

HB1119\_L.007

## HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee\_\_\_\_\_  
DateCommittee on Health and Human Services.

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

HB09-1119 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute the following:

3 "SECTION 1. Part 2 of article 1 of title 25, Colorado Revised  
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
5 read:

6 **25-1-216. Rural youth alcohol and substance abuse prevention**  
7 **and treatment program - creation - administration - definitions - cash**  
8 **fund - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
9 OTHERWISE REQUIRES:

10 (a) "PROGRAM" MEANS THE RURAL YOUTH ALCOHOL AND  
11 SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAM CREATED  
12 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

13 (b) "RURAL AREA" MEANS A COUNTY WITH A POPULATION OF LESS  
14 THAN THIRTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY  
15 AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF  
16 THE CENSUS.

17 (c) "YOUTH" MEANS AN INDIVIDUAL WHO IS AT LEAST EIGHT  
18 YEARS OF AGE BUT WHO IS LESS THAN EIGHTEEN YEARS OF AGE.

19 (2) (a) THERE IS HEREBY CREATED THE RURAL YOUTH ALCOHOL  
20 AND SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAM WITHIN



1 THE DIVISION TO PROVIDE PREVENTION AND TREATMENT SERVICES TO  
2 YOUTH IN RURAL AREAS, WHICH SERVICES MAY INCLUDE, BUT NEED NOT  
3 BE LIMITED TO, PROVIDING ALTERNATIVE ACTIVITIES FOR YOUTH. THE  
4 DIVISION SHALL ADMINISTER THE PROGRAM PURSUANT TO RULES ADOPTED  
5 BY THE STATE BOARD OF HUMAN SERVICES AS OF THE EFFECTIVE DATE OF  
6 THIS SECTION OR AS AMENDED BY THE STATE BOARD THEREAFTER.

7 (b) THE DIVISION SHALL INCORPORATE PROVISIONS TO IMPLEMENT  
8 THE PROGRAM INTO ITS REGULAR CONTRACTING MECHANISM FOR THE  
9 PURCHASE OF PREVENTION AND TREATMENT SERVICES PURSUANT TO  
10 SECTION 25-1-206. THE DIVISION SHALL DEVELOP A METHOD TO  
11 EQUITABLY DISTRIBUTE AND PROVIDE ADDITIONAL MONEYS THROUGH  
12 CONTRACTS TO PROVIDE FOR PREVENTION SERVICES FOR AND TREATMENT  
13 OF YOUTH IN RURAL AREAS.

14 (c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
15 CONTRARY, THE DIVISION SHALL IMPLEMENT THE PROGRAM ON OR AFTER  
16 JANUARY 1, 2011, SUBJECT TO THE AVAILABILITY OF SUFFICIENT MONEYS  
17 TO OPERATE AN EFFECTIVE PROGRAM, AS DETERMINED BY THE DIVISION.

18 (3) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
19 RURAL YOUTH ALCOHOL AND SUBSTANCE ABUSE CASH FUND, REFERRED  
20 TO IN THIS SECTION AS THE "FUND". THE FUND SHALL BE COMPRISED OF  
21 MONEYS COLLECTED FROM SURCHARGES ASSESSED PURSUANT TO  
22 SECTIONS 18-19-103.5, 42-4-1301 (7) (d) (IV), AND 42-4-1701 (4) (f),  
23 C.R.S., AND ANY MONEYS CREDITED TO THE FUND PURSUANT TO  
24 PARAGRAPH (b) OF THIS SUBSECTION (3). THE MONEYS IN THE FUND  
25 SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
26 ASSEMBLY TO THE DIVISION FOR THE PURPOSE OF IMPLEMENTING THE  
27 PROGRAM. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT  
28 OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND. ANY UNEXPENDED  
29 OR UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A  
30 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE  
31 TRANSFERRED OR CREDITED TO THE GENERAL FUND OR ANOTHER FUND;  
32 EXCEPT THAT ANY UNEXPENDED AND UNENCUMBERED MONEYS  
33 REMAINING IN THE FUND AS OF JUNE 30, 2016, SHALL BE CREDITED TO THE  
34 GENERAL FUND.

35 (b) THE DIVISION IS AUTHORIZED TO ACCEPT ANY GRANTS, GIFTS,  
36 OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE ON BEHALF OF THE  
37 STATE FOR THE PURPOSE OF THE PROGRAM. THE DIVISION SHALL

1 TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GRANTS,  
2 GIFTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE  
3 SAME TO THE FUND.

4 (4) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

5 (b) PRIOR TO SUCH REPEAL, THE PROGRAM SHALL BE REVIEWED AS  
6 PROVIDED IN SECTION 24-34-104, C.R.S.

7 **SECTION 2.** 24-34-104 (47), Colorado Revised Statutes, is  
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9 **24-34-104. General assembly review of regulatory agencies**  
10 **and functions for termination, continuation, or reestablishment.**  
11 (47) The following agencies, functions, or both, shall terminate on July  
12 1, 2016:

13 (c) THE RURAL YOUTH ALCOHOL AND SUBSTANCE ABUSE  
14 PREVENTION AND TREATMENT PROGRAM CREATED PURSUANT TO SECTION  
15 25-1-216, C.R.S., WITHIN THE DIVISION OF ALCOHOL AND DRUG ABUSE IN  
16 THE DEPARTMENT OF HUMAN SERVICES.

17 **SECTION 3.** 42-4-1301 (7) (d), Colorado Revised Statutes, is  
18 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

19 **42-4-1301. Driving under the influence - driving while**  
20 **impaired - driving with excessive alcoholic content - definitions -**  
21 **penalties - repeal. (7) Penalties.** (d) In addition to the penalties  
22 prescribed in this subsection (7):

23 (IV) (A) PERSONS CONVICTED OF DUI, DUI PER SE, DWAI, AND  
24 HABITUAL USER, ARE SUBJECT TO AN ADDITIONAL PENALTY SURCHARGE  
25 OF NOT LESS THAN ONE DOLLAR AND NOT MORE THAN TEN DOLLARS FOR  
26 PROGRAMS TO ADDRESS ALCOHOL AND SUBSTANCE ABUSE PROBLEMS  
27 AMONG YOUTH IN RURAL AREAS. THE MINIMUM PENALTY SURCHARGE  
28 SHALL BE MANDATORY, AND THE COURT SHALL HAVE NO DISCRETION TO  
29 SUSPEND OR WAIVE THE SURCHARGE; EXCEPT THAT THE COURT MAY  
30 SUSPEND OR WAIVE THE SURCHARGE FOR A DEFENDANT DETERMINED BY  
31 THE COURT TO BE INDIGENT. ANY MONEYS COLLECTED FOR THE  
32 SURCHARGE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO  
33 SHALL CREDIT THE SAME TO THE RURAL YOUTH ALCOHOL AND SUBSTANCE



1 ABUSE CASH FUND CREATED IN SECTION 25-1-216 (3), C.R.S.

2 (B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1,  
3 2016, UNLESS THE GENERAL ASSEMBLY EXTENDS THE REPEAL OF THE  
4 RURAL YOUTH ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND  
5 TREATMENT PROGRAM CREATED IN SECTION 25-1-216, C.R.S.

6 SECTION 4. 42-4-1701 (4), Colorado Revised Statutes, is  
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 42-4-1701. Traffic offenses and infractions classified -  
9 penalties - penalty and surcharge schedule - repeal. (4) (f) (I) IN  
10 ADDITION TO THE SURCHARGE SPECIFIED IN SUB-SUBPARAGRAPH (N) OF  
11 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4), AN  
12 ADDITIONAL SURCHARGE OF FIVE DOLLARS SHALL BE ASSESSED FOR A  
13 VIOLATION OF SECTION 42-4-1301 (2) (a.5). MONEYS COLLECTED  
14 PURSUANT TO THIS PARAGRAPH (f) SHALL BE TRANSMITTED TO THE STATE  
15 TREASURER WHO SHALL DEPOSIT SUCH MONEYS IN THE RURAL YOUTH  
16 ALCOHOL AND SUBSTANCE ABUSE CASH FUND CREATED IN SECTION  
17 25-1-216 (3), C.R.S., WITHIN FOURTEEN DAYS AFTER THE END OF EACH  
18 QUARTER, TO BE USED FOR THE PURPOSES SET FORTH IN SECTION 25-1-216,  
19 C.R.S.

20 (II) IF THE ADDITIONAL SURCHARGE IS COLLECTED BY A COUNTY  
21 OR MUNICIPAL COURT, THE ADDITIONAL SURCHARGE SHALL BE SIX  
22 DOLLARS OF WHICH ONE DOLLAR SHALL BE RETAINED BY THE COUNTY OR  
23 MUNICIPALITY AND THE REMAINING FIVE DOLLARS SHALL BE  
24 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE RURAL  
25 YOUTH ALCOHOL AND SUBSTANCE ABUSE CASH FUND CREATED IN SECTION  
26 25-1-216 (3), C.R.S., WITHIN FOURTEEN DAYS AFTER THE END OF EACH  
27 QUARTER, TO BE USED FOR THE PURPOSES SET FORTH IN SECTION 25-1-216,  
28 C.R.S.

29 (III) THIS PARAGRAPH (f) IS REPEALED, EFFECTIVE JULY 1, 2016,  
30 UNLESS THE GENERAL ASSEMBLY EXTENDS THE REPEAL OF THE RURAL  
31 YOUTH ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT  
32 PROGRAM CREATED IN SECTION 25-1-216, C.R.S.

33 SECTION 5. 18-19-102 (1), Colorado Revised Statutes, is  
34 amended, and the said 18-19-102 is further amended BY THE  
35 ADDITION OF A NEW SUBSECTION, to read:



1           **18-19-102. Definitions.** As used in this article, unless the context  
2 otherwise requires:

3           (1) ~~"Convicted" and "conviction" means a plea of guilty, including~~  
4 ~~a plea of guilty entered pursuant to a deferred sentence under section~~  
5 ~~18-1.3-102, or a verdict of guilty by a judge or jury, and includes a plea~~  
6 ~~of no contest accepted by the court.~~ "ALCOHOL- OR DRUG-RELATED  
7 OFFENDER" MEANS A PERSON CONVICTED OF ANY OF THE FOLLOWING  
8 OFFENSES OR OF ATTEMPT TO COMMIT ANY OF THE FOLLOWING OFFENSES:

9           (a) VIOLATION OF A PROTECTION ORDER AS DESCRIBED IN SECTION  
10 18-1-1001 (4), IF THE PROTECTION ORDER PROHIBITED THE POSSESSION OR  
11 CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES AND THE  
12 VIOLATION RELATED TO SUCH PROVISIONS;

13           (b) VEHICULAR HOMICIDE AS DESCRIBED IN SECTION 18-3-106 (1)  
14 (b);

15           (c) VEHICULAR ASSAULT AS DESCRIBED IN SECTION 18-3-205 (1)  
16 (b);

17           (d) BRINGING ALCOHOL BEVERAGES INTO THE MAJOR LEAGUE  
18 STADIUM AS DESCRIBED IN SECTION 18-9-123 (1) (a) (I); OR

19           (e) ILLEGAL POSSESSION OR CONSUMPTION OF ETHYL ALCOHOL BY  
20 AN UNDERAGE PERSON AS DESCRIBED IN SECTION 18-13-122.

21           (1.5) "CONVICTED" AND "CONVICTION" MEANS A PLEA OF GUILTY,  
22 INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED  
23 SENTENCE UNDER SECTION 18-1.3-102, OR A VERDICT OF GUILTY BY A  
24 JUDGE OR JURY, AND INCLUDES A PLEA OF NO CONTEST ACCEPTED BY THE  
25 COURT.

26           **SECTION 6.** Article 19 of title 18, Colorado Revised Statutes, is  
27 amended BY THE ADDITION OF A NEW SECTION to read:

28           **18-19-103.5. Rural youth alcohol and substance abuse**  
29 **surchARGE.** (1) IN ADDITION TO THE SURCHARGES ESTABLISHED IN  
30 SECTION 18-19-103, EACH DRUG OFFENDER AND EACH ALCOHOL- OR  
31 DRUG-RELATED OFFENDER WHO IS CONVICTED, OR RECEIVES A DEFERRED  
32 SENTENCE PURSUANT TO SECTION 18-1.3-102, SHALL BE REQUIRED TO PAY



1 A SURCHARGE TO THE CLERK OF THE COURT IN THE COUNTY IN WHICH THE  
2 CONVICTION OCCURS OR IN WHICH THE DEFERRED SENTENCE IS ENTERED.  
3 THE SURCHARGE SHALL BE IN AN AMOUNT DETERMINED BY THE JUDGE BUT  
4 SHALL BE NOT LESS THAN ONE DOLLAR NOR MORE THAN TEN DOLLARS.

5 (2) THE CLERK OF THE COURT SHALL DISBURSE THE SURCHARGE  
6 REQUIRED BY SUBSECTION (1) OF THIS SECTION AS FOLLOWS:

7 (a) FIVE PERCENT SHALL BE RETAINED BY THE CLERK FOR  
8 PURPOSES OF ADMINISTERING THE DISBURSAL OF THE SURCHARGE  
9 PURSUANT TO THIS SUBSECTION (2);

10 (b) NINETY-FIVE PERCENT SHALL BE DISBURSED TO THE STATE  
11 TREASURER WHO SHALL CREDIT THE SAME TO THE RURAL YOUTH ALCOHOL  
12 AND SUBSTANCE ABUSE CASH FUND CREATED IN SECTION 25-1-216 (3),  
13 C.R.S.

14 (3) THE MINIMUM PENALTY SURCHARGE SHALL BE MANDATORY,  
15 AND THE COURT SHALL HAVE NO DISCRETION TO SUSPEND OR WAIVE THE  
16 SURCHARGE; EXCEPT THAT THE COURT MAY SUSPEND OR WAIVE THE  
17 SURCHARGE FOR A DEFENDANT DETERMINED BY THE COURT TO BE  
18 INDIGENT.

19 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016, UNLESS  
20 THE GENERAL ASSEMBLY EXTENDS THE REPEAL OF THE RURAL YOUTH  
21 ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAM  
22 CREATED IN SECTION 25-1-216, C.R.S.

23 **SECTION 7. Effective date - applicability.** This act shall take  
24 effect January 1, 2010, and shall apply to offenses committed on or after  
25 said date.

26 **SECTION 8. Safety clause.** The general assembly hereby finds,  
27 determines, and declares that this act is necessary for the immediate  
28 preservation of the public peace, health, and safety."

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