



Colorado
Legislative
Council
Staff

HB16-1032

FINAL
FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0554

Date: July 14, 2016

Prime Sponsor(s): Rep. Lontine
Sen. Todd; Cooke

Bill Status: Signed into Law

Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: CHANGES TO SUMMONS FOR MISDEMEANORS AND TRAFFIC OFFENSES

Summary of Legislation

For summons and complaints served to a person for misdemeanors, petty offenses, and misdemeanor traffic offenses, this bill, as amended, removes the requirement that the summons contain a place for the defendant to sign, promising to appear at the time and place specified in the summons. The bill requires that the summons and complaint submitted to the Department of Revenue and relevant county court contain the defendant's name and address and if relevant, license plate number and driver's license number.

Background

Most law enforcement agencies in Colorado use a uniform paper citation (to be used as either a summons and complaint or as a penalty assessment notice, depending on the circumstances) whenever a person commits a misdemeanor, petty offense, or misdemeanor traffic offense. For lower level infractions, a peace officer typically issues a penalty assessment, which is not signed by the person, and that person has 40 days to satisfy the complaint (by paying the fine, for example). If the complaint is not resolved within this time period, it automatically becomes a criminal summons and the person is required to appear in court. If the person does not appear when required, a warrant may be issued by the court. For more serious infractions, at the point of citation, a peace officer issues a summons and complaint instead of a penalty assessment. This summons includes a place and time for the defendant to appear before the court. For paper copy forms, the peace officer signs the summons and there is a place for the defendant to acknowledge service of that summons.

Local Government Impact

This bill may reduce workload and costs for law enforcement agencies that issue electronic summons. For example, the Denver Police Department uses an electronic system, which is not able to capture the signature of the defendant. Accordingly, Denver Police must create a separate document for this purpose, which must then be scanned in its record department so that it may be transmitted to the courts and the Department of Revenue. By omitting the need to obtain a signature, these steps can be avoided. The bill may also reduce workload for agencies that are able to electronically capture a driver's license or license plate number, as the bill will not require this information to be printed on the copy of the summons that is given to the defendant.

Effective Date

The bill was signed into law by the Governor on March 22, 2016, and takes effect August 10, 2016, assuming no referendum petition is filed.

State and Local Government Contacts

Counties
Municipalities
Sheriffs

Information Technology
Public Safety

Judicial
Revenue