

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 21, 2025  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB25-281 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 5, strike "**serious bodily injury or**".
- 2 Page 2, line 12, strike "SERIOUS BODILY INJURY OR".
- 3 Page 2, line 13, strike "(2)(b)(II) OR".
- 4 Page 3, strike lines 4 and 5 and substitute "injury to another, ~~such~~ THE
- 5 person:
- 6 (A) Commits a class 1 misdemeanor traffic offense; AND
- 7 (B) RECEIVES FOUR LICENSE SUSPENSION POINTS IN ACCORDANCE
- 8 WITH SECTION 42-2-127 (5)(e)."
- 9 Page 3, strike lines 10 and 11 and substitute:
- 10 "(B) RECEIVES EIGHT LICENSE SUSPENSION POINTS IN
- 11 ACCORDANCE WITH SECTION 42-2-127 (5)(e.4)."
- 12 Page 3, lines 13 and 14, strike "person: ~~commits a class 1 misdemeanor~~
- 13 ~~traffic offense.~~" and substitute "person ~~commits a class 1 misdemeanor~~
- 14 ~~traffic offense.~~ RECEIVES TWELVE LICENSE SUSPENSION POINTS IN
- 15 ACCORDANCE WITH SECTION 42-2-127 (5)(e.5) AND IS SUBJECT TO A
- 16 SUSPENSION OF THEIR DRIVER'S LICENSE FOR A PERIOD OF UP TO ONE YEAR
- 17 IN ACCORDANCE WITH SECTION 42-2-127 (1)(a) AND 42-2-128 (2) AND:".
- 18 Page 3, strike lines 15 through 17 and substitute:
- 19 "(A) COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE UNLESS
- 20 SUBSECTION (2)(c)(I)(B) OR (2)(c)(I)(C) OF THIS SECTION APPLIES;

1 (B) COMMITS A CLASS 6 FELONY IF THE PERSON HAS A PRIOR  
2 CONVICTION OF VEHICULAR HOMICIDE PURSUANT TO SECTION 18-3-106,  
3 CRIMINAL NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105 IN  
4 WHICH THE COMMISSION OF THE ACT INCLUDED DRIVING A MOTOR  
5 VEHICLE, VEHICULAR ASSAULT PURSUANT TO SECTION 18-3-205 (1)(b), OR  
6 CARELESS DRIVING RESULTING IN SERIOUS BODILY INJURY OR DEATH  
7 PURSUANT TO SUBSECTION (2)(b)(II) OF THIS SECTION OR THIS SUBSECTION  
8 (2)(c); OR

9 (C) COMMITS A CLASS 6 FELONY IF THE PERSON IS DRIVING  
10 WITHOUT A CURRENTLY VALID DRIVER'S LICENSE, MINOR DRIVER'S  
11 LICENSE, OR INSTRUCTION PERMIT IN VIOLATION OF SECTION 42-2-101 OR  
12 WITHOUT A COMPLYING INSURANCE POLICY OR SELF-INSURANCE IN  
13 VIOLATION OF SECTION 42-4-1409 AND IF THE PERSON HAS A PRIOR  
14 CONVICTION WITHIN THE LAST FIVE YEARS OF DUI, DUI PER SE, DWAI,  
15 AGGRAVATED DRIVING WITH A REVOKED A LICENSE PURSUANT TO SECTION  
16 42-2-206 (1)(b)(I), CARELESS DRIVING RESULTING IN BODILY INJURY  
17 PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION, OR DRIVING WHILE  
18 THE PERSON'S DRIVER'S LICENSE WAS UNDER RESTRAINT PURSUANT TO  
19 SECTION 42-2-138 (1)(d)."

20 Page 3, strike lines 21 through 27.

21 Page 4, strike lines 1 through 27 and substitute:

22 "(3) (a) A LAW ENFORCEMENT OFFICER INVESTIGATING WHETHER  
23 A PERSON HAS VIOLATED SUBSECTION (2)(c) OF THIS SECTION SHALL USE  
24 DILIGENCE IN DETERMINING WHETHER THERE IS PROBABLE CAUSE TO  
25 BELIEVE THE PERSON WAS DRIVING A MOTOR VEHICLE IN VIOLATION OF  
26 THE PROHIBITIONS AGAINST DUI, DUI PER SE, DWAI, OR UDD.

27 (b) IF PROBABLE CAUSE EXISTS THAT THE PERSON WAS DRIVING A  
28 MOTOR VEHICLE IN VIOLATION OF THE PROHIBITIONS AGAINST DUI, DUI  
29 PER SE, DWAI, OR UDD, THE OFFICER SHALL:

30 (I) IN ACCORDANCE WITH SECTION 42-4-1301.1, TEST THE PERSON  
31 FOR DRUGS OR ALCOHOL AS SOON AS PRACTICABLE; AND

32 (II) OBTAIN AND PRESERVE ANY RELEVANT EVIDENCE RELATED TO  
33 WHETHER THE DRIVER IS IMPAIRED BY ALCOHOL OR DRUGS WHEN THE  
34 OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON WAS DRIVING A  
35 MOTOR VEHICLE IN VIOLATION OF THE PROHIBITIONS AGAINST DUI, DUI  
36 PER SE, DWAI, OR UDD."

37 Page 5, strike lines 1 through 11.

38 Renumber succeeding sections accordingly.

1 Page 5, lines 20 and 21, strike "**repeal (5)(e.5)**" and substitute "**add**  
2 **(5)(e.4)**".

3 Page 5, strike line 25 and substitute:

4 "(e.4) CARELESS DRIVING RESULTING IN SERIOUS BODILY INJURY  
5 ..... 8".

6 Page 5, after line 25 insert:

7 "**SECTION 5.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
8 (1)(cc.5) as follows:

9 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
10 purpose, including the expansion of the rights of any defendant:

11 (1) "Crime" means any of the following offenses, acts, and  
12 violations as defined by the statutes of the state of Colorado, whether  
13 committed by an adult or a juvenile:

14 (cc.5) Careless driving, in violation of section 42-4-1402 (2)(b)(II)  
15 OR (2)(c), ~~C.R.S.~~, that results in the SERIOUS BODILY INJURY OR death of  
16 another person;".

17 Page 5, strike lines 26 and 27.

18 Page 6, strike lines 1 through 10 and substitute:

19 "**SECTION 6. Act subject to petition - effective date -**  
20 **applicability.** (1) This act takes effect April 1, 2027; except that, if a  
21 referendum petition is filed pursuant to section 1 (3) of article V of the  
22 state constitution against this act or an item, section, or part of this act  
23 within the ninety-day period after final adjournment of the general  
24 assembly, then the act, item, section, or part will not take effect unless  
25 approved by the people at the general election to be held in November  
26 2026 and, in such case, will take effect April 1, 2027, or on the date of the  
27 official declaration of the vote thereon by the governor, whichever is  
28 later.

29 (2) This act applies to offenses committed on or after the  
30 applicable effective date of this act.".

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