

CHAPTER 284

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 03-1170

BY REPRESENTATIVE(S) Frangis, Butcher, Crane, Jahn, May M., Spence, Vigil, Boyd, Carroll, Cloer, Garcia, Hoppe, Johnson R., Larson, Romano ff, Schultheis, Williams S., and Young;
also SENATOR(S) Anderson, Arnold, Cairns, Jones, and Sandoval.

AN ACT

CONCERNING THE PENALTIES FOR A PERSON CONVICTED OF CERTAIN CRIMES INVOLVING MOTOR VEHICLES.

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

SECTION 1. 18-4-409, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-4-409. Aggravated motor vehicle theft. (4.5) WHENEVER A PERSON IS CONVICTED OF, PLEADS GUILTY OR NOLO CONTENDERE TO, RECEIVES A DEFERRED JUDGMENT OR SENTENCE FOR, OR IS ADJUDICATED A JUVENILE DELINQUENT FOR, A VIOLATION OF THIS SECTION, THE OFFENDER'S DRIVER'S LICENSE SHALL BE REVOKED AS PROVIDED IN SECTION 42-2-125, C.R.S.

SECTION 2. 18-4-501, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-4-501. Criminal mischief. (3) IF THE COURT DETERMINES ON THE RECORD THAT THE UNDERLYING FACTUAL BASIS FOR A 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 DAMAGE TO A MOTOR VEHICLE, AS DEFINED IN SECTION 18-4-409 (1) (a), THE OFFENDER'S DRIVER'S LICENSE SHALL BE REVOKED AS PROVIDED IN SECTION 42-2-125, C.R.S.

SECTION 3. 42-2-125 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH 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 or minor driver upon receiving a record showing that such driver has:

(o) BEEN CONVICTED OF, OR ADJUDICATED AS A JUVENILE DELINQUENT FOR:

(I) AN OFFENSE DESCRIBED IN SECTION 18-4-501, C.R.S., IF THE COURT DETERMINES THAT THE CRIMINAL MISCHIEF INVOLVES DAMAGE TO A MOTOR VEHICLE; OR

(II) AN OFFENSE DESCRIBED IN SECTION 18-4-409 OR 18-4-503 (1) (C), C.R.S.; OR

(III) A COMPARABLE MUNICIPAL CHARTER OR ORDINANCE OFFENSE.

SECTION 4. 18-4-503, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-4-503. Second degree criminal trespass. (3) WHENEVER A PERSON IS CONVICTED OF, PLEADS GUILTY OR NOLO CONTENDERE TO, RECEIVES A DEFERRED JUDGMENT OR SENTENCE FOR, OR IS ADJUDICATED A JUVENILE DELINQUENT FOR, A VIOLATION OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, THE OFFENDER'S DRIVER'S LICENSE SHALL BE REVOKED AS PROVIDED IN SECTION 42-2-125, C.R.S.

SECTION 5. 42-2-125, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-2-125. Mandatory revocation of license and permit. (2.8) THE PERIOD OF REVOCATION FOR A PERSON WHOSE LICENSE HAS BEEN REVOKED PURSUANT TO PARAGRAPH (o) OF SUBSECTION (1) OF THIS SECTION SHALL BE FOR NOT LESS THAN ONE YEAR, AND THE PERSON SHALL NOT BE ELIGIBLE FOR REINSTATEMENT OF HIS OR HER LICENSE UNTIL THE DEPARTMENT RECEIVES PROOF THAT THE PERSON HAS SATISFIED ANY ORDER FOR RESTITUTION ENTERED IN CONNECTION WITH THE CONVICTION.

SECTION 6. Effective date - applicability. This act shall take effect July 1, 2003, 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: May 21, 2003