NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 02-036

BY SENATOR(S) Fitz-Gerald;
also REPRESENTATIVE(S) Lee and Larson.

CONCERNING THE ASSESSMENT OF PUBLIC SERVICE FEES.

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

SECTION 1. 16-11-701 (2) (a), (5), and (6), Colorado Revised Statutes, are amended to read:

16-11-701. Community or useful public service - misdemeanors. (2) (a) A probation department, sentencing court, county sheriff, board of county commissioners, or any other governmental entity, or a private nonprofit OR FOR-PROFIT entity which has a contract with a governmental entity, may establish a community or useful public service program. It is the purpose of the community or useful public service program: To identify and seek the cooperation of governmental entities and political subdivisions thereof, as well as corporations ~~organized not for profit~~ OR ASSOCIATIONS, for the purpose of providing community or useful public service jobs; to interview persons who have been ordered by the court to perform community or useful public service and to assign such persons to suitable community or useful public service jobs; and to monitor compliance or noncompliance of such persons in performing community or useful public

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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.

service assignments within the time established by the court.

(5) No governmental entity or private nonprofit OR FOR-PROFIT entity which has a contract with a governmental entity shall be liable under the "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8, C.R.S., or under the "Colorado Employment Security Act", articles 70 to 82 of title 8, C.R.S., for any benefits on account of any person who is sentenced to participate in any type of community or useful public service, but nothing in this subsection (5) shall prohibit a governmental entity or private nonprofit OR FOR-PROFIT entity from electing to accept the provisions of the "Workers' Compensation Act of Colorado" by purchasing and keeping in force a policy of workers' compensation insurance covering such person.

(6) The court shall assess an amount, not to exceed ~~sixty~~ ONE HUNDRED TWENTY dollars, upon every person required to perform community or useful public service pursuant to section 18-1-106 (2), C.R.S. The court may waive this fee if the court determines the defendant to be indigent. Such amount shall be used by the operating agency responsible for overseeing such person's community or useful public service program 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 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 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 not be used by the operating agency for any other purpose.

SECTION 2. 42-4-1301 (9) (i) (V), Colorado Revised Statutes, is amended to read:

42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - tests - penalties - useful public service program - alcohol and drug driving safety program. (9) (i) (V) On and after July 1, 1984, in addition to any other penalties

prescribed in this subsection (9), the court shall assess an amount, not to exceed ~~sixty~~ ONE HUNDRED TWENTY dollars, upon any person required to perform useful public service. Such amount shall be used by the operating agency responsible for overseeing such person's useful public service program to pay the cost of administration of the program, a general public liability policy covering such person, and, if such person will be covered by workers' compensation insurance pursuant to subparagraph (IV) of this paragraph (i) or an insurance policy providing such or similar coverage, the cost of purchasing and keeping in force such insurance coverage. Such amount shall be adjusted from time to time by the general assembly in order to insure that the useful public service program established in this subsection (9) shall be financially self-supporting. The proceeds from such amounts shall 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 and the cost of purchasing and keeping in force policies of general public liability insurance, workers' compensation insurance, or insurance providing such or similar coverage and shall not be used by the operating agency for any other purpose.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2002, and shall apply to persons sentenced to perform community or useful public service on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Stan Matsunaka PRESIDENT OF THE SENATE	Doug Dean SPEAKER OF THE HOUSE OF REPRESENTATIVES
Karen Goldman SECRETARY OF THE SENATE	Judith Rodrigue CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO