

CHAPTER 133

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 99-1027

BY REPRESENTATIVES S. Williams, Chavez, Clarke, Coleman, Gagliardi, Hagedorn, Kaufman, Mace, Tapia, Tupa, Vigil, Windels, Zimmerman;
also SENATORS Wham, Hernandez, Linkhart, Pascoe, Weddig.

AN ACT

CONCERNING MANDATORY DENIAL OF A DRIVER'S LICENSE AS PENALTY FOR CERTAIN CRIMINAL MISCHIEF CONVICTIONS.

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

SECTION 1. 18-4-501, Colorado Revised Statutes, is amended to read:

18-4-501. Criminal mischief. (1) Any person who knowingly damages the real or personal property of one or more other persons in the course of a single criminal episode commits a class 3 misdemeanor where the aggregate damage to the real or personal property is less than one hundred dollars. Where the aggregate damage to the real or personal property is one hundred dollars or more but less than five hundred dollars, such person commits a class 2 misdemeanor. Where the aggregate damage to the real or personal property is five hundred dollars or more but less than fifteen thousand dollars, such person commits a class 4 felony. Where the aggregate damage to the real or personal property is fifteen thousand dollars or more, such person commits a class 3 felony.

(2) IF THE COURT DETERMINES ON THE RECORD THAT THE UNDERLYING FACTUAL BASIS FOR ANY CONVICTION OF CRIMINAL MISCHIEF PURSUANT TO SUBSECTION (1) OF THIS SECTION, OR ADJUDICATION AS A JUVENILE DELINQUENT FOR AN ACT THAT WOULD CONSTITUTE CRIMINAL MISCHIEF PURSUANT TO SUBSECTION (1) OF THIS SECTION IF COMMITTED BY AN ADULT, INVOLVES DEFACING PROPERTY AS DESCRIBED IN SECTION 18-4-509 (2), THE OFFENDER'S DRIVER'S LICENSE SHALL BE REVOKED AS PROVIDED IN SECTION 42-2-125, C.R.S.

SECTION 2. 42-2-125 (1) (n), Colorado Revised Statutes, is amended to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

42-2-125. Mandatory revocation of license and permit. (1) The department shall immediately revoke the license or permit of any driver, minor driver, or provisional driver upon receiving a record showing that such driver has:

(n) Been convicted of defacing property in violation of section 18-4-509 (2), C.R.S., OR CONVICTED OF CRIMINAL MISCHIEF IN VIOLATION OF SECTION 18-4-501, C.R.S., WHERE THE COURT FINDS THAT THE UNDERLYING FACTUAL BASIS OF THE OFFENSE INVOLVES DEFACING PROPERTY AS DESCRIBED IN SECTION 18-4-509 (2), C.R.S., or any counterpart municipal charter or ordinance offense to ~~such section~~ EITHER OF SAID SECTIONS.

SECTION 3. 42-2-104 (3) (f), Colorado Revised Statutes, is amended to read:

42-2-104. Licenses issued - denied. (3) The department shall not issue any license to:

(f) Any person who, while under the age of sixteen, was convicted of any offense that would have made the person subject to having driving privileges revoked under section 42-2-125 if such person had possessed a driver's license. Any person denied a driver's license pursuant to this paragraph (f) may be granted a license six months prior to his or her seventeenth birthday, if such person has only one such conviction, and on his or her seventeenth birthday, if such person has more than one such conviction; except that, if the person has been convicted of defacing property in violation of section 18-4-509 (2), C.R.S., OR CONVICTED OF CRIMINAL MISCHIEF IN VIOLATION OF SECTION 18-4-501, C.R.S., WHERE THE COURT FINDS THAT THE UNDERLYING FACTUAL BASIS OF THE OFFENSE INVOLVES DEFACING PROPERTY AS DESCRIBED IN SECTION 18-4-509 (2), C.R.S., or any counterpart municipal charter or ordinance offense to ~~such section~~ EITHER OF SAID SECTIONS, the person may not be granted a license until the entire period for which the person's license would have been revoked, as determined pursuant to section 42-2-125 (3) and (7), has passed, as measured from the person's sixteenth birthday.

SECTION 4. 42-7-406 (1), Colorado Revised Statutes, is amended to read:

42-7-406. Proof required under certain conditions. (1) Whenever the director revokes the license of any person under section 42-2-125 or 42-2-126, or cancels any license under section 42-2-122 because of the licensee's inability to operate a motor vehicle because of physical or mental incompetence, or cancels any probationary license under section 42-2-127, the director shall not issue to or continue in effect for any such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then until and unless such person files or has filed and maintains proof of financial responsibility as provided in this article; except that persons whose licenses are canceled pursuant to section 42-2-122 (2.5), revoked pursuant to section 42-2-125 (1) (k) (II), (1) (m), or (1) (n), revoked for a first offense under section 42-2-125 (1) (g.5) or a first offense under section 42-2-126 (2) (a) (I.5) or (2) (a) (IV), or denied pursuant to section 42-2-104 (3) (f) based upon a conviction under section 18-4-509 (2), C.R.S., OR A CONVICTION UNDER SECTION 18-4-501, C.R.S., WHERE THE UNDERLYING FACTUAL BASIS INVOLVED DEFACING PROPERTY, or any counterpart municipal charter or ordinance offense to ~~such section~~ EITHER OF SAID SECTIONS, shall not be required to file proof of financial responsibility in order to be relicensed.

SECTION 5. 10-4-719.7 (1), Colorado Revised Statutes, is amended to read:

10-4-719.7. Refusal to write, changes in, cancellation, or nonrenewal of policies prohibited. (1) No insurer shall cancel, fail to renew, refuse to write, reclassify an insured under, reduce coverage under, unless the reduction is part of a general reduction in coverage filed with the commissioner, or increase the premium for, unless the increase is part of a general increase in premiums filed with the commissioner, any complying policy because the applicant, insured, or any resident of the household of the applicant or insured has:

(a) Had an accident or accidents which are not the fault of such named applicant, insured, household member, or permissive user;

(b) HAD A LICENSE REVOKED PURSUANT TO SECTION 42-2-125 (1) (n), C.R.S., OR BEEN DENIED A LICENSE PURSUANT TO SECTION 42-2-104 (3) (f), C.R.S., BASED UPON A CONVICTION OR ADJUDICATION UNDER SECTION 18-4-501 (2) OR 18-4-509 (2), C.R.S.

SECTION 6. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to offenses committed on or after said date.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 22, 1999