

## CHAPTER 222

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**CRIMINAL LAW AND PROCEDURE**


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## HOUSE BILL 17-1077

BY REPRESENTATIVE(S) Valdez, Becker K., Garnett, Mitsch Bush, Young;  
also SENATOR(S) Coram, Guzman, Moreno.

## AN ACT

## CONCERNING THE USEFUL PUBLIC SERVICE CASH FUND.

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

**SECTION 1.** In Colorado Revised Statutes, 18-1.3-507, **amend** (6) as follows:

**18-1.3-507. Community or useful public service - misdemeanors - useful public service cash fund created.** (6) (a) The court shall assess ~~an amount~~ A FEE, not to exceed one hundred twenty dollars, upon every person required to perform community or useful public service pursuant to section 18-1.3-501 (2), 18-18-432, OR 42-4-1301.4. THE AMOUNT OF THE FEE MUST BE COMMENSURATE WITH THE COSTS OF ADMINISTERING THE PERSON'S COMMUNITY OR USEFUL PUBLIC SERVICE PROGRAM. ~~The court may waive this fee if the court determines the defendant to be indigent.~~ IN COUNTIES WHERE THE JUDICIAL DEPARTMENT OPERATES THE LOCAL USEFUL PUBLIC SERVICE PROGRAM, THE COURT SHALL TRANSFER EACH SUCH FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE FUND CREATED IN SECTION 18-1.3-507.5.

(b) ~~Such amount shall~~ MONEY COLLECTED AS FEES PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION MAY be used by the operating agency responsible for overseeing such person's community or useful public service program OR BY THE JUDICIAL DEPARTMENT, AS MAY BE APPLICABLE, to pay the cost of administration of the program and the cost of personal services. ~~Such amount is to be commensurate with program costs in providing services and shall be adjusted from time to time by the general assembly to insure that the operating agencies shall be financially self-supporting.~~ The proceeds from such amounts shall MAY be used by the operating agency only for defraying the cost of personal services and other operating expenses related to the administration of the program, a general liability

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

policy covering such person, and, if such person will be covered by workers' compensation insurance pursuant to subsection (5) of this section or an insurance policy providing such or similar coverage, the cost of purchasing and keeping in force such insurance coverage and ~~shall~~ MAY not be used by the operating agency for any other purpose.

**SECTION 2.** In Colorado Revised Statutes, **add** 18-1.3-507.5 as follows:

**18-1.3-507.5. Useful public service cash fund created.** (1) THE USEFUL PUBLIC SERVICE CASH FUND, REFERRED TO WITHIN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY COLLECTED AS FEES AND CREDITED TO THE FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE JUDICIAL DEPARTMENT FOR THE COST OF ADMINISTERING USEFUL PUBLIC SERVICE PROGRAMS AND ASSOCIATED COSTS FOR PERSONAL SERVICES; EXCEPT THAT THE FUND IS SUBJECT TO THE LIMITATIONS ON UNCOMMITTED RESERVES DESCRIBED IN SECTION 24-75-402.

(2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND MAY NOT BE TRANSFERRED TO THE GENERAL FUND OR TO ANOTHER FUND.

(3) IN COUNTIES WHERE THE JUDICIAL DEPARTMENT OPERATES A USEFUL PUBLIC SERVICE PROGRAM AS PROVIDED IN SECTION 18-1.3-507, 18-18-432, OR 42-4-1301.4, THE COURT SHALL COLLECT ANY MONEY ASSESSED AS FEES PURSUANT TO SUCH SECTIONS AND TRANSFER SUCH MONEY TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

**SECTION 3. 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 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 21, 2017