

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 01-0772.01 Jerry Barry

**HOUSE BILL 01-1231**

---

**HOUSE SPONSORSHIP**

**Boyd**

**SENATE SPONSORSHIP**

**Anderson**

---

**House Committees**

Criminal Justice  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING THE CREATION OF AN AUTOMOBILE THEFT PREVENTION**  
102             **PROGRAM.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Establishes an automobile theft prevention program ("program") in the department of public safety to make grants to create multiple law enforcement agency automobile theft prevention, enforcement, or prosecution programs. Creates and specifies membership of an automobile theft prevention board to review applications for grants and to award such grants under the program. Specifies that moneys for grants shall be annually appropriated by the general assembly from the motorist insurance identification account in the highway users trust fund.

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.*

Repeals the program, effective July 1, 2006.

---

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

2 **SECTION 1.** Part 1 of article 5 of title 42, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

4 **42-5-112. Automobile theft prevention program - board -**  
5 **creation - duties - repeal.** (1) THERE IS HEREBY CREATED IN THE  
6 DEPARTMENT OF PUBLIC SAFETY THE AUTOMOBILE THEFT PREVENTION  
7 PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM". UNDER THE  
8 PROGRAM, MULTIPLE LAW ENFORCEMENT AGENCIES MAY APPLY FOR  
9 GRANTS TO ASSIST SUCH AGENCIES IN CREATING MULTI-JURISDICTIONAL  
10 AUTOMOBILE THEFT PREVENTION, ENFORCEMENT, OR PROSECUTION  
11 PROGRAMS. EACH YEAR THE GENERAL ASSEMBLY SHALL APPROPRIATE OUT  
12 OF THE MOTORIST INSURANCE IDENTIFICATION ACCOUNT, CREATED IN  
13 SECTION 42-3-134 (26) (d), AN AMOUNT TO BE AWARDED AS GRANTS  
14 PURSUANT TO THIS SECTION.

15 (2) (a) THERE IS HEREBY CREATED THE AUTOMOBILE THEFT  
16 PREVENTION BOARD, REFERRED TO IN THIS SECTION AS THE "BOARD",  
17 WHICH SHALL CONSIST OF ELEVEN MEMBERS AS FOLLOWS:

18 (I) TWO CHIEFS OF POLICE, APPOINTED BY A STATEWIDE  
19 ASSOCIATION OF CHIEFS OF POLICE, OR THEIR DESIGNEES;

20 (II) TWO SHERIFFS, APPOINTED BY A STATEWIDE ASSOCIATION OF  
21 SHERIFFS, OR THEIR DESIGNEES;

22 (III) TWO DISTRICT ATTORNEYS, APPOINTED BY A STATEWIDE  
23 ASSOCIATION OF DISTRICT ATTORNEYS, OR THEIR DESIGNEES;

24 (IV) THREE MEMBERS OF THE PUBLIC APPOINTED BY THE  
25 GOVERNOR, AT LEAST ONE OF WHOM SHALL HAVE A BACKGROUND IN

1 INSURANCE, AND AT LEAST ONE OF WHOM SHALL BE A REPRESENTATIVE OF  
2 A CONSUMER OR VICTIM ADVOCACY GROUP; [REDACTED]

3 (V) THE CHIEF OF THE COLORADO STATE PATROL OR THE CHIEF'S  
4 DESIGNEE; AND

5 (VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
6 SAFETY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

7 [REDACTED]

8 (b) THE APPOINTED MEMBERS OF THE BOARD SHALL SERVE TERMS  
9 OF FOUR YEARS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED  
10 PURSUANT TO SUBPARAGRAPHS (I) TO (IV) OF PARAGRAPH (a) OF THIS  
11 SUBSECTION (2), THE APPOINTING AUTHORITIES SHALL EACH SELECT ONE  
12 MEMBER WHO SHALL SERVE AN INITIAL TERM OF TWO YEARS. NO  
13 APPOINTED MEMBER SHALL SERVE MORE THAN TWO CONSECUTIVE  
14 FOUR-YEAR TERMS.

15 (c) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT  
16 COMPENSATION; EXCEPT THAT THE MEMBERS OF THE BOARD SHALL BE  
17 REIMBURSED FROM MONEYS IN THE MOTORIST INSURANCE IDENTIFICATION  
18 ACCOUNT, ESTABLISHED IN SECTION 42-3-134 (26) (d) (I), FOR THEIR  
19 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF  
20 THEIR DUTIES PURSUANT TO THIS SECTION.

21 (3) (a) THE BOARD SHALL SOLICIT AND REVIEW APPLICATIONS FOR  
22 GRANTS PURSUANT TO THIS SECTION. THE BOARD MAY AWARD GRANTS  
23 FOR ONE TO THREE YEARS. EACH APPLICATION, AT A MINIMUM, SHALL  
24 DESCRIBE THE TYPE OF THEFT PREVENTION, ENFORCEMENT, OR  
25 PROSECUTION PROGRAM TO BE IMPLEMENTED. SUCH PROGRAMS MAY  
26 INCLUDE, BUT NEED NOT BE LIMITED TO:

27 (I) MULTI-AGENCY LAW ENFORCEMENT AND NATIONAL INSURANCE

1 CRIME BUREAU TASK FORCE PROGRAMS USING PROACTIVE INVESTIGATIVE  
2 METHODS TO REDUCE THE INCIDENTS OF MOTOR VEHICLE THEFT AND  
3 RELATED CRIMES, AND TO INCREASE THE APPREHENSION OF PROFESSIONAL  
4 MOTOR VEHICLE THIEVES AND PERSONS WHO ATTEMPT TO DEFRAUD  
5 INSURANCE COMPANIES;

6 (II) PROGRAMS THAT ENGAGE IN CRIME ANALYSIS FUNCTIONS  
7 DIRECTED AT IDENTIFYING LOCATIONS, TYPES OF VEHICLES, AND  
8 VICTIMOLOGY IN ORDER TO DIRECT PROACTIVE PREVENTION AND  
9 ENFORCEMENT EFFORTS TOWARD THE REDUCTION OF MOTOR VEHICLE  
10 THEFTS, TO INCREASE RECOVERIES OF STOLEN MOTOR VEHICLES,  
11 INCLUDING FARM AND CONSTRUCTION EQUIPMENT, AND TO INCREASE THE  
12 ARRESTS OF PERPETRATORS;

13 (III) PROGRAMS THAT ENGAGE IN CRIME PREVENTION EFFORTS,  
14 ACTIVITIES, AND PUBLIC AWARENESS CAMPAIGNS THAT ARE INTENDED TO  
15 REDUCE THE PUBLIC'S VICTIMIZATION BY MOTOR VEHICLE THEFT, FRAUD,  
16 AND RELATED CRIMES;

17 (IV) PROGRAMS THAT PROVIDE INCENTIVES FOR CITIZEN  
18 REPORTING OF KNOWN OR SUSPECTED CRIMINAL BEHAVIOR INVOLVING  
19 MOTOR VEHICLE THEFT, FRAUD, AND RELATED CRIMES;

20 (V) PROGRAMS THAT PROVIDE OR DEVELOP SPECIALIZED TRAINING  
21 FOR MOTOR VEHICLE THEFT INVESTIGATIONS PERSONNEL INCLUDING, BUT  
22 NOT LIMITED TO, LAW ENFORCEMENT PERSONNEL, COUNTY TITLE AND  
23 REGISTRATION CLERKS, DIVISION OF REVENUE TITLE CLERKS, AND  
24 PORT-OF-ENTRY OFFICIALS, IN ORDER TO ENHANCE KNOWLEDGE, SKILLS,  
25 PROCEDURES, AND SYSTEMS TO DETECT, PREVENT, AND COMBAT MOTOR  
26 VEHICLE THEFT, FRAUD, AND RELATED CRIMES; AND

27 (VI) PROGRAMS TO PROVIDE FOR THE SUPPORT AND MAINTENANCE

1 OF ONE OR MORE DEDICATED PROSECUTORS WHO HAVE THE SPECIFIC  
2 MISSION AND EXPERTISE TO PROVIDE LEGAL GUIDANCE AND  
3 PROSECUTORIAL CONTINUITY TO COMPLEX CRIMINAL CASES ARISING FROM  
4 THE ACTIVITIES OF THE MULTI-AGENCY LAW ENFORCEMENT.

5 (b) SUBJECT TO AVAILABLE APPROPRIATIONS, THE BOARD SHALL  
6 APPROVE GRANTS PURSUANT TO THIS SECTION. IN SELECTING GRANT  
7 RECIPIENTS, THE BOARD, TO THE EXTENT POSSIBLE, SHALL ENSURE THAT  
8 GRANTS ARE AWARDED TO LAW ENFORCEMENT AGENCIES IN A VARIETY OF  
9 GEOGRAPHIC AREAS OF THE STATE. THE BOARD SHALL NOT REQUIRE AS A  
10 CONDITION TO RECEIPT OF A GRANT THAT AN AGENCY OR POLITICAL  
11 SUBDIVISION PROVIDE ANY ADDITIONAL MONEYS TO OPERATE THE  
12 PROGRAM.

13 (c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE BOARD MAY  
14 APPOINT A DIRECTOR FOR THE PROGRAM WHO MAY EMPLOY SUCH STAFF AS  
15 MAY BE NECESSARY TO OPERATE THE PROGRAM.

16 (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
17 SAFETY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL PROMULGATE  
18 RULES FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING BUT NOT  
19 LIMITED TO:

20 (I) APPLICATION PROCEDURES BY WHICH LAW ENFORCEMENT  
21 AGENCIES MAY APPLY FOR GRANTS PURSUANT TO THIS SECTION;

22 (II) THE CRITERIA FOR SELECTING THOSE AGENCIES THAT SHALL  
23 RECEIVE GRANTS AND THE CRITERIA FOR DETERMINING THE AMOUNT TO BE  
24 GRANTED TO THE SELECTED AGENCIES AND THE DURATION OF THE GRANTS;  
25 AND

26 (III) PROCEDURES FOR REVIEWING THE SUCCESS OF THE PROGRAMS  
27 THAT RECEIVE GRANTS PURSUANT TO THIS SECTION.

1 (e) ON OR BEFORE DECEMBER 1, 2004, ANY LAW ENFORCEMENT  
2 AGENCY THAT RECEIVED A GRANT PURSUANT TO THIS SECTION SHALL  
3 SUBMIT A REPORT TO THE DEPARTMENT OF PUBLIC SAFETY CONCERNING  
4 THE EFFECTIVENESS OF THE PROGRAM.

5 (f) ON OR BEFORE FEBRUARY 1, 2005, THE BOARD SHALL REPORT  
6 TO THE JUDICIARY COMMITTEE OF THE SENATE AND THE CRIMINAL JUSTICE  
7 COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON THE EFFECTIVENESS OF  
8 THE PROGRAM. THE REPORT SHALL INCLUDE BUT SHALL NOT BE LIMITED  
9 TO:

10 (I) THE NUMBER OF LAW ENFORCEMENT AGENCIES THAT RECEIVED  
11 GRANTS UNDER THE PROGRAM AND THE AMOUNT OF THE GRANTS;

12 (II) THE EFFECT THAT THE PROGRAMS HAD ON THE NUMBER OF  
13 AUTOMOBILE THEFTS IN AREAS OF THE STATE; AND

14 (III) RECOMMENDATIONS FOR LEGISLATIVE CHANGES TO ASSIST IN  
15 THE PREVENTION, ENFORCEMENT, AND PROSECUTION OF  
16 AUTOMOBILE-THEFT-RELATED CRIMINAL ACTIVITIES.

17 (4) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2006.

18 (b) PRIOR TO SAID REPEAL, THE BOARD APPOINTED PURSUANT TO  
19 THIS SECTION SHALL BE REVIEWED AS PROVIDED FOR IN SECTION  
20 24-34-104, C.R.S.

21 **SECTION 2.** 42-3-134 (26) (d) (I), Colorado Revised Statutes, is  
22 amended to read:

23 **42-3-134. Registration fees - passenger and passenger-mile**  
24 **taxes - repeal.** (26) (d) (I) Effective September 1, 1997, in addition to  
25 any other fee imposed by this section, there shall be collected, at the time  
26 of registration of any motor vehicle in the state, a motorist insurance  
27 identification fee. Such fee shall be adjusted annually by the department

1 of revenue, based upon moneys appropriated by the general assembly for  
2 the operation of the motorist insurance identification database program.  
3 In no event shall such fee exceed one dollar. Such fee shall be transmitted  
4 to the state treasurer, who shall credit the same to a special account within  
5 the highway users tax fund, to be known as the motorist insurance  
6 identification account, which is hereby created. Moneys in the motorist  
7 insurance identification account shall be used, subject to appropriation by  
8 the general assembly, to cover the costs of administration and enforcement  
9 of the motorist insurance identification database program, created in  
10 section 42-7-604, AND TO AWARD GRANTS UNDER THE AUTOMOBILE THEFT  
11 PREVENTION PROGRAM CREATED IN SECTION 42-5-112.

12 **SECTION 3.** 24-34-104 (37), Colorado Revised Statutes, is  
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14 **24-34-104. General assembly review of regulatory agencies and**  
15 **functions for termination, continuation, or reestablishment.** (37) The  
16 following agencies, functions, or both, shall terminate on July 1, 2006:

17 (d) THE AUTOMOBILE THEFT PREVENTION BOARD CREATED IN  
18 SECTION 42-5-112, C.R.S.

19 **SECTION 4. Effective date.** This act shall take effect at 12:01  
20 a.m. on the day following the expiration of the ninety-day period after  
21 final adjournment of the general assembly that is allowed for submitting  
22 a referendum petition pursuant to article V, section 1 (3) of the state  
23 constitution; except that, if a referendum petition is filed against this act  
24 or an item, section, or part of this act within such period, then the act,  
25 item, section, or part, if approved by the people, shall take effect on the  
26 date of the official declaration of the vote thereon by proclamation of the  
27 governor.