



*Colorado Legislative Council Staff Fiscal Note*  
**NO FISCAL IMPACT**

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**Drafting Number:** LLS 11-0809**Date:** March 14, 2011**Prime Sponsor(s):** Rep. Levy**Bill Status:** House Judiciary**Fiscal Analyst:** Jessika Shipley (303-866-3528)

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**TITLE:** CONCERNING PENALTIES FOR TRAFFIC OFFENSES INVOLVING ALCOHOL AND DRUGS.

### **Summary of Legislation**

This bill clarifies certain DUI sentencing provisions. Upon conviction of a traffic offense involving drugs or alcohol where the offender has one or more prior convictions, the court may proceed directly to sentencing without first considering the statutorily required alcohol and drug evaluation if the prosecuting attorney and the defendant stipulate to such convictions.

For first time convictions for DUI, DUI per se, DWAI, or habitual user, the court may suspend the mandatory minimum period of imprisonment if the offender undergoes a presentence or postsentence alcohol and drug evaluation. Such offenders must also complete and meet all financial obligations of an alcohol and drug driving safety program determined to be appropriate by the evaluation.

### **Assessment**

The bill is assessed as having no fiscal impact. It clarifies and codifies current practice in the trial courts. It is not expected to change the workload of courts or the Department of Revenue.

### **Departments Contacted**

Judicial

Revenue