

# **HB23-1217**

# **Motor Vehicle Tows and Crime Victims**

July 25, 2023

Briefing Summary

Transportation Legislative Review Committee



**COLORADO**  
State Patrol  
Department of Public Safety



# Intent

Analyze the issue of individuals who have had their motor vehicle nonconsensually towed, either by law enforcement or from private property, because the vehicle was stolen or because the individual was the victim of a serious crime that made the victim incapable of attending to the motor vehicle.”



# HB23-1217 Items for Consideration

What is meant by “nonconsensually towed”

- In a manner that the owner did not agree to the vehicle being towed
- In a manner that the owner did not otherwise give consent for the tow

What may be a “nonconsensually towed” vehicle

- Vehicle was recovered by law enforcement where the victim was unavailable or information was not correct/updated in the theft report.
- Vehicle was towed as ‘abandoned’ where the VIN, license plate and/or registration was removed or otherwise altered
- Vehicle was used in the commission of a crime, or series of crimes, where law enforcement towed the vehicle for evidence processing
- Vehicle was towed due to its position being considered a public hazard (e.g., fire, crash, etc.)
- Private tows where the vehicle was not known to be involved in a crime at the time of towing

What is the definition of a ‘serious crime’

18-1-102(c) C.R.S. “To differentiate on reasonable grounds between serious and minor offenses ...”

- Six (6) classes of felony offenses (18-1.3-401 C.R.S.)
- Four (4) levels of drug felonies (18-1.3-401.5 C.R.S.)
- Two (2) classes of misdemeanors (18-1.3-501 C.R.S.)
- Two (2) levels of drug misdemeanors (18-1.3-501 C.R.S.)



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# Magnitude of Crime Victims

NIBRS Violent Crime (murder, aggravated assault, non-consensual sex offenses and robbery)

2022 = 32,143 reported offenses

2023 YTD = 12,987 reported offenses

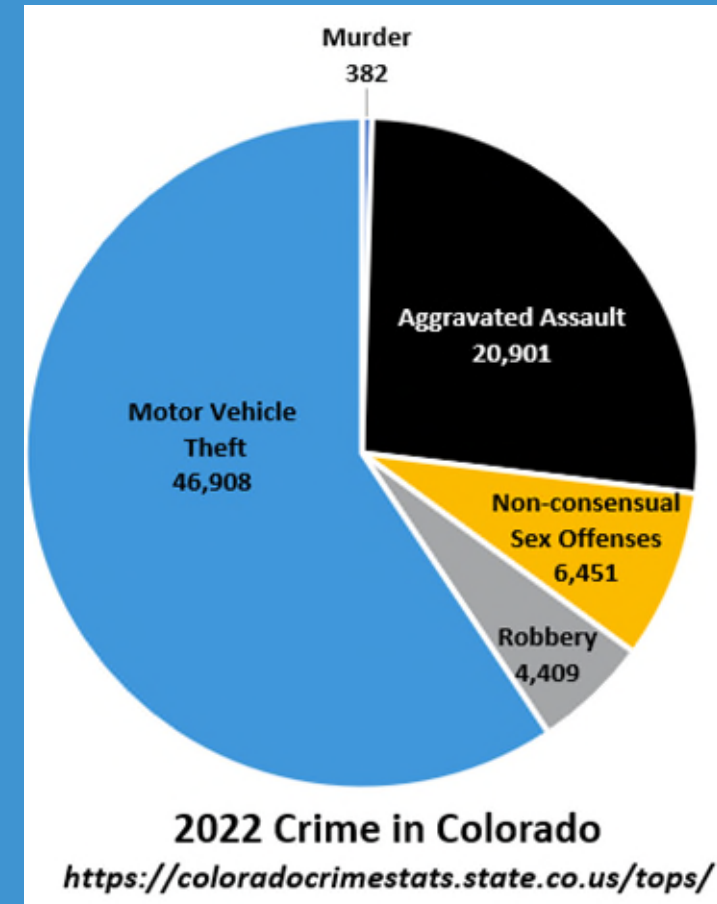
NIBRS Motor Vehicle Theft

2022 = 46,908 reported offenses

2023 YTD = 18,477 reported offenses

Considering only Violent Crimes and Motor Vehicle Theft, there were 79,051 victims that may have been subject to having their vehicles towed.

\*\*Fatal/Serious Crashes (involving GBI determined after the NIBRS report is submitted) would be added to this number.



# Identifying Towed Vehicles with Crime Victims

NIBRS does not track the number of towed vehicles pertaining to a reported crime.

ATICC reported 41,520 stolen vehicles in 2022, with 87% recovered, but the database does not track the number of towed vehicles.

Working with the Colorado Information Sharing Consortium to discover how many of the 88 law enforcement agencies reported a crime involving a towed vehicle.

Scope of this project would require identifying the reported type of crime, type of vehicle, tow location and victim location.

It is unknown if the data elements contained in the reports would assist in identifying 'nonconsensually towed' vehicles.

There is no data sourcing known by CSP to identify how many vehicles have comprehensive or GAP insurance that may cover tow fees involved in crimes. (DORA, NICB, etc.)



# Issues to Narrow the Scope of the Problem

Some victims of crime are not residents of Colorado

Should they be included in the study or discussion?

Insurance coverage secured by some victims of crime may provide compensation to cover tow fees (e.g., comprehensive auto insurance, etc.)

Victims Rights Act may provide compensation for victims of listed crimes to cover tow fees.

CSP is unaware on how much of this has been or will be used for tow fees for victims.

SB23-257 does provide limited funding to support victims of auto theft.

As of 7/14/23, there are \$1,377,917.00 of funding requests to assist victims of auto theft (28% of the \$5M grant funding) – which may include reimbursement of tow fees. This includes 9 of the 12 grant applications, but funding will not be determined until July 27, 2023.

HB22-1217 provided limited funding to support victims of catalytic converter theft where some of the funding was used to assist tow fees.

Of the \$300,000, there was \$137,903.99 awarded to programs to assist victims of catalytic converter theft. As this grant program does not report final programmatic performance until late August, the amount of funding to assist victims with tow fees is not known at this time.



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# Questions?

Thank you for the opportunity to present today.

- LTC Barry Bratt
- Captain John Hahn
- Director Robert Force
- Captain Mike Honn



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