

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1147.01 Richard Sweetman x4333

HOUSE BILL 16-1378

HOUSE SPONSORSHIP

Ginal,

SENATE SPONSORSHIP

Crowder,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING COURTS TO COLLECT MONEY FROM DUI**
102 **OFFENDERS FOR THE PURPOSE OF REIMBURSING LAW**
103 **ENFORCEMENT AGENCIES FOR THE COST OF PERFORMING**
104 **CHEMICAL TESTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law, upon a motion by a prosecuting attorney and at the discretion of the court, a convicted DUI defendant may be required to reimburse a law enforcement agency for any costs resulting from the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

collection and analysis of any chemical test upon the defendant. The bill requires the court to collect such costs from the defendant and transfer them to the law enforcement agency.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-701, **amend**
3 (2) (j); and **add** (2) (j.5) as follows:

4 **18-1.3-701. Judgment for costs and fines.** (2) The costs
5 assessed pursuant to subsection (1) of this section or section 16-18-101,
6 C.R.S., may include:

7 (j) On proper motion of the prosecuting attorney and at the
8 discretion of the court, any other reasonable and necessary costs incurred
9 by the prosecuting attorney or ~~law enforcement agency~~ COLORADO STATE
10 PATROL that are directly the result of the prosecution of the defendant,
11 including the costs resulting from the collection and analysis of any
12 chemical test upon the defendant pursuant to section 42-4-1301.1, C.R.S.,
13 which costs shall be reimbursed by the defendant directly to the ~~law~~
14 ~~enforcement agency that performed such chemical tests~~ COLORADO STATE
15 PATROL.

16 (j.5) ON PROPER MOTION OF THE PROSECUTING ATTORNEY AND AT
17 THE DISCRETION OF THE COURT, ANY OTHER REASONABLE AND NECESSARY
18 COSTS INCURRED BY THE PROSECUTING ATTORNEY OR LAW ENFORCEMENT
19 AGENCY OTHER THAN THE COLORADO STATE PATROL THAT ARE DIRECTLY
20 THE RESULT OF THE PROSECUTION OF THE DEFENDANT, INCLUDING THE
21 COSTS RESULTING FROM THE COLLECTION AND ANALYSIS OF ANY
22 CHEMICAL TEST UPON THE DEFENDANT PURSUANT TO SECTION
23 42-4-1301.1, C.R.S., WHICH COSTS, IF THEY ARE INCLUDED BY THE
24 COURT, THE COURT SHALL ASSESS AGAINST THE DEFENDANT, COLLECT

1 FROM THE DEFENDANT, AND TRANSFER TO THE LAW ENFORCEMENT
2 AGENCY THAT PERFORMED THE CHEMICAL TESTS.

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2016 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.