

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-1036.01 Richard Sweetman x4333

HOUSE BILL 17-1252

HOUSE SPONSORSHIP

Ginal,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE COLLECTION OF COURT COSTS FROM PERSONS WHO
102 ARE CONVICTED OF CRIMINAL OFFENSES.

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://leg.colorado.gov>.)

The bill clarifies that when a person is convicted of a criminal offense, upon proper motion of the prosecuting attorney and at the discretion of the court, the court shall collect from the person any reasonable and necessary costs incurred by the prosecuting attorney or law enforcement agency that are directly the result of the successful prosecution of the person and transfer such costs to the prosecuting

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.

attorney or 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) introductory portion and (2)(j.5); and **repeal** (2)(j) 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 Colorado state patrol that are directly the~~
10 ~~result of the successful prosecution of the defendant for a violation of~~
11 ~~section 42-4-1301, C.R.S., including the costs resulting from the~~
12 ~~collection and analysis of any chemical test upon the defendant pursuant~~
13 ~~to section 42-4-1301.1, C.R.S., which costs shall be reimbursed by the~~
14 ~~defendant directly to the Colorado state patrol.~~

15 (j.5) On proper motion of the prosecuting attorney and at the
16 discretion of the court, any other reasonable and necessary costs incurred
17 by the prosecuting attorney or law enforcement agency ~~other than the~~
18 ~~Colorado state patrol~~ that are directly the result of the successful
19 prosecution of the defendant, ~~for a violation of section 42-4-1301, C.R.S.,~~
20 including the costs resulting from the collection and analysis of any
21 chemical test upon the defendant pursuant to section 42-4-1301.1, C.R.S.,
22 which costs the court shall assess against the defendant, collect from the
23 defendant, and transfer to the PROSECUTING ATTORNEY OR law
24 enforcement agency. ~~that performed the chemical tests.~~

25 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.