

Colorado Legislative Council Staff Fiscal Note

**LOCAL
FISCAL IMPACT**

Drafting Number: LLS 15-0791
Prime Sponsor(s): Rep. Lontine

Date: March 9, 2015
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: CHANGES TO CONTENTS OF CRIMINAL SUMMONS

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures		
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

This bill removes the requirement that a summons and complaint or penalty assessment notice (citation) show the license number of the vehicle involved, if any, or the defendant's drivers license number. It also clarifies that an electronic summons is not required to include a place for a defendant to sign or that the summons be signed by the defendant.

Background

Most law enforcement agencies in Colorado use a uniform paper citation (to be used as either a summons and complaint or as a penalty assessment notice, depending on the circumstances) whenever a person commits a misdemeanor, petty offense, or misdemeanor traffic offense. For lower level infractions, a peace officer typically issues a penalty assessment, which is not signed by the person, and that person has 40 days to satisfy the complaint (such as by paying the fine). If the complaint is not resolved within this time period, it automatically becomes a criminal summons and the person is required to appear in court. If the person does not appear when required, a warrant may be issued by the court. For more serious infractions at the point of citation, a peace officer issues a summons and complaint instead of a penalty assessment. This summons includes a place and time for the defendant to appear before the court. For paper copy forms, the peace officer signs the summons and there is a place for the defendant to acknowledge service of that summons.

Local Government Impact

This bill may reduce workload and costs for law enforcement agencies that issue electronic summons. For example, the Denver Police Department uses an electronic system, which is not able to capture the signature of the defendant. Accordingly, Denver Police must create a separate document for this purpose, which must then be scanned in its record department so that it may be

transmitted to the courts and the Department of Revenue. By omitting the need to obtain a signature, these steps can be avoided. The bill also may reduce workload for agencies that are able to electronically capture a drivers license or license plate number as the bill will not require this information to be printed on the copy of the summons that is given to the defendant.

Effective Date

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Public Safety

District Attorneys
Revenue

Judicial
Sheriffs