



# Legislative Council Staff

## Research Note

Version: Final

Date: 6/3/2016

### Bill Number

House Bill 16-1032

### Sponsors

*Representative Lontine  
Senators Todd and Cooke*

### Short Title

*Changes To Contents Of  
Criminal Summons*

### Research Analyst

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### Status

This research note reflects the final version of the bill, which was signed by the Governor on March 22, 2016, and becomes effective August 10, 2016, assuming no referendum petition is filed.

### Summary

For summons and complaints served for misdemeanors, petty offenses, and misdemeanor traffic offenses, this bill removes the requirement that the summons contain a place for the defendant to sign, promising to appear at the time and place specified in the summons. The bill requires that the summons and complaint submitted to the Department of Revenue and relevant county court contain the defendant's name and address and, if relevant, license plate number and driver's license number.

### 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 (by paying the fine, for example). 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

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service of that summons. HB 16-1032 removes the signature line requirement for the defendant.

## House Action

**House Judiciary Committee (January 21, 2016).** At the hearing, the committee heard testimony in support of the bill from a representative of the Colorado State Patrol. The committee referred the bill to the House Committee of the Whole with no amendments.

**House second reading (January 27, 2016).** The House adopted amendment L.001 and passed the bill on second reading. Amendment L.001 restored a requirement that an applicable summons and complaint contain the license number of a vehicle involved and the defendant's driver's license number, if any. The requirement to include this information was stricken by the introduced bill.

**House Third Reading (January 28, 2016).** The House passed the bill on third reading with no amendments.

## Senate Action

**Senate Judiciary Committee (February 24, 2016).** At the hearing, a representative of the Colorado State Patrol testified in support of the bill. The committee referred the bill to the Senate Committee of the Whole with no amendments.

**Senate Second Reading (February 29, 2016).** The Senate passed the bill on second reading with no amendments.

**Senate Third Reading (March 1, 2016).** The Senate passed the bill on third reading with no amendments.