

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0956.01 Michael Dohr

HOUSE BILL 09-1321

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

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House Committees

Judiciary
Appropriations

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A BILL FOR AN ACT

101 **CONCERNING THE PLACEMENT OF A JUVENILE WHO IS AWAITING TRIAL**
102 **IN DISTRICT COURT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Precludes a juvenile from being held in a jail or adult lockup unless the juvenile is charged as an adult, either after a transfer hearing (transfer) or by the direct filing of charges in district court (direct file), and the district court determines after a hearing that such a placement is appropriate. Outlines the factors that the court shall consider when determining whether to hold a juvenile in a jail or adult lockup. Directs the court to hold the hearing within 30 days after transfer or direct file,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

and provides that the juvenile shall be held in a juvenile facility until the hearing is held. If the juvenile is ordered held in a jail or adult lockup, permits the juvenile to petition the court for placement in a juvenile facility based on a change in circumstances.

Makes conforming amendments.

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

SECTION 1. 19-2-508 (4), Colorado Revised Statutes, is amended to read:

19-2-508. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions - repeal. (4) (a) ~~No jail shall receive a juvenile for detention following a detention hearing pursuant to this section unless the juvenile has been ordered by the court to be held for criminal proceedings as an adult pursuant to a transfer or unless the juvenile is to be held for criminal proceedings as an adult pursuant to a direct filing. No juvenile under the age of fourteen and, except upon order of the court, no juvenile fourteen years of age or older shall be detained in a jail, lockup, or other place used for the confinement of adult offenders. The exception for detention in a jail shall be used only if the juvenile is being held for criminal proceedings as an adult pursuant to a direct filing or transfer. A JAIL OR OTHER FACILITY FOR PRETRIAL DETENTION OF ADULT OFFENDERS SHALL NOT RECEIVE A JUVENILE FOR DETENTION FOLLOWING A DETENTION HEARING UNLESS THE JUVENILE HAS BEEN ORDERED BY THE COURT TO BE HELD FOR CRIMINAL PROCEEDINGS AS AN ADULT PURSUANT TO A TRANSFER PETITION UNDER SECTION 19-2-518 OR PURSUANT TO THE DIRECT FILING OF AN INFORMATION IN THE DISTRICT COURT OR BY INDICTMENT PURSUANT TO SECTION 19-2- 517 AND THE DISTRICT COURT FINDS, AFTER A HEARING, THAT IT IS IN THE INTERESTS OF JUSTICE TO~~

1 DETAIN THE JUVENILE IN AN ADULT FACILITY.

2 (b) IN DETERMINING WHETHER IT IS IN THE INTERESTS OF JUSTICE
3 TO PERMIT A JUVENILE TO BE HELD IN A JAIL OR OTHER FACILITY FOR
4 PRETRIAL DETENTION OF ADULT OFFENDERS, THE DISTRICT COURT MAY
5 PROCEED BY OFFER OF PROOF AND SHALL CONSIDER THE FOLLOWING
6 FACTORS:

7 (I) THE AGE OF THE JUVENILE;

8

9 (II) THE NATURE, SERIOUSNESS, AND CIRCUMSTANCES OF THE
10 ALLEGED OFFENSE;

11 (III) THE JUVENILE'S HISTORY OF PRIOR DELINQUENT OR CRIMINAL
12 ACTS;

13

14 (IV) WHETHER DETENTION IN A JUVENILE FACILITY WILL
15 ADEQUATELY SERVE THE NEED FOR COMMUNITY PROTECTION PENDING
16 THE OUTCOME OF THE CRIMINAL PROCEEDINGS;

17 (V) WHETHER DETENTION IN A JUVENILE FACILITY WILL
18 NEGATIVELY IMPACT THE FUNCTIONING OF THE JUVENILE FACILITY BY
19 COMPROMISING THE GOALS OF DETENTION TO MAINTAIN A SAFE, POSITIVE
20 AND SECURE ENVIRONMENT FOR ALL JUVENILES WITHIN THE FACILITY;

21 (VI) THE RELATIVE ABILITY OF THE AVAILABLE ADULT AND
22 JUVENILE DETENTION FACILITIES TO MEET THE NEEDS OF THE JUVENILE
23 AND PROTECT THE PUBLIC; AND

24 (VII) WHETHER THE JUVENILE PRESENTS AN IMMINENT RISK OF
25 HARM TO HIMSELF OR OTHERS WITHIN A JUVENILE FACILITY;

26 (VIII) THE PHYSICAL MATURITY OF THE JUVENILE;

27 (IX) THE CURRENT MENTAL STATE OR MATURITY OF THE JUVENILE

1 AS EVIDENCED BY RELEVANT MENTAL HEALTH OR PSYCHOLOGICAL
2 ASSESSMENTS OR SCREENINGS THAT ARE MADE AVAILABLE TO BOTH THE
3 DISTRICT ATTORNEY AND COUNSEL FOR THE DEFENDANT; AND

4 (X) ANY OTHER RELEVANT FACTORS.

5 (c) THE AMOUNT OF WEIGHT TO BE GIVEN TO EACH OF THE
6 FACTORS LISTED IN PARAGRAPH (b) OF THIS SUBSECTION (4) IS
7 DISCRETIONARY WITH THE COURT.

8 (d) THE DISTRICT COURT SHALL HOLD A HEARING ON THE PLACE OF
9 PRETRIAL DETENTION FOR THE JUVENILE AS SOON AS PRACTICABLE BUT NO
10 LATER THAN THIRTY DAYS AFTER THE DATE OF THE ORDER THAT THE
11 JUVENILE BE HELD FOR CRIMINAL PROCEEDINGS AS AN ADULT PURSUANT
12 TO SECTION 19-2-518 OR 19-2-517; EXCEPT THAT A HEARING SHALL NOT
13 BE HELD IF THE JUVENILE IS CHARGED WITH A CLASS 1 FELONY, IN SUCH
14 CASE, THE JUVENILE SHALL BE HELD IN THE JAIL, UNLESS THE DISTRICT
15 ATTORNEY STIPULATES TO THE JUVENILE REMAINING IN A JUVENILE
16 FACILITY. THE JUVENILE SHALL REMAIN IN A JUVENILE FACILITY PENDING
17 THE COURT HEARING; HOWEVER, A JUVENILE MAY WAIVE HIS OR HER
18 RIGHT TO A HEARING PURSUANT TO THIS SUBSECTION (4) AND CONSENT TO
19 DETENTION IN A JAIL OR OTHER ADULT FACILITY PENDING THE OUTCOME
20 OF THE CRIMINAL PROCEEDINGS.

21 (e) THE DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF
22 HUMAN SERVICES SHALL HAVE THE AUTHORITY TO DETAIN THE JUVENILE
23 AT ANY SECURE FACILITY OPERATED BY THE DIVISION FOR THE CARE OF
24 JUVENILES ORDERED DETAINED OR COMMITTED TO THE DIVISION OF YOUTH
25 CORRECTIONS CONSISTENT WITH ANY AND ALL POLICIES AND PROCEDURES
26 ESTABLISHED BY THE DIVISION FOR THE SAFE AND EFFECTIVE PLACEMENT
27 AND TREATMENT OF JUVENILES.

1 (f) THE DISTRICT ATTORNEY OR THE DIVISION OF YOUTH
2 CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES MAY PETITION
3 THE COURT AT ANY TIME DURING THE JUVENILE'S PLACEMENT IN A
4 JUVENILE FACILITY FOR A FORTHWITH HEARING TO CONSIDER THE
5 TERMINATION OF THE JUVENILE'S PLACEMENT IN A JUVENILE FACILITY IF
6 THE JUVENILE PRESENTS AN IMMINENT DANGER TO THE OTHER JUVENILES
7 OR STAFF AT THE DETENTION FACILITY. AT THE HEARING, THE COURT
8 SHALL CONSIDER THE EVIDENCE OF IMMINENT DANGER AS WELL AS THE
9 FACTORS OUTLINED IN PARAGRAPH (b) OF THIS SUBSECTION (4).

10 (g) IF THE DISTRICT COURT DETERMINES THAT IT IS IN THE
11 INTERESTS OF JUSTICE TO PERMIT A JUVENILE CHARGED AS AN ADULT TO
12 BE HELD IN A JAIL OR OTHER FACILITY FOR THE DETENTION OF ADULT
13 OFFENDERS, THE JUVENILE MAY PETITION THE COURT FOR REVIEW OF THAT
14 DECISION IF THERE IS A SUBSTANTIAL CHANGE OF CIRCUMSTANCES THAT
15 WOULD AFFECT THE COURT'S DETERMINATION REGARDING THE FACTORS
16 OUTLINED IN PARAGRAPH (b) OF THIS SUBSECTION (4).

17 ~~(b)~~ (h) Whenever a juvenile is held pursuant to a direct filing or
18 transfer in a facility where adults are held, the juvenile shall be physically
19 segregated from the adult offenders.

20 ~~(e)~~ (i) The official in charge of a jail or other facility for the
21 detention of adult offenders shall immediately inform the court that has
22 jurisdiction of the juvenile's alleged offense when a juvenile who is or
23 appears to be under eighteen years of age is received at the facility, except
24 for a juvenile ordered by the court to be held for criminal proceedings as
25 an adult.

26 ~~(d)~~ (j) (I) Any juvenile arrested and detained for an alleged
27 violation of any article of title 42, C.R.S., or for any alleged violation of

1 a municipal or county ordinance, and not released on bond, shall be taken
2 before a judge with jurisdiction of such violation within forty-eight hours
3 for the fixing of bail and conditions of bond pursuant to subparagraph
4 (IV) of paragraph (a) of subsection (3) of this section. A juvenile may be
5 detained in a jail, lockup, or other place used for the confinement of adult
6 offenders only for processing for no longer than six hours and during
7 such time shall be placed in a setting that is physically segregated by sight
8 and sound from the adult offenders, and in no case may the juvenile be
9 detained in such place overnight. After six hours, the juvenile may be
10 further detained only in a juvenile detention facility operated by or under
11 contract with the department of human services. In calculating time
12 under this subsection (4), Saturdays, Sundays, and legal holidays shall be
13 included.

14 (II) A sheriff or police chief who violates the provisions of
15 subparagraph (I) of this paragraph ~~(d)~~ (j) may be subject to a civil fine of
16 no more than one thousand dollars. The decision to fine shall be based
17 on prior violations of the provisions of subparagraph (I) of this paragraph
18 ~~(d)~~ (j) by the sheriff or police chief and the willingness of the sheriff or
19 police chief to address the violations in order to comply with
20 subparagraph (I) of this paragraph ~~(d)~~ (j).

21 ~~(e)~~ (k) The official in charge of a jail, lockup, or other facility for
22 the confinement of adult offenders that receives a juvenile for detention
23 should, wherever possible, take such measures as are reasonably
24 necessary to restrict the confinement of any such juvenile with known
25 past or current affiliations or associations with any gang so as to prevent
26 contact with other inmates at such jail, lockup, or other facility. The
27 official should, wherever possible, also take such measures as are

1 reasonably necessary to prevent recruitment of new gang members from
2 among the general inmate population. For purposes of this paragraph ~~(e)~~
3 **(k)**, "gang" is defined in section 19-1-103 (52).

4 ~~(f)~~ **(l)** Any person who is eighteen years of age or older who is
5 being detained for a delinquent act or criminal charge over which the
6 juvenile court has jurisdiction shall be detained in the county jail in the
7 same manner as if such person is charged as an adult.

8 ~~(g)~~ **(m)** A juvenile court shall not order a juvenile offender who
9 is under eighteen years of age at the time of sentencing to enter a secure
10 setting or secure section of an adult jail or lockup as a disposition for an
11 offense or as a means of modifying the juvenile offender's behavior.

12 **SECTION 2.** 19-2-503 (1), Colorado Revised Statutes, is
13 amended to read:

14 **19-2-503. Issuance of a lawful warrant taking a juvenile into**
15 **custody.** (1) A lawful warrant taking a juvenile into custody may be
16 issued pursuant to this section by any judge of a court of record or by a
17 juvenile magistrate upon receipt of an affidavit relating facts sufficient to
18 establish probable cause to believe that a delinquent act has been
19 committed and probable cause to believe that a particular juvenile
20 committed that act. Upon receipt of such affidavit, the judge or
21 magistrate shall issue a lawful warrant commanding any peace officer to
22 take the juvenile named in the affidavit into custody and to take him or
23 her without unnecessary delay before the nearest judge of the juvenile
24 court or magistrate as provided in section ~~19-2-508 (4) (d)~~ 19-2-508 (4)
25 **(j)**.

26 **SECTION 3.** 42-4-1706 (2) (a), Colorado Revised Statutes, is
27 amended to read:

1 **42-4-1706. Juveniles - convicted - arrested and incarcerated**
2 **- provisions for confinement.** (2) (a) Notwithstanding any other
3 provision of law, a child, as defined in section 19-1-103 (18), C.R.S.,
4 arrested and incarcerated for an alleged misdemeanor traffic offense
5 under this article, and not released on bond, shall be taken before a county
6 judge who has jurisdiction of such offense within forty-eight hours for
7 fixing of bail and conditions of bond pursuant to section ~~19-2-508 (4) (d)~~
8 19-2-508 (4) (j), C.R.S. Such child shall not be confined in a jail, lockup,
9 or other place used for the confinement of adult offenders for longer than
10 seventy-two hours, after which the child may be further detained only in
11 a juvenile detention facility operated by or under contract with the
12 department of human services. In calculating time under this subsection
13 (2), Saturdays, Sundays, and court holidays shall be included.

14 **SECTION 4.** Title 18, Colorado Revised Statutes, is amended BY
15 **THE ADDITION OF A NEW ARTICLE** to read:

16 **ARTICLE 25**

17 **Juvenile Confinement Cost and Surcharge**

18 **18-25-101. Juvenile confinement cost and surcharge.** (1)(a) A
19 **COST OF ONE DOLLAR AND FIFTY CENTS IS HEREBY LEVIED ON EACH**
20 **CRIMINAL ACTION RESULTING IN A CONVICTION OR IN A DEFERRED**
21 **JUDGMENT AND SENTENCE, AS PROVIDED IN SECTION 18-1.3-102 FOR A**
22 **FELONY, A MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE, CHARGED**
23 **PURSUANT TO STATE STATUTE. THE DEFENDANT SHALL PAY THE COSTS TO**
24 **THE CLERK OF THE COURT. EACH CLERK SHALL TRANSMIT THE MONEYS TO**
25 **THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GENERAL**
26 **FUND.**

27 (b) THE PROVISIONS OF SECTIONS 18-1.3-701 AND 18-1.3-702

1 SHALL APPLY AS TO THE COLLECTION OF COSTS LEVIED PURSUANT TO THIS
2 SUBSECTION (1).

3 (2) A SURCHARGE OF ONE DOLLAR AND FIFTY CENTS IS HEREBY
4 LEVIED AGAINST EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT
5 TO SECTION 42-4-1701, C.R.S., FOR A MISDEMEANOR OR A CLASS 1 OR
6 CLASS 2 MISDEMEANOR TRAFFIC OFFENSE UNDER STATE STATUTE THAT
7 RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE
8 COMMENCEMENT OF A CRIMINAL ACTION. ALL MONEYS COLLECTED BY
9 THE DEPARTMENT OF REVENUE PURSUANT TO THIS SUBSECTION (2) SHALL
10 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
11 SAME TO THE GENERAL FUND.

12 (3) A COST OF ONE DOLLAR AND FIFTY CENTS IS HEREBY LEVIED
13 AGAINST EACH CIVIL ACTION RESULTING IN AN ADMISSION OF LIABILITY OR
14 A JUDGMENT AGAINST THE DEFENDANT FOR A CLASS A OR CLASS B
15 TRAFFIC INFRACTION CHARGED PURSUANT TO STATE STATUTE. THE
16 DEFENDANT SHALL PAY THE COST TO THE CLERK OF THE COURT. EACH
17 CLERK SHALL TRANSMIT THE MONEYS TO THE STATE TREASURER, WHO
18 SHALL CREDIT THE SAME TO THE GENERAL FUND.

19 (4) A SURCHARGE OF ONE DOLLAR AND FIFTY CENTS IS HEREBY
20 LEVIED AGAINST EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT
21 TO SECTION 42-4-1701, C.R.S., FOR A CLASS A OR CLASS B TRAFFIC
22 INFRACTION UNDER STATE STATUTE THAT RESULTS IN PAYMENT OF THE
23 PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CIVIL ACTION.
24 ALL MONEYS COLLECTED BY THE DEPARTMENT OF REVENUE PURSUANT TO
25 THIS SUBSECTION (4) SHALL BE TRANSMITTED TO THE STATE TREASURER,
26 WHO SHALL CREDIT THE SAME TO THE GENERAL FUND.

27 (5) A SURCHARGE OF ONE DOLLAR AND FIFTY CENTS IS HEREBY

1 LEVIED AGAINST EACH PENALTY ASSESSMENT ISSUED PURSUANT TO
2 SECTION 33-6-104, C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY
3 ASSESSMENT WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL
4 MONEYS COLLECTED BY THE DIVISION OF WILDLIFE IN THE DEPARTMENT
5 OF NATURAL RESOURCES PURSUANT TO THIS SUBSECTION (5) SHALL BE
6 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
7 TO THE GENERAL FUND.

8 (6) A SURCHARGE OF ONE DOLLAR AND FIFTY CENTS IS HEREBY
9 LEVIED AGAINST EACH PENALTY ASSESSMENT ISSUED PURSUANT TO
10 SECTION 33-15-102, C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY
11 ASSESSMENT WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL
12 MONEYS COLLECTED BY THE DIVISION OF PARKS AND OUTDOOR
13 RECREATION IN THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO
14 THIS SUBSECTION (6) SHALL BE TRANSMITTED TO THE STATE TREASURER,
15 WHO SHALL CREDIT THE SAME TO THE GENERAL FUND.

16 (7) THE COURT MAY WAIVE A COST OR SURCHARGE LEVIED
17 PURSUANT TO THIS SECTION IF THE COURT DETERMINES THE DEFENDANT
18 IS INDIGENT.

19 (8) THE MONEY TRANSFERRED TO THE GENERAL FUND PURSUANT
20 TO THIS SECTION SHALL BE USED TO FOR THE COST OF IMPLEMENTING
21 SECTION 19-2-508, C.R.S.

22 **SECTION 5.** 42-4-1701, Colorado Revised Statutes, is amended
23 BY THE ADDITION OF A NEW SUBSECTION to read:

24 **42-4-1701. Traffic offenses and infractions classified -**
25 **penalties - penalty and surcharge schedule.** (8) THE SURCHARGES
26 DESCRIBED IN SUBSECTIONS (4) TO (6) OF THIS SECTION ARE SEPARATE
27 AND DISTINCT FROM A SURCHARGE LEVIED PURSUANT TO SECTION

1 18-25-101, C.R.S.

2 **SECTION 6.** 42-4-1707 (3) (a) and (6), Colorado Revised
3 Statutes, are amended to read:

4 **42-4-1707. Summons and complaint or penalty assessment**
5 **notice for misdemeanors, petty offenses, and misdemeanor traffic**
6 **offenses - release - registration.** (3) (a) Whenever a penalty assessment
7 notice for a misdemeanor, petty offense, or misdemeanor traffic offense
8 is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment
9 notice ~~which~~ THAT shall be served upon the defendant by the peace
10 officer shall contain the name and address of the defendant, the license
11 number of the vehicle involved, if any, the number of the defendant's
12 driver's license, if any, a citation of the statute alleged to have been
13 violated, a brief description of the offense, the date and approximate
14 location thereof, the amount of the penalty prescribed for the offense, the
15 amount of the ~~surcharge~~ SURCHARGES thereon pursuant to sections
16 ~~24-4.1-119 (1) (f) and 24-4.2-104 (1)~~ 18-25-101, 24-4.1-119 (1) (f), AND
17 24-4.2-104 (1), C.R.S., the number of points, if any, prescribed for the
18 offense pursuant to section 42-2-127, and the date the penalty assessment
19 notice is served on the defendant; shall direct the defendant to appear in
20 a specified county court at a specified time and place in the event the
21 penalty and ~~surcharge~~ SURCHARGES thereon are not paid; shall be signed
22 by the peace officer; and shall contain a place for the defendant to elect
23 to execute a signed acknowledgment of guilt and an agreement to pay the
24 penalty prescribed and ~~surcharge~~ SURCHARGES thereon within twenty
25 days, as well as such other information as may be required by law to
26 constitute the penalty assessment notice to be a summons and complaint,
27 should the prescribed penalty and ~~surcharge~~ SURCHARGES thereon not be

1 paid within the time allowed in section 42-4-1701.

2 (6) If the defendant is otherwise eligible to be issued a summons
3 and complaint or a penalty assessment notice for a violation of this title
4 punishable as a misdemeanor, petty offense, or misdemeanor traffic
5 offense and if the defendant does not possess a valid Colorado driver's
6 license, the defendant, in order to secure release, as provided in this
7 section, must either consent to be taken by the officer to the nearest
8 mailbox and to mail the amount of the penalty and surcharge
9 SURCHARGES thereon to the department or must execute a promise to
10 appear in court on the penalty assessment notice or on the summons and
11 complaint. If the defendant does possess a valid Colorado driver's
12 license, the defendant shall not be required to execute a promise to appear
13 on the penalty assessment notice or on the summons and complaint. The
14 peace officer shall not require any person who is eligible to be issued a
15 summons and complaint or a penalty assessment notice for a violation of
16 this title to produce or divulge such person's social security number.

17 **SECTION 7.** 42-4-1709 (1), Colorado Revised Statutes, is
18 amended to read:

19 **42-4-1709. Penalty assessment notice for traffic infractions -**
20 **violations of provisions by officer - driver's license.** (1) Whenever a
21 penalty assessment notice for a traffic infraction is issued pursuant to
22 section 42-4-1701 (5) (a), the penalty assessment notice ~~which~~ THAT shall
23 be served upon the defendant by the peace officer shall contain the name
24 and address of the defendant, the license number of the vehicle involved,
25 if any, the number of the defendant's driver's license, if any, a citation of
26 the statute alleged to have been violated, a brief description of the traffic
27 infraction, the date and approximate location thereof, the amount of the

1 penalty prescribed for the traffic infraction, the amount of the surcharge
2 SURCHARGES thereon pursuant to sections ~~24-4.1-119 (1) (f) and~~
3 ~~24-4.2-104 (1)~~ 18-25-101, 24-4.1-119(1) (f), AND 24-4.2-104 (1), C.R.S.,
4 the number of points, if any, prescribed for the traffic infraction pursuant
5 to section 42-2-127, and the date the penalty assessment notice is served
6 on the defendant; shall direct the defendant to appear in a specified
7 county court at a specified time and place in the event the penalty and
8 surcharge SURCHARGES thereon ~~is~~ ARE not paid; shall be signed by the
9 peace officer; and shall contain a place for the defendant to elect to
10 execute a signed acknowledgment of liability and an agreement to pay the
11 penalty prescribed and surcharge SURCHARGES thereon within twenty
12 days, as well as such other information as may be required by law to
13 constitute the penalty assessment notice to be a summons and complaint,
14 should the prescribed penalty and surcharge SURCHARGES thereon not be
15 paid within the time allowed in section 42-4-1701.

16 **SECTION 8.** 33-6-104, Colorado Revised Statutes, is amended
17 to read:

18 **33-6-104. Imposition of penalty - procedures.** (1) Any person
19 who violates any of the provisions of articles 1 to 6 of this title or any rule
20 ~~or regulation~~ of the commission that does not have a specific penalty
21 listed is guilty of a misdemeanor and, upon conviction thereof, shall be
22 punished by a fine of fifty dollars, A SURCHARGE AS DESCRIBED IN
23 SECTION 18-25-101, C.R.S., and an assessment of five license suspension
24 points.

25 (2) At the time that any person is charged with violating any
26 misdemeanor provisions of articles 1 to 6 of this title or any rule ~~or~~
27 ~~regulation~~ of the commission, the officer shall issue a summons and

1 complaint to the alleged offender or, in the case of a violation for which
2 a fine of a fixed amount is prescribed, may give the alleged offender an
3 opportunity to voluntarily pay the fine AND SURCHARGE in the form of a
4 penalty assessment. Penalty assessments shall not be issued for violations
5 for which minimum and maximum fines have been established. The
6 penalty assessment notice given to the alleged offender shall contain the
7 information required in and be in the form of a summons and complaint
8 and shall specify in dollars the amount of the penalty to be assessed for
9 the alleged offense and the amount of the ~~surcharge~~ SURCHARGES to be
10 collected pursuant to ~~section 24-4.2-104 (1)~~ SECTIONS 18-25-101 AND
11 24-4.2-104 (1), C.R.S. If the alleged offender accepts such notice and
12 pays the fine and the ~~surcharge~~ SURCHARGES entered thereon to the
13 division within fifteen days of issuance of the notice, such acceptance and
14 payment shall constitute an acknowledgment of guilt by such person of
15 the violation set forth in the penalty assessment notice. Any person who
16 accepts a penalty assessment notice but who does not furnish satisfactory
17 evidence of identity or who the officer has reasonable and probable
18 grounds to believe will disregard a written promise to pay the specified
19 fine and ~~surcharge~~ SURCHARGES may be taken by the officer to the nearest
20 known post-office facility and BE required to remit the amount of the
21 specified fine and ~~surcharge~~ SURCHARGES to the division immediately by
22 mail in United States currency or other legal tender by money order or
23 personal check. Refusal or inability to remit the specified fine and
24 ~~surcharge~~ SURCHARGES by mail when required shall constitute a refusal
25 to accept a penalty assessment notice. The officer shall advise the person
26 arrested of the license suspension points to be assessed in accordance
27 with section 33-6-106. Checks tendered by the violator to and accepted

1 by the division and on which payment is received by the division shall be
2 deemed sufficient receipt. If the fine and surcharge SURCHARGES are not
3 so paid, then the officer who issued the penalty assessment notice shall
4 docket the summons and complaint with a court of competent jurisdiction
5 for appearance by the person to answer the charges therein contained at
6 such time and place as is specified in the summons and complaint.

7 **SECTION 9.** 33-15-102 (2), Colorado Revised Statutes, is
8 amended to read:

9 **33-15-102. Imposition of penalty - procedures.** (2) At the time
10 that any person is charged with violating any petty offense or
11 misdemeanor provisions of articles 10 to 15 or 32 of this title or any rule
12 of the board, the officer shall issue a summons and complaint to the
13 alleged offender or, in the case of a violation for which a fine of a fixed
14 amount is prescribed, may give the alleged offender an opportunity to
15 voluntarily pay the fine AND SURCHARGE in the form of a penalty
16 assessment. Penalty assessments shall not be issued for violations for
17 which minimum and maximum fines have been established. The penalty
18 assessment notice given to the alleged offender shall contain the
19 information required in and be in the form of a summons and complaint
20 and shall specify in dollars the amount of the penalty to be assessed for
21 the alleged offense AND THE AMOUNT OF THE SURCHARGE TO BE
22 COLLECTED PURSUANT TO SECTION 18-25-101, C.R.S. If the alleged
23 offender accepts such notice and pays the fine AND SURCHARGE entered
24 thereon to the division within twenty days of issuance of the notice, such
25 acceptance and payment shall constitute an acknowledgment of guilt by
26 such person of the violation set forth in the penalty assessment notice.
27 Any person who accepts a penalty assessment notice but who does not

1 furnish satisfactory evidence of identity or who the officer has reasonable
2 and probable grounds to believe will disregard a written promise to pay
3 the specified fine AND SURCHARGE may be taken by the officer to the
4 nearest known post-office facility and BE required to remit the amount of
5 the specified fine AND SURCHARGE to the division immediately by mail in
6 United States currency or other legal tender or by money order or
7 personal check. Refusal or inability to remit the specified fine AND
8 SURCHARGE by mail when required shall constitute a refusal to accept a
9 penalty assessment notice. Checks tendered by the violator to and
10 accepted by the division and on which payment is received by the division
11 shall be deemed sufficient receipt. If the fine ~~is~~ AND SURCHARGE ARE not
12 so paid, then the officer who issued the penalty assessment notice shall
13 docket the summons and complaint with a court of competent jurisdiction
14 for appearance by the person to answer the charges therein contained at
15 such time and place as is specified in the summons and complaint.

16 **SECTION 10. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.