

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

PREAMENDED

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

LLS NO. 10-0673.01 Troy Bratton

HOUSE BILL 10-1062

HOUSE SPONSORSHIP

Schafer S.,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY TO ALLOW A COUNTY TO PURCHASE CRIME**
102 **INSURANCE COVERAGE IN LIEU OF SURETY BONDS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Currently, county officers are required to execute surety bonds in varying amounts to ensure the faithful performance of duties while in office.

The bill would give counties the option to purchase crime insurance coverage to protect against potential malfeasance of county

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.*

employees and any of the following county officers or their deputies while in office: County commissioners, clerk and recorders, sheriffs, coroners, treasurers, assessors, and surveyors.

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

2 **SECTION 1.** 30-10-101 (1) (a), Colorado Revised Statutes, is
3 amended to read:

4 **30-10-101. Offices - inspection of records - failure to comply**
5 **- penalty.** (1) (a) Every sheriff, county clerk and recorder, AND county
6 treasurer and clerk of the district and county courts shall keep his or her
7 respective office at the county seat of the county and in the office
8 provided by the county, if any such has been provided, or, if there is none
9 provided, then at such place as the board of county commissioners shall
10 direct. Subject to the provisions of part 2 of article 72 of title 24, C.R.S.,
11 and any judicially recognized right of privacy, all books and papers
12 required to be in such offices shall be open to the examination of any
13 person, but no person, except parties in interest, or their attorneys, shall
14 have the right to examine pleadings or other papers filed in any cause
15 pending in such court.

16 **SECTION 2.** 30-10-102 (1), Colorado Revised Statutes, is
17 amended to read:

18 **30-10-102. All money delivered to treasurer - penalty for**
19 **failure.** (1) Except as provided in subsection (2) of this section, every
20 county clerk and recorder, ~~clerk of the district court, clerk of the county~~
21 ~~court~~, district attorney, sheriff, or other state or county officer appointed
22 by law, required or permitted to receive and pay over to the county
23 treasurer any taxes, fines, fees, or other moneys whatsoever, within thirty
24 days after the receipt of such moneys, shall pay the same over to the

1 county treasurer, and together therewith such officer so paying over the
2 same shall deliver to the county treasurer a statement of the amount of
3 such moneys so collected by him and paid over, which statement shall be
4 signed by the person paying the same, sworn to before the county
5 treasurer, and then filed and preserved in the office of such treasurer.
6 Every person falsely swearing in any such statement is guilty of perjury
7 in the second degree. The county treasurer shall not demand or receive
8 any fee for administering the oath required by this section.

9 **SECTION 3.** 30-10-110, Colorado Revised Statutes, is amended
10 to read:

11 **30-10-110. Bonds or insurance of officers - oaths.** (1) EXCEPT
12 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, every county officer
13 named in section 30-10-101, before entering upon the duties of his office,
14 on or before the day of the commencement of the term for which he THE
15 OFFICER was elected, shall execute and deposit his AN official bond, as
16 prescribed by law. and Any such officer shall also take and subscribe the
17 oath of office prescribed by law, before some officer authorized to
18 administer oaths, and deposit the same with his THE official bond to be
19 filed and preserved therewith.

20 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
21 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON
22 BEHALF OF THE COUNTY OFFICER AND COUNTY EMPLOYEES TO PROTECT
23 THE PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF
24 THE OFFICER WHILE IN OFFICE, OR EMPLOYEES, AND TO ENSURE THE
25 OFFICER'S AND EMPLOYEES' FAITHFUL PERFORMANCE OF DUTY.

26 **SECTION 4.** 30-10-111, Colorado Revised Statutes, is amended
27 to read:

1 **30-10-111. Oath of deputy.** ~~Every~~ A deputy appointed to ~~any of~~
2 ~~said offices~~ OFFICE, before entering upon ~~his~~ THE DEPUTY'S duties under
3 such appointment, shall take and subscribe the like oath of office as that
4 required to be taken by the ~~officer appointing him~~ APPOINTING OFFICER
5 and shall deposit the same in the office where the ~~bond~~ OATH of such
6 officer is deposited.

7 **SECTION 5.** 30-10-311, Colorado Revised Statutes, is amended
8 to read:

9 **30-10-311. Bonds or insurance of county commissioners.**

10 (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, each
11 county commissioner of the several counties of this state is required to
12 execute a bond, payable to the people of the state of Colorado,
13 conditioned that ~~he~~ THE COMMISSIONER will faithfully and honestly
14 discharge the duties of ~~his office as such~~ THE OFFICE OF county
15 commissioner so long as ~~he~~ THE COMMISSIONER continues in office, and
16 that ~~he~~ THE COMMISSIONER will not, either directly or indirectly,
17 misappropriate, or permit to be misappropriated, any of the funds or
18 property of said county ~~during his continuance~~ WHILE in office; that ~~he~~
19 THE COMMISSIONER will not, ~~during his continuance~~ WHILE in office, be
20 interested or concerned in any manner, directly or indirectly, in any sale,
21 purchase, bargain, or contract whereby any sum of money or thing in
22 action becomes due to such commissioner from such county, or from any
23 person from such county; and that ~~he~~ THE COMMISSIONER will at all times
24 transact the business of such county economically, and to the best of ~~his~~
25 THE COMMISSIONER'S ability, for the best interest of such county.

26 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
27 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON

1 BEHALF OF THE COUNTY COMMISSIONER TO PROTECT THE PEOPLE OF THE
2 COUNTY FROM ANY MALFEASANCE ON THE PART OF THE COMMISSIONER
3 WHILE IN OFFICE AND TO ENSURE THE COMMISSIONER'S FAITHFUL
4 PERFORMANCE OF DUTY.

5 **SECTION 6.** 30-10-312, Colorado Revised Statutes, is amended
6 to read:

7 **30-10-312. Amount of bond or insurance - county**
8 **commissioners.** The bond ~~for~~ EXECUTED BY THE county commissioners
9 in counties with a population of ten thousand or more persons PURSUANT
10 TO SECTION 30-10-311 (1) OR THE INSURANCE PURCHASED BY THE COUNTY
11 ON BEHALF OF THE COUNTY COMMISSIONERS PURSUANT TO SECTION
12 30-10-311 (2) shall be in the ~~penal~~ sum of ten thousand dollars and in
13 counties with a population under ten thousand persons shall be in the
14 ~~penal~~ sum of five thousand dollars.

15 **SECTION 7.** 30-10-313, Colorado Revised Statutes, is amended
16 to read:

17 **30-10-313. Bond must be approved or insurance purchased**
18 **before duties assumed.** ~~Whenever any county commissioner is elected~~
19 ~~or appointed in any county of this state, he shall give such bond and have~~
20 ~~the same approved before entering upon the duties of his office.~~ NO
21 COUNTY COMMISSIONER SHALL ENTER UPON THE DUTIES OF THE OFFICE OF
22 COMMISSIONER UNLESS THE COMMISSIONER HAS EXECUTED THE BOND
23 DESCRIBED IN SECTION 30-10-311 (1) OR THE COUNTY HAS PURCHASED
24 THE INSURANCE DESCRIBED IN SECTION 30-10-311 (2).

25 **SECTION 8.** 30-10-314, Colorado Revised Statutes, is amended
26 to read:

27 **30-10-314. Where bond filed.** IF A COUNTY COMMISSIONER

1 EXECUTES A BOND PURSUANT TO SECTION 30-10-311 (1), the bond, ~~when~~
2 ~~approved~~ AFTER APPROVAL by the judge of the district court, shall be filed
3 by the county clerk and recorder of such county and shall be recorded by
4 ~~him~~ in the records of ~~said~~ THE county.

5 **SECTION 9.** 30-10-315, Colorado Revised Statutes, is amended
6 to read:

7 **30-10-315. Penalty for acting without bond or insurance.** If
8 any county commissioner acts as such officer, performs any of the duties,
9 or exercises any of the rights or privileges of county commissioner ~~after~~
10 ~~failing to give bond~~ WITHOUT BEING BONDED OR INSURED PURSUANT TO
11 SECTION 30-10-311, or after judgment of removal from such office has
12 been entered, ~~he~~ THE COMMISSIONER is guilty of a misdemeanor and, upon
13 conviction thereof, shall be punished by a fine of not less than five
14 hundred nor more than five thousand dollars, and by imprisonment in the
15 county jail for not less than thirty days nor more than six months.

16 **SECTION 10.** 30-10-316, Colorado Revised Statutes, is amended
17 to read:

18 **30-10-316. Suits on bond or insurance.** Upon default or breach
19 of any of the conditions of ~~said bond~~ EITHER THE BOND OR THE
20 INSURANCE POLICY REQUIRED BY SECTION 30-10-311 by any county
21 commissioner in this state, either the district attorney for the district in
22 which such commissioner resided at the time of such breach, the county
23 attorney of such county, or any taxpayer of the county who will become
24 responsible for the costs of suit, may institute an action in any court OF
25 COMPETENT JURISDICTION in such county ~~of competent jurisdiction~~, in the
26 name of the board of county commissioners of the county AND against the
27 principal and sureties upon ~~such~~ THE bond OR THE INSURANCE POLICY for

1 the damages such county has sustained by reason of the breach of any of
2 the conditions contained in ~~such~~ THE BOND OR THE INSURANCE POLICY.

3 When a suit is brought by any person other than the district or county
4 attorney, the court may require surety for costs as in other civil cases.

5 **SECTION 11.** 30-10-317, Colorado Revised Statutes, is amended
6 to read:

7 **30-10-317. County to recover all damages - execution against**
8 **body.** In ~~such~~ ANY action FILED PURSUANT TO SECTION 30-10-316, the
9 county shall recover all damages, both proximate and remote, ~~which~~ THAT
10 it may have sustained by reason of any breach of the conditions of ~~such~~
11 ~~bonds~~ THE BOND OR THE INSURANCE POLICY REQUIRED BY SECTION
12 30-10-311, AS APPLICABLE; and if it appears on the trial of any such case
13 that ~~such~~ THE breach was tortious, fraudulent, or willful, and that the
14 county shall not be able to recover judgment against the sureties or,
15 having recovered judgment, is unable to collect the same from ~~said~~ THE
16 principal or ~~his~~ THE PRINCIPAL'S sureties, the county may have execution
17 against the body of such principal, who shall be confined in the county
18 jail of ~~said~~ THE county until such judgment and costs are paid; ~~but~~ EXCEPT
19 THAT such imprisonment shall not exceed one year.

20 **SECTION 12.** 30-10-318, Colorado Revised Statutes, is amended
21 to read:

22 **30-10-318. Recovery for all damage - liability.** In all suits upon
23 THE official bonds ~~of county commissioners~~ OR INSURANCE POLICIES
24 REQUIRED BY SECTION 30-10-311, the recovery against ~~one~~ A MEMBER of
25 the board OF COUNTY COMMISSIONERS shall not be limited to a
26 proportionate amount of the damage proved, but the recovery on the bond
27 OR INSURANCE POLICY of each shall be for the whole amount of damage

1 proved. If any member of a board of county commissioners knowingly
2 acquiesces in any misappropriation of the funds of a county, or in the
3 allowance of bills ~~which~~ THAT are not legally allowable, or in the
4 payment thereof, the sureties OR INSURER of ~~such~~ THE county
5 commissioner, AS APPLICABLE, shall be liable ~~upon his bond~~ for all
6 damages, both proximate and remote, that ~~such~~ THE county sustains for
7 reason thereof, to be recovered as provided.

8 **SECTION 13.** 30-10-401, Colorado Revised Statutes, is amended
9 to read:

10 **30-10-401. County clerk - term - bond - insurance.** (1) A
11 county clerk shall be elected in each county of this state for the term of
12 four years and, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION,
13 before ~~he enters~~ ENTERING upon the duties of ~~his~~ THE office, ~~he~~ shall
14 execute to the people of the state of Colorado, and file with the county
15 clerk then in office, a bond with two or more sufficient sureties in the
16 ~~penal~~ sum of not less than five thousand dollars, to be affixed and
17 approved by the board of county commissioners according to law, with
18 conditions in substance as follows: "Whereas, The above bounden
19 was elected to the office of the county clerk of, on the day of
20, Now, therefore, if the said shall faithfully perform all the
21 duties of ~~his~~ THE office, and shall pay over all moneys that may come into
22 ~~his~~ THE hands ~~as such~~ OF THE clerk as required by law, and shall deliver
23 to ~~his~~ THE CLERK'S successor in office all the books, records, papers, and
24 other things belonging to ~~his~~ said office, then the above obligation to be
25 void, otherwise to remain in full force." The bond, after being recorded,
26 shall be at once deposited with the county treasurer for safekeeping.

27 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS

1 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN
2 AMOUNT NOT LESS THAN TEN THOUSAND DOLLARS ON BEHALF OF THE
3 COUNTY CLERK TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY
4 MALFEASANCE ON THE PART OF THE CLERK WHILE IN OFFICE AND TO
5 ENSURE THE CLERK'S FAITHFUL PERFORMANCE OF DUTY.

6 **SECTION 14.** 30-10-403, Colorado Revised Statutes, is amended
7 to read:

8 **30-10-403. Deputy clerk - duties.** Every county clerk shall
9 appoint a deputy, in writing, under ~~his~~ THE COUNTY CLERK'S hand, and
10 shall file such appointment in ~~his~~ THE office OF THE COUNTY CLERK; and
11 such deputy, in case of the absence or disability of the county clerk, or in
12 case of a vacancy in ~~his~~ THE office THEREOF, shall perform all the duties
13 of the county clerk during such absence or until such vacancy is filled.
14 Every county clerk may appoint other deputies and, ~~his~~ IF THE COUNTY
15 CLERK HAS EXECUTED A BOND PURSUANT TO SECTION 30-10-401 (1), THE
16 COUNTY CLERK'S sureties shall be responsible under ~~his official~~ THE bond
17 for the acts of all such deputies.

18 **SECTION 15.** 30-10-501, Colorado Revised Statutes, is amended
19 to read:

20 **30-10-501. Sheriff - election - bond - insurance.** (1) A sheriff
21 shall be elected in each county for the term of four years and, EXCEPT AS
22 PROVIDED IN SUBSECTION (2) OF THIS SECTION, before ~~he enters~~ ENTERING
23 upon the duties of ~~his~~ office, ~~he~~ shall execute to the people of the state of
24 Colorado a bond, with at least three sufficient sureties, in ~~such penal~~ THE
25 sum OF not less than five thousand nor more than twenty thousand dollars,
26 ~~as~~ WHICH the board of county commissioners, or, if it is not in session, the
27 county clerk and recorder, subject to the approval of such board at its next

1 session thereafter, shall specify and approve. WHEN APPROVED, the bond
2 ~~when thus approved~~ shall be filed in the office of ~~said~~ THE county clerk
3 and recorder, and no person shall be received as surety who is not worth
4 at least two thousand dollars over and above ~~his~~ THE SURETY'S just debts.

5 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
6 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN
7 AMOUNT NOT LESS THAN TEN THOUSAND DOLLARS ON BEHALF OF THE
8 SHERIFF TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY
9 MALFEASANCE ON THE PART OF THE SHERIFF WHILE IN OFFICE AND TO
10 ENSURE THE SHERIFF'S FAITHFUL PERFORMANCE OF DUTY.

11 **SECTION 16.** 30-10-502, Colorado Revised Statutes, is amended
12 to read:

13 **30-10-502. Form of bond.** IF A SHERIFF EXECUTES A BOND
14 PURSUANT TO SECTION 30-10-501 (1), the condition of ~~such~~ THE bond
15 shall be in substance as follows: "Whereas, the above bounden was
16 elected to the office of sheriff of the county of, on the day
17 of; Now, the condition of this obligation is such that if the said
18 shall well and faithfully perform and execute the duties of the
19 office of sheriff of said county of ~~during his continuance~~ WHILE in
20 office by virtue of said election without fraud, deceit, or oppression, shall
21 pay over all moneys that may come into ~~his~~ THE hands ~~as~~ OF THE sheriff,
22 and shall deliver to ~~his~~ THE SHERIFF'S successor IN OFFICE all writs,
23 papers, and other things pertaining to ~~his~~ THE office ~~which~~ THAT may be
24 so required by law, then the above obligations shall be void, otherwise to
25 be and remain in full force and effect."

26 **SECTION 17.** 30-10-503, Colorado Revised Statutes, is amended
27 to read:

1 **30-10-503. Sheriff assumes duties - when.** When the term of
2 office of any sheriff expires and the sheriff-elect ~~files his bond and~~
3 qualifies according to law, the county clerk and recorder shall issue a
4 notice setting forth that said sheriff-elect has ~~filed his bond and~~ qualified
5 according to law, which notice shall be served by the new sheriff on the
6 former sheriff, whereupon such former sheriff shall immediately transfer
7 and deliver to the new sheriff all the writs, processes, books, and papers
8 belonging to ~~his~~ THE office, except as otherwise excepted in this part 5,
9 and also the possession of the courthouse and jail of ~~his~~ THE county, and
10 shall take from the new sheriff a receipt specifying the papers so
11 delivered over and the prisoners in custody, if any, which receipt shall be
12 sufficient indemnity to the person taking the same.

13 **SECTION 18.** 30-10-505, Colorado Revised Statutes, is amended
14 to read:

15 **30-10-505. Vacancy in office - powers of undersheriff.** When
16 a vacancy occurs in the office of sheriff of any county, the undersheriff
17 of such county shall in all things execute the office of sheriff until a
18 sheriff is appointed or elected and qualified. ~~and~~ Any default or
19 misfeasance in office of such undersheriff in the meantime, as well as
20 before such vacancy, shall be deemed to be a breach of the condition of
21 the bond given by the sheriff who appointed ~~him and also a breach of the~~
22 ~~bond executed by such undersheriff to the sheriff by whom he was~~
23 ~~appointed~~ THE UNDERSHERIFF OR THE INSURANCE POLICY PURCHASED BY
24 THE COUNTY ON THE SHERIFF'S BEHALF.

25 **SECTION 19.** 30-10-517, Colorado Revised Statutes, is amended
26 to read:

27 **30-10-517. Outgoing sheriff may proceed with writs.** Every

1 sheriff going out of office at the expiration of ~~his~~ THE SHERIFF'S term and
2 having any order of fieri facias or fee bill ~~which he~~ THAT THE SHERIFF has
3 levied but not collected ~~is authorized to proceed and~~ SHALL collect such
4 execution or fee bill in the same manner as if ~~his~~ THE SHERIFF'S term of
5 office had not expired. ~~and the sureties on his official bond are liable for~~
6 ~~any omission of duty in so doing, in like manner as if his said term of~~
7 ~~office had not expired.~~

8 **SECTION 20.** 30-10-522, Colorado Revised Statutes, is amended
9 to read:

10 **30-10-522. Actions against sheriff - sureties liable - when.**

11 EXCEPT IN THE CASE OF A SHERIFF COVERED BY INSURANCE PURCHASED
12 PURSUANT TO SECTION 30-10-501 (2), in an action brought against a
13 sheriff for an action done by virtue of ~~his~~ THE SHERIFF'S office, if ~~he~~ THE
14 SHERIFF gives notice thereof to the sureties on any bond of indemnity
15 given by ~~him~~ THE SHERIFF, the judgment recovered therein shall be
16 sufficient evidence of ~~his~~ THE SHERIFF'S right to recover against such
17 sureties, and the court, on motion, upon notice of five days, may order
18 judgment to be entered against them for the amount so recovered,
19 including costs.

20 **SECTION 21.** 30-10-601, Colorado Revised Statutes, is amended
21 to read:

22 **30-10-601. Coroner - election - bond - insurance - authority.**

23 (1) (a) Repealed.

24 (b) A coroner shall be elected in each county for the term of four
25 years, who, EXCEPT AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION,
26 before ~~he enters~~ ENTERING upon the duties of ~~his~~ office, shall give bond
27 to the people of the state of Colorado of not less than twenty-five

1 thousand dollars, with sufficient sureties, to be approved by the board of
2 county commissioners or, if ~~such~~ THE board is not in session, by the
3 county clerk and recorder, subject to the approval of such board, the
4 condition of which bond shall be in substance the same as that given by
5 the sheriff. Such bond shall be filed with the county clerk and recorder
6 of the proper county.

7 (1.5) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
8 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN
9 AMOUNT NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS ON BEHALF
10 OF THE CORONER TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY
11 MALFEASANCE ON THE PART OF THE CORONER WHILE IN OFFICE AND TO
12 ENSURE THE CORONER'S FAITHFUL PERFORMANCE OF DUTY.

13 (2) The coroner may declare an individual dead if ~~he~~ THE
14 CORONER finds the individual has sustained irreversible cessation of
15 circulatory and respiratory function.

16 **SECTION 22.** 30-10-602, Colorado Revised Statutes, is amended
17 to read:

18 **30-10-602. Deputy coroner - duties - oath - bond - insurance.**

19 (1) The coroner of each county is authorized to appoint a deputy. Any
20 such appointment shall be in writing and shall be filed in the office of the
21 coroner. The coroner of each county may delegate any of ~~his~~ THE
22 CORONER'S powers to one or more deputies who shall then have the same
23 duties with respect thereto as the coroner has. Any act of a deputy shall
24 be done in the name of the coroner and signed by the deputy performing
25 such act. A deputy coroner shall hold office during and subject to the
26 pleasure of the coroner. EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS
27 SECTION, each deputy coroner, before ~~he enters~~ ENTERING the duties of ~~his~~

1 office, shall file with the county clerk and recorder of ~~his~~ THE county the
2 bond and oath of office required by law to be filed by the coroner.

3 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
4 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON
5 BEHALF OF THE DEPUTY CORONER TO PROTECT THE PEOPLE OF THE
6 COUNTY FROM ANY MALFEASANCE ON THE PART OF THE DEPUTY CORONER
7 WHILE IN OFFICE AND TO ENSURE THE DEPUTY CORONER'S FAITHFUL
8 PERFORMANCE OF DUTY.

9 **SECTION 23.** 30-10-701, Colorado Revised Statutes, is amended
10 to read:

11 **30-10-701. Election - term - bond - insurance.** (1) A county
12 treasurer shall be elected in each county for the term of four years and,
13 EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, before entering
14 upon the discharge of duties, shall execute to the people of the state of
15 Colorado a surety bond to be approved by the board of county
16 commissioners and filed in the office of the county clerk and recorder.
17 Prior to the treasurer being sworn into office, the board of county
18 commissioners shall set the amount of the surety bond by written
19 resolution duly adopted by a majority vote of the board, which shall be
20 entered in its minutes.

21 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
22 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON
23 BEHALF OF THE TREASURER TO PROTECT THE PEOPLE OF THE COUNTY
24 FROM ANY MALFEASANCE ON THE PART OF THE TREASURER WHILE IN
25 OFFICE AND TO ENSURE THE TREASURER'S FAITHFUL PERFORMANCE OF
26 DUTY.

27 **SECTION 24.** 30-10-703, Colorado Revised Statutes, is amended

1 to read:

2 **30-10-703. Form of bond.** IF A TREASURER EXECUTES A BOND
3 PURSUANT TO SECTION 30-10-701 (1), the condition of ~~such~~ THE bond
4 shall be in substance as follows: Whereas,, was elected to the
5 office of County Treasurer of the County of on the day
6 of; Now, therefore, the condition of this obligation is such, that
7 if the said and ~~his~~ THE TREASURER'S deputy and all persons
8 employed in ~~his~~ THE TREASURER'S office shall faithfully and promptly
9 perform the duties of said office, and if the said and ~~his~~ THE
10 TREASURER'S deputies shall pay or invest according to law, all moneys
11 ~~which~~ THAT shall come to ~~his~~ THE hands ~~as~~ OF THE treasurer, and shall
12 render a just and true account thereof whenever required by said board of
13 county commissioners, or by any provision of law, and shall deliver over
14 to ~~his~~ A successor in office, or to any other person authorized by law to
15 receive the same, all moneys, securities, books, papers, and other things
16 appertaining thereto or belonging to ~~his~~ THE TREASURER'S office, the
17 above obligation to be void, otherwise to be in full force and effect;
18 except that the surety shall in no event be liable for any loss caused by the
19 failure or insolvency of the depository in which the county treasurer or ~~his~~
20 THE TREASURER'S deputies deposit any such public funds, or for any loss
21 arising out of the investment of any such funds.

22 **SECTION 25.** 30-10-705, Colorado Revised Statutes, is amended
23 to read:

24 **30-10-705. Vacancy in office - how filled.** (1) In case the office
25 of county treasurer becomes vacant, the board of county commissioners
26 shall appoint a suitable person to perform the duties of ~~such~~ THE treasurer.
27 ~~and~~ EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, the person

1 so appointed ~~upon giving~~ SHALL GIVE bond with like sureties and
2 conditions as that required in county treasurers' bonds and in such sum as
3 ~~said~~ THE board shall direct AND shall be invested with all the duties of
4 ~~such~~ THE treasurer, until such vacancy is filled or such disability removed.

5 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
6 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON
7 BEHALF OF THE APPOINTEE TO THE OFFICE OF TREASURER TO PROTECT THE
8 PEOPLE OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE
9 TREASURER WHILE IN OFFICE AND TO ENSURE THE TREASURER'S FAITHFUL
10 PERFORMANCE OF DUTY.

11 **SECTION 26.** 30-10-710, Colorado Revised Statutes, is amended
12 to read:

13 **30-10-710. Apportionment and separation of funds.** It is the
14 duty of the county treasurer to apportion and keep all taxes collected by
15 him or her in the several funds for which the taxes were levied, and it
16 shall not be lawful to use the moneys belonging to any fund for the
17 purpose of paying warrants drawn upon some other fund or for the
18 purpose of paying warrants issued before April 2, 1998, which properly
19 should have been drawn upon some other fund; but the amount of interest
20 gained through the investment of county funds, regardless of the origin
21 of such funds, may be credited to the general fund of the county by the
22 county treasurer, unless such investment is made from specific funds
23 allocated for a definite purpose and so maintained. The treasurer and the
24 sureties on his or her official bond ~~are~~ OR THE INSURER ON THE CRIME
25 INSURANCE POLICY, AS APPLICABLE, SHALL BE liable at the action of any
26 taxpayer of the county for any violation of this section.

27 **SECTION 27.** 30-10-713, Colorado Revised Statutes, is amended

1 to read:

2 **30-10-713. Delivery of books to successor - penalty.** Upon the
3 resignation or removal from office of any county treasurer, all the books
4 and papers belonging to ~~his~~ THE TREASURER'S office, and all moneys in
5 ~~his~~ THE TREASURER'S hands by virtue of ~~his~~ THE TREASURER'S office, shall
6 be delivered to ~~his~~ THE TREASURER'S successor in office, upon the oath of
7 such preceding treasurer, or in case of ~~his~~ THE TREASURER'S death, upon
8 oath of ~~his~~ THE TREASURER'S executors or administrators. If any such
9 preceding county treasurer, or in case of ~~his~~ THE TREASURER'S death, ~~his~~
10 THE TREASURER'S executors or administrators neglect or refuse to deliver
11 up such books, papers, and moneys on oath, when lawfully demanded,
12 every such person shall forfeit a sum of not less than one hundred dollars
13 nor more than five hundred dollars. ~~and be also liable upon his official~~
14 ~~bond for such refusal or neglect.~~

15 **SECTION 28.** 30-10-801, Colorado Revised Statutes, is amended
16 to read:

17 **30-10-801. Assessor - election - bond - insurance - term - oath.**
18 (1) A county assessor shall be elected in each county at a general election
19 ~~who~~ AND, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, shall
20 give bond to the people of the state of Colorado with two or more
21 sufficient sureties, in a ~~penal~~ sum of not less than six thousand dollars for
22 the performance of ~~his~~ THE ASSESSOR'S duties according to law and to the
23 satisfaction of the board of county commissioners, and subscribe an oath
24 or affirmation for the faithful performance of ~~his~~ THE ASSESSOR'S duties
25 as such assessor, and who shall be a qualified elector of said county and
26 shall hold ~~his~~ office for four years and until ~~his~~ A successor is elected and
27 qualified.

1 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
2 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN
3 AMOUNT NOT LESS THAN TEN THOUSAND DOLLARS ON BEHALF OF THE
4 ASSESSOR TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY
5 MALFEASANCE ON THE PART OF THE ASSESSOR WHILE IN OFFICE AND TO
6 ENSURE THE ASSESSOR'S FAITHFUL PERFORMANCE OF DUTY.

7 **SECTION 29.** 30-10-802, Colorado Revised Statutes, is amended
8 to read:

9 **30-10-802. Assessment district - deputy in each - oath - bond.**
10 (1) When the board of county commissioners of any county is of the
11 opinion that the assessor is unable to perform the duties of his office
12 within the time prescribed by law, ~~it~~ THE BOARD shall divide such county
13 into assessment districts and shall require the assessor to appoint a deputy
14 in each district, who shall be a qualified elector of the district and who
15 shall be sworn and, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS
16 SECTION, give bond to the principal.

17 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
18 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON
19 BEHALF OF A DEPUTY ASSESSOR TO PROTECT THE PEOPLE OF THE COUNTY
20 FROM ANY MALFEASANCE ON THE PART OF THE DEPUTY ASSESSOR WHILE
21 IN OFFICE AND TO ENSURE THE DEPUTY ASSESSOR'S FAITHFUL
22 PERFORMANCE OF DUTY.

23 **SECTION 30.** 30-10-901, Colorado Revised Statutes, is amended
24 to read:

25 **30-10-901. Surveyor - election - bond - insurance.** (1) A
26 county surveyor shall be elected for a term of four years, ~~who~~ shall be a
27 professional land surveyor as provided in part 2 of article 25 of title 12,

1 C.R.S., and, ~~who~~ EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS
2 SECTION, shall file ~~his~~ AN official bond in the office of the county clerk
3 and recorder, to be approved by the board of county commissioners, in the
4 sum of one thousand dollars, conditioned for the faithful discharge of ~~his~~
5 duties.

6 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
7 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE IN AN
8 AMOUNT NOT LESS THAN TEN THOUSAND DOLLARS ON BEHALF OF THE
9 SURVEYOR TO PROTECT THE PEOPLE OF THE COUNTY FROM ANY
10 MALFEASANCE ON THE PART OF THE SURVEYOR WHILE IN OFFICE AND TO
11 ENSURE THE SURVEYOR'S FAITHFUL PERFORMANCE OF DUTY.

12 **SECTION 31.** 38-36-110, Colorado Revised Statutes, is amended
13 to read:

14 **38-36-110. Bond of registrar.** (1) EXCEPT AS PROVIDED IN
15 SUBSECTION (2) OF THIS SECTION, every county clerk and recorder shall,
16 before entering upon ~~his~~ THE duties as registrar of titles, give a bond with
17 sufficient sureties, to be approved by a judge of the district court of ~~his~~
18 THE county, payable to the people of the state of Colorado in such sum as
19 is fixed by the said judge of the district court, conditioned for the faithful
20 discharge of ~~his~~ duties and to deliver up all papers, books, records, and
21 other property belonging to the county or appertaining to ~~his~~ THE office
22 as registrar of titles, whole, safe, and undefaced, when lawfully required
23 to do so. The bond shall be filed in the office of the secretary of state and
24 a copy thereof shall be filed and entered upon the records of the district
25 court in the county wherein the county clerk and recorder holds ~~his~~ office.

26 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
27 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON

1 BEHALF OF THE COUNTY CLERK AND RECORDER TO PROTECT THE PEOPLE
2 OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE COUNTY
3 CLERK AND RECORDER WHILE IN OFFICE AND TO ENSURE THE COUNTY
4 CLERK AND RECORDER'S FAITHFUL PERFORMANCE OF DUTY.

5 **SECTION 32. Act subject to petition - effective date.** This act
6 shall take effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part shall not take effect
12 unless approved by the people at the general election to be held in
13 November 2010 and shall take effect on the date of the official
14 declaration of the vote thereon by the governor.