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

HOUSE BILL 03-1378

BY REPRESENTATIVE(S) Hefley, Williams T., Madden, Carroll, Coleman, Crane, Fairbank, Jahn, Judd, Lee, Lundberg, Mitchell, Romanoff, Spradley, Stengel, Veiga, Butcher, Frangas, and Williams S.;
also SENATOR(S) Anderson, Dyer, Taylor, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Jones, Kester, Lamborn, Windels, and Phillips.

CONCERNING MONEYS DEPOSITED IN THE STATE COMMISSION ON JUDICIAL PERFORMANCE CASH FUND, AND, IN CONNECTION THEREWITH, INCREASING THE DOCKET FEES FOR CRIMINAL AND TRAFFIC ACTIONS, AND MAKING AN APPROPRIATION.

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

SECTION 1. 13-32-105 (1), Colorado Revised Statutes, is amended to read:

13-32-105. Docket fees in criminal actions. (1) (a) At the time of the first appearance of the defendant in all criminal actions in all courts of record except the county court, court of appeals, and the supreme court, there shall be charged against the defendant a total docket fee of thirty dollars, which shall be payable upon conviction of the defendant. In county

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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.

courts, the total docket fee in criminal actions shall be eighteen dollars, which shall be payable by the defendant upon ~~his~~ conviction. These fees shall cover all clerks' fees prior to judgment.

(b) ON AND AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE DOCKET FEE IN ALL CRIMINAL ACTIONS IN ALL COURTS OF RECORD EXCEPT THE COUNTY COURT, COURT OF APPEALS, AND THE SUPREME COURT, SHALL BE INCREASED BY FIVE DOLLARS AND THE DOCKET FEE IN COUNTY COURT CRIMINAL ACTIONS SHALL BE INCREASED BY THREE DOLLARS. THE ADDITIONAL REVENUE GENERATED BY THE DOCKET FEE INCREASES SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE STATE COMMISSION ON JUDICIAL PERFORMANCE CASH FUND CREATED IN SECTION 13-5.5-107.

SECTION 2. 42-4-1710 (4) (a), Colorado Revised Statutes, is amended to read:

42-4-1710. Failure to pay penalty for traffic infractions - procedures. (4) (a) (I) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge thereon, a docket fee of sixteen dollars, and other applicable costs authorized by section 13-16-122 (1), C.R.S. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to section 42-4-1701 (4) (a). If a penalty assessment notice is prohibited by section 42-4-1701 (5) (c), the penalty shall be assessed pursuant to section 42-4-1701 (3) (a).

(II) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), THE DOCKET FEE ASSESSED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL BE INCREASED BY THREE DOLLARS. THE ADDITIONAL REVENUE GENERATED BY THE DOCKET FEE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE STATE COMMISSION ON JUDICIAL PERFORMANCE CASH FUND CREATED IN SECTION 13-5.5-107, C.R.S.

SECTION 3. 13-5.5-107, Colorado Revised Statutes, is amended to read:

13-5.5-107. Acceptance of private or federal grants - general appropriations. The state commission is authorized to accept any grants of federal or private funds made available for any purpose consistent with

the provisions of this article. Any funds received pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to the state commission on judicial performance cash fund, which is hereby created AND REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL ALSO INCLUDE THE AMOUNT OF THE INCREASES IN DOCKET FEES COLLECTED PURSUANT TO SECTIONS 13-32-105 (1) AND 42-4-1710 (4) (a), C.R.S. ANY INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. Moneys in the fund may be expended by the state commission, subject to annual appropriation by the general assembly, for the purposes of this article. In addition, the general assembly may make annual appropriations from the general fund for the purposes of this article.

SECTION 4. 24-75-402 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(q) THE STATE COMMISSION ON JUDICIAL PERFORMANCE CASH FUND CREATED IN SECTION 13-5.5-107, C.R.S.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state commission on judicial performance cash fund created in section 13-5.5-107, Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2003, the sum of five hundred sixty-one thousand forty-two dollars ($561,042), or so much thereof as may be necessary, for the implementation of the provisions of article 5.5 of title 13, Colorado Revised Statutes. Of said sum, five hundred thirty-eight thousand dollars ($538,000) shall be from cash funds, and twenty-three thousand forty-two dollars ($23,042) shall be cash funds exempt from reserves in the state commission on judicial performance cash fund.

SECTION 6. 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.

Lola Spradley SPEAKER OF THE HOUSE OF REPRESENTATIVES	John Andrews PRESIDENT OF THE SENATE
Judith Rodrigue CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Mona Heustis SECRETARY OF THE SENATE

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO