

HB1073\_L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB15-1073 be amended as follows:

- 1 Amend printed bill, page 2, line 5, strike "(I)".
- 2 Page 2, strike lines 8 and 9 and substitute "per se, or DWAI. The hearing  
3 officer shall consider such issues when a driver raises them as defenses  
4 IF A DRIVER SO CHALLENGES THE VALIDITY OF THE LAW ENFORCEMENT  
5 OFFICER'S INITIAL CONTACT, AND THE EVIDENCE DOES NOT ESTABLISH  
6 THAT THE INITIAL CONTACT OR ARREST WAS CONSTITUTIONALLY AND  
7 STATUTORILY VALID, THE DRIVER IS NOT SUBJECT TO LICENSE  
8 REVOCATION."
- 9 Page 2, strike lines 10 through 12.
- 10 Page 2, after line 12, insert:
- 11 "SECTION 2. In Colorado Revised Statutes, amend 42-1-228 as  
12 follows:
- 13 **42-1-228. Revocation hearings - right of driver to challenge**  
14 **validity of initial traffic stop.** In any administrative proceeding for a  
15 revocation of a driver's license pursuant to article 2 of this title, where the  
16 hearing officer is engaged in finding facts and applying law for an  
17 incident or offense reported directly to the department by a law  
18 enforcement officer, and where the revocation was not triggered in whole  
19 or in part by a record of a conviction, the driver may challenge the  
20 validity of the law enforcement officer's initial contact with the driver and  
21 subsequent arrest of the driver. ~~The hearing officer shall consider such~~  
22 ~~issues when a driver raises them as defenses:~~ IF A DRIVER SO CHALLENGES  
23 THE VALIDITY OF THE LAW ENFORCEMENT OFFICER'S INITIAL CONTACT,  
24 AND THE EVIDENCE DOES NOT ESTABLISH THAT THE INITIAL CONTACT OR  
25 ARREST WAS CONSTITUTIONALLY AND STATUTORILY VALID, THE DRIVER  
26 IS NOT SUBJECT TO LICENSE REVOCATION."
- 27 Renumber succeeding section accordingly.

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