

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0418.01 Yelana Love x2295

**HOUSE BILL 21-1175**

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**HOUSE SPONSORSHIP**

**Williams**, Hanks, Neville, Van Winkle

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**

State, Civic, Military, & Veterans Affairs  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ABILITY OF A PERSON TO RESOLVE A TRAFFIC FINE**  
102 **BY MAKING A DONATION TO A NONPROFIT ENTITY.**

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**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 allows a person who has been issued a penalty assessment for or has been convicted of a traffic infraction or traffic misdemeanor to make a donation of money or time to a nonprofit organization in lieu of paying the fine. The amount of fine that may be offset by a donation is limited to \$500.

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

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-4-1710, **amend**  
3 (1)(a); and **add** (1)(c) as follows:

4           **42-4-1710. Failure to pay penalty for traffic infractions -**  
5 **donation in lieu of penalty - failure of parent or guardian to sign**  
6 **penalty assessment notice - procedures - legislative declaration.**

7 (1) (a) Unless a person who has been cited for a traffic infraction pays  
8 the penalty assessment as provided in this ~~article~~ ARTICLE 4 and surcharge  
9 thereon pursuant to sections 24-4.1-119 (1)(f) and 24-4.2-104 (1), ~~C.R.S.~~  
10 OR DONATES TIME OR MONEY IN AN AMOUNT EQUAL TO OR GREATER THAN  
11 THE PENALTY ASSESSMENT AND SURCHARGE TO A NONPROFIT  
12 ORGANIZATION AS PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, the  
13 person shall appear at a hearing on the date and time specified in the  
14 citation and answer the complaint against ~~such~~ THE person.

15           **(c) Legislative declaration.** (I) THE GENERAL ASSEMBLY HEREBY  
16 FINDS AND DECLARES THAT:

17           **(A)** POLICING POLICIES THAT RESULT IN THE IMPOSITION OF FINES  
18 MUST AVOID THE APPEARANCE OF REVENUE COLLECTION OR POLICING FOR  
19 PROFIT;

20           **(B)** RECENT STUDIES CONDUCTED BY THE FEDERAL GOVERNMENT  
21 AND NONPROFIT ORGANIZATIONS HAVE DEMONSTRATED THAT THE  
22 IMPOSITION OF FINES AND FEES RELATED TO TRAFFIC ENFORCEMENT AND  
23 OTHER MUNICIPAL CODE VIOLATIONS DISPROPORTIONATELY AFFECTS  
24 LOW-INCOME COMMUNITIES AND COMMUNITIES OF COLOR;

25           **(C)** IN A 2017 REPORT BY THE UNITED STATES COMMISSION ON  
26 CIVIL RIGHTS ENTITLED "TARGETED FINES AND FEES AGAINST

1 COMMUNITIES OF COLOR: CIVIL RIGHTS AND CONSTITUTIONAL  
2 IMPLICATIONS", THE UNITED STATES COMMISSION ON CIVIL RIGHTS  
3 WROTE, "ALMOST 60 PERCENT OF AMERICANS DO NOT HAVE ENOUGH  
4 MONEY IN SAVINGS TO COVER A \$500 EMERGENCY. FOR PEOPLE WHO  
5 CANNOT AFFORD TO PAY FOR A CITATION, THE CONSEQUENCES OF BEING  
6 IN DEBT CAN IMPACT CREDIT SCORES, RESULT IN THE LOSS OF A DRIVER'S  
7 LICENSE, AND LEAD TO INCARCERATION. JAIL TIME CAN RESULT FROM A  
8 COURT ORDERING AN INDIVIDUAL TO APPEAR, AND THEN HOLDING THAT  
9 INDIVIDUAL IN CONTEMPT, AND ISSUING AN ARREST WARRANT. OTHER  
10 STATES ALLOW INDIVIDUALS TO 'PAY' THEIR DEBT THROUGH TIME IN JAIL.  
11 THESE PRACTICES MAY BE UNCONSTITUTIONAL IN SOME CIRCUMSTANCES  
12 AND IMPLICATE THE EQUAL PROTECTION AND DUE PROCESS CLAUSES OF  
13 THE UNITED STATES CONSTITUTION."

14 (D) THE UNITED STATES COMMISSION ON CIVIL RIGHTS GOES ON  
15 TO ASSERT THAT "EXISTING DATA AND RESEARCH ALSO SHOWS THAT THE  
16 IMPACTS OF THESE PRACTICES HAVE BEEN BORNE BY COMMUNITIES OF  
17 COLOR, ALONG WITH THE POOR. MUNICIPALITIES THAT RELY HEAVILY ON  
18 REVENUE FROM FINES AND FEES HAVE A HIGHER THAN AVERAGE  
19 PERCENTAGE OF AFRICAN AMERICAN AND LATINO POPULATIONS  
20 RELATIVE TO THE DEMOGRAPHICS OF THE MEDIAN MUNICIPALITY.  
21 ANOTHER STUDY REVEALED THAT RESIDENTS LIVING IN THE POOREST ZIP  
22 CODES OF A CITY ACCOUNT FOR THE VAST MAJORITY OF TRAFFIC  
23 INFRACTIONS. THE RESIDENTS LIVING IN THOSE ZIP CODES WERE  
24 DISPROPORTIONATELY AFRICAN AMERICAN AND LATINO."

25 (E) TO MAKE CERTAIN THE LAW IS BEING EQUITABLY ENFORCED,  
26 WITHOUT CONSIDERATION OF AN INDIVIDUAL'S BACKGROUND, AND TO  
27 PREVENT ANY UNFAIR ATTEMPTS TO INCREASE GOVERNMENT REVENUE,

1 PUBLIC POLICY SHOULD BE ADOPTED THAT DISCOURAGES UNJUSTLY  
2 IMPOSED FINES AND FEES AND ALLOWS FOR STRUGGLING INDIVIDUALS TO  
3 SATISFY LEGITIMATE FINANCIAL PENALTIES THROUGH ALTERNATIVE  
4 MEANS WITHOUT HAVING TO PAY OUT OF POCKET; AND

5 (F) THE ABILITY OF AN INDIVIDUAL TO RESOLVE A PENALTY  
6 ASSESSMENT IN ACCORDANCE WITH THIS SUBSECTION (1)(c) IS A MATTER  
7 OF STATEWIDE CONCERN AND WILL CREATE GREATER CONSISTENCY,  
8 UNIFORMITY, FAIRNESS, AND TRUST AS LOCAL AND STATE LAWS ARE  
9 ENFORCED.

10 (II) (A) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 4 TO  
11 THE CONTRARY, IN LIEU OF PAYING ALL OR A PORTION OF A PENALTY  
12 ASSESSMENT AS PROVIDED IN THIS ARTICLE 4, A PERSON WHO HAS BEEN  
13 CITED FOR OR CONVICTED OF A TRAFFIC INFRACTION OR A TRAFFIC  
14 MISDEMEANOR MAY MAKE A DONATION OF TIME OR MONEY TO AN ENTITY  
15 THAT IS TAX EXEMPT UNDER SECTION 501 (c)(3) OR 501 (c)(4) OF THE  
16 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

17 (B) TO MAKE A MONETARY DONATION IN LIEU OF PAYING ALL OR  
18 A PORTION OF A PENALTY ASSESSMENT UNDER THIS SUBSECTION (1)(c)(II),  
19 A PERSON MUST PROVIDE PROOF OF THE MONETARY DONATION IN AN  
20 AMOUNT THAT IS EQUAL TO OR GREATER THAN THE AMOUNT OF THE  
21 PENALTY ASSESSMENT AND SURCHARGE TO THE COURT WITH JURISDICTION  
22 OVER THE PENALTY ASSESSMENT.

23 (C) TO MAKE A DONATION OF TIME IN LIEU OF PAYING ALL OR A  
24 PORTION OF A PENALTY ASSESSMENT UNDER THIS SUBSECTION (1)(c)(II),  
25 A PERSON MUST PROVIDE THE COURT WITH JURISDICTION OVER THE  
26 PENALTY ASSESSMENT WITH A NOTARIZED STATEMENT FROM A  
27 REPRESENTATIVE OF THE NONPROFIT ENTITY THAT CONVERTS THE

1 AMOUNT OF TIME INTO A MONETARY VALUE, USING THE STATEWIDE  
2 MINIMUM WAGE AS ESTABLISHED IN SECTION 15 OF ARTICLE XVIII OF THE  
3 STATE CONSTITUTION, THAT IS EQUAL TO OR GREATER THAN THE AMOUNT  
4 OF THE PENALTY ASSESSMENT AND SURCHARGE.

5 (D) IF A PERSON FAILS TO NOTIFY THE COURT THAT THE PERSON  
6 MADE A DONATION OF TIME OR MONEY THAT IS EQUAL TO OR GREATER  
7 THAN THE AMOUNT OF THE PENALTY ASSESSMENT AND SURCHARGE PRIOR  
8 TO THE HEARING DATE AND TIME SPECIFIED IN THE CITATION, THE PERSON  
9 SHALL APPEAR AT THE HEARING TO ANSWER THE COMPLAINT. IF THE  
10 PERSON NOTIFIES THE COURT OF A DONATION IN ACCORDANCE WITH THIS  
11 SUBSECTION (1)(c)(II), THE COURT SHALL DEDUCT THE DONATION  
12 AMOUNT, UP TO FIVE HUNDRED DOLLARS, FROM THE PENALTY ASSESSMENT  
13 AND SURCHARGE.

14 (E) THE OPTION TO MAKE A DONATION IN LIEU OF PAYING ALL OR  
15 A PORTION OF A PENALTY ASSESSMENT AND SURCHARGE IN ACCORDANCE  
16 WITH THIS SUBSECTION (1)(c)(II) APPLIES TO A CITATION ISSUED BY THE  
17 STATE OR A LOCAL AUTHORITY.

18 **SECTION 2. Act subject to petition - effective date -**  
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
20 the expiration of the ninety-day period after final adjournment of the  
21 general assembly; except that, if a referendum petition is filed pursuant  
22 to section 1 (3) of article V of the state constitution against this act or an  
23 item, section, or part of this act within such period, then the act, item,  
24 section, or part will not take effect unless approved by the people at the  
25 general election to be held in November 2022 and, in such case, will take  
26 effect on the date of the official declaration of the vote thereon by the  
27 governor.

1           (2) This act applies to penalty assessments issued on or after the  
2 applicable effective date of this act.