



Legislative Council Staff

Research Note

Version: Final

Date: 7/26/2016

Bill Number

House Bill 16-1378

Sponsors

Representative Ginal
Senator Crowder

Short Title

Court To Collect And Transfer
Costs Of DUI Tests

Research Analyst

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Status

This research note reflects the final version of the bill, which was signed by the Governor on June 10, 2016, and becomes effective August 10, 2016, assuming no petition is filed.

Summary

The bill clarifies that, when a court orders that a defendant reimburse the costs of chemical tests to law enforcement agencies after a successful prosecution, the court is required to collect those moneys, except for costs due to the Colorado State Patrol, and transfer them to the law enforcement agency that performed the chemical test.

Background

When a law enforcement agency collects and analyzes a chemical test as a result of an alcohol or drug motor vehicle offense, such as a blood alcohol test, Colorado law allows the court to order the defendant to reimburse the law enforcement agency for the cost of the collection and analysis. The court has discretion whether to order the defendant to reimburse the costs of chemical tests.

House Action

House Finance Committee (April 20, 2016). At the hearing, representatives of the El Paso County Sheriff's Office, the Colorado Association of Chiefs of Police, the Fourth Judicial District Attorney's Office, the Boulder County Commissioners, and the Boulder County Sheriff testified in support of the bill. The bill was laid over for action only.

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House Finance Committee (April 21, 2016). At the hearing, a representative of the Colorado State Patrol answered committee questions. The committee adopted amendment L.007, which specified that in cases involving the Colorado State Patrol, the costs will be directly reimbursed to the Colorado State Patrol, and that in all other cases, the court shall collect reimbursed costs from the defendant and transfer those costs to the law enforcement agency that performed the chemical test. The committee referred the bill, as amended, to the House Committee of the Whole.

House second reading (April 25, 2016). The House adopted the House Finance Committee report and passed the bill on second reading with no additional amendments.

House third reading (April 27, 2016). The House passed the bill on third reading with no amendments.

House Consideration of Amendments (May 5, 2016). The House concurred with Senate amendments and repassed the bill.

Senate Action

Senate Judiciary Committee (May 2, 2016). At the hearing, representatives of the Associated Governments of Northwest Colorado and the El Paso County's Sheriff's Office testified in support of the bill. The committee referred the bill to the Senate Committee of the Whole with the recommendation that it be placed on the consent calendar.

Senate second reading (May 3, 2016). The Senate adopted amendments L.008 and L.009. Amendment L.008 struck language regarding the inclusion of costs by the court. Amendment L.009 added language requiring a successful prosecution in order for costs to be reimbursed by the defendant. The Senate passed the bill, as amended, on second reading.

Senate third reading (May 4, 2016). The Senate passed the bill on third reading with no amendments.