

CHAPTER 303

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 16-1378

BY REPRESENTATIVE(S) Ginal, Duran, Fields, Primavera, Young;
also SENATOR(S) Crowder, Cadman.**AN ACT****CONCERNING REQUIRING COURTS TO COLLECT MONEY FROM DUI OFFENDERS FOR THE PURPOSE OF REIMBURSING LAW ENFORCEMENT AGENCIES FOR THE COST OF PERFORMING CHEMICAL TESTS.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, 18-1.3-701, **amend** (2) (j); and **add** (2) (j.5) as follows:**18-1.3-701. Judgment for costs and fines.** (2) The costs assessed pursuant to subsection (1) of this section or section 16-18-101, C.R.S., may include:

(j) On proper motion of the prosecuting attorney and at the discretion of the court, any other reasonable and necessary costs incurred by the prosecuting attorney or ~~law enforcement agency~~ COLORADO STATE PATROL that are directly the result of the successful prosecution of the defendant for a violation of section 42-4-1301, C.R.S., including the costs resulting from the collection and analysis of any chemical test upon the defendant pursuant to section 42-4-1301.1, C.R.S., which costs shall be reimbursed by the defendant directly to the ~~law enforcement agency that performed such chemical tests~~ COLORADO STATE PATROL.

(j.5) ON PROPER MOTION OF THE PROSECUTING ATTORNEY AND AT THE DISCRETION OF THE COURT, ANY OTHER REASONABLE AND NECESSARY COSTS INCURRED BY THE PROSECUTING ATTORNEY OR LAW ENFORCEMENT AGENCY OTHER THAN THE COLORADO STATE PATROL THAT ARE DIRECTLY THE RESULT OF THE SUCCESSFUL PROSECUTION OF THE DEFENDANT FOR A VIOLATION OF SECTION 42-4-1301, C.R.S., INCLUDING THE COSTS RESULTING FROM THE COLLECTION AND ANALYSIS OF ANY CHEMICAL TEST UPON THE DEFENDANT PURSUANT TO SECTION 42-4-1301.1, C.R.S., WHICH COSTS THE COURT SHALL ASSESS AGAINST THE

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

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

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: June 10, 2016