

CHAPTER 161

GOVERNMENT - COUNTY

HOUSE BILL 10-1062

BY REPRESENTATIVE(S) Schafer S., Labuda, Vigil, Baumgardner;
also SENATOR(S) Hodge.

AN ACT

CONCERNING THE ABILITY TO ALLOW A COUNTY TO PURCHASE CRIME INSURANCE COVERAGE IN LIEU OF SURETY BONDS.

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

SECTION 1. 30-10-101 (1) (a), Colorado Revised Statutes, is amended to read:

30-10-101. Offices - inspection of records - failure to comply - penalty.

(1) (a) Every sheriff, county clerk and recorder, AND county treasurer ~~and clerk of the district and county courts~~ shall keep his or her respective office at the county seat of the county and in the office provided by the county, if any such has been provided, or, if there is none provided, then at such place as the board of county commissioners shall direct. Subject to the provisions of part 2 of article 72 of title 24, C.R.S., and any judicially recognized right of privacy, all books and papers required to be in such offices shall be open to the examination of any person, but no person, except parties in interest, or their attorneys, shall have the right to examine pleadings or other papers filed in any cause pending in such court.

SECTION 2. 30-10-102 (1), Colorado Revised Statutes, is amended to read:

30-10-102. All money delivered to treasurer - penalty for failure. (1) Except

as provided in subsection (2) of this section, every county clerk and recorder, ~~clerk of the district court, clerk of the county court,~~ district attorney, sheriff, or other state or county officer appointed by law, required or permitted to receive and pay over to the county treasurer any taxes, fines, fees, or other moneys whatsoever, within thirty days after the receipt of such moneys, shall pay the same over to the county treasurer, and together therewith such officer so paying over the same shall deliver to the county treasurer a statement of the amount of such moneys so collected by him and paid over, which statement shall be signed by the person paying the same,

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

sworn to before the county treasurer, and then filed and preserved in the office of such treasurer. Every person falsely swearing in any such statement is guilty of perjury in the second degree. The county treasurer shall not demand or receive any fee for administering the oath required by this section.

SECTION 3. 30-10-110, Colorado Revised Statutes, is amended to read:

30-10-110. Bonds or insurance of officers - oaths. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, every county officer named in section 30-10-101, before entering upon the duties of ~~his~~ office, on or before the day of the commencement of the term for which ~~he~~ THE OFFICER was elected, shall execute and deposit ~~his~~ AN official bond, as prescribed by law. ~~and~~ Any such officer shall also take and subscribe the oath of office prescribed by law, before some officer authorized to administer oaths, and deposit the same with ~~his~~ THE official bond to be filed and preserved therewith.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON BEHALF OF THE COUNTY OFFICER AND COUNTY EMPLOYEES TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE OFFICER WHILE IN OFFICE OR EMPLOYEES.

SECTION 4. 30-10-111, Colorado Revised Statutes, is amended to read:

30-10-111. Oath of deputy. ~~Every~~ A deputy appointed to ~~any of said offices~~ OFFICE, before entering upon ~~his~~ THE DEPUTY'S duties under such appointment, shall take and subscribe the like oath of office as that required to be taken by the ~~officer appointing him~~ APPOINTING OFFICER and shall deposit the same in the office where the ~~bond~~ OATH of such officer is deposited.

SECTION 5. 30-10-311, Colorado Revised Statutes, is amended to read:

30-10-311. Bonds or insurance of county commissioners. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, each county commissioner of the several counties of this state is required to execute a bond, payable to the people of the state of Colorado, conditioned that ~~he~~ THE COMMISSIONER will faithfully and honestly discharge the duties of ~~his office as such~~ THE OFFICE OF county commissioner so long as ~~he~~ THE COMMISSIONER continues in office, and that ~~he~~ THE COMMISSIONER will not, either directly or indirectly, misappropriate, or permit to be misappropriated, any of the funds or property of said county ~~during his continuance~~ WHILE in office; that ~~he~~ THE COMMISSIONER will not, ~~during his continuance~~ WHILE in office, be interested or concerned in any manner, directly or indirectly, in any sale, purchase, bargain, or contract whereby any sum of money or thing in action becomes due to such commissioner from such county, or from any person from such county; and that ~~he~~ THE COMMISSIONER will at all times transact the business of such county economically, and to the best of ~~his~~ THE COMMISSIONER'S ability, for the best interest of such county.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON BEHALF OF THE COUNTY COMMISSIONER TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE COMMISSIONER WHILE IN OFFICE.

SECTION 6. 30-10-312, Colorado Revised Statutes, is amended to read:

30-10-312. Amount of bond or insurance - county commissioners. The bond ~~for~~ EXECUTED BY THE county commissioners in counties with a population of ten thousand or more persons PURSUANT TO SECTION 30-10-311 (1) OR THE INSURANCE PURCHASED BY THE COUNTY ON BEHALF OF THE COUNTY COMMISSIONERS PURSUANT TO SECTION 30-10-311 (2) shall be in the ~~penal~~ sum of ten thousand dollars and in counties with a population under ten thousand persons shall be in the ~~penal~~ sum of five thousand dollars.

SECTION 7. 30-10-313, Colorado Revised Statutes, is amended to read:

30-10-313. Bond must be approved or insurance purchased before duties assumed. ~~Whenever any county commissioner is elected or appointed in any county of this state, he shall give such bond and have the same approved before entering upon the duties of his office.~~ NO COUNTY COMMISSIONER SHALL ENTER UPON THE DUTIES OF THE OFFICE OF COMMISSIONER UNLESS THE COMMISSIONER HAS EXECUTED THE BOND DESCRIBED IN SECTION 30-10-311 (1) OR THE COUNTY HAS PURCHASED THE INSURANCE DESCRIBED IN SECTION 30-10-311 (2).

SECTION 8. 30-10-314, Colorado Revised Statutes, is amended to read:

30-10-314. Where bond filed. IF A COUNTY COMMISSIONER EXECUTES A BOND PURSUANT TO SECTION 30-10-311 (1), the bond, ~~when approved~~ AFTER APPROVAL by the judge of the district court, shall be filed by the county clerk and recorder of such county and shall be recorded ~~by him~~ in the records of ~~said~~ THE county.

SECTION 9. 30-10-315, Colorado Revised Statutes, is amended to read:

30-10-315. Penalty for acting without bond or insurance. If any county commissioner acts as such officer, performs any of the duties, or exercises any of the rights or privileges of county commissioner ~~after failing to give bond~~ WITHOUT BEING BONDED OR INSURED PURSUANT TO SECTION 30-10-311, or after judgment of removal from such office has been entered, ~~he~~ THE COMMISSIONER is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five hundred nor more than five thousand dollars, and by imprisonment in the county jail for not less than thirty days nor more than six months.

SECTION 10. 30-10-316, Colorado Revised Statutes, is amended to read:

30-10-316. Suits on bond or insurance. Upon default or breach of any of the conditions of ~~said bond~~ EITHER THE BOND OR THE INSURANCE POLICY REQUIRED BY SECTION 30-10-311 by any county commissioner in this state, either the district attorney for the district in which such commissioner resided at the time of such breach, the county attorney of such county, or any taxpayer of the county who will become responsible for the costs of suit, may institute an action in any court OF COMPETENT JURISDICTION in such county ~~of competent jurisdiction~~; in the name of the board of county commissioners of the county AND against the principal and sureties upon ~~such~~ THE bond OR THE INSURANCE POLICY for the damages such county has sustained by reason of the breach of any of the conditions contained in ~~such~~ THE bond OR THE INSURANCE POLICY. When a suit is brought by any person

other than the district or county attorney, the court may require surety for costs as in other civil cases.

SECTION 11. 30-10-317, Colorado Revised Statutes, is amended to read:

30-10-317. County to recover all damages - execution against body. In ~~such~~ ANY action FILED PURSUANT TO SECTION 30-10-316, the county shall recover all damages, both proximate and remote, ~~which~~ THAT it may have sustained by reason of any breach of the conditions of ~~such bonds~~ THE BOND OR THE INSURANCE POLICY REQUIRED BY SECTION 30-10-311, AS APPLICABLE; and if it appears on the trial of any such case that ~~such~~ THE breach was tortious, fraudulent, or willful, and that the county shall not be able to recover judgment against the sureties or, having recovered judgment, is unable to collect the same from ~~said~~ THE principal or ~~his~~ THE PRINCIPAL'S sureties, the county may have execution against the body of such principal, who shall be confined in the county jail of ~~said~~ THE county until such judgment and costs are paid; ~~but~~ EXCEPT THAT such imprisonment shall not exceed one year.

SECTION 12. 30-10-318, Colorado Revised Statutes, is amended to read:

30-10-318. Recovery for all damage - liability. In all suits upon THE official bonds ~~of county commissioners~~ OR INSURANCE POLICIES REQUIRED BY SECTION 30-10-311, the recovery against ~~one~~ A MEMBER of the board OF COUNTY COMMISSIONERS shall not be limited to a proportionate amount of the damage proved, but the recovery on the bond of each shall be for the whole amount of damage proved. If any member of a board of county commissioners knowingly acquiesces in any misappropriation of the funds of a county, or in the allowance of bills ~~which~~ THAT are not legally allowable, or in the payment thereof, the sureties OR INSURER of ~~such~~ THE county commissioner, AS APPLICABLE, shall be liable ~~upon~~ ~~his bond~~ for all damages, both proximate and remote, that ~~such~~ THE county sustains for reason thereof, to be recovered as provided.

SECTION 13. 30-10-401, Colorado Revised Statutes, is amended to read:

30-10-401. County clerk - term - bond - insurance. (1) A county clerk shall be elected in each county of this state for the term of four years and, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, before ~~he enters~~ ENTERING upon the duties of ~~his~~ THE office, ~~he~~ shall execute to the people of the state of Colorado, and file with the county clerk then in office, a bond with two or more sufficient sureties in the ~~penal~~ sum of not less than five thousand dollars, to be affixed and approved by the board of county commissioners according to law, with conditions in substance as follows: "Whereas, The above bounden was elected to the office of the county clerk of, on the day of, Now, therefore, if the said shall faithfully perform all the duties of ~~his~~ THE office, and shall pay over all moneys that may come into ~~his~~ THE hands ~~as such~~ OF THE clerk as required by law, and shall deliver to ~~his~~ THE CLERK'S successor in office all the books, records, papers, and other things belonging to ~~his~~ said office, then the above obligation to be void, otherwise to remain in full force." The bond, after being recorded, shall be at once deposited with the county treasurer for safekeeping.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A

COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN AMOUNT NOT LESS THAN TEN THOUSAND DOLLARS ON BEHALF OF THE COUNTY CLERK TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE CLERK WHILE IN OFFICE.

SECTION 14. 30-10-403, Colorado Revised Statutes, is amended to read:

30-10-403. Deputy clerk - duties. Every county clerk shall appoint a deputy, in writing, under ~~his~~ THE COUNTY CLERK'S hand, and shall file such appointment in ~~his~~ THE office OF THE COUNTY CLERK; and such deputy, in case of the absence or disability of the county clerk, or in case of a vacancy in ~~his~~ THE office THEREOF, shall perform all the duties of the county clerk during such absence or until such vacancy is filled. Every county clerk may appoint other deputies and, ~~his~~ IF THE COUNTY CLERK HAS EXECUTED A BOND PURSUANT TO SECTION 30-10-401 (1), THE COUNTY CLERK'S sureties shall be responsible under ~~his official~~ THE bond for the acts of all such deputies.

SECTION 15. 30-10-501, Colorado Revised Statutes, is amended to read:

30-10-501. Sheriff - election - bond - insurance. (1) A sheriff shall be elected in each county for the term of four years and, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, before ~~he enters~~ ENTERING upon the duties of ~~his~~ office, ~~he~~ shall execute to the people of the state of Colorado a bond, with at least three sufficient sureties, in ~~such penal~~ THE sum OF not less than five thousand nor more than twenty thousand dollars, ~~as~~ WHICH the board of county commissioners, or, if it is not in session, the county clerk and recorder, subject to the approval of such board at its next session thereafter, shall specify and approve. WHEN APPROVED, the bond ~~when thus approved~~ shall be filed in the office of ~~said~~ THE county clerk and recorder, and no person shall be received as surety who is not worth at least two thousand dollars over and above ~~his~~ THE SURETY'S just debts.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN AMOUNT NOT LESS THAN TEN THOUSAND DOLLARS ON BEHALF OF THE SHERIFF TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE SHERIFF WHILE IN OFFICE.

SECTION 16. 30-10-502, Colorado Revised Statutes, is amended to read:

30-10-502. Form of bond. IF A SHERIFF EXECUTES A BOND PURSUANT TO SECTION 30-10-501 (1), the condition of ~~such~~ THE bond shall be in substance as follows: "Whereas, the above bounden was elected to the office of sheriff of the county of, on the day of; Now, the condition of this obligation is such that if the said shall well and faithfully perform and execute the duties of the office of sheriff of said county of ~~during his continuance~~ WHILE in office by virtue of said election without fraud, deceit, or oppression, shall pay over all moneys that may come into ~~his~~ THE hands ~~as~~ OF THE sheriff, and shall deliver to ~~his~~ THE SHERIFF'S successor IN OFFICE all writs, papers, and other things pertaining to ~~his~~ THE office ~~which~~ THAT may be so required by law, then the above obligations shall be void, otherwise to be and remain in full force and effect."

SECTION 17. 30-10-503, Colorado Revised Statutes, is amended to read:

30-10-503. Sheriff assumes duties - when. When the term of office of any sheriff expires and the sheriff-elect ~~files his bond and~~ qualifies according to law, the county clerk and recorder shall issue a notice setting forth that said sheriff-elect has ~~filed his bond and~~ qualified according to law, which notice shall be served by the new sheriff on the former sheriff, whereupon such former sheriff shall immediately transfer and deliver to the new sheriff all the writs, processes, books, and papers belonging to ~~his~~ THE office, except as otherwise excepted in this part 5, and also the possession of the courthouse and jail of ~~his~~ THE county, and shall take from the new sheriff a receipt specifying the papers so delivered over and the prisoners in custody, if any, which receipt shall be sufficient indemnity to the person taking the same.

SECTION 18. 30-10-505, Colorado Revised Statutes, is amended to read:

30-10-505. Vacancy in office - powers of undersheriff. When a vacancy occurs in the office of sheriff of any county, the undersheriff of such county shall in all things execute the office of sheriff until a sheriff is appointed or elected and qualified. ~~and~~ Any default or misfeasance in office of such undersheriff in the meantime, as well as before such vacancy, shall be deemed to be a breach of the condition of the bond given by the sheriff who appointed ~~him and also a breach of the bond executed by such undersheriff to the sheriff by whom he was appointed~~ THE UNDERSHERIFF OR THE INSURANCE POLICY PURCHASED BY THE COUNTY ON THE SHERIFF'S BEHALF.

SECTION 19. 30-10-517, Colorado Revised Statutes, is amended to read:

30-10-517. Outgoing sheriff may proceed with writs. Every sheriff going out of office at the expiration of ~~his~~ THE SHERIFF'S term and having any order of fieri facias or fee bill ~~which he~~ THAT THE SHERIFF has levied but not collected ~~is authorized to proceed and~~ SHALL collect such execution or fee bill in the same manner as if ~~his~~ THE SHERIFF'S term of office had not expired. ~~and the sureties on his official bond are liable for any omission of duty in so doing, in like manner as if his said term of office had not expired.~~

SECTION 20. 30-10-522, Colorado Revised Statutes, is amended to read:

30-10-522. Actions against sheriff - sureties liable - when. EXCEPT IN THE CASE OF A SHERIFF COVERED BY INSURANCE PURCHASED PURSUANT TO SECTION 30-10-501 (2), in an action brought against a sheriff for an action done by virtue of ~~his~~ THE SHERIFF'S office, if ~~he~~ THE SHERIFF gives notice thereof to the sureties on any bond of indemnity given by ~~him~~ THE SHERIFF, the judgment recovered therein shall be sufficient evidence of ~~his~~ THE SHERIFF'S right to recover against such sureties, and the court, on motion, upon notice of five days, may order judgment to be entered against them for the amount so recovered, including costs.

SECTION 21. 30-10-601, Colorado Revised Statutes, is amended to read:

30-10-601. Coroner - election - bond - insurance - authority.

(1) (a) Repealed.

(b) A coroner shall be elected in each county for the term of four years, who, EXCEPT AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, before ~~he enters~~ ENTERING upon the duties of ~~his~~ office, shall give bond to the people of the state of Colorado of not less than twenty-five thousand dollars, with sufficient sureties, to be approved by the board of county commissioners or, if ~~such~~ THE board is not in session, by the county clerk and recorder, subject to the approval of such board, the condition of which bond shall be in substance the same as that given by the sheriff. Such bond shall be filed with the county clerk and recorder of the proper county.

(1.5) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN AMOUNT NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS ON BEHALF OF THE CORONER TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE CORONER WHILE IN OFFICE.

(2) The coroner may declare an individual dead if ~~he~~ THE CORONER finds the individual has sustained irreversible cessation of circulatory and respiratory function.

SECTION 22. 30-10-602, Colorado Revised Statutes, is amended to read:

30-10-602. Deputy coroner - duties - oath - bond - insurance. (1) The coroner of each county is authorized to appoint a deputy. Any such appointment shall be in writing and shall be filed in the office of the coroner. The coroner of each county may delegate any of ~~his~~ THE CORONER'S powers to one or more deputies who shall then have the same duties with respect thereto as the coroner has. Any act of a deputy shall be done in the name of the coroner and signed by the deputy performing such act. A deputy coroner shall hold office during and subject to the pleasure of the coroner. EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, each deputy coroner, before ~~he enters~~ ENTERING the duties of ~~his~~ office, shall file with the county clerk and recorder of ~~his~~ THE county the bond and oath of office required by law to be filed by the coroner.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON BEHALF OF THE DEPUTY CORONER TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE DEPUTY CORONER WHILE IN OFFICE.

SECTION 23. 30-10-701, Colorado Revised Statutes, is amended to read:

30-10-701. Election - term - bond - insurance. (1) A county treasurer shall be elected in each county for the term of four years and, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, before entering upon the discharge of duties, shall execute to the people of the state of Colorado a surety bond to be approved by the board of county commissioners and filed in the office of the county clerk and recorder. Prior to the treasurer being sworn into office, the board of county commissioners shall set the amount of the surety bond by written resolution duly adopted by a majority vote of the board, which shall be entered in its minutes.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON BEHALF OF THE

TREASURER TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE TREASURER WHILE IN OFFICE.

SECTION 24. 30-10-703, Colorado Revised Statutes, is amended to read:

30-10-703. Form of bond. IF A TREASURER EXECUTES A BOND PURSUANT TO SECTION 30-10-701 (1), the condition of ~~such~~ THE bond shall be in substance as follows: Whereas,, was elected to the office of County Treasurer of the County of on the day of; Now, therefore, the condition of this obligation is such, that if the said and ~~his~~ THE TREASURER'S deputy and all persons employed in ~~his~~ THE TREASURER'S office shall faithfully and promptly perform the duties of said office, and if the said and ~~his~~ THE TREASURER'S deputies shall pay or invest according to law, all moneys ~~which~~ THAT shall come to ~~his~~ THE hands ~~as~~ OF THE treasurer, and shall render a just and true account thereof whenever required by said board of county commissioners, or by any provision of law, and shall deliver over to ~~his~~ A successor in office, or to any other person authorized by law to receive the same, all moneys, securities, books, papers, and other things appertaining thereto or belonging to ~~his~~ THE TREASURER'S office, the above obligation to be void, otherwise to be in full force and effect; except that the surety shall in no event be liable for any loss caused by the failure or insolvency of the depository in which the county treasurer or ~~his~~ THE TREASURER'S deputies deposit any such public funds, or for any loss arising out of the investment of any such funds.

SECTION 25. 30-10-705, Colorado Revised Statutes, is amended to read:

30-10-705. Vacancy in office - how filled. (1) In case the office of county treasurer becomes vacant, the board of county commissioners shall appoint a suitable person to perform the duties of ~~such~~ THE treasurer. ~~and~~ EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, the person so appointed ~~upon giving~~ SHALL GIVE bond with like sureties and conditions as that required in county treasurers' bonds and in such sum as ~~said~~ THE board shall direct AND shall be invested with all the duties of ~~such~~ THE treasurer, until such vacancy is filled or such disability removed.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON BEHALF OF THE APPOINTEE TO THE OFFICE OF TREASURER TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE TREASURER WHILE IN OFFICE.

SECTION 26. 30-10-710, Colorado Revised Statutes, is amended to read:

30-10-710. Apportionment and separation of funds. It is the duty of the county treasurer to apportion and keep all taxes collected by him or her in the several funds for which the taxes were levied, and it shall not be lawful to use the moneys belonging to any fund for the purpose of paying warrants drawn upon some other fund or for the purpose of paying warrants issued before April 2, 1998, which properly should have been drawn upon some other fund; but the amount of interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the general fund of the county by the county treasurer, unless such investment is made from specific funds allocated for a definite purpose

and so maintained. The treasurer and the sureties on his or her official bond ~~are~~ OR THE INSURER ON THE CRIME INSURANCE POLICY, AS APPLICABLE, SHALL BE liable at the action of any taxpayer of the county for any violation of this section.

SECTION 27. 30-10-713, Colorado Revised Statutes, is amended to read:

30-10-713. Delivery of books to successor - penalty. Upon the resignation or removal from office of any county treasurer, all the books and papers belonging to ~~his~~ THE TREASURER'S office, and all moneys in ~~his~~ THE TREASURER'S hands by virtue of ~~his~~ THE TREASURER'S office, shall be delivered to ~~his~~ THE TREASURER'S successor in office, upon the oath of such preceding treasurer, or in case of ~~his~~ THE TREASURER'S death, upon oath of ~~his~~ THE TREASURER'S executors or administrators. If any such preceding county treasurer, or in case of ~~his~~ THE TREASURER'S death, ~~his~~ THE TREASURER'S executors or administrators neglect or refuse to deliver up such books, papers, and moneys on oath, when lawfully demanded, every such person shall forfeit a sum of not less than one hundred dollars nor more than five hundred dollars. ~~and be also liable upon his official bond for such refusal or neglect.~~

SECTION 28. 30-10-801, Colorado Revised Statutes, is amended to read:

30-10-801. Assessor - election - bond - insurance - term - oath. (1) A county assessor shall be elected in each county at a general election ~~who~~ AND, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, shall give bond to the people of the state of Colorado with two or more sufficient sureties, in a ~~penal~~ sum of not less than six thousand dollars for the performance of ~~his~~ THE ASSESSOR'S duties according to law and to the satisfaction of the board of county commissioners, and subscribe an oath or affirmation for the faithful performance of ~~his~~ THE ASSESSOR'S duties as such assessor, and who shall be a qualified elector of said county and shall hold ~~his~~ office for four years and until ~~his~~ A successor is elected and qualified.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN AMOUNT NOT LESS THAN TEN THOUSAND DOLLARS ON BEHALF OF THE ASSESSOR TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE ASSESSOR WHILE IN OFFICE.

SECTION 29. 30-10-802, Colorado Revised Statutes, is amended to read:

30-10-802. Assessment district - deputy in each - oath - bond. (1) When the board of county commissioners of any county is of the opinion that the assessor is unable to perform the duties of ~~his~~ office within the time prescribed by law, ~~it~~ THE BOARD shall divide such county into assessment districts and shall require the assessor to appoint a deputy in each district, who shall be a qualified elector of the district and who shall be sworn and, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, give bond to the principal.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON BEHALF OF A DEPUTY ASSESSOR TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE DEPUTY ASSESSOR WHILE IN OFFICE.

SECTION 30. 30-10-901, Colorado Revised Statutes, is amended to read:

30-10-901. Surveyor - election - bond - insurance. (1) A county surveyor shall be elected for a term of four years, ~~who~~ shall be a professional land surveyor as provided in part 2 of article 25 of title 12, C.R.S., and, ~~who~~ EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, shall file ~~his~~ AN official bond in the office of the county clerk and recorder, to be approved by the board of county commissioners, in the sum of one thousand dollars, conditioned for the faithful discharge of ~~his~~ duties.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN AMOUNT NOT LESS THAN TEN THOUSAND DOLLARS ON BEHALF OF THE SURVEYOR TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE SURVEYOR WHILE IN OFFICE.

SECTION 31. 38-36-110, Colorado Revised Statutes, is amended to read:

38-36-110. Bond of registrar. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, every county clerk and recorder shall, before entering upon ~~his~~ THE duties as registrar of titles, give a bond with sufficient sureties, to be approved by a judge of the district court of ~~his~~ THE county, payable to the people of the state of Colorado in such sum as is fixed by the said judge of the district court, conditioned for the faithful discharge of ~~his~~ duties and to deliver up all papers, books, records, and other property belonging to the county or appertaining to ~~his~~ THE office as registrar of titles, whole, safe, and undefaced, when lawfully required to do so. The bond shall be filed in the office of the secretary of state and a copy thereof shall be filed and entered upon the records of the district court in the county wherein the county clerk and recorder holds ~~his~~ office.

(2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON BEHALF OF THE COUNTY CLERK AND RECORDER TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE COUNTY CLERK AND RECORDER WHILE IN OFFICE.

SECTION 32. Act subject to petition - effective date. 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 21, 2010