

HB1175\_L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

HB21-1175 be amended as follows:

1 Amend printed bill, page 2, line 6, strike "**declaration.**" and substitute  
2 "**declaration - repeal.**"

3 Page 4, strike lines 15 and 16 and substitute "THAT IS AN ELIGIBLE  
4 CHARITABLE ORGANIZATION AS DETERMINED BY THE SECRETARY OF STATE  
5 PURSUANT TO SECTION 39-22-5103.

6 (B) A PERSON WHO WISHES TO RESOLVE A PENALTY ASSESSMENT  
7 THROUGH A DONATION MUST FIRST CONTACT THE COURT WITH  
8 JURISDICTION OVER THE PENALTY ASSESSMENT TO PAY THE PORTION OF  
9 THE FINE AND SURCHARGE THAT IS REQUIRED TO BE CREDITED TO A STATE  
10 FUND. THE AMOUNT OF THE PENALTY ASSESSMENT AND SURCHARGE THAT  
11 REMAINS AFTER PAYING THE MONEY REQUIRED TO SUPPORT A FUND MAY  
12 BE RESOLVED AS PROVIDED IN SUBSECTIONS (1)(c)(II)(C) AND  
13 (1)(c)(II)(D) OF THIS SECTION."

14 Reletter succeeding sub-subparagraphs accordingly.

15 Page 5, strike lines 18 through 27 and substitute:

16 "(III) THIS SUBSECTION (1)(c) DOES NOT CREATE ANY DUTY ON A  
17 COURT TO AFFIRMATIVELY MONITOR OR INVESTIGATE A PERSON'S  
18 DONATION AFTER RECEIVING PROOF OF THE PERSON'S DONATION OF TIME  
19 OR MONEY PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION.

20 (IV) BY DECEMBER 1, 2024, THE JUDICIAL DEPARTMENT SHALL  
21 SUBMIT A REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND  
22 THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES,  
23 DETAILING:

24 (A) THE NUMBER OF PEOPLE WHO RESOLVED A PENALTY  
25 ASSESSMENT THROUGH THE DONATION OF TIME OR MONEY TO A  
26 NONPROFIT ENTITY , AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS  
27 SECTION; AND

28 (B) THE EXTENT TO WHICH THIS SUBSECTION (1)(c) HAS AFFECTED  
29 THE REVENUE RAISED BY LAW ENFORCEMENT OFFICES AND THE COURTS.

30 (IV) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE SEPTEMBER  
31 1, 2025.

32 **SECTION 2. Act subject to petition - effective date -**  
33 **applicability.** (1) This act takes effect July 1, 2022; except that, if a  
34 referendum petition is filed pursuant to section 1 (3) of article V of the  
35 state constitution against this act or an item, section, or part of this act  
36 within the ninety-day period after final adjournment of the general  
37 assembly, then the act, item, section, or part will not take effect unless  
38 approved by the people at the general election to be held in November  
39 2022 and, in such case, will take effect on the date of the official  
40 declaration of the vote thereon by the governor."

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