

**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. 22-0542.01 Michael Dohr x4347

**HOUSE BILL 22-1229**

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**HOUSE SPONSORSHIP**

**Weissman and Soper,**

**SENATE SPONSORSHIP**

**Gardner and Gonzales,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ADOPTING CLEAN-UP PROVISIONS TO SENATE BILL**  
102            **21-271 WHICH ENACTED THE 2021 RECOMMENDATIONS OF THE**  
103            **COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE,**  
104            **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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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://leg.colorado.gov>.)*

Senate Bill 21-271 created a civil infraction as penalty for violations of the law that do not rise to criminal conduct. Senate Bill 21-271 included procedures for civil infractions. The bill repeals those

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.



1 24-33.5-415.6.

2 **16-2.3-102. Penalty assessment notice for civil infractions.**

3 (1) (a) AT ANY TIME THAT A PEACE OFFICER, AS DESCRIBED IN SECTION  
4 16-2.5-101, CHARGES A PERSON WITH THE COMMISSION OF ANY CIVIL  
5 INFRACTION, THE PEACE OFFICER MAY, EXCEPT WHEN PROHIBITED BY THE  
6 SECTION DESCRIBING THE CHARGED CIVIL INFRACTION OR WHEN  
7 RESTITUTION MAY BE AT ISSUE, OFFER TO GIVE A PENALTY ASSESSMENT  
8 NOTICE TO THE PERSON. FOR ALL CIVIL INFRACTIONS, THE FINE LISTED ON  
9 THE PENALTY ASSESSMENT NOTICE IS ONE HUNDRED DOLLARS, UNLESS THE  
10 FINE IS OTHERWISE PROVIDED IN THE SECTION DESCRIBING THE CIVIL  
11 INFRACTION.

12 (b) THE PENALTY ASSESSMENT NOTICE THAT A PEACE OFFICER  
13 SERVES UPON THE PERSON MUST BE A SUMMONS AND COMPLAINT  
14 CONTAINING THE FOLLOWING:

15 (I) IDENTIFICATION OF THE ALLEGED OFFENDER;

16 (II) SPECIFICATION OF THE OFFENSE, INCLUDING A CITATION TO  
17 THE SECTION ALLEGED TO HAVE BEEN VIOLATED AND A BRIEF DESCRIPTION  
18 OF THE CIVIL INFRACTION;

19 (III) THE AMOUNT OF THE FINE FOR THE CIVIL INFRACTION AND  
20 THE AMOUNT OF THE SURCHARGES PURSUANT TO SECTIONS 24-4.1-119  
21 (1)(g), 24-4.2-104 (1), AND 24-33.5-415.6;

22 (IV) THE DATE THE PEACE OFFICER SERVES THE PENALTY  
23 ASSESSMENT NOTICE UPON THE PERSON;

24 (V) INSTRUCTIONS TO THE PERSON TO APPEAR IN A SPECIFIED  
25 COUNTY COURT AT A SPECIFIED TIME AND PLACE IF THE FINE AND  
26 SURCHARGES ARE NOT PAID;

27 (VI) THE PEACE OFFICER'S SIGNATURE;

1 (VII) A PLACE WHERE THE PERSON MAY EXECUTE A SIGNED  
2 ACKNOWLEDGMENT OF LIABILITY AND AN AGREEMENT TO PAY THE FINE  
3 AND SURCHARGES WITHIN TWENTY DAYS; AND

4 (VIII) OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO  
5 CONSTITUTE THE PENALTY ASSESSMENT NOTICE TO BE A SUMMONS AND  
6 COMPLAINT SHOULD THE FINE AND SURCHARGES NOT BE PAID WITHIN THE  
7 TIME ALLOWED IN SUBSECTION (2) OF THIS SECTION.

8 (c) A PENALTY ASSESSMENT NOTICE ISSUED AND SERVED  
9 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION ON A MINOR UNDER  
10 EIGHTEEN YEARS OF AGE MUST ALSO CONTAIN OR BE ACCOMPANIED BY A  
11 DOCUMENT CONTAINING:

12 (I) A PREPRINTED DECLARATION STATING THAT THE MINOR'S  
13 PARENT OR LEGAL GUARDIAN HAS REVIEWED THE CONTENTS OF THE  
14 PENALTY ASSESSMENT NOTICE WITH THE MINOR;

15 (II) PREPRINTED SIGNATURE LINES FOLLOWING THE DECLARATION  
16 ON WHICH THE REVIEWING PERSON DESCRIBED IN SUBSECTION (1)(c)(I) OF  
17 THIS SECTION SHALL AFFIX THE PERSON'S SIGNATURE AND FOR A NOTARY  
18 PUBLIC TO DULY ACKNOWLEDGE THE REVIEWING PERSON'S SIGNATURE;  
19 AND

20 (III) AN ADVISEMENT TO THE MINOR THAT:

21 (A) THE MINOR SHALL, WITHIN SEVENTY-TWO HOURS AFTER  
22 SERVICE OF THE PENALTY ASSESSMENT NOTICE, INFORM THE MINOR'S  
23 PARENT OR LEGAL GUARDIAN THAT THE MINOR HAS RECEIVED A PENALTY  
24 ASSESSMENT NOTICE;

25 (B) THE PARENT OR LEGAL GUARDIAN OF THE MINOR IS REQUIRED  
26 BY LAW TO REVIEW AND SIGN THE PENALTY ASSESSMENT NOTICE AND TO  
27 HAVE THE PERSON'S SIGNATURE DULY ACKNOWLEDGED BY A NOTARY

1 PUBLIC; AND

2 (C) NONCOMPLIANCE WITH THE REQUIREMENT SET FORTH IN  
3 SUBSECTION (1)(c)(III)(B) OF THIS SECTION WILL RESULT IN THE MINOR  
4 AND THE PARENT OR LEGAL GUARDIAN OF THE MINOR BEING REQUIRED TO  
5 APPEAR IN COURT PURSUANT TO SUBSECTION (4) OF THIS SECTION.

6 (d) THE PEACE OFFICER MUST SERVE ONE COPY OF THE PENALTY  
7 ASSESSMENT NOTICE UPON THE PERSON AND SHALL SEND ONE COPY TO  
8 THE CLERK OF THE COUNTY COURT IN THE COUNTY IN WHICH THE ALLEGED  
9 OFFENSE OCCURRED.

10 (e) THE TIME SPECIFIED IN THE SUMMONS PORTION OF THE  
11 PENALTY ASSESSMENT NOTICE MUST BE AT LEAST THIRTY DAYS BUT NOT  
12 MORE THAN NINETY DAYS AFTER THE DATE THE PENALTY ASSESSMENT  
13 NOTICE IS SERVED.

14 (f) THE PLACE SPECIFIED IN THE SUMMONS PORTION OF THE  
15 PENALTY ASSESSMENT NOTICE MUST BE A COUNTY COURT WITHIN THE  
16 COUNTY IN WHICH THE CIVIL INFRACTION IS ALLEGED TO HAVE BEEN  
17 COMMITTED.

18 (g) IF THE PERSON REFUSES TO ACCEPT SERVICE OF THE PENALTY  
19 ASSESSMENT NOTICE, TENDER OF THE NOTICE BY THE PEACE OFFICER TO  
20 THE PERSON CONSTITUTES SERVICE UPON THE PERSON.

21 (2) (a) IF THE PERSON SERVED A PENALTY ASSESSMENT NOTICE  
22 ACKNOWLEDGES GUILT, THE PERSON MAY PAY THE SPECIFIED FINE AND  
23 SURCHARGES IN PERSON OR BY MAIL AT THE PLACE AND WITHIN THE TIME  
24 SPECIFIED IN THE NOTICE. IF THE PERSON DOES NOT ACKNOWLEDGE GUILT,  
25 THE PERSON SHALL APPEAR AS REQUIRED IN THE NOTICE. UPON TRIAL, IF  
26 THE PERSON IS FOUND GUILTY, THE COURT SHALL IMPOSE THE FINE AND  
27 SURCHARGES SPECIFIED IN THE NOTICE FOR THE OFFENSE FOR WHICH THE

1 PERSON WAS FOUND GUILTY AND THE COURT MAY IMPOSE COURT COSTS  
2 AGAINST THE PERSON IN ADDITION TO THE FINE AND SURCHARGES.

3 (b) THE FINE SPECIFIED IN THE PENALTY ASSESSMENT NOTICE FOR  
4 THE VIOLATION CHARGED AND THE SURCHARGES MUST BE PAID TO THE  
5 CLERK OF THE COURT OF THE JURISDICTION IN WHICH THE OFFENSE IS  
6 ALLEGED TO HAVE OCCURRED, EITHER IN PERSON OR BY POSTMARKING  
7 SUCH PAYMENT WITHIN TWENTY DAYS AFTER THE DATE THE PENALTY  
8 ASSESSMENT NOTICE IS SERVED UPON THE PERSON. EXCEPT AS OTHERWISE  
9 PROVIDED IN SUBSECTION (4) OF THIS SECTION, ACCEPTANCE OF A  
10 PENALTY ASSESSMENT NOTICE AND PAYMENT OF THE FINE AND  
11 SURCHARGES TO THE COURT IS COMPLETE SATISFACTION FOR THE  
12 VIOLATION. THE PERSON MUST BE GIVEN A RECEIPT IF THE PERSON PAYS  
13 THE FINE AND SURCHARGES IN CURRENCY OR OTHER FORM OF LEGAL  
14 TENDER.

15 (3) IF A PERSON CHARGED WITH A CIVIL INFRACTION FAILS TO PAY  
16 THE FINE AND SURCHARGES WITHIN TWENTY DAYS AFTER THE DATE OF  
17 THE PENALTY ASSESSMENT NOTICE, OR IF THE CLERK OF THE COURT DOES  
18 NOT ACCEPT PAYMENT FOR THE FINE AND SURCHARGES AS EVIDENCED BY  
19 RECEIPT, THE PERSON IS ALLOWED TO PAY THE FINE, SURCHARGES, AND  
20 THE DOCKET FEE IN THE AMOUNT SET FORTH IN SECTION 13-1-204 (1)(b)  
21 TO THE CLERK OF THE COURT REFERRED TO IN THE SUMMONS PORTION OF  
22 THE PENALTY ASSESSMENT NOTICE DURING THE TWO BUSINESS DAYS  
23 PRIOR TO THE TIME FOR APPEARANCE, AS SPECIFIED IN THE NOTICE. IF THE  
24 FINE FOR A CIVIL INFRACTION AND SURCHARGES IS NOT TIMELY PAID, THE  
25 CASE IS HEARD IN THE COURT OF COMPETENT JURISDICTION PRESCRIBED  
26 ON THE PENALTY ASSESSMENT NOTICE IN THE MANNER PROVIDED FOR IN  
27 THIS ARTICLE 2.3 FOR THE PROSECUTION OF CIVIL INFRACTIONS.

1 (4) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF  
2 THIS SECTION, A MINOR UNDER EIGHTEEN YEARS OF AGE SHALL APPEAR AT  
3 A HEARING ON THE DATE AND TIME SPECIFIED IN THE PENALTY  
4 ASSESSMENT NOTICE AND ANSWER THE ALLEGED VIOLATION IF THE  
5 PENALTY ASSESSMENT WAS TIMELY PAID BUT NOT SIGNED AND NOTARIZED  
6 IN THE MANNER REQUIRED BY SUBSECTION (1)(c)(III)(B) OF THIS SECTION.

7 (5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF  
8 THIS SECTION, IF THE OFFENSE CHARGED IS FOR THE COMMISSION OF A  
9 CIVIL INFRACTION FOR A PARKS AND WILDLIFE VIOLATION CONTAINED IN  
10 TITLE 33, THE PENALTY ASSESSMENT PROCEDURES CONTAINED IN SECTION  
11 33-6-104 OR 33-15-102 APPLY.

12 **16-2.3-103. Parties to a crime.** A PERSON IS LEGALLY  
13 ACCOUNTABLE AS PRINCIPAL FOR THE BEHAVIOR OF ANOTHER PERSON  
14 WHO COMMITS A CIVIL INFRACTION IF, WITH THE INTENT TO PROMOTE OR  
15 FACILITATE THE COMMISSION OF THE OFFENSE, THE PERSON AIDS, ABETS,  
16 ADVISES, OR ENCOURAGES THE OTHER PERSON IN PLANNING OR  
17 COMMITTING THE OFFENSE.

18 **16-2.3-104. Civil infractions - proper court for hearing -**  
19 **burden of proof - appeal - collateral attack.** (1) A COUNTY COURT  
20 MAGISTRATE APPOINTED PURSUANT TO PART 5 OF ARTICLE 6 OF TITLE 13,  
21 OR A COUNTY JUDGE ACTING AS A MAGISTRATE, SHALL CONDUCT THE  
22 HEARING IN A COUNTY COURT FOR THE ADJUDICATION OF A CIVIL  
23 INFRACTION; EXCEPT THAT, IF THE CHARGE INCLUDES A CRIME AND CIVIL  
24 INFRACTION IN THE SAME SUMMONS AND COMPLAINT, ALL CHARGES MUST  
25 BE MADE RETURNABLE BEFORE A JUDGE OR MAGISTRATE WHO HAS  
26 JURISDICTION OVER THE CRIME. THE COLORADO RULES OF CRIMINAL  
27 PROCEDURE APPLY IN A CASE THAT CONTAINS BOTH A CRIME AND A CIVIL

1       INFRACTION.

2               (2) WHEN A COURT OF COMPETENT JURISDICTION DETERMINES  
3       THAT A PERSON CHARGED WITH A MISDEMEANOR OR PETTY OFFENSE IS  
4       GUILTY OF A LESSER INCLUDED OFFENSE THAT IS A CIVIL INFRACTION, THE  
5       COURT MAY ENTER A JUDGMENT AS TO THE LESSER INCLUDED OFFENSE.

6               (3) IN A CIVIL INFRACTION CASE, THE BURDEN OF PROOF IS ON THE  
7       PEOPLE, AND THE MAGISTRATE SHALL ENTER JUDGMENT IN FAVOR OF THE  
8       PERSON UNLESS THE PEOPLE PROVE THE LIABILITY OF THE PERSON BEYOND  
9       A REASONABLE DOUBT. THE DISTRICT ATTORNEY OR A DISTRICT  
10      ATTORNEY'S DEPUTY MAY, BUT IS NOT REQUIRED TO, AT THE DISTRICT  
11      ATTORNEY'S DISCRETION, ENTER A CIVIL INFRACTION CASE FOR THE  
12      PURPOSE OF ATTEMPTING TO NEGOTIATE A PLEA TO A LESSER OFFENSE,  
13      REDUCED PENALTY, OR A STIPULATION TO PRETRIAL DIVERSION OR  
14      DEFERRED JUDGMENT AND SENTENCE. THE DISTRICT ATTORNEY SHALL  
15      NOT REPRESENT THE STATE AT HEARINGS CONDUCTED BY A MAGISTRATE  
16      OR A COUNTY JUDGE ACTING AS A MAGISTRATE ON CIVIL INFRACTION  
17      MATTERS. THE MAGISTRATE OR COUNTY JUDGE ACTING AS A MAGISTRATE  
18      MAY CALL AND QUESTION ANY WITNESS AND SHALL ACT AS THE FACT  
19      FINDER AT HEARINGS ON CIVIL INFRACTION MATTERS.

20              (4) AN APPEAL FROM FINAL JUDGMENT ON A CIVIL INFRACTION  
21      MATTER MUST BE TAKEN TO THE DISTRICT COURT FOR THE COUNTY WHERE  
22      THE MAGISTRATE OR JUDGE ACTING AS MAGISTRATE IS LOCATED.

23              (5) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5)(b) OF  
24      THIS SECTION, A PERSON AGAINST WHOM A JUDGMENT IS ENTERED FOR A  
25      CIVIL INFRACTION MAY NOT COLLATERALLY ATTACK THE VALIDITY OF  
26      THAT JUDGMENT UNLESS THE PERSON COMMENCES THE ATTACK WITHIN  
27      SIX MONTHS AFTER THE DATE OF ENTRY OF THE JUDGMENT.

1 (b) IN RECOGNITION OF THE DIFFICULTIES ATTENDING THE  
2 LITIGATION OF STALE CLAIMS AND THE POTENTIAL FOR FRUSTRATING  
3 VARIOUS STATUTORY PROVISIONS DIRECTED AT REPEAT OFFENDERS,  
4 FORMER OFFENDERS, AND HABITUAL OFFENDERS, THE ONLY EXCEPTIONS  
5 TO THE TIME LIMITATION SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION  
6 ARE CASES IN WHICH THE COURT HEARING THE COLLATERAL ATTACK  
7 FINDS:

8 (I) THAT THE COURT ENTERING JUDGMENT DID NOT HAVE  
9 JURISDICTION OVER THE SUBJECT MATTER OF THE ALLEGED CIVIL  
10 INFRACTION;

11 (II) THAT THE COURT ENTERING JUDGMENT DID NOT HAVE  
12 JURISDICTION OVER THE PERSON;

13 (III) BY A PREPONDERANCE OF THE EVIDENCE, THAT THE FAILURE  
14 TO SEEK RELIEF WITHIN THE TIME LIMITATION SPECIFIED IN SUBSECTION  
15 (5)(a) OF THIS SECTION WAS THE RESULT OF AN ADJUDICATION OF  
16 INCOMPETENCE OR BY COMMITMENT OR CERTIFICATION OF THE VIOLATOR  
17 TO AN INSTITUTION FOR TREATMENT AS A PERSON WITH A BEHAVIORAL  
18 HEALTH DISORDER; OR

19 (IV) THAT THE FAILURE TO SEEK RELIEF WITHIN TIME LIMITATION  
20 SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION WAS THE RESULT OF  
21 CIRCUMSTANCES AMOUNTING TO JUSTIFIABLE EXCUSE OR EXCUSABLE  
22 NEGLECT.

23 **16-2.3-105. Failure to pay penalty for civil infractions - failure**  
24 **of parent or guardian to sign penalty assessment notice - procedures.**

25 (1) UNLESS A PERSON WHO HAS BEEN CITED FOR A CIVIL INFRACTION PAYS  
26 THE FINE AND SURCHARGES PURSUANT TO SECTIONS 24-4.1-119 (1)(f),  
27 24-4.2-104 (1), AND 24-33.5-415.6, THE PERSON SHALL APPEAR AT A

1 HEARING ON THE DATE AND TIME SPECIFIED IN THE SUMMONS AND  
2 COMPLAINT AND ANSWER THE COMPLAINT. THIS REQUIREMENT TO APPEAR  
3 MAY BE COMPLIED WITH BY APPEARANCE OF COUNSEL.

4 (2) IF A MINOR UNDER EIGHTEEN YEARS OF AGE IS REQUIRED TO  
5 APPEAR AT A HEARING PURSUANT TO SUBSECTION (1) OF THIS SECTION,  
6 THE MINOR SHALL INFORM THE MINOR'S PARENT OR LEGAL GUARDIAN, AND  
7 THE PARENT OR LEGAL GUARDIAN SHALL ALSO APPEAR AT THE HEARING.

8 (3) IF THE PERSON ANSWERS THAT THE PERSON IS GUILTY OR IF THE  
9 PERSON FAILS TO APPEAR FOR THE HEARING, THE MAGISTRATE SHALL  
10 ENTER JUDGMENT AGAINST THE PERSON.

11 (4) IF THE PERSON DENIES THE ALLEGATIONS IN THE COMPLAINT,  
12 A FINAL HEARING ON THE COMPLAINT MUST BE HELD SUBJECT TO THE  
13 PROVISIONS REGARDING A SPEEDY TRIAL IN SECTION 18-1-405. IF THE  
14 PERSON IS FOUND GUILTY OR LIABLE AT THE FINAL HEARING OR IF THE  
15 PERSON FAILS TO APPEAR FOR A FINAL HEARING, THE MAGISTRATE SHALL  
16 ENTER JUDGMENT AGAINST THE PERSON.

17 (5) (a) (I) IF JUDGMENT IS ENTERED AGAINST A PERSON, THE  
18 MAGISTRATE SHALL ASSESS THE APPROPRIATE FINE AND SURCHARGES, A  
19 DOCKET FEE OF SIXTEEN DOLLARS, AND OTHER APPLICABLE COSTS  
20 AUTHORIZED BY SECTION 13-16-122 (1).

21 (II) ALL DOCKET FEES COLLECTED PURSUANT TO SUBSECTION  
22 (5)(a)(I) OF THIS SECTION MUST BE TRANSMITTED TO THE STATE  
23 TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND  
24 CREATED IN SECTION 13-32-101 (6).

25 (b) A MAGISTRATE SHALL NOT ISSUE A BENCH WARRANT FOR THE  
26 ARREST OF ANY PERSON WHO FAILS TO APPEAR FOR A HEARING PURSUANT  
27 TO SUBSECTION (1), (2), OR (3) OF THIS SECTION OR FOR A FINAL HEARING

1 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

2 **SECTION 2.** In Colorado Revised Statutes, 13-1-204, **amend**  
3 (1)(b) as follows:

4 **13-1-204. Court security cash fund - creation - grants -**  
5 **regulations.** (1) (b) A five-dollar surcharge ~~shall~~ **MUST** be assessed and  
6 collected as provided by law on docket fees and jury fees for specified  
7 civil actions filed on and after July 1, 2007, on docket fees for criminal  
8 convictions entered on and after July 1, 2007, on filing fees for specified  
9 probate filings made on and after July 1, 2007, on docket fees for  
10 specified special proceeding filings made on and after July 1, 2007, on  
11 fees for specified filings in water matters initiated on and after July 1,  
12 2007, ~~and~~ on docket fees for specified traffic infraction penalties assessed  
13 on and after July 1, 2007, **AND ON DOCKET FEES FOR CIVIL INFRACTION**  
14 **PENALTIES ASSESSED ON OR AFTER MARCH 1, 2022.** The surcharge ~~shall~~  
15 **MUST** be transmitted to the state treasurer, who shall credit the surcharge  
16 to the fund.

17 **SECTION 3.** In Colorado Revised Statutes, 13-6-212, **amend**  
18 (2)(f) as follows:

19 **13-6-212. Duties of clerk.** (2) Upon approval by the chief justice  
20 of the supreme court, the chief judge of a judicial district may authorize,  
21 either generally or in specific cases, the clerk of the county court to do the  
22 following:

23 (f) With the consent of the defendant, accept pleas of guilty and  
24 admissions of liability and impose penalties pursuant to a schedule  
25 approved by the presiding judge in misdemeanor cases involving  
26 violations of wildlife and parks and outdoor recreation laws for which the  
27 maximum penalty in each case is a fine of not more than one thousand

1 dollars; and in misdemeanor traffic and traffic infraction cases involving  
2 the regulation of vehicles and traffic for which the penalty specified in  
3 section 42-4-1701, ~~C.R.S.~~, or elsewhere in articles 2 to 4 of title 42,  
4 ~~C.R.S.~~, in each case is less than three hundred dollars; AND IN CIVIL  
5 INFRACTION CASES. A clerk shall not levy a fine ~~of over said~~ GREATER  
6 THAN THESE amounts nor sentence any person to jail. If, in the judgment  
7 of the clerk, a fine ~~of over said~~ GREATER THAN THESE amounts or a jail  
8 sentence is justified, the case ~~shall~~ MUST be certified to the judge of the  
9 county court for arraignment and trial de novo.

10 **SECTION 4.** In Colorado Revised Statutes, 13-6-501, **amend** (4)  
11 introductory portion, (5), (6), (8), and (9); and **add** (4)(a.5) as follows:

12 **13-6-501. County court magistrates - qualifications - duties.**

13 (4) Subject to the provision that no magistrate may preside in any trial by  
14 jury, county court magistrates ~~shall~~ have power to hear the following  
15 matters:

16 (a.5) CIVIL INFRACTIONS, AS DESCRIBED IN SECTION 16-2.3-101;

17 (5) Except in class A and class B traffic infraction matters AND  
18 CIVIL INFRACTION MATTERS, before a county court magistrate may hear  
19 any matter, all parties ~~thereto~~ shall have waived, on the record, their right  
20 to proceed before a county judge. If any party fails to waive such right, or  
21 objects to the magistrate, that party's case ~~shall~~ MUST be rereferred to a  
22 county judge.

23 (6) Magistrates, when handling county court matters, ~~and~~ class A  
24 and class B traffic infraction matters, AND CIVIL INFRACTION MATTERS,  
25 and where the parties to such proceedings, other than traffic infraction  
26 matters, ~~shall~~ have waived their right to proceed before a county judge,  
27 ~~shall~~ have all the jurisdiction and power of a county judge, and their

1 orders and judgments ~~shall be~~ ARE those of the county court.

2 (8) The duties, qualifications, compensation, conditions of  
3 employment, and other administrative details concerning magistrates who  
4 hear traffic infraction matters AND CIVIL INFRACTION MATTERS not set  
5 forth in this part 5 ~~shall be~~ ARE established ~~in accordance with the~~  
6 ~~provisions of~~ PURSUANT TO section 13-3-105.

7 (9) The supreme court shall adopt such rules and regulations as it  
8 deems necessary or proper to carry out the provisions of this part 5  
9 relating to traffic infraction matters AND CIVIL INFRACTION MATTERS,  
10 including, but not limited to, procedural matters.

11 **SECTION 5.** In Colorado Revised Statutes, **amend** 13-6-502 as  
12 follows:

13 **13-6-502. Jury trials.** Notwithstanding ~~the provisions of~~ section  
14 16-10-109 ~~C.R.S.~~, or any other provision of law, the right to a jury trial  
15 ~~shall not be~~ IS NOT available at a hearing before a magistrate ~~where~~ WHEN  
16 the cited person is charged with a class A or a class B traffic infraction OR  
17 CIVIL INFRACTION.

18 **SECTION 6.** In Colorado Revised Statutes, **amend** 13-6-503 as  
19 follows:

20 **13-6-503. Evidence offered by officer.** At any hearing on a class  
21 A or class B traffic infraction OR CIVIL INFRACTION, the officer who  
22 issued the citation OR PENALTY ASSESSMENT NOTICE shall offer evidence  
23 of the facts concerning the alleged infraction either in person or by  
24 affidavit, as such affidavit may be established by rules adopted by the  
25 supreme court pursuant to section 13-6-501 (9). If ~~such~~ THE officer  
26 appears personally, the magistrate and the cited person may then examine  
27 ~~such~~ THE officer. The cited party ~~shall have~~ HAS the right to call the

1 officer by subpoena as in the case of other civil matters.

2 **SECTION 7.** In Colorado Revised Statutes, 13-80-103, **add** (1)(i)  
3 as follows:

4 **13-80-103. General limitation of actions - one year.** (1) The  
5 following civil actions, regardless of the theory upon which suit is  
6 brought, or against whom suit is brought, shall be commenced within one  
7 year after the cause of action accrues, and not thereafter:

8 (i) ALL ACTIONS AGAINST A PERSON ALLEGING LIABILITY FOR A  
9 PENALTY FOR COMMISSION OF A CIVIL INFRACTION, AS DESCRIBED IN  
10 SECTION 16-2.3-101.

11 **SECTION 8.** In Colorado Revised Statutes, 13-80-108, **add**  
12 (11.5) as follows:

13 **13-80-108. When a cause of action accrues.** (11.5) A CAUSE  
14 OF ACTION FOR A PENALTY FOR COMMISSION OF A CIVIL INFRACTION, AS  
15 DESCRIBED IN SECTION 16-2.3-101, IS DEEMED TO ACCRUE ON THE DATE  
16 THE CIVIL INFRACTION WAS COMMITTED.

17 **SECTION 9.** In Colorado Revised Statutes, **amend as it will**  
18 **become effective March 1, 2022,** 16-2-104 as follows:

19 **16-2-104. Issuance of summons and complaint.** A summons and  
20 complaint may be issued by any peace officer for an offense constituting  
21 a misdemeanor or a petty offense ~~or a civil infraction~~ committed in the  
22 peace officer's presence or, if not committed in the peace officer's  
23 presence, ~~which~~ THAT the peace officer has probable cause to believe was  
24 committed and probable cause to believe was committed by the person  
25 charged. Except for penalty assessment notices, which ~~shall~~ MUST be  
26 handled ~~according to~~ PURSUANT TO the procedures set forth in section  
27 16-2-201 OR 16-2.3-102, a copy of a summons and complaint so issued

1 ~~shall~~ MUST be filed immediately with the county court before which  
2 appearance is required, and a second copy ~~shall~~ MUST be given to the  
3 district attorney or deputy district attorney for the county.

4 **SECTION 10.** In Colorado Revised Statutes, **amend as it will**  
5 **become effective March 1, 2022,** 16-2-109 as follows:

6 **16-2-109. Service of summons.** A summons issued by the county  
7 court in a prosecution for a misdemeanor or petty offense ~~or civil~~  
8 ~~infraction~~ may be served by giving a copy to the defendant personally or  
9 by leaving a copy at the defendant's usual place of abode with some  
10 person over the age of eighteen years residing therein or by mailing a  
11 copy to the defendant's last known address by certified mail, return  
12 receipt requested, not less than fourteen days prior to the time the  
13 defendant is required to appear. Service by mail ~~shall~~ MUST be complete  
14 upon the return of the receipt signed by the defendant. Personal service  
15 ~~shall~~ MUST be made by any disinterested party over the age of eighteen  
16 years.

17 **SECTION 11.** In Colorado Revised Statutes, 16-2- 201, **amend**  
18 **as it will become effective March 1, 2022,** (1) as follows:

19 **16-2-201. Penalty assessment notice procedure.** (1) When a  
20 person is arrested for a civil infraction, the arresting officer may give the  
21 person a penalty assessment notice PURSUANT TO SECTION 16-2.3-102 and  
22 release the person upon its terms.

23 **SECTION 12.** In Colorado Revised Statutes, 16-4-113, **amend**  
24 **as it will become effective March 1, 2022,** (1) introductory portion as  
25 follows:

26 **16-4-113. Type of bond in certain misdemeanor cases.** (1) In  
27 exercising the discretion mentioned in section 16-4-104, the judge shall

1 release the accused person upon personal recognizance if the charge is  
2 any ~~unclassified~~ offense for a violation of which the maximum penalty  
3 does not exceed six months' imprisonment, and ~~he or she~~ THE ACCUSED  
4 PERSON shall not be required to supply a surety bond, or give security of  
5 any kind for ~~his or her~~ THEIR appearance for trial other than ~~his or her~~  
6 THEIR personal recognizance, unless one or more of the following facts  
7 are found to be present:

8           **SECTION 13.** In Colorado Revised Statutes, 16-5-401, **amend**  
9 **as it will become effective March 1, 2022,** (1)(a) as follows:

10           **16-5-401. Limitation for commencing criminal proceedings,**  
11 **civil infraction proceedings, and juvenile delinquency proceedings -**  
12 **definitions.** (1) (a) Except as otherwise provided by statute applicable to  
13 specific offenses, delinquent acts, or circumstances, no adult person or  
14 juvenile shall be prosecuted, tried, or punished for any offense or  
15 delinquent act unless the indictment, information, complaint, or petition  
16 in delinquency is filed in a court of competent jurisdiction or a summons  
17 and complaint or penalty assessment notice is served upon the defendant  
18 or juvenile within the period of time after the commission of the offense  
19 or delinquent act as specified below:

20	Murder, kidnapping, treason, any sex offense against	
21	a child, and any forgery regardless of the penalty	
22	provided:	No limit
23	Attempt, conspiracy, or solicitation to commit murder;	
24	attempt, conspiracy, or solicitation to commit	
25	kidnapping; attempt, conspiracy, or solicitation to	
26	commit treason; attempt, conspiracy, or solicitation	
27	to commit any sex offense against a child; and	

1 attempt, conspiracy, or solicitation to commit any  
 2 forgery regardless of the penalty provided: No limit  
 3 Vehicular homicide, except as described in subsection  
 4 (1)(a.5) of this section; leaving the scene of an  
 5 accident that resulted in the death of a person: Five years  
 6 Other felonies: Three years  
 7 Misdemeanors: Eighteen months  
 8 Class 1 and 2 misdemeanor traffic offenses: One year  
 9 Petty offenses: ~~and civil infractions:~~ Six months

10 **SECTION 14.** In Colorado Revised Statutes, **amend** 16-10-101  
 11 as follows:

12 **16-10-101. Jury trials - statement of policy.** The right of a  
 13 person who is accused of an offense other than a noncriminal traffic  
 14 infraction or offense, CIVIL INFRACTION, or OFFENSE other than a  
 15 municipal charter, municipal ordinance, or county ordinance violation as  
 16 provided in section 16-10-109 (1), to have a trial by jury is inviolate and  
 17 a matter of substantive due process of law as distinguished from one of  
 18 "practice and procedure". The people ~~shall~~ also have the right to refuse  
 19 to consent to a waiver of a trial or sentencing determination by jury in all  
 20 cases in which the accused has the right to request a trial or sentencing  
 21 determination by jury.

22 **SECTION 15.** In Colorado Revised Statutes, 18-1-104, **amend**  
 23 **as it will become effective March 1, 2022,** (2) as follows:

24 **18-1-104. "Offense" defined - offenses classified - common-law**  
 25 **crimes abolished.** (2) Each offense falls into one of ~~eleven~~ NINE classes,  
 26 one of six drug offense levels, or one unclassified category. There are six  
 27 classes of felonies as described in section 18-1.3-401 and four levels of

1 drug felonies as described in section 18-1.3-401.5, two classes of  
2 misdemeanors as described in section 18-1.3-501 and two levels of drug  
3 misdemeanors as described in section 18-1.3-501, petty offenses as  
4 described in section 18-1.3-503, civil infractions as described in section  
5 18-1.3-503, and the category of drug petty offense as described in section  
6 18-1.3-501 (1)(e).

7 **SECTION 16.** In Colorado Revised Statutes, 18-1-1001, **amend**  
8 (1) as follows:

9 **18-1-1001. Protection order against defendant - definitions.**

10 (1) There is ~~hereby~~ created a mandatory protection order against any  
11 person charged with a CRIMINAL violation of any of the provisions of this  
12 ~~title~~ TITLE 18, which order ~~shall remain~~ REMAINS in effect from the time  
13 that the person is advised of ~~his or her~~ THE PERSON'S rights at arraignment  
14 or the person's first appearance before the court and informed of such  
15 order until final disposition of the action. Such order ~~shall restrain~~  
16 RESTRAINS the person charged from harassing, molesting, intimidating,  
17 retaliating against, or tampering with any witness to or victim of the acts  
18 charged. The protection order issued pursuant to this section ~~shall~~ MUST  
19 be on a standardized form prescribed by the judicial department, and a  
20 copy ~~shall be~~ provided to the protected parties.

21 **SECTION 17.** In Colorado Revised Statutes, 18-1.3-503, **amend**  
22 **as it will become effective March 1, 2022,** (1.6) as follows:

23 **18-1.3-503. Petty offense and civil infraction classified -**  
24 **penalties.** (1.6) (a) For offenses committed on or after March 1, 2022, a  
25 violation of a statute of this state is a civil infraction if specifically  
26 classified as a civil infraction. The penalty for commission of a civil  
27 infraction, upon conviction, is a fine of not more than one hundred

1 dollars, unless otherwise provided by statute. A CIVIL INFRACTION  
2 CONSTITUTES A CIVIL MATTER.

3 (b) A peace officer may apply the penalty assessment NOTICE  
4 procedure in ~~section 16-2-201~~ SECTION 16-2.3-102 for the payment of a  
5 fine in a civil infraction case.

6 **SECTION 18.** In Colorado Revised Statutes, 18-1.3-603, **amend**  
7 **as it will become effective March 1, 2022**, (1) introductory portion as  
8 follows:

9 **18-1.3-603. Assessment of restitution - corrective orders.**

10 (1) Every order of conviction of a felony, misdemeanor, petty offense,  
11 ~~civil infraction~~, or traffic misdemeanor offense, except any order of  
12 conviction for a state traffic misdemeanor offense issued by a municipal  
13 or county court in which the prosecuting attorney is acting as a special  
14 deputy district attorney pursuant to an agreement with the district  
15 attorney's office, shall include consideration of restitution. Each such  
16 order shall include one or more of the following:

17 **SECTION 19.** In Colorado Revised Statutes, 18-3-204, **amend**  
18 (3) as follows:

19 **18-3-204. Assault in the third degree.** (3) Assault in the third  
20 degree is a class 1 misdemeanor. ~~and is an extraordinary risk crime that~~  
21 ~~is subject to the modified sentencing range specified in section~~  
22 ~~18-1.3-501(3).~~

23 **SECTION 20.** In Colorado Revised Statutes, 18-3-405.6, **amend**  
24 (2)(a) as follows:

25 **18-3-405.6. Invasion of privacy for sexual gratification.**

26 (2) (a) Except as otherwise provided in ~~paragraph (b) of this subsection~~  
27 ~~(2)~~ SUBSECTION (2)(b) OF THIS SECTION, invasion of privacy for sexual

1 gratification is a class 1 misdemeanor. ~~and is an extraordinary risk crime~~  
2 ~~subject to the modified sentencing range specified in section 18-1.3-501~~  
3 ~~(3).~~

4 **SECTION 21.** In Colorado Revised Statutes, 18-3-412.5, **amend**  
5 (3)(a) as follows:

6 **18-3-412.5. Failure to register as a sex offender.** (3) (a) Failure  
7 to register as a sex offender is a class 1 misdemeanor if the person was  
8 convicted of misdemeanor unlawful sexual behavior, or of another  
9 offense, the underlying factual basis of which involves misdemeanor  
10 unlawful sexual behavior, or if the person received a disposition or was  
11 adjudicated for an offense that would constitute misdemeanor unlawful  
12 sexual behavior if committed by an adult, or for another offense, the  
13 underlying factual basis of which involves misdemeanor unlawful sexual  
14 behavior. ~~A class 1 misdemeanor conviction pursuant to this subsection~~  
15 ~~(3) is an extraordinary risk crime that is subject to the modified~~  
16 ~~sentencing range specified in section 18-1.3-501 (3).~~

17 **SECTION 22.** In Colorado Revised Statutes, 18-4-401, **amend**  
18 **as it will become effective March 1, 2022,** (1) introductory portion as  
19 follows:

20 **18-4-401. Theft - repeal.** (1) A person commits theft when he or  
21 she knowingly obtains, retains, or exercises control over anything of  
22 value of another without authorization or by threat or deception; receives,  
23 loans money by pawn or pledge on, or disposes of anything of value or  
24 belonging to another that he or she knows or believes to have been stolen,  
25 ~~or procures food or accommodations from a public establishment without~~  
26 ~~making payment therefore,~~ and:

27 **SECTION 23.** In Colorado Revised Statutes, **amend as it will**

1       **become effective March 1, 2022,** 18-4-416 as follows:

2               **18-4-416. Theft by resale of a lift ticket or coupon.** Any  
3 unauthorized person who, with the intent to profit therefrom, resells or  
4 offers to resell any ticket, pass, badge, pin, coupon, or other device ~~which~~  
5 THAT then entitles the bearer to the use, benefit, or enjoyment of any  
6 skiing service or skiing facility commits a civil infraction. ~~The penalty of~~  
7 ~~a violation of this section shall be a fine in an amount not to exceed three~~  
8 ~~hundred dollars. Under no circumstances shall~~ A PEACE OFFICER MUST  
9 NOT, UNDER ANY CIRCUMSTANCES, ARREST a person being charged with  
10 this civil infraction ~~be arrested by any peace officer,~~ and a summons to  
11 the appropriate court of jurisdiction ~~shall~~ MUST be issued to the accused  
12 person.

13               **SECTION 24.** In Colorado Revised Statutes, 18-4-511, **add** (8)  
14 as follows:

15               **18-4-511. Littering of public or private property - repeal.**  
16 (8) ANY TIME A PERSON IS CHARGED WITH COMMITTING LITTERING, THE  
17 PEACE OFFICER SHALL ISSUE A SUMMONS AND COMPLAINT FOR THE  
18 PERSON'S APPEARANCE IN COURT. NOTWITHSTANDING SECTION  
19 16-2.3-102, A PEACE OFFICER SHALL NOT ISSUE A PENALTY ASSESSMENT  
20 FOR LITTERING.

21               **SECTION 25.** In Colorado Revised Statutes, 18-6-803.5, **repeal**  
22 (2)(a.5) as follows:

23               **18-6-803.5. Crime of violation of a protection order - penalty**  
24 **- peace officers' duties - definitions.** (2) (a.5) ~~A second or subsequent~~  
25 ~~violation of a protection order is an extraordinary risk crime that is~~  
26 ~~subject to the modified sentencing range specified in section 18-1.3-501~~  
27 (3):

1           **SECTION 26.** In Colorado Revised Statutes, 18-8-102, **amend**  
2 (3) as follows:

3           **18-8-102. Obstructing government operations.** (3) Obstructing  
4 government operations is a ~~class 3 misdemeanor~~ CLASS 2 MISDEMEANOR.

5           **SECTION 27.** In Colorado Revised Statutes, 24-4.1-119, **add**  
6 (1)(g) as follows:

7           **24-4.1-119. Costs and surcharges levied on criminal actions**  
8 **and traffic offenses.** (1) (g) (I) A SURCHARGE OF EIGHT DOLLARS IS  
9 LEVIED AGAINST EACH PENALTY IMPOSED FOR VIOLATION OF A CIVIL  
10 INFRACTION PURSUANT TO SECTION 16-2.3-101. THE CLERK OF THE COURT  
11 SHALL TRANSMIT ALL MONEY COLLECTED TO THE COURT ADMINISTRATOR  
12 OF THE JUDICIAL DEPARTMENT IN WHICH THE OFFENSE OCCURRED FOR  
13 CREDIT TO THE CRIME VICTIM COMPENSATION FUND ESTABLISHED IN THAT  
14 JUDICIAL DISTRICT.

15           (II) THE SURCHARGES LEVIED PURSUANT TO THIS SUBSECTION  
16 (1)(g) ARE SEPARATE AND DISTINCT FROM SURCHARGES LEVIED PURSUANT  
17 TO SECTION 24-4.2-104 FOR THE VICTIMS AND WITNESSES ASSISTANCE AND  
18 LAW ENFORCEMENT FUND.

19           **SECTION 28.** In Colorado Revised Statutes, 24-4.2-104, **add**  
20 (1)(b)(III) as follows:

21           **24-4.2-104. Surcharges levied on criminal actions and traffic**  
22 **offenses.** (1) (b) (III) A SURCHARGE OF EIGHT DOLLARS IS LEVIED  
23 AGAINST EACH PENALTY IMPOSED FOR VIOLATION OF A CIVIL INFRACTION  
24 PURSUANT TO SECTION 16-2.3-101. THE CLERK OF THE COURT SHALL  
25 TRANSMIT ALL MONEY COLLECTED TO THE COURT ADMINISTRATOR OF THE  
26 JUDICIAL DEPARTMENT IN WHICH THE OFFENSE OCCURRED FOR CREDIT TO  
27 THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND

1 ESTABLISHED IN THAT JUDICIAL DISTRICT.

2 **SECTION 29.** In Colorado Revised Statutes, 24-33.5-415.6, **add**  
3 (10) and (11) as follows:

4 **24-33.5-415.6. Offender identification - fund.** (10) A  
5 SURCHARGE OF TWO DOLLARS AND FIFTY CENTS IS LEVIED AGAINST EACH  
6 CIVIL ACTION RESULTING IN AN ADMISSION OF LIABILITY OR A JUDGMENT  
7 AGAINST THE DEFENDANT FOR A CIVIL INFRACTION CHARGED PURSUANT  
8 TO STATE STATUTE. THE DEFENDANT SHALL PAY THE SURCHARGE TO THE  
9 CLERK OF THE COURT. EACH CLERK SHALL TRANSMIT THE MONEY TO THE  
10 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

11 (11) A SURCHARGE OF TWO DOLLARS AND FIFTY CENTS IS LEVIED  
12 AGAINST EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT TO  
13 SECTION 16-2.3-102 FOR A CIVIL INFRACTION PURSUANT TO STATE  
14 STATUTE THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT  
15 WITHOUT THE COMMENCEMENT OF A CIVIL ACTION. ALL MONEY  
16 COLLECTED BY THE CLERK OF THE COURT PURSUANT TO THIS SUBSECTION  
17 (11) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL  
18 CREDIT THE SAME TO THE FUND.

19 **SECTION 30.** In Colorado Revised Statutes, 25-4-414, **amend**  
20 **as it will become effective March 1, 2022,** (1) as follows:

21 **25-4-414. Penalties.** (1) A health-care provider, laboratory  
22 employee, or other person who is required to make a report pursuant to  
23 section 25-4-405 and who fails to make such a report commits a civil  
24 infraction and, upon conviction, shall be punished by a fine of ~~not more~~  
25 ~~than three~~ ONE hundred dollars.

26 **SECTION 31.** In Colorado Revised Statutes, 26-2-306, **amend**  
27 (3) as follows:

1           **26-2-306. Trafficking in food stamps.** (3) When a person  
2 commits the offense of trafficking in food stamps twice or more within  
3 a period of six months, two or more of the offenses may be aggregated  
4 and charged in a single count, in which event the offenses so aggregated  
5 and charged shall constitute a single offense. ~~and, if the aggregate value~~  
6 ~~of the food stamps involved is one thousand dollars or more but less than~~  
7 ~~twenty thousand dollars, it is a class 4 felony; however, if the aggregate~~  
8 ~~value of the food stamps involved is twenty thousand dollars or more, it~~  
9 ~~is a class 3 felony.~~

10           **SECTION 32.** In Colorado Revised Statutes, 33-6-104, **amend**  
11 (2)(a)(I) as follows:

12           **33-6-104. Imposition of penalty - procedures.** (2) (a) (I) At the  
13 time that a person is charged with violating any misdemeanor OR CIVIL  
14 INFRACTION provisions of articles 1 to 6 of this title 33 or a rule of the  
15 commission, the officer shall issue a summons and complaint to the  
16 alleged offender or, in the case of a violation for which a fine of a fixed  
17 amount is prescribed, may give the alleged offender an opportunity to  
18 voluntarily pay the fine and surcharge in the form of a penalty  
19 assessment.

20           **SECTION 33.** In Colorado Revised Statutes, 33-10.5-105,  
21 **amend** (2)(a.5) as follows:

22           **33-10.5-105. Prohibition of aquatic nuisance species - rules -**  
23 **penalties.** (2) (a.5) A person who knowingly or willfully violates  
24 subsection (1)(e) of this section commits a civil infraction and, upon entry  
25 of judgment, shall be fined one hundred dollars. ~~When a person is~~  
26 ~~charged with knowingly or willfully violating subsection (1)(e) of this~~  
27 ~~section, the officer shall give a penalty assessment notice to the defendant~~

1 ~~and follow the procedures in section 33-15-102 (2). If the fine and~~  
2 ~~surcharge are not timely paid, the case shall be heard in the court of~~  
3 ~~competent jurisdiction prescribed on the penalty assessment notice in the~~  
4 ~~manner provided for in article 4 of title 42 for the prosecution of traffic~~  
5 ~~infractions.~~

6 **SECTION 34.** In Colorado Revised Statutes, 33-13-108.1,  
7 **amend as it will become effective March 1, 2022,** (1)(a) introductory  
8 portion as follows:

9 **33-13-108.1. Operating a vessel while under the influence -**  
10 **definitions.** (1) (a) It is a ~~violation~~ MISDEMEANOR for any person to  
11 operate or be in actual physical control of a motorized, wind-powered, or  
12 flying vessel in this state while:

13 **SECTION 35.** In Colorado Revised Statutes, 42-2-138, **amend**  
14 **as it will become effective March 1, 2022,** (1)(d)(I) as follows:

15 **42-2-138. Driving under restraint - penalty - definitions.**  
16 (1) (d) (I) A person who drives a motor vehicle or off-highway vehicle  
17 upon any highway of this state with knowledge that the person's license  
18 or privilege to drive, either as a resident or nonresident, is restrained  
19 under section 42-2-126 (3), is restrained solely or partially because of a  
20 conviction of DUI, DUI per se, DWAI, or UDD, or is restrained in  
21 another state solely or partially because of an alcohol-related driving  
22 offense commits a class 2 misdemeanor traffic offense. Upon a second or  
23 subsequent conviction, the person shall be punished by a fine of not less  
24 than five hundred dollars nor more than three thousand dollars. ~~The~~  
25 ~~minimum county jail sentence imposed by this subsection (1)(d)(I) shall~~  
26 ~~be mandatory, and the court shall not grant probation or a suspended~~  
27 ~~sentence thereof; but, in a case where the defendant is convicted although~~

1 ~~the defendant established that the defendant had to drive the motor~~  
2 ~~vehicle in violation of this subsection (1)(d)(I) because of an emergency,~~  
3 ~~the mandatory jail sentence, if any, shall not apply, and, for a first~~  
4 ~~conviction, the court may impose a sentence of imprisonment in the~~  
5 ~~county jail for a period of not more than one year and, in the discretion of~~  
6 ~~the court, a fine of not more than one thousand dollars, and, for a second~~  
7 ~~or subsequent conviction, the court may impose a sentence of~~  
8 ~~imprisonment in the county jail for a period of not more than two years~~  
9 ~~and, in the discretion of the court, a fine of not more than three thousand~~  
10 ~~dollars.~~

11 **SECTION 36.** In Colorado Revised Statutes, 42-4-1701, **amend**  
12 (1) as follows:

13 **42-4-1701. Traffic offenses and infractions classified -**  
14 **penalties - penalty and surcharge schedule - repeal.** (1) It is a traffic  
15 infraction for any person to violate any of the provisions of articles 1 to  
16 3 of this ~~title~~ TITLE 42 and parts 1 to 3 and 5 to 19 of this ~~article~~ ARTICLE  
17 4 unless such violation is, by articles 1 to 3 of this ~~title~~ TITLE 42 and parts  
18 1 to 3 and 5 to 19 of this ~~article~~ ARTICLE 4 or by any other law of this  
19 state, declared to be a felony, misdemeanor, petty offense, CIVIL  
20 INFRACTION, or misdemeanor traffic offense. Such a traffic infraction  
21 ~~shall constitute~~ CONSTITUTES a civil matter.

22 **SECTION 37.** In Colorado Revised Statutes, **repeal** 42-4-1708.5.

23 **SECTION 38.** In Colorado Revised Statutes, 8-20.5-105, **amend**  
24 **as it will become effective March 1, 2022,** (2) as follows:

25 **8-20.5-105. Confidentiality.** (2) Any person making such  
26 confidential records available to any person or organization without  
27 authorization from the affected operator or owner commits a petty offense

1 and shall be punished as ~~provided in section 18-1.3-501~~ PURSUANT TO  
2 SECTION 18-1.3-503.

3 **SECTION 39.** In Colorado Revised Statutes, 25-2-112, **amend**  
4 (7)(a) as follows:

5 **25-2-112. Certificates of birth - filing - establishment of**  
6 **paternity - notice to collegeinvest.** (7) The state registrar shall revise the  
7 birth certificate worksheet form used for the preparation of a certificate  
8 of live birth to include:

9 (a) A statement that knowingly and intentionally misrepresenting  
10 material information on the worksheet form used for the preparation of  
11 a birth certificate is a ~~misdemeanor~~ PETTY OFFENSE;

12 **SECTION 40.** In Colorado Revised Statutes, **amend as it will**  
13 **become effective March 1, 2022,** 25.5-3-111 as follows:

14 **25.5-3-111. Penalties.** Any person who represents that any  
15 medical service is reimbursable or subject to payment ~~under~~ PURSUANT  
16 TO this part 1 when ~~he or she~~ THE PERSON knows that it is not commits a  
17 petty offense. ~~and any~~ ANY person who represents that ~~he or she~~ THE  
18 PERSON is eligible for assistance ~~under~~ PURSUANT TO this part 1 when ~~he~~  
19 ~~or she~~ THE PERSON knows that ~~he or she~~ THE PERSON is not commits a  
20 class 2 misdemeanor and shall be punished as provided in section  
21 18-1.3-503.

22 **SECTION 41.** In Colorado Revised Statutes, **amend as it will**  
23 **become effective March 1, 2022,** 42-2-310 as follows:

24 **42-2-310. Violation.** Any person who violates any of the  
25 provisions of this part 3 commits a petty offense, ~~as provided in section~~  
26 ~~18-1.3-501~~ PURSUANT TO SECTION 18-1.3-503.

27 **SECTION 42.** In Colorado Revised Statutes, 42-7-510, **amend**

1 **as it will become effective March 1, 2022,** (3) as follows:

2 **42-7-510. Insurance or bond required.** (3) Any person who  
3 violates any provision of this section commits a class A traffic infraction.  
4 If any violation of this section is committed on behalf of a partnership or  
5 corporation, any director, officer, partner, or high managerial agent  
6 thereof who authorized, ordered, permitted, or otherwise participated in,  
7 by commission or omission, such violation is also a ~~class~~ CLASS A  
8 traffic infraction.

9 **SECTION 43.** In Colorado Revised Statutes, 43-5-308, **amend**  
10 **as it will become effective March 1, 2022,** (1)(a) as follows:

11 **43-5-308. Flagpersons - definition - penalty.** (1) (a) A person  
12 shall not fail or refuse to obey the visible instructions, signals, or direction  
13 displayed or given by a flagperson. A person who violates this subsection  
14 (1)(a) commits a CLASS A traffic infraction.

15 **SECTION 44. Appropriation.** For the 2021-22 state fiscal year,  
16 \$124,800 is appropriated to the judicial department. This appropriation  
17 is from the general fund. To implement this act, the department may use  
18 this appropriation for information technology infrastructure. Any money  
19 appropriated in this section not expended prior to July 1, 2022, is further  
20 appropriated to the department for the 2022-23 state fiscal year for the  
21 same purpose.

22 **SECTION 45. Effective date - applicability.** This act takes  
23 effect March 1, 2022, and applies to offenses committed on or after that  
24 date; except that section 16-2.3-102, Colorado Revised Statutes, as  
25 enacted in section 1 of this act, takes effect on September 1, 2022.

26 **SECTION 46. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.