

CHAPTER 140

**CRIMINAL LAW AND PROCEDURE**

**SENATE BILL 00-163**

BY SENATORS Dyer, Hernandez, Linkhart, Pascoe, Perlmutter, Reeves, Rupert, Tanner, Thiebaut, and Wham;  
also REPRESENTATIVES George, Alexander, Bacon, Coleman, Gordon, Grossman, Larson, Veiga, and Vigil.

**AN ACT**

CONCERNING DEFERRED SENTENCES FOR DRUG OFFENDERS, AND MAKING AN APPROPRIATION THEREFOR.

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

**SECTION 1.** Part 4 of article 7 of title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**16-7-403.7. Deferred sentencing - drug offenders - legislative declaration - demonstration program - repeal.** (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) ILLEGAL DRUG USE PLAYS A PART IN MUCH OF THE CRIME IN COLORADO, COSTS MILLIONS OF DOLLARS IN LOST PRODUCTIVITY, AND CONTRIBUTES TO THE OVERCROWDING OF OUR COURTS AND JAILS;

(b) PROGRAMS IN WHICH DRUG OFFENDERS ARE CLOSELY SUPERVISED AND TREATED AND RECEIVE FREQUENT DRUG TESTS, COMMONLY REFERRED TO AS "DRUG COURTS", HAVE PROVEN EFFECTIVE IN CERTAIN JUDICIAL DISTRICTS IN COLORADO AND IN OTHER STATES;

(c) IT IS IN THE BEST INTEREST OF THE CITIZENS OF THIS STATE TO EXPLORE THE EXPANDED USE OF THESE DRUG COURTS IN COLORADO.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "DRUG COURT" MEANS A PROGRAM WHEREBY ELIGIBLE DEFENDANTS ARE OFFERED A DEFERRED SENTENCE PURSUANT TO THE PROVISIONS OF SECTION 16-7-403 BUT ARE REQUIRED TO PARTICIPATE IN AN INTENSIVE TREATMENT PROGRAM INVOLVING FREQUENT REPORTING AND TESTING CONDITIONS.

(3) (a) ON OR BEFORE DECEMBER 1, 2000, THE STATE COURT ADMINISTRATOR

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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.*

SHALL SELECT UP TO THREE JUDICIAL DISTRICTS TO PARTICIPATE IN A THREE-YEAR DEMONSTRATION PROGRAM TO STUDY THE USE OF DRUG COURTS, REFERRED TO IN THIS SECTION AS THE "DEMONSTRATION PROGRAM". OF THE JUDICIAL DISTRICTS SELECTED, AT LEAST ONE SHALL BE LOCATED IN A RURAL AREA AND AT LEAST ONE SHALL BE LOCATED WEST OF THE CONTINENTAL DIVIDE.

(b) ANY JUDICIAL DISTRICT DESIRING TO PARTICIPATE IN THE DEMONSTRATION PROGRAM SHALL SUBMIT AN APPLICATION TO THE STATE COURT ADMINISTRATOR NO LATER THAN SEPTEMBER 1, 2000. THE CONTENTS OF AN APPLICATION MAY BE SPECIFIED BY THE STATE COURT ADMINISTRATOR BUT SHALL, AT A MINIMUM, INCLUDE:

(I) A STATEMENT BY THE CHIEF JUDGE AND THE COURT ADMINISTRATOR OF THE JUDICIAL DISTRICT INDICATING SUPPORT FOR THE DEMONSTRATION PROGRAM;

(II) A PLAN THAT:

(A) SPECIFIES THE CRITERIA THAT WILL BE USED TO DETERMINE WHICH DEFENDANTS ARE ELIGIBLE FOR PARTICIPATION IN THE DEMONSTRATION PROGRAM;

(B) SPECIFIES THE TERMS OF ANY PROPOSED DEFERRED SENTENCE;

(C) DESCRIBES THE TREATMENT THAT A PARTICIPATING DEFENDANT WILL BE REQUIRED TO UNDERGO; AND

(D) DESCRIBES OBJECTIVE MEASURES THAT WILL BE USED TO EVALUATE THE EFFECTIVENESS OF THE DEMONSTRATION PROGRAM AND ANY COST SAVINGS FROM THE DEMONSTRATION PROGRAM.

(III) A BUDGET THAT IDENTIFIES HOW ANY ADDITIONAL MONEYS MADE AVAILABLE FOR THE DRUG COURT WOULD BE EXPENDED.

(4) ON OR BEFORE JANUARY 1, 2002, AND EACH JANUARY 1 THEREAFTER, EACH JUDICIAL DISTRICT PARTICIPATING IN THE DEMONSTRATION PROGRAM SHALL SUBMIT A REPORT TO THE STATE COURT ADMINISTRATOR CONCERNING THE EFFECTIVENESS OF THE DEMONSTRATION PROGRAM AND ANY COST SAVINGS ACHIEVED AS A RESULT OF IMPLEMENTATION OF THE DEMONSTRATION PROGRAM. ON OR BEFORE MARCH 1, 2004, THE STATE COURT ADMINISTRATOR SHALL COMPILE THE REPORTS FROM THE PARTICIPATING JUDICIAL DISTRICTS AND REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES ON THE EFFECTIVENESS OF THE DEMONSTRATION PROGRAM AND ANY COST SAVINGS ACHIEVED AS A RESULT OF THE IMPLEMENTATION OF THE DEMONSTRATION PROGRAM.

(5) FOR FISCAL YEARS COMMENCING JULY 1, 2001, AND FOR FISCAL YEARS THEREAFTER, THE DEMONSTRATION PROGRAM IN ANY JUDICIAL DISTRICT SHALL ONLY CONTINUE IF MONEYS FOR SUCH PROGRAM ARE CONTAINED IN THE PLAN, SUBMITTED PURSUANT TO SECTION 16-11.5-102 (3), FOR THE ALLOCATION OF MONEYS FROM THE DRUG OFFENDER SURCHARGE FUND.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2006.

**SECTION 2.** 16-11.5-102 (3), Colorado Revised Statutes, is amended to read:

**16-11.5-102. Substance abuse assessment - standardized procedure - repeal.**

(3) (a) The judicial department, the department of corrections, the division of criminal justice of the department of public safety, and the department of human services shall cooperate to develop a plan for the allocation of moneys deposited in the drug offender surcharge fund created pursuant to section 18-19-103 (4), C.R.S., among the judicial department, the department of corrections, the division of criminal justice of the department of public safety, and the department of human services. The plan developed pursuant to this subsection (3) shall be submitted to the general assembly on or before January 1, 1992. For the fiscal year beginning July 1, 1992, the general assembly shall appropriate moneys only from the drug offender surcharge fund in accordance with such plan.

(b) (I) ON AND AFTER JANUARY 1, 2001, THE PLAN DEVELOPED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) MAY INCLUDE PROVISIONS TO IMPLEMENT THE DEFERRED SENTENCING DEMONSTRATION PROGRAM CREATED IN SECTION 16-7-403.7.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2006.

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the drug offender surcharge fund, created in section 18-19-103, Colorado Revised Statutes, not otherwise appropriated, for the fiscal year beginning July 1, 2000, the sum of three hundred seventy-two thousand three hundred twenty-eight dollars (\$372,328) and 2.9 FTE, or so much thereof as may be necessary, for the implementation of this act. Of such sum, three hundred thirty-five thousand six hundred forty-eight dollars (\$335,648) and 2.1 FTE, or so much thereof as may be necessary, is appropriated to the judicial department, and thirty-six thousand six hundred eighty dollars (\$36,680) and 0.8 FTE, or so much thereof as may be necessary, is appropriated to the public defender.

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

Approved: May 4, 2000