

CHAPTER 275

GOVERNMENT - COUNTY

SENATE BILL 04-188

BY SENATOR(S) Arnold, Grossman, Owen, Groff, Hanna, Jones, May R., and Tapia;
 also REPRESENTATIVE(S) Rose, Borodkin, Coleman, Frangas, Hodge, Johnson R., Larson, Marshall, McFadyen, Spence,
 Stafford, Vigil, and Williams S.

AN ACT

CONCERNING THE SURCHARGE ON FINES FOR VIOLATION OF CERTAIN COUNTY ORDINANCES THAT IS PAID TO THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND, AND, IN CONNECTION THEREWITH, LIMITING THE IMPOSITION OF THE SURCHARGE TO VIOLATIONS OF SPEED LIMITS.

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

SECTION 1. 30-15-402 (2), Colorado Revised Statutes, is amended, and the said 30-15-402 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

30-15-402. Violations - penalty - surcharges - victim and witness assistance - traumatic brain injury trust fund. (2) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of a violation of any ordinance adopted pursuant to this part 4 are subject to:

(a) A surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. ~~and~~ Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103, C.R.S.

(b) ~~A surcharge of twelve dollars that shall be paid to the clerk of the court by the defendant and each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S. Two dollars of the surcharge shall be retained by the county and the remaining ten dollars shall be transmitted to the Colorado traumatic brain injury trust fund.~~

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

(3) IN ADDITION TO THE PENALTIES PRESCRIBED IN SUBSECTION (1) OF THIS SECTION, PERSONS CONVICTED OF OPERATING A VEHICLE IN EXCESS OF THE SPEED LIMIT IN VIOLATION OF AN ORDINANCE ADOPTED PURSUANT TO SECTION 30-15-401 (1) (h) ARE SUBJECT TO A SURCHARGE OF TEN DOLLARS THAT SHALL BE PAID TO THE CLERK OF THE COURT BY THE DEFENDANT. EACH CLERK SHALL TRANSMIT THE MONEYS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO SECTION 26-1-309, C.R.S.

SECTION 2. 30-15-408, Colorado Revised Statutes, is amended to read:

30-15-408. Disposition of fines and forfeitures. All fines and forfeitures for the violation of ordinances and, except as otherwise provided for surcharges levied pursuant to section 30-15-402 (2) AND (3), all moneys collected for licenses or otherwise shall be paid into the treasury of the county at such times and in such manner as may be prescribed by ordinance, or, if there is no ordinance referring to the case, it shall be paid to the treasurer at once.

SECTION 3. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act.

Approved: May 21, 2004