defendant, in order to secure release, ~~as provided in~~
4 ~~this section, must either consent to be taken by the officer to the nearest~~
5 ~~mailbox and to mail the amount of the penalty and surcharges thereon to~~
6 ~~the department or must execute a promise to appear in court on the~~
7 ~~penalty assessment notice or on the summons and complaint~~ MUST
8 RECEIVE INFORMATION ON THE PENALTY ASSESSMENT NOTICE OR
9 SUMMONS AND COMPLAINT THAT DIRECTS THE DEFENDANT TO APPEAR AT
10 A SPECIFIED COUNTY COURT AT A SPECIFIED TIME AND PLACE IN THE EVENT
11 THE PENALTY AND SURCHARGES ARE NOT PAID, AND OTHER INFORMATION
12 THAT MAY BE REQUIRED BY LAW TO CONSTITUTE THE PENALTY
13 ASSESSMENT TO BE A SUMMONS AND COMPLAINT IF THE PRESCRIBED
14 PENALTY AND SURCHARGES ARE NOT PAID WITHIN THE TIME ALLOWED IN
15 SECTION 42-4-1701. If the defendant does possess a valid Colorado
16 driver's license, the defendant ~~shall~~ MUST not be required to execute a
17 promise to appear on the penalty assessment notice or on the summons
18 and complaint. The peace officer shall not require any person who is
19 eligible to be issued a summons and complaint or a penalty assessment
20 notice for a violation of this ~~title~~ TITLE 42 to produce or divulge such
21 person's social security number.

22 **SECTION 3.** In Colorado Revised Statutes, 42-4-1709, **amend**
23 (1) as follows:

24 **42-4-1709. Penalty assessment notice for traffic infractions -**
25 **violations of provisions by officer - driver's license - definition.**

26 (1) Whenever a penalty assessment notice for a traffic infraction is issued
27 pursuant to section 42-4-1701 (5)(a), the penalty assessment notice that

1 ~~shall be served upon the defendant by~~ the peace officer ~~shall~~ SERVES
2 UPON THE DEFENDANT MUST contain the name and address of the
3 defendant, the license number of the vehicle involved, if any, the number
4 of the defendant's driver's license, if any, a citation of the statute alleged
5 to have been violated, a brief description of the traffic infraction, the date
6 and approximate location ~~thereof~~ OF THE OFFENSE, the amount of the
7 penalty prescribed for the traffic infraction, the amount of the surcharges
8 ~~thereon~~ pursuant to sections 24-4.1-119 (1)(f), 24-4.2-104 (1), and
9 24-33.5-415.6, ~~C.R.S.~~, the number of points, if any, prescribed for the
10 traffic infraction pursuant to section 42-2-127, and the date the penalty
11 assessment notice is served on the defendant; ~~shall~~ MUST direct the
12 defendant to appear in a specified county court at a specified time and
13 place in the event the penalty and surcharges ~~thereon~~ are not paid; ~~shall~~
14 MUST be signed by the peace officer; and ~~shall~~ MUST contain ~~a place for~~
15 ~~the defendant to elect to execute a signed acknowledgment of liability and~~
16 ~~an agreement to pay the penalty prescribed and surcharges thereon within~~
17 ~~twenty days, as well as such~~ other information as may be required by law
18 to constitute the penalty assessment notice to be a summons and
19 complaint ~~should~~ IF the prescribed penalty and surcharges ~~thereon~~ ARE
20 not ~~be~~ paid within the time allowed in section 42-4-1701.

21 **SECTION 4.** In Colorado Revised Statutes, **amend** 42-4-1711 as
22 follows:

23 **42-4-1711. Compliance with appearance.** ~~A written promise to~~
24 ~~appear~~ A DEFENDANT MAY COMPLY WITH A REQUIREMENT TO APPEAR in
25 court ~~may be complied with by~~ THROUGH an appearance by counsel.

26 **SECTION 5. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2022 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.