

## CHAPTER 367

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 03-076**

BY SENATOR(S) Teck, Arnold, Taylor, and Linkhart;  
also REPRESENTATIVE(S) Mitchell, Boyd, Butcher, Coleman, Larson, Stafford, and Williams S.

**AN ACT**

**CONCERNING TIME FRAMES APPLICABLE TO PENALTIES FOR OFFENSES RELATING TO THE USE OF  
SUBSTANCES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 42-2-126 (6) (b) (I) and (6) (b) (IX) (B), Colorado Revised Statutes, are amended, and the said 42-2-126 (6) (b) (IX) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

**42-2-126. Revocation of license based on administrative determination.**  
(6) (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (IX) OF THIS PARAGRAPH (b), the period of license revocation under subparagraph (I) of paragraph (a) of subsection (2) of this section for a first violation shall be three months.

(IX) (A.5) A PERSON WHOSE LICENSE IS REVOKED FOR A FIRST OFFENSE UNDER SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION MAY REQUEST THAT, IN LIEU OF THE THREE-MONTH REVOCATION, THE PERSON'S LICENSE BE REVOKED FOR A PERIOD OF NOT LESS THAN THIRTY DAYS, TO BE FOLLOWED BY A SUSPENSION PERIOD OF SUCH LENGTH THAT THE TOTAL PERIOD OF REVOCATION AND SUSPENSION EQUALS SIX MONTHS. IF THE HEARING OFFICER APPROVES THE REQUEST, THE HEARING OFFICER MAY GRANT THE PERSON A PROBATIONARY LICENSE THAT MAY BE USED ONLY FOR THE REASONS PROVIDED IN SECTION 42-2-127 (14) (a).

(B) The hearing to consider a request under sub-subparagraph (A) OR (A.5) of this subparagraph (IX) may be held at the same time as the hearing held under subsection (8) of this section; except that a probationary license may not become effective until at least thirty days have elapsed since the beginning of the revocation period.

**SECTION 2.** 18-18-404 (3), Colorado Revised Statutes, 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.*

**18-18-404. Unlawful use of a controlled substance.** (3) If the court determines that the defendant is addicted to, a person in need of treatment for, or dependent upon a controlled substance, the court may declare the defendant a person in need of treatment, and the court, without imposing sentence and with the consent of such person, shall suspend further proceedings, shall order the person to participate in a treatment program, and shall order such other reasonable conditions for such person as it may require for such period, not to exceed ~~one year~~ FOUR YEARS, as the court may prescribe. Upon any violation of a condition of the treatment order, the court may impose sentence and proceed as otherwise provided by law. The court, in its discretion, may dismiss the proceedings against such person and discharge him OR HER from treatment before the expiration of the period prescribed for the treatment. If, during the period of this treatment, such person does not violate any of the conditions set forth by the court, the court, upon the expiration of such period, shall discharge such person and dismiss any further proceedings against him OR HER. Such discharge and dismissal shall not be termed a conviction for the purposes of disqualification or disapproval imposed by law upon conviction of a crime, including the penalties prescribed by law for second or subsequent convictions or for any other purpose.

**SECTION 3. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the offender services fund created in section 16-11-214, Colorado Revised Statutes, to the judicial department, for the fiscal year beginning July 1, 2003, the sum of two hundred thirty-nine thousand seven hundred fifty-three dollars (\$239,753) and 5.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the drivers license administrative revocation account in the highway users tax fund created in section 42-2-132, Colorado Revised Statutes, to the department of revenue, for the fiscal year beginning July 1, 2003, the sum of one hundred eighty-three thousand nine hundred thirty dollars (\$183,930) and 4.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 4. Effective date - applicability.** This act shall take effect July 1, 2003, and shall apply to offenses committed on or after said date; except that section 1 of the act shall only take effect if Senate Bill 03-192, as enacted in the First Regular Session of the Sixty-fourth General Assembly, becomes law.

**SECTION 5. 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 5, 2003