

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 17, 2011
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB11-1268 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 4, strike lines 3 through 6 and substitute:

2 "SECTION 2. 42-4-1307 (1) (b), (3) (a) (I), (3) (a) (II), (4) (a) (I),
3 (4) (a) (II), (5) (a) (II), (6) (a) (II), (7) (b) (II), and (11), Colorado Revised
4 Statutes, are amended to read:

5 **42-4-1307. Penalties for traffic offenses involving alcohol and**
6 **drugs - repeal.** (1) **Legislative declaration.** The general assembly
7 hereby finds and declares that, for the purposes of sentencing as described
8 in section 18-1-102.5, C.R.S., each sentence for a conviction of a
9 violation of section 42-4-1301 shall include:

10 (b) FOR A SECOND OR SUBSEQUENT OFFENDER, a period of
11 probation. THE IMPOSITION OF A PERIOD OF PROBATION UPON THE
12 CONVICTION OF A FIRST-TIME OFFENDER SHALL BE SUBJECT TO THE
13 COURT'S DISCRETION AS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (3)
14 AND PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION. The purpose of
15 probation is to help the offender change his or her behavior to reduce the
16 risk of future violations of section 42-4-1301. If a court imposes
17 imprisonment as a penalty for a violation of a condition of his or her
18 probation, the penalty shall constitute a separate period of imprisonment
19 that the offender shall serve in addition to the imprisonment component
20 of his or her original sentence.

21 (3) **First offenses - DUI, DUI per se, and habitual".**

22 Page 4, after line 18 insert:

1 "(II) A fine of at least six hundred dollars but no more than one
2 thousand dollars, AND THE COURT SHALL HAVE DISCRETION TO SUSPEND
3 THE FINE; and".

4 Page 5, after line 3 insert:

5 "(II) A fine of at least two hundred dollars but no more than five
6 hundred dollars, AND THE COURT SHALL HAVE DISCRETION TO SUSPEND
7 THE FINE; and

8 (5) **Second offenses.** (a) Except as otherwise provided in
9 subsection (6) of this section, a person who is convicted of DUI, DUI per
10 se, DWAI, or habitual user who, at the time of sentencing, has a prior
11 conviction of DUI, DUI per se, DWAI, habitual user, vehicular homicide
12 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to
13 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked
14 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or
15 driving while the person's driver's license was under restraint pursuant to
16 section 42-2-138 (1) (d), shall be punished by:

17 (II) A fine of at least six hundred dollars but no more than one
18 thousand five hundred dollars, AND THE COURT SHALL HAVE DISCRETION
19 TO SUSPEND THE FINE;

20 (6) **Third and subsequent offenses.** (a) A person who is
21 convicted of DUI, DUI per se, DWAI, or habitual user who, at the time
22 of sentencing, has two or more prior convictions of DUI, DUI per se,
23 DWAI, habitual user, vehicular homicide pursuant to section 18-3-106 (1)
24 (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b), C.R.S.,
25 aggravated driving with a revoked license pursuant to section 42-2-206
26 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's driver's
27 license was under restraint pursuant to section 42-2-138 (1) (d) shall be
28 punished by:

29 (II) A fine of at least six hundred dollars but no more than one
30 thousand five hundred dollars, AND THE COURT SHALL HAVE DISCRETION
31 TO SUSPEND THE FINE;".

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