

LLS NO. 17-0132.02 AMENDMENT #1
INTERIM COMMITTEE AMENDMENT
Interim Study Committee on Cost-benefit Analysis of Legalized
Marijuana in Colorado

BY REPRESENTATIVE Singer
LLS No. 17-0132.02 be amended as follows:

1 Amend LLS No. 17-0132.02, strike everything below the enacting clause
2 and substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 24-33.5-520 as
4 follows:

5 **24-33.5-520. Study on drugged driving - DUID data analysis**
6 **cash fund - created - repeal.** (1) ON OR BEFORE SEPTEMBER 1, 2017,
7 AND ON OR BEFORE SEPTEMBER 1 EACH YEAR THEREAFTER, THE DIVISION
8 SHALL PRODUCE A REPORT THAT INCLUDES, TO THE EXTENT POSSIBLE, THE
9 FOLLOWING INFORMATION:

10 (a) THE TOTAL NUMBER OF CONVICTIONS DURING THE PREVIOUS
11 YEAR FOR DUI AND DWAI, INCLUDING AN INDICATION OF HOW MANY
12 SUCH CONVICTIONS INVOLVED ALCOHOL, ONE OR MORE DRUGS, OR A
13 COMBINATION OF ALCOHOL AND ONE OR MORE DRUGS;

14 (b) WHICH DRUGS AND WHICH COMBINATIONS OF DRUGS LED TO
15 DUI AND DWAI CONVICTIONS DURING THE PREVIOUS YEAR, INCLUDING
16 AN INDICATION OF THE AMOUNTS OF SUCH DRUGS THAT WERE FOUND TO
17 BE PRESENT IN OFFENDERS' BLOOD SAMPLES;

18 (c) THE TOTAL NUMBER OF DUI AND DWAI CONVICTIONS DURING
19 THE PREVIOUS YEAR THAT INVOLVED:

20 (I) MARIJUANA;

21 (II) ILLEGAL DRUGS;

22 (III) PRESCRIPTION DRUGS FOR WHICH THE OFFENDERS POSSESSED
23 VALID PRESCRIPTIONS; AND

24 (IV) PRESCRIPTION DRUGS FOR WHICH THE OFFENDERS DID NOT
25 POSSESS VALID PRESCRIPTIONS;

26 (d) THE AVERAGE AMOUNT OF TIME THAT ELAPSED BETWEEN THE
27 TIME THAT EACH TRAFFIC STOP OR TRAFFIC INCIDENT OCCURRED AND THE
28 TIME AT WHICH A BIOLOGICAL SAMPLE WAS TAKEN OF A PERSON INVOLVED
29 IN THE TRAFFIC STOP OR TRAFFIC INCIDENT FOR THE PURPOSE OF TESTING
30 THE DRUG CONTENT OF THE PERSON'S BODY, INCLUDING AN INDICATION OF
31 WHETHER THIS TIME VARIES DEPENDING ON THE NATURE OF THE
32 BIOLOGICAL SAMPLE TAKEN; AND

33 (e) THE TOTAL NUMBER OF DRIVERS CITED FOR DUI OR DWAI
34 WHO REFUSED TO SUBMIT TO VOLUNTARY DRUG TESTING, INCLUDING THE
35 NUMBER OF REFUSALS THAT RESULTED IN A LAW ENFORCEMENT OFFICER
36 ACQUIRING A SEARCH WARRANT FOR THE PURPOSE OF ENFORCING SECTION
37 42-4-1301.1.

38 (2) FOR THE PURPOSE OF PRODUCING THE REPORT DESCRIBED IN
39 SUBSECTION (1) OF THIS SECTION, THE DIVISION SHALL COLLECT AND

1 ANALYZE DUI AND DWAI DATA. EXCEPT AS DESCRIBED IN THIS SECTION,
2 THE DATABASE COMPILED BY THE DIVISION CONTAINING PERSONAL
3 IDENTIFYING INFORMATION RELATING TO THE RESULTS OF TESTS OF
4 PERSONS' BIOLOGICAL SAMPLES, AND ALL PERSONAL IDENTIFYING
5 INFORMATION THEREOF, ARE NOT PUBLIC INFORMATION. THE DIVISION
6 SHALL DISCLOSE SUCH INFORMATION ONLY TO:

7 (a) THE INDIVIDUAL WHO IS THE SUBJECT OF THE TEST, OR TO HIS
8 OR HER LEGAL REPRESENTATIVE;

9 (b) A NAMED INTERESTED PARTY IN A CIVIL OR CRIMINAL ACTION
10 IN WHICH THE TEST RESULTS ARE DIRECTLY RELATED, OR TO HIS OR HER
11 LEGAL REPRESENTATIVE; OR

12 (c) ANY PROSECUTING ATTORNEY, LAW ENFORCEMENT OFFICER,
13 STATE AGENCY, OR STATE OR LOCAL PUBLIC OFFICIAL LEGALLY
14 AUTHORIZED TO UTILIZE SUCH INFORMATION TO CARRY OUT HIS OR HER
15 DUTIES.

16 (3) A PUBLIC OR PRIVATE LABORATORY MAY COLLECT AND SHARE
17 LABORATORY TEST RESULTS WITH THE DIVISION FOR THE PURPOSE OF
18 RESEARCHING AND ANALYZING DATA PURSUANT TO THIS SECTION. THE
19 DIVISION SHALL PROTECT THE PRIVACY OF ANY PERSONAL IDENTIFYING
20 INFORMATION THAT IS INCLUDED IN SUCH TEST RESULTS.

21 (4)(a) THERE IS CREATED IN THE STATE TREASURY THE COLORADO
22 DUID DATA ANALYSIS CASH FUND, REFERRED TO IN THIS SECTION AS THE
23 "FUND", TO INCLUDE MONEY COLLECTED FROM SURCHARGES ASSESSED
24 PURSUANT TO SECTION 42-4-1307 (10)(e), AND ANY MONEY CREDITED TO
25 THE FUND PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION. THE MONEY
26 IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
27 ASSEMBLY TO THE DIVISION FOR THE PURPOSE DESCRIBED IN SUBSECTION
28 (1) OF THIS SECTION. ALL INTEREST DERIVED FROM THE DEPOSIT AND
29 INVESTMENT OF MONEY IN THE FUND REMAINS IN THE FUND. ANY
30 UNEXPENDED OR UNENCUMBERED MONEY REMAINING IN THE FUND AT THE
31 END OF A FISCAL YEAR REMAINS IN THE FUND AND MAY NOT BE
32 TRANSFERRED OR CREDITED TO THE GENERAL FUND OR ANOTHER FUND;
33 EXCEPT THAT ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
34 IN THE FUND AS OF JUNE 30, 2022, MUST BE CREDITED TO THE GENERAL
35 FUND.

36 (b) THE DIVISION IS AUTHORIZED TO ACCEPT ANY GIFTS, GRANTS,
37 OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE ON BEHALF OF THE
38 STATE FOR PURPOSES OF THIS SECTION. THE DIVISION SHALL TRANSMIT ALL
39 PRIVATE AND PUBLIC MONEY RECEIVED THROUGH GRANTS, GIFTS, OR
40 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO
41 THE FUND.

42 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

43 **SECTION 2.** In Colorado Revised Statutes, 42-4-1307, add

1 (10)(e) as follows:

2 **42-4-1307. Penalties for traffic offenses involving alcohol and**
3 **drugs - legislative declaration - definitions - repeal. (10) Additional**
4 **costs and surcharges.** In addition to the penalties prescribed in this
5 section:

6 (e) PERSONS CONVICTED OF DUI AND DWAI ARE SUBJECT TO A
7 SURCHARGE OF TEN DOLLARS TO BE TRANSMITTED TO THE STATE
8 TREASURER WHO SHALL DEPOSIT MONEY COLLECTED FOR THE SURCHARGE
9 IN THE COLORADO DUID DATA ANALYSIS CASH FUND CREATED PURSUANT
10 TO SECTION 24-33.5-520.

11 **SECTION 3. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor."

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