

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 22-0542.01 Michael Dohr x4347

HOUSE BILL 22-1229

HOUSE SPONSORSHIP

Weissman and Soper, Gray, Ricks, Snyder, Woodrow

SENATE SPONSORSHIP

Gardner and Gonzales,

House Committees

Judiciary
Appropriations

Senate Committees

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.**

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.

HOUSE
3rd Reading Unamended
March 4, 2022

HOUSE
Amended 2nd Reading
March 3, 2022

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, OFFER TO GIVE A
7 PENALTY ASSESSMENT NOTICE TO THE PERSON. FOR ALL CIVIL
8 INFRACTIONS, THE FINE LISTED ON THE PENALTY ASSESSMENT NOTICE IS
9 ONE HUNDRED DOLLARS, UNLESS THE FINE IS OTHERWISE PROVIDED IN THE
10 SECTION DESCRIBING THE CIVIL INFRACTION.

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

14 (I) IDENTIFICATION OF THE ALLEGED OFFENDER;

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

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

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

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

26 (VI) THE PEACE OFFICER'S SIGNATURE;

27 (VII) A PLACE WHERE THE PERSON MAY EXECUTE A SIGNED

1 ACKNOWLEDGMENT OF LIABILITY AND AN AGREEMENT TO PAY THE FINE
2 AND SURCHARGES WITHIN TWENTY DAYS; AND

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

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

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

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

19 (III) AN ADVISEMENT TO THE MINOR THAT:

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

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

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

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

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 FINAL
26 HEARING, IF THE PERSON IS FOUND GUILTY, THE COURT SHALL IMPOSE THE
27 FINE AND SURCHARGES SPECIFIED IN THE NOTICE FOR THE OFFENSE FOR

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

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

16 (3) IF A PERSON CHARGED WITH A CIVIL INFRACTION FAILS TO PAY
17 THE FINE AND SURCHARGES WITHIN TWENTY DAYS AFTER THE DATE OF
18 THE PENALTY ASSESSMENT NOTICE, OR IF THE CLERK OF THE COURT DOES
19 NOT ACCEPT PAYMENT FOR THE FINE AND SURCHARGES AS EVIDENCED BY
20 RECEIPT, THE PERSON IS ALLOWED TO PAY THE FINE, SURCHARGES, AND
21 THE DOCKET FEES IN THE AMOUNTS SET FORTH IN SECTIONS 13-1-204
22 (1)(b) AND 16-2.3-105 (5)(a)(I) TO THE CLERK OF THE COURT REFERRED
23 TO IN THE SUMMONS PORTION OF THE PENALTY ASSESSMENT NOTICE
24 DURING THE TWO BUSINESS DAYS PRIOR TO THE TIME FOR APPEARANCE, AS
25 SPECIFIED IN THE NOTICE. IF THE FINE FOR A CIVIL INFRACTION AND
26 SURCHARGES IS NOT TIMELY PAID, THE CASE IS HEARD IN THE COURT OF
27 COMPETENT JURISDICTION PRESCRIBED ON THE PENALTY ASSESSMENT

1 NOTICE IN THE MANNER PROVIDED FOR IN THIS ARTICLE 2.3 FOR THE
2 PROSECUTION OF CIVIL INFRACTIONS.

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

9 (5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
10 THIS SECTION, IF THE OFFENSE CHARGED IS FOR THE COMMISSION OF A
11 CIVIL INFRACTION FOR A PARKS AND WILDLIFE VIOLATION CONTAINED IN
12 TITLE 33, THE PENALTY ASSESSMENT PROCEDURES CONTAINED IN SECTION
13 33-6-104 OR 33-15-102 APPLY.

14 **16-2.3-103. Summons and complaint for civil infractions.** (1) A
15 SUMMONS AND COMPLAINT MAY BE ISSUED BY ANY PEACE OFFICER FOR AN
16 OFFENSE CONSTITUTING A CIVIL INFRACTION COMMITTED IN THE PEACE
17 OFFICER'S PRESENCE OR, IF NOT COMMITTED IN THE PEACE OFFICER'S
18 PRESENCE, THAT THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE
19 WAS COMMITTED AND PROBABLE CAUSE TO BELIEVE WAS COMMITTED BY
20 THE PERSON CHARGED. EXCEPT FOR PENALTY ASSESSMENT NOTICES,
21 WHICH MUST BE HANDLED PURSUANT TO THE PROCEDURES SET FORTH IN
22 SECTION 16-2-201 OR 16-2.3-102, A COPY OF A SUMMONS AND COMPLAINT
23 ISSUED MUST BE FILED IMMEDIATELY WITH THE COUNTY COURT BEFORE
24 WHICH APPEARANCE IS REQUIRED, AND A SECOND COPY MUST BE GIVEN TO
25 THE DISTRICT ATTORNEY OR DEPUTY DISTRICT ATTORNEY FOR THE
26 COUNTY.

27 (2) A SUMMONS ISSUED BY THE COUNTY COURT FOR A CIVIL

1 INFRACTION MAY BE SERVED BY GIVING A COPY TO THE PERSON OR BY
2 LEAVING A COPY AT THE PERSON'S USUAL PLACE OF ABODE WITH A PERSON
3 OVER THE AGE OF EIGHTEEN YEARS RESIDING THEREIN, OR BY MAILING A
4 COPY TO THE PERSON'S LAST KNOWN ADDRESS BY CERTIFIED MAIL, RETURN
5 RECEIPT REQUESTED, NOT LESS THAN FOURTEEN DAYS PRIOR TO THE TIME
6 THE PERSON IS REQUIRED TO APPEAR. SERVICE BY MAIL IS COMPLETE UPON
7 THE RETURN OF THE RECEIPT SIGNED BY THE PERSON. PERSONAL SERVICE
8 MUST BE MADE BY ANY DISINTERESTED PARTY OVER EIGHTEEN YEARS OF
9 AGE.

10 **16-2.3-104. Parties to a crime.** A PERSON IS LEGALLY
11 ACCOUNTABLE AS PRINCIPAL FOR THE BEHAVIOR OF ANOTHER PERSON
12 WHO COMMITS A CIVIL INFRACTION IF, WITH THE INTENT TO PROMOTE OR
13 FACILITATE THE COMMISSION OF THE OFFENSE, THE PERSON AIDS, ABETS,
14 ADVISES, OR ENCOURAGES THE OTHER PERSON IN PLANNING OR
15 COMMITTING THE OFFENSE.

16 **16-2.3-105. Civil infractions - proper court for hearing -**
17 **burden of proof - appeal - collateral attack.** (1) A COUNTY COURT
18 MAGISTRATE APPOINTED PURSUANT TO PART 5 OF ARTICLE 6 OF TITLE 13,
19 OR A COUNTY JUDGE ACTING AS A MAGISTRATE, SHALL CONDUCT THE
20 HEARING IN A COUNTY COURT FOR THE ADJUDICATION OF A CIVIL
21 INFRACTION; EXCEPT THAT, IF THE CHARGE INCLUDES A CRIME AND CIVIL
22 INFRACTION IN THE SAME SUMMONS AND COMPLAINT, ALL CHARGES MUST
23 BE MADE RETURNABLE BEFORE A JUDGE OR MAGISTRATE WHO HAS
24 JURISDICTION OVER THE CRIME. THE COLORADO RULES OF CRIMINAL
25 PROCEDURE APPLY IN A CASE THAT CONTAINS BOTH A CRIME AND A CIVIL
26 INFRACTION.

27 (2) WHEN A COURT OF COMPETENT JURISDICTION DETERMINES

1 THAT A PERSON CHARGED WITH A MISDEMEANOR OR PETTY OFFENSE IS
2 GUILTY OF A LESSER INCLUDED OFFENSE THAT IS A CIVIL INFRACTION, THE
3 COURT MAY ENTER A JUDGMENT AS TO THE LESSER INCLUDED OFFENSE.

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

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

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

26 (b) IN RECOGNITION OF THE DIFFICULTIES ATTENDING THE
27 LITIGATION OF STALE CLAIMS AND THE POTENTIAL FOR FRUSTRATING

1 VARIOUS STATUTORY PROVISIONS DIRECTED AT REPEAT OFFENDERS,
2 FORMER OFFENDERS, AND HABITUAL OFFENDERS, THE ONLY EXCEPTIONS
3 TO THE TIME LIMITATION SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION
4 ARE CASES IN WHICH THE COURT HEARING THE COLLATERAL ATTACK
5 FINDS:

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

9 (II) THAT THE COURT ENTERING JUDGMENT DID NOT HAVE
10 JURISDICTION OVER THE PERSON;

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

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

21 **16-2.3-106. Failure to pay penalty for civil infractions - failure**
22 **of parent or guardian to sign penalty assessment notice - procedures.**

23 (1) UNLESS A PERSON WHO HAS BEEN CITED FOR A CIVIL INFRACTION PAYS
24 THE FINE AND SURCHARGES PURSUANT TO SECTIONS 24-4.1-119 (1)(g),
25 24-4.2-104 (1), AND 24-33.5-415.6, THE PERSON SHALL APPEAR AT A
26 HEARING ON THE DATE AND TIME SPECIFIED IN THE SUMMONS AND
27 COMPLAINT AND ANSWER THE COMPLAINT. THIS REQUIREMENT TO APPEAR

1 MAY BE COMPLIED WITH BY APPEARANCE OF COUNSEL.

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

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

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

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

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

23 (b) A MAGISTRATE SHALL NOT ISSUE A BENCH WARRANT FOR THE
24 ARREST OF ANY PERSON WHO FAILS TO APPEAR FOR A HEARING PURSUANT
25 TO SUBSECTION (1), (2), OR (3) OF THIS SECTION OR FOR A FINAL HEARING
26 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

27 **SECTION 2.** In Colorado Revised Statutes, 13-1-204, **amend**

1 (1)(b) as follows:

2 **13-1-204. Court security cash fund - creation - grants -**
3 **regulations.** (1) (b) A five-dollar surcharge ~~shall~~ MUST be assessed and
4 collected as provided by law on docket fees and jury fees for specified
5 civil actions filed on and after July 1, 2007, on docket fees for criminal
6 convictions entered on and after July 1, 2007, on filing fees for specified
7 probate filings made on and after July 1, 2007, on docket fees for
8 specified special proceeding filings made on and after July 1, 2007, on
9 fees for specified filings in water matters initiated on and after July 1,
10 2007, ~~and~~ on docket fees for specified traffic infraction penalties assessed
11 on and after July 1, 2007, AND ON DOCKET FEES FOR CIVIL INFRACTION
12 PENALTIES ASSESSED ON OR AFTER MARCH 1, 2022. The surcharge ~~shall~~
13 MUST be transmitted to the state treasurer, who shall credit the surcharge
14 to the fund.

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

17 **13-6-212. Duties of clerk.** (2) Upon approval by the chief justice
18 of the supreme court, the chief judge of a judicial district may authorize,
19 either generally or in specific cases, the clerk of the county court to do the
20 following:

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

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

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

10 **13-6-501. County court magistrates - qualifications - duties.**

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

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

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

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

27 (8) The duties, qualifications, compensation, conditions of

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

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

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

11 **13-6-502. Jury trials.** Notwithstanding ~~the provisions of~~ section
12 16-10-109 ~~C.R.S.~~, or any other provision of law, the right to a jury trial
13 ~~shall not be~~ IS NOT available at a hearing before a magistrate ~~where~~ WHEN
14 the cited person is charged with a class A or a class B traffic infraction OR
15 CIVIL INFRACTION.

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

18 **13-6-503. Evidence offered by officer.** At any hearing on a class
19 A or class B traffic infraction OR CIVIL INFRACTION, the officer who
20 issued the citation OR PENALTY ASSESSMENT NOTICE shall offer evidence
21 of the facts concerning the alleged infraction either in person or by
22 affidavit, as such affidavit may be established by rules adopted by the
23 supreme court pursuant to section 13-6-501 (9). If ~~such~~ THE officer
24 appears personally, the magistrate and the cited person may then examine
25 ~~such~~ THE officer. The cited party ~~shall have~~ HAS the right to call the
26 officer by subpoena as in the case of other civil matters.

27 **SECTION 7.** In Colorado Revised Statutes, 13-80-103, **add** (1)(i)

1 as follows:

2 **13-80-103. General limitation of actions - one year.** (1) The
3 following civil actions, regardless of the theory upon which suit is
4 brought, or against whom suit is brought, shall be commenced within one
5 year after the cause of action accrues, and not thereafter:

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

9 **SECTION 8.** In Colorado Revised Statutes, 13-80-108, **add**
10 (11.5) as follows:

11 **13-80-108. When a cause of action accrues.** (11.5) A CAUSE
12 OF ACTION FOR A PENALTY FOR COMMISSION OF A CIVIL INFRACTION, AS
13 DESCRIBED IN SECTION 16-2.3-101, IS DEEMED TO ACCRUE ON THE DATE
14 THE CIVIL INFRACTION WAS COMMITTED.

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

17 **16-2-104. Issuance of summons and complaint.** A summons and
18 complaint may be issued by any peace officer for an offense constituting
19 a misdemeanor or a petty offense ~~or a civil infraction~~ committed in the
20 peace officer's presence or, if not committed in the peace officer's
21 presence, ~~which~~ THAT the peace officer has probable cause to believe was
22 committed and probable cause to believe was committed by the person
23 charged. Except for penalty assessment notices, which ~~shall~~ MUST be
24 handled ~~according to~~ PURSUANT TO the procedures set forth in section
25 16-2-201 OR 16-2.3-102, a copy of a summons and complaint so issued
26 ~~shall~~ MUST be filed immediately with the county court before which
27 appearance is required, and a second copy ~~shall~~ MUST be given to the

1 district attorney or deputy district attorney for the county.

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

4 **16-2-109. Service of summons.** A summons issued by the county
5 court in a prosecution for a misdemeanor or petty offense ~~or civil~~
6 ~~infraction~~ may be served by giving a copy to the defendant personally or
7 by leaving a copy at the defendant's usual place of abode with some
8 person over the age of eighteen years residing therein or by mailing a
9 copy to the defendant's last known address by certified mail, return
10 receipt requested, not less than fourteen days prior to the time the
11 defendant is required to appear. Service by mail ~~shall~~ MUST be complete
12 upon the return of the receipt signed by the defendant. Personal service
13 ~~shall~~ MUST be made by any disinterested party over the age of eighteen
14 years.

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

17 **16-2-201. Penalty assessment notice procedure.** (1) When a
18 person is arrested for a civil infraction, the arresting officer may give the
19 person a penalty assessment notice PURSUANT TO SECTION 16-2.3-102 and
20 release the person upon its terms.

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

24 **16-4-113. Type of bond in certain misdemeanor cases.** (1) In
25 exercising the discretion mentioned in section 16-4-104, the judge shall
26 release the accused person upon personal recognizance if the charge is
27 any ~~unclassified~~ offense for a violation of which the maximum penalty

1 does not exceed six months' imprisonment, and ~~he or she~~ THE ACCUSED
2 PERSON shall not be required to supply a surety bond, or give security of
3 any kind for ~~his or her~~ THEIR appearance for trial other than ~~his or her~~
4 THEIR personal recognizance, unless one or more of the following facts
5 are found to be present:

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

8 **16-5-401. Limitation for commencing criminal proceedings,**
9 **civil infraction proceedings, and juvenile delinquency proceedings -**
10 **definitions.** (1) (a) Except as otherwise provided by statute applicable to
11 specific offenses, delinquent acts, or circumstances, no adult person or
12 juvenile shall be prosecuted, tried, or punished for any offense or
13 delinquent act unless the indictment, information, complaint, or petition
14 in delinquency is filed in a court of competent jurisdiction or a summons
15 and complaint or penalty assessment notice is served upon the defendant
16 or juvenile within the period of time after the commission of the offense
17 or delinquent act as specified below:

18 Murder, kidnapping, treason, any sex offense against
19 a child, and any forgery regardless of the penalty
20 provided: No limit

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

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

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

7 **18-1-1001. Protection order against defendant - definitions.**

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

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

21 **18-1.3-503. Petty offense and civil infraction classified -**

22 **penalties.** (1.6) (a) For offenses committed on or after March 1, 2022, a
23 violation of a statute of this state is a civil infraction if specifically
24 classified as a civil infraction. The penalty for commission of a civil
25 infraction, upon conviction, is a fine of not more than one hundred
26 dollars, unless otherwise provided by statute. A CIVIL INFRACTION
27 CONSTITUTES A CIVIL MATTER.

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

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

7 **18-1.3-603. Assessment of restitution - corrective orders.**

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

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

17 **18-3-204. Assault in the third degree.** (3) Assault in the third
18 degree is a class 1 misdemeanor. ~~and is an extraordinary risk crime that~~
19 ~~is subject to the modified sentencing range specified in section~~
20 ~~18-1.3-501(3).~~

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

23 **18-3-405.6. Invasion of privacy for sexual gratification.**

24 (2) (a) Except as otherwise provided in ~~paragraph (b) of this subsection~~
25 ~~(2)~~ SUBSECTION (2)(b) OF THIS SECTION, invasion of privacy for sexual
26 gratification is a class 1 misdemeanor. ~~and is an extraordinary risk crime~~
27 ~~subject to the modified sentencing range specified in section 18-1.3-501~~

1 (3):

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

4 **18-3-412.5. Failure to register as a sex offender.** (3) (a) Failure
5 to register as a sex offender is a class 1 misdemeanor if the person was
6 convicted of misdemeanor unlawful sexual behavior, or of another
7 offense, the underlying factual basis of which involves misdemeanor
8 unlawful sexual behavior, or if the person received a disposition or was
9 adjudicated for an offense that would constitute misdemeanor unlawful
10 sexual behavior if committed by an adult, or for another offense, the
11 underlying factual basis of which involves misdemeanor unlawful sexual
12 behavior. ~~A class 1 misdemeanor conviction pursuant to this subsection~~
13 ~~(3) is an extraordinary risk crime that is subject to the modified~~
14 ~~sentencing range specified in section 18-1.3-501 (3).~~

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

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

25 **SECTION 23.** In Colorado Revised Statutes, **amend as it will**
26 **become effective March 1, 2022,** 18-4-416 as follows:

27 **18-4-416. Theft by resale of a lift ticket or coupon.** Any

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

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

13 **18-4-511. Littering of public or private property - repeal.**
14 (8) ANY TIME A PERSON IS CHARGED WITH COMMITTING LITTERING, THE
15 PEACE OFFICER SHALL ISSUE A SUMMONS AND COMPLAINT FOR THE
16 PERSON'S APPEARANCE IN COURT. NOTWITHSTANDING SECTION
17 16-2.3-102, A PEACE OFFICER SHALL NOT ISSUE A PENALTY ASSESSMENT
18 FOR LITTERING.

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

21 **18-6-803.5. Crime of violation of a protection order - penalty**
22 **- peace officers' duties - definitions.** (2) (a.5) ~~A second or subsequent~~
23 ~~violation of a protection order is an extraordinary risk crime that is~~
24 ~~subject to the modified sentencing range specified in section 18-1.3-501~~
25 ~~(3).~~

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

1 **18-8-102. Obstructing government operations.** (3) Obstructing
2 government operations is a ~~class 3 misdemeanor~~ CLASS 2 MISDEMEANOR.

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

5 **24-4.1-119. Costs and surcharges levied on criminal actions**
6 **and traffic offenses.** (1) (g) (I) A SURCHARGE OF EIGHT DOLLARS IS
7 LEVIED AGAINST EACH PENALTY IMPOSED FOR VIOLATION OF A CIVIL
8 INFRACTION PURSUANT TO SECTION 16-2.3-101. THE CLERK OF THE COURT
9 SHALL TRANSMIT ALL MONEY COLLECTED TO THE COURT ADMINISTRATOR
10 OF THE JUDICIAL DEPARTMENT IN WHICH THE OFFENSE OCCURRED FOR
11 CREDIT TO THE CRIME VICTIM COMPENSATION FUND ESTABLISHED IN THAT
12 JUDICIAL DISTRICT.

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

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

19 **24-4.2-104. Surcharges levied on criminal actions and traffic**
20 **offenses.** (1) (b) (III) A SURCHARGE OF EIGHT DOLLARS IS LEVIED
21 AGAINST EACH PENALTY IMPOSED FOR VIOLATION OF A CIVIL INFRACTION
22 PURSUANT TO SECTION 16-2.3-101. THE CLERK OF THE COURT SHALL
23 TRANSMIT ALL MONEY COLLECTED TO THE COURT ADMINISTRATOR OF THE
24 JUDICIAL DEPARTMENT IN WHICH THE OFFENSE OCCURRED FOR CREDIT TO
25 THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND
26 ESTABLISHED IN THAT JUDICIAL DISTRICT.

27 **SECTION 29.** In Colorado Revised Statutes, 24-33.5-415.6, **add**

1 (10) and (11) as follows:

2 **24-33.5-415.6. Offender identification - fund.** (10) A
3 SURCHARGE OF TWO DOLLARS AND FIFTY CENTS IS LEVIED AGAINST EACH
4 CIVIL ACTION RESULTING IN AN ADMISSION OF LIABILITY OR A JUDGMENT
5 AGAINST THE DEFENDANT FOR A CIVIL INFRACTION CHARGED PURSUANT
6 TO STATE STATUTE. THE DEFENDANT SHALL PAY THE SURCHARGE TO THE
7 CLERK OF THE COURT. EACH CLERK SHALL TRANSMIT THE MONEY TO THE
8 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

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

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

19 **25-4-414. Penalties.** (1) A health-care provider, laboratory
20 employee, or other person who is required to make a report pursuant to
21 section 25-4-405 and who fails to make such a report commits a civil
22 infraction and, upon conviction, shall be punished by a fine of ~~not more~~
23 ~~than three~~ ONE hundred dollars.

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

26 **26-2-306. Trafficking in food stamps.** (3) When a person
27 commits the offense of trafficking in food stamps twice or more within

1 a period of six months, two or more of the offenses may be aggregated
2 and charged in a single count, in which event the offenses so aggregated
3 and charged shall constitute a single offense. ~~and, if the aggregate value~~
4 ~~of the food stamps involved is one thousand dollars or more but less than~~
5 ~~twenty thousand dollars, it is a class 4 felony; however, if the aggregate~~
6 ~~value of the food stamps involved is twenty thousand dollars or more, it~~
7 ~~is a class 3 felony.~~

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

10 **33-6-104. Imposition of penalty - procedures.** (2) (a) (I) At the
11 time that a person is charged with violating any misdemeanor OR CIVIL
12 INFRACTION provisions of articles 1 to 6 of this title 33 or a rule of the
13 commission, the officer shall issue a summons and complaint to the
14 alleged offender or, in the case of a violation for which a fine of a fixed
15 amount is prescribed, may give the alleged offender an opportunity to
16 voluntarily pay the fine and surcharge in the form of a penalty
17 assessment.

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

20 **33-10.5-105. Prohibition of aquatic nuisance species - rules -**
21 **penalties.** (2) (a.5) A person who knowingly or willfully violates
22 subsection (1)(e) of this section commits a civil infraction and, upon entry
23 of judgment, shall be fined one hundred dollars. ~~When a person is~~
24 ~~charged with knowingly or willfully violating subsection (1)(e) of this~~
25 ~~section, the officer shall give a penalty assessment notice to the defendant~~
26 ~~and follow the procedures in section 33-15-102 (2). If the fine and~~
27 ~~surcharge are not timely paid, the case shall be heard in the court of~~

1 competent jurisdiction prescribed on the penalty assessment notice in the
2 manner provided for in article 4 of title 42 for the prosecution of traffic
3 infractions:

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

7 **33-13-108.1. Operating a vessel while under the influence -**
8 **definitions.** (1) (a) It is a ~~violation~~ MISDEMEANOR for any person to
9 operate or be in actual physical control of a motorized, wind-powered, or
10 flying vessel in this state while:

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

13 **42-2-138. Driving under restraint - penalty - definitions.**
14 (1) (d) (I) A person who drives a motor vehicle or off-highway vehicle
15 upon any highway of this state with knowledge that the person's license
16 or privilege to drive, either as a resident or nonresident, is restrained
17 under section 42-2-126 (3), is restrained solely or partially because of a
18 conviction of DUI, DUI per se, DWAI, or UDD, or is restrained in
19 another state solely or partially because of an alcohol-related driving
20 offense commits a class 2 misdemeanor traffic offense. Upon a second or
21 subsequent conviction, the person shall be punished by a fine of not less
22 than five hundred dollars nor more than three thousand dollars. ~~The~~
23 ~~minimum county jail sentence imposed by this subsection (1)(d)(I) shall~~
24 ~~be mandatory, and the court shall not grant probation or a suspended~~
25 ~~sentence thereof; but, in a case where the defendant is convicted although~~
26 ~~the defendant established that the defendant had to drive the motor~~
27 ~~vehicle in violation of this subsection (1)(d)(I) because of an emergency,~~

1 ~~the mandatory jail sentence, if any, shall not apply, and, for a first~~
2 ~~conviction, the court may impose a sentence of imprisonment in the~~
3 ~~county jail for a period of not more than one year and, in the discretion of~~
4 ~~the court, a fine of not more than one thousand dollars, and, for a second~~
5 ~~or subsequent conviction, the court may impose a sentence of~~
6 ~~imprisonment in the county jail for a period of not more than two years~~
7 ~~and, in the discretion of the court, a fine of not more than three thousand~~
8 ~~dollars.~~

9 **SECTION 36.** In Colorado Revised Statutes, 42-4-1301, **amend**
10 **(1)(a), (1)(b), and (2)(a) as they will become effective March 1, 2022,**
11 **as follows:**

12 **42-4-1301. Driving under the influence - driving while**
13 **impaired - driving with excessive alcoholic content - definitions -**
14 **penalties.** (1) (a) A person who drives a motor vehicle or vehicle under
15 the influence of alcohol or one or more drugs, or a combination of both
16 alcohol and one or more drugs, commits driving under the influence.
17 Driving under the influence is a ~~traffic~~ misdemeanor, but it is a class 4
18 felony if the violation occurred after three or more prior convictions,
19 arising out of separate and distinct criminal episodes, for DUI, DUI per
20 se, or DWAI; vehicular homicide, as described in section 18-3-106 (1)(b);
21 vehicular assault, as described in section 18-3-205 (1)(b); or any
22 combination thereof.

23 (b) A person who drives a motor vehicle or vehicle while impaired
24 by alcohol or by one or more drugs, or by a combination of alcohol and
25 one or more drugs, commits driving while ability impaired. Driving while
26 ability impaired is a ~~traffic~~ misdemeanor, but it is a class 4 felony if the
27 violation occurred after three or more prior convictions, arising out of

1 separate and distinct criminal episodes, for DUI, DUI per se, or DWAI;
2 vehicular homicide, as described in section 18-3-106 (1)(b); vehicular
3 assault, as described in section 18-3-205 (1)(b); or any combination
4 thereof.

5 (2) (a) A person who drives a motor vehicle or vehicle when the
6 person's BAC is 0.08 or more at the time of driving or within two hours
7 after driving commits DUI per se. During a trial, if the state's evidence
8 raises the issue, or if a defendant presents some credible evidence, that
9 the defendant consumed alcohol between the time that the defendant
10 stopped driving and the time that testing occurred, such issue shall be an
11 affirmative defense, and the prosecution must establish beyond a
12 reasonable doubt that the minimum 0.08 blood or breath alcohol content
13 required in this subsection (2)(a) was reached as a result of alcohol
14 consumed by the defendant before the defendant stopped driving. DUI
15 per se is a ~~traffic~~ misdemeanor, but it is a class 4 felony if the violation
16 occurred after three or more prior convictions, arising out of separate and
17 distinct criminal episodes, for DUI, DUI per se, or DWAI; vehicular
18 homicide, as described in section 18-3-106 (1)(b); vehicular assault, as
19 described in section 18-3-205 (1)(b); or any combination thereof.

20 **SECTION 37.** In Colorado Revised Statutes, 42-4-1701, **amend**
21 (1) as follows:

22 **42-4-1701. Traffic offenses and infractions classified -**
23 **penalties - penalty and surcharge schedule - repeal.** (1) It is a traffic
24 infraction for any person to violate any of the provisions of articles 1 to
25 3 of this ~~title~~ TITLE 42 and parts 1 to 3 and 5 to 19 of this ~~article~~ ARTICLE
26 4 unless such violation is, by articles 1 to 3 of this ~~title~~ TITLE 42 and parts
27 1 to 3 and 5 to 19 of this ~~article~~ ARTICLE 4 or by any other law of this

1 state, declared to be a felony, misdemeanor, petty offense, CIVIL
2 INFRACTION, or misdemeanor traffic offense. Such a traffic infraction
3 ~~shall constitute~~ CONSTITUTES a civil matter.

4 **SECTION 38.** In Colorado Revised Statutes, **repeal** 42-4-1708.5.

5 **SECTION 39.** In Colorado Revised Statutes, 8-20.5-105, **amend**
6 **as it will become effective March 1, 2022**, (2) as follows:

7 **8-20.5-105. Confidentiality.** (2) Any person making such
8 confidential records available to any person or organization without
9 authorization from the affected operator or owner commits a petty offense
10 and shall be punished as ~~provided in section 18-1.3-501~~ PURSUANT TO
11 SECTION 18-1.3-503.

12 **SECTION 40.** In Colorado Revised Statutes, 25-2-112, **amend**
13 (7)(a) as follows:

14 **25-2-112. Certificates of birth - filing - establishment of**
15 **paternity - notice to collegeinvest.** (7) The state registrar shall revise the
16 birth certificate worksheet form used for the preparation of a certificate
17 of live birth to include:

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

21 **SECTION 41.** In Colorado Revised Statutes, **amend as it will**
22 **become effective March 1, 2022**, 25.5-3-111 as follows:

23 **25.5-3-111. Penalties.** Any person who represents that any
24 medical service is reimbursable or subject to payment ~~under~~ PURSUANT
25 TO this part 1 when ~~he or she~~ THE PERSON knows that it is not commits a
26 petty offense. ~~and any~~ ANY person who represents that ~~he or she~~ THE
27 PERSON is eligible for assistance ~~under~~ PURSUANT TO this part 1 when ~~he~~

1 ~~or she~~ THE PERSON knows that ~~he or she~~ THE PERSON is not commits a
2 class 2 misdemeanor and shall be punished as provided in section
3 18-1.3-503.

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

6 **42-2-310. Violation.** Any person who violates any of the
7 provisions of this part 3 commits a petty offense, ~~as provided in section~~
8 ~~18-1.3-501~~ PURSUANT TO SECTION 18-1.3-503.

9 **SECTION 43.** In Colorado Revised Statutes, 42-7-510, **amend**
10 **as it will become effective March 1, 2022,** (3) as follows:

11 **42-7-510. Insurance or bond required.** (3) Any person who
12 violates any provision of this section commits a class A traffic infraction.
13 If any violation of this section is committed on behalf of a partnership or
14 corporation, any director, officer, partner, or high managerial agent
15 thereof who authorized, ordered, permitted, or otherwise participated in,
16 by commission or omission, such violation is also a ~~class~~ CLASS A
17 traffic infraction.

18 **SECTION 44.** In Colorado Revised Statutes, 43-5-308, **amend**
19 **as it will become effective March 1, 2022,** (1)(a) as follows:

20 **43-5-308. Flagpersons - definition - penalty.** (1) (a) A person
21 shall not fail or refuse to obey the visible instructions, signals, or direction
22 displayed or given by a flagperson. A person who violates this subsection
23 (1)(a) commits a CLASS A traffic infraction.

24 **SECTION 45. Appropriation.** For the 2021-22 state fiscal year,
25 \$124,800 is appropriated to the judicial department. This appropriation
26 is from the general fund. To implement this act, the department may use
27 this appropriation for information technology infrastructure. Any money

1 appropriated in this section not expended prior to July 1, 2022, is further
2 appropriated to the department for the 2022-23 state fiscal year for the
3 same purpose.

4 **SECTION 46. Effective date - applicability.** This act takes
5 effect March 1, 2022, and applies to offenses committed on or after that
6 date; except that section 16-2.3-102, Colorado Revised Statutes, as
7 enacted in section 1 of this act, takes effect on September 1, 2022.

8 **SECTION 47. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety.