

CHAPTER 37

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 16-1032

BY REPRESENTATIVE(S) Lontine, Melton, Pabon, Rosenthal, Vigil;
also SENATOR(S) Todd and Cooke, Baumgardner, Woods.

AN ACT**CONCERNING CHANGES TO THE CONTENTS OF A CRIMINAL SUMMONS.**

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

SECTION 1. In Colorado Revised Statutes, 42-4-1707, **amend** (1) (a) as follows:

42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (1) (a) Whenever a person commits a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense, other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of section 42-4-1701 (5) (a), and such person is not required by the provisions of section 42-4-1705 to be arrested and taken without unnecessary delay before a county judge, the peace officer may issue and serve upon the defendant a summons and complaint which ~~shall~~ **MUST** contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; ~~shall~~ direct the defendant to appear in a specified county court at a specified time and place; ~~shall~~ **AND** be signed by the peace officer. ~~and shall contain a place for the defendant to execute a written promise to appear at the time and place specified in the summons portion of the summons and complaint;~~ **THE SUMMONS AND COMPLAINT SUBMITTED TO THE DEPARTMENT OF REVENUE AND THE COUNTY COURT BEFORE WHICH APPEARANCE IS REQUIRED, EITHER BY PAPER OR ELECTRONIC SUBMISSION, MUST CONTAIN THE NAME AND ADDRESS OF THE DEFENDANT, THE LICENSE OF THE VEHICLE INVOLVED, IF ANY, AND THE NUMBER OF THE DEFENDANT'S DRIVER'S LICENSE, IF ANY.**

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

SECTION 2. Act subject to petition - effective date. This act takes 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 10, 2016, if adjournment sine die is on May 11, 2016); 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 will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 22, 2016