

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 16-1147.01 Richard Sweetman x4333

HOUSE BILL 16-1378

HOUSE SPONSORSHIP

Ginal,

SENATE SPONSORSHIP

Crowder,

House Committees

Finance

Senate Committees

Judiciary

SENATE
3rd Reading Unamended
May 4, 2016

101

**CONCERNING REQUIRING COURTS TO COLLECT MONEY FROM DUI
OFFENDERS FOR THE PURPOSE OF REIMBURSING LAW
ENFORCEMENT AGENCIES FOR THE COST OF PERFORMING
CHEMICAL TESTS.**

SENATE
Amended 2nd Reading
May 3, 2016

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://www.leg.state.co.us/billsummaries>.)

HOUSE
3rd Reading Unamended
April 27, 2016

Under current law, upon a motion by a prosecuting attorney and at the discretion of the court, a convicted DUI defendant may be required to reimburse a law enforcement agency for any costs resulting from the

HOUSE
Amended 2nd Reading
April 25, 2016

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

collection and analysis of any chemical test upon the defendant. The bill requires the court to collect such costs from the defendant and transfer them to the law enforcement agency.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-701, **amend**

3 **(2) (j); and add (2) (j.5) as follows:**

4 **18-1.3-701. Judgment for costs and fines.** (2) The costs
5 assessed pursuant to subsection (1) of this section or section 16-18-101,
6 C.R.S., may include:

7 (j) On proper motion of the prosecuting attorney and at the
8 discretion of the court, any other reasonable and necessary costs incurred
9 by the prosecuting attorney or ~~law enforcement agency~~ COLORADO STATE
10 PATROL that are directly the result of the SUCCESSFUL prosecution of the
11 defendant FOR A VIOLATION OF SECTION 42-4-1301, C.R.S., including the
12 costs resulting from the collection and analysis of any chemical test upon
13 the defendant pursuant to section 42-4-1301.1, C.R.S., which costs shall
14 be reimbursed by the defendant directly to the ~~law enforcement agency~~
15 ~~that performed such chemical tests~~ COLORADO STATE PATROL.

16 (j.5) ON PROPER MOTION OF THE PROSECUTING ATTORNEY AND AT
17 THE DISCRETION OF THE COURT, ANY OTHER REASONABLE AND NECESSARY
18 COSTS INCURRED BY THE PROSECUTING ATTORNEY OR LAW ENFORCEMENT
19 AGENCY OTHER THAN THE COLORADO STATE PATROL THAT ARE DIRECTLY
20 THE RESULT OF THE SUCCESSFUL PROSECUTION OF THE DEFENDANT FOR A
21 VIOLATION OF SECTION 42-4-1301, C.R.S., INCLUDING THE COSTS
22 RESULTING FROM THE COLLECTION AND ANALYSIS OF ANY CHEMICAL TEST
23 UPON THE DEFENDANT PURSUANT TO SECTION 42-4-1301.1, C.R.S., WHICH
24 COSTS THE COURT SHALL ASSESS AGAINST THE DEFENDANT, COLLECT

1 FROM THE DEFENDANT, AND TRANSFER TO THE LAW ENFORCEMENT
2 AGENCY THAT PERFORMED THE CHEMICAL TESTS.

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2016 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.