

## CHAPTER 263

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 97-1125**

BY REPRESENTATIVES S. Williams, Chavez, Epps, Grossman, Hagedorn, Leyba, Mace, Saliman, Udall, Veiga, T. Williams, and Zimmerman;  
also SENATORS Wham, Hernandez, Hopper, Linkhart, Pascoe, Perlmutter, and Weddig.

**AN ACT**

CONCERNING MANDATORY REVOCATION OF DRIVER'S LICENSE AS PENALTY FOR DEFACING PROPERTY.

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

**SECTION 1.** 42-7-406 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-7-406. Proof required under certain conditions.** (1) Whenever the director revokes the license of any person under section 42-2-125 or 42-2-126, or cancels any license under section 42-2-122 because of the licensee's inability to operate a motor vehicle because of physical or mental incompetence, or cancels any probationary license under section 42-2-127, the director shall not issue to or continue in effect for any such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then until and unless such person files or has filed and maintains proof of financial responsibility as provided in this article; except that ~~persons~~ ANY PERSON WHOSE LICENSE HAS BEEN cancelled pursuant to section 42-2-122 (2.5), REVOKED PURSUANT TO SECTION 42-2-125 (1) (n), OR DENIED PURSUANT TO SECTION 42-2-104 (3) (f) BASED UPON A CONVICTION UNDER SECTION 18-4-509 (2), C.R.S., OR ANY COUNTERPART MUNICIPAL CHARTER OR ORDINANCE OFFENSE TO SUCH SECTION, shall not be required to file proof of financial responsibility in order to be relicensed.

**SECTION 2.** 18-4-509 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

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

**18-4-509. Defacing property.** (2) Any person who defaces or causes, aids in, or permits the defacing of public or private property without the consent of the owner by ANY METHOD OF DEFACEMENT, INCLUDING BUT NOT LIMITED TO painting, drawing, or writing, OR OTHERWISE MARRING THE SURFACE OF THE PROPERTY by use of paint, spray paint, or ink, or by any other method of defacement OR ANY OTHER SUBSTANCE OR OBJECT, commits a class 2 misdemeanor. Any person convicted of defacing property pursuant to this subsection (2) shall be ordered by the court to personally make repairs to any property damaged, or properties similarly damaged, if possible. IN ADDITION, UPON EACH CONVICTION FOR DEFACING PROPERTY PURSUANT TO THIS SUBSECTION (2), OR ADJUDICATION AS A JUVENILE DELINQUENT FOR AN ACT THAT WOULD CONSTITUTE DEFACING PROPERTY PURSUANT TO THIS SUBSECTION (2) IF COMMITTED BY AN ADULT, THE OFFENDER'S DRIVER'S LICENSE SHALL BE REVOKED AS PROVIDED IN SECTION 42-2-125, C.R.S.

**SECTION 3.** 42-2-125 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**42-2-125. Mandatory revocation of license and permit.** (1) The department shall immediately revoke the license or permit of any driver, minor driver, or provisional driver upon receiving a record showing that such driver has:

(n) BEEN CONVICTED OF DEFACING PROPERTY IN VIOLATION OF SECTION 18-4-509 (2), C.R.S., OR ANY COUNTERPART MUNICIPAL CHARTER OR ORDINANCE OFFENSE TO SUCH SECTION.

**SECTION 4.** 42-2-125 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended, and the said 42-2-125 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-2-125. Mandatory revocation of license and permit.** (3) Upon revoking the license of any person as required by this section, the department shall immediately notify the licensee as provided in section 42-2-119 (2). Where a minor driver's or provisional driver's license is revoked under ~~paragraph (m)~~ PARAGRAPH (m) OR (n) of subsection (1) of this section, such revocation shall not run concurrently with any previous or subsequent suspension, revocation, cancellation, or denial which is provided for by law.

(7) ANY PERSON WHO HAS A DRIVER'S LICENSE, PROVISIONAL DRIVER'S LICENSE, MINOR DRIVER'S LICENSE, OR TEMPORARY INSTRUCTION PERMIT REVOKED PURSUANT TO PARAGRAPH (n) OF SUBSECTION (1) OF THIS SECTION SHALL BE SUBJECT TO A REVOCATION PERIOD WHICH SHALL CONTINUE FOR THE PERIOD OF SIX MONTHS FOR EACH CONVICTION.

**SECTION 5.** 42-2-104 (3) (f), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-104. Licenses issued - denied.** (3) The department shall not issue any license to:

(f) Any person who, while under the age of sixteen, was convicted of any offense ~~which~~ THAT would have made the person subject to having driving privileges revoked

under section 42-2-125 if such person had possessed a driver's license. Any person denied a driver's license pursuant to this paragraph (f) may be granted a license six months prior to his or her seventeenth birthday, if such person has only one such conviction, and on his or her seventeenth birthday, if such person has more than one such conviction; EXCEPT THAT, IF THE PERSON HAS BEEN CONVICTED OF DEFACING PROPERTY IN VIOLATION OF SECTION 18-4-509 (2), C.R.S., OR ANY COUNTERPART MUNICIPAL CHARTER OR ORDINANCE OFFENSE TO SUCH SECTION, THE PERSON MAY NOT BE GRANTED A LICENSE UNTIL THE ENTIRE PERIOD FOR WHICH THE PERSON'S LICENSE WOULD HAVE BEEN REVOKED, AS DETERMINED PURSUANT TO SECTION 42-2-125 (3) AND (7), HAS PASSED, AS MEASURED FROM THE PERSON'S SIXTEENTH BIRTHDAY.

**SECTION 6.** 42-2-124 (4), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-124. When court to report convictions.** (4) For the purposes of ~~section 42-2-125 (1) (m)~~ SECTION 42-2-125 (1) (m) AND (1) (n), an adjudication of delinquency under title 19, C.R.S., for the acts described in such ~~paragraph (m)~~ PARAGRAPHS (m) AND (n) shall be considered to be a conviction for purposes of this section. However, an expungement of an adjudication of delinquency shall not result in a ~~recession~~ RESCISSION of the revocation of the driving privilege unless said expungement is a result of a reversal of the adjudication on appeal.

**SECTION 7.** Part 1 of article 2 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-2-131.5. Revocation of license or permit for convictions involving defacing property.** UPON A PLEA OF GUILTY OR NOLO CONTENDERE OR A VERDICT OF GUILTY BY THE COURT OR A JURY TO AN OFFENSE FOR WHICH REVOCATION OF A DRIVER'S LICENSE, PROVISIONAL DRIVER'S LICENSE, OR MINOR DRIVER'S LICENSE OR PERMIT IS MANDATORY PURSUANT TO SECTION 42-2-125 (1) (n), THE COURT SHALL FORWARD TO THE DEPARTMENT A NOTICE OF PLEA OR VERDICT ON THE FORM PRESCRIBED BY THE DEPARTMENT. ANY REVOCATION PURSUANT TO SECTION 42-2-125 (1) (n) SHALL BEGIN WHEN THE DEPARTMENT GIVES NOTICE OF SUCH REVOCATION TO THE PERSON IN ACCORDANCE WITH SECTION 42-2-119 (2).

**SECTION 8. Effective date - applicability.** This act shall take effect July 1, 1997, and shall apply to offenses committed on or after said date.

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

Approved: June 4, 1997