

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0554.01 Michael Dohr x4347

HOUSE BILL 16-1032

HOUSE SPONSORSHIP

Lontine,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CHANGES TO THE CONTENTS OF A CRIMINAL SUMMONS.

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>.)

When a peace officer issues a person a summons for a criminal violation, current law requires that the summons contain, among other information:

! The person's license plate number and driver's license number; and

! A place for the person to execute a promise to appear.

The bill removes the requirement to include the person's license plate number and driver's license number on the summons. The bill also

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.

removes the requirement for a place for the defendant to execute a promise to appear.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1707, **amend**
3 (1) (a) as follows:

4 **42-4-1707. Summons and complaint or penalty assessment**
5 **notice for misdemeanors, petty offenses, and misdemeanor traffic**
6 **offenses - release - registration.** (1) (a) Whenever a person commits a
7 violation of this title punishable as a misdemeanor, petty offense, or
8 misdemeanor traffic offense, other than a violation for which a penalty
9 assessment notice may be issued in accordance with the provisions of
10 section 42-4-1701 (5) (a), and such person is not required by the
11 provisions of section 42-4-1705 to be arrested and taken without
12 unnecessary delay before a county judge, the peace officer may issue and
13 serve upon the defendant a summons and complaint which ~~shall~~ **MUST**
14 contain the name and address of the defendant, ~~the license number of the~~
15 ~~vehicle involved, if any, the number of the defendant's driver's license, if~~
16 ~~any,~~ a citation of the statute alleged to have been violated, a brief
17 description of the offense, the date and approximate location thereof, and
18 the date the summons and complaint is served on the defendant; ~~shall~~
19 direct the defendant to appear in a specified county court at a specified
20 time and place; ~~shall~~ **AND** be signed by the peace officer. ~~and shall contain~~
21 ~~a place for the defendant to execute a written promise to appear at the~~
22 ~~time and place specified in the summons portion of the summons and~~
23 ~~complaint;~~ **THE SUMMONS AND COMPLAINT SUBMITTED TO THE**
24 **DEPARTMENT OF REVENUE AND THE COUNTY COURT BEFORE WHICH**
25 **APPEARANCE IS REQUIRED, EITHER BY PAPER OR ELECTRONIC SUBMISSION,**

1 MUST CONTAIN THE NAME AND ADDRESS OF THE DEFENDANT, THE LICENSE
2 OF THE VEHICLE INVOLVED, IF ANY, AND THE NUMBER OF THE
3 DEFENDANT'S DRIVER'S LICENSE, IF ANY.

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