

An Act

HOUSE BILL 22-1229

BY REPRESENTATIVE(S) Weissman and Soper, Gray, Ricks, Snyder, Woodrow, Lindsay, Michaelson Jenet;
also SENATOR(S) Gardner and Gonzales, Lee.

CONCERNING ADOPTING CLEAN-UP PROVISIONS TO SENATE BILL 21-271 WHICH ENACTED THE 2021 RECOMMENDATIONS OF THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments, as it will become effective March 1, 2022**, article 2.3 of title 16 as follows:

ARTICLE 2.3 **Civil Infractions**

16-2.3-101. Civil infractions classified. (1) IT IS A CIVIL INFRACTION FOR ANY PERSON TO COMMIT ANY OFFENSE OR VIOLATE ANY STATUTE OF THIS STATE THAT IS SPECIFICALLY CLASSIFIED AS A CIVIL INFRACTION. A CIVIL INFRACTION IS A CIVIL MATTER.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) FOR THE PURPOSES OF THIS ARTICLE 2.3:

(a) "JUDGE" INCLUDES ANY COUNTY COURT MAGISTRATE WHO HEARS A CIVIL INFRACTION MATTER; AND

(b) "MAGISTRATE" INCLUDES ANY COUNTY COURT JUDGE WHO IS ACTING AS A COUNTY COURT MAGISTRATE IN A CIVIL INFRACTION MATTER.

(3) THE PENALTY FOR COMMISSION OF A CIVIL INFRACTION, UPON CONVICTION, IS A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS, UNLESS OTHERWISE PROVIDED IN THE SECTION DESCRIBING THE INFRACTION.

(4) EVERY PERSON WHO IS CONVICTED OF, WHO ADMITS LIABILITY FOR, OR AGAINST WHOM A JUDGMENT IS ENTERED FOR A VIOLATION OF A CIVIL INFRACTION MUST BE FINED AND HAVE A SURCHARGE LEVIED PURSUANT TO SECTIONS 24-4.1-119 (1)(g), 24-4.2-104 (1)(b)(III), AND 24-33.5-415.6.

16-2.3-102. Penalty assessment notice for civil infractions.

(1) (a) AT ANY TIME THAT A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101, CHARGES A PERSON WITH THE COMMISSION OF ANY CIVIL INFRACTION, THE PEACE OFFICER MAY, EXCEPT WHEN PROHIBITED BY THE SECTION DESCRIBING THE CHARGED CIVIL INFRACTION, OFFER TO GIVE A PENALTY ASSESSMENT NOTICE TO THE PERSON. FOR ALL CIVIL INFRACTIONS, THE FINE LISTED ON THE PENALTY ASSESSMENT NOTICE IS ONE HUNDRED DOLLARS, UNLESS THE FINE IS OTHERWISE PROVIDED IN THE SECTION DESCRIBING THE CIVIL INFRACTION.

(b) THE PENALTY ASSESSMENT NOTICE THAT A PEACE OFFICER SERVES UPON THE PERSON MUST BE A SUMMONS AND COMPLAINT CONTAINING THE FOLLOWING:

(I) IDENTIFICATION OF THE ALLEGED OFFENDER;

(II) SPECIFICATION OF THE OFFENSE, INCLUDING A CITATION TO THE SECTION ALLEGED TO HAVE BEEN VIOLATED AND A BRIEF DESCRIPTION OF THE CIVIL INFRACTION;

(III) THE AMOUNT OF THE FINE FOR THE CIVIL INFRACTION AND THE

AMOUNT OF THE SURCHARGES PURSUANT TO SECTIONS 24-4.1-119 (1)(g), 24-4.2-104 (1), AND 24-33.5-415.6;

(IV) THE DATE THE PEACE OFFICER SERVES THE PENALTY ASSESSMENT NOTICE UPON THE PERSON;

(V) INSTRUCTIONS TO THE PERSON TO APPEAR IN A SPECIFIED COUNTY COURT AT A SPECIFIED TIME AND PLACE IF THE FINE AND SURCHARGES ARE NOT PAID;

(VI) THE PEACE OFFICER'S SIGNATURE;

(VII) A PLACE WHERE THE PERSON MAY EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY AND AN AGREEMENT TO PAY THE FINE AND SURCHARGES WITHIN TWENTY DAYS; AND

(VIII) OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE PENALTY ASSESSMENT NOTICE TO BE A SUMMONS AND COMPLAINT SHOULD THE FINE AND SURCHARGES NOT BE PAID WITHIN THE TIME ALLOWED IN SUBSECTION (2) OF THIS SECTION.

(c) A PENALTY ASSESSMENT NOTICE ISSUED AND SERVED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION ON A MINOR UNDER EIGHTEEN YEARS OF AGE MUST ALSO CONTAIN OR BE ACCOMPANIED BY A DOCUMENT CONTAINING:

(I) A PREPRINTED DECLARATION STATING THAT THE MINOR'S PARENT OR LEGAL GUARDIAN HAS REVIEWED THE CONTENTS OF THE PENALTY ASSESSMENT NOTICE WITH THE MINOR;

(II) PREPRINTED SIGNATURE LINES FOLLOWING THE DECLARATION ON WHICH THE REVIEWING PERSON DESCRIBED IN SUBSECTION (1)(c)(I) OF THIS SECTION SHALL AFFIX THE PERSON'S SIGNATURE AND FOR A NOTARY PUBLIC TO DULY ACKNOWLEDGE THE REVIEWING PERSON'S SIGNATURE; AND

(III) AN ADVISEMENT TO THE MINOR THAT:

(A) THE MINOR SHALL, WITHIN SEVENTY-TWO HOURS AFTER SERVICE OF THE PENALTY ASSESSMENT NOTICE, INFORM THE MINOR'S PARENT OR LEGAL GUARDIAN THAT THE MINOR HAS RECEIVED A PENALTY ASSESSMENT

NOTICE;

(B) THE PARENT OR LEGAL GUARDIAN OF THE MINOR IS REQUIRED BY LAW TO REVIEW AND SIGN THE PENALTY ASSESSMENT NOTICE AND TO HAVE THE PERSON'S SIGNATURE DULY ACKNOWLEDGED BY A NOTARY PUBLIC; AND

(C) NONCOMPLIANCE WITH THE REQUIREMENT SET FORTH IN SUBSECTION (1)(c)(III)(B) OF THIS SECTION WILL RESULT IN THE MINOR AND THE PARENT OR LEGAL GUARDIAN OF THE MINOR BEING REQUIRED TO APPEAR IN COURT PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(d) THE PEACE OFFICER MUST SERVE ONE COPY OF THE PENALTY ASSESSMENT NOTICE UPON THE PERSON AND SHALL SEND ONE COPY TO THE CLERK OF THE COUNTY COURT IN THE COUNTY IN WHICH THE ALLEGED OFFENSE OCCURRED. THE COPY SENT TO THE CLERK OF THE COUNTY COURT MUST BE SENT IMMEDIATELY AFTER SERVICE UPON THE PERSON.

(e) THE TIME SPECIFIED IN THE SUMMONS PORTION OF THE PENALTY ASSESSMENT NOTICE MUST BE AT LEAST THIRTY DAYS BUT NOT MORE THAN NINETY DAYS AFTER THE DATE THE PENALTY ASSESSMENT NOTICE IS SERVED.

(f) THE PLACE SPECIFIED IN THE SUMMONS PORTION OF THE PENALTY ASSESSMENT NOTICE MUST BE A COUNTY COURT WITHIN THE COUNTY IN WHICH THE CIVIL INFRACTION IS ALLEGED TO HAVE BEEN COMMITTED.

(g) IF THE PERSON REFUSES TO ACCEPT SERVICE OF THE PENALTY ASSESSMENT NOTICE, TENDER OF THE NOTICE BY THE PEACE OFFICER TO THE PERSON CONSTITUTES SERVICE UPON THE PERSON.

(2) (a) IF THE PERSON SERVED A PENALTY ASSESSMENT NOTICE ACKNOWLEDGES GUILT, THE PERSON MAY PAY THE SPECIFIED FINE AND SURCHARGES IN PERSON OR BY MAIL AT THE PLACE AND WITHIN THE TIME SPECIFIED IN THE NOTICE. IF THE PERSON DOES NOT ACKNOWLEDGE GUILT, THE PERSON SHALL APPEAR AS REQUIRED IN THE NOTICE. UPON FINAL HEARING, IF THE PERSON IS FOUND GUILTY, THE COURT SHALL IMPOSE THE FINE AND SURCHARGES SPECIFIED IN THE NOTICE FOR THE OFFENSE FOR WHICH THE PERSON WAS FOUND GUILTY AND THE COURT MAY IMPOSE COURT COSTS AGAINST THE PERSON IN ADDITION TO THE FINE AND SURCHARGES.

(b) THE FINE SPECIFIED IN THE PENALTY ASSESSMENT NOTICE FOR THE VIOLATION CHARGED AND THE SURCHARGES MUST BE PAID TO THE CLERK OF THE COURT OF THE JURISDICTION IN WHICH THE OFFENSE IS ALLEGED TO HAVE OCCURRED, EITHER IN PERSON OR BY POSTMARKING SUCH PAYMENT WITHIN TWENTY DAYS AFTER THE DATE THE PENALTY ASSESSMENT NOTICE IS SERVED UPON THE PERSON. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, ACCEPTANCE OF A PENALTY ASSESSMENT NOTICE AND PAYMENT OF THE FINE AND SURCHARGES TO THE COURT IS COMPLETE SATISFACTION FOR THE VIOLATION. THE PERSON MUST BE GIVEN A RECEIPT IF THE PERSON PAYS THE FINE AND SURCHARGES IN CURRENCY OR OTHER FORM OF LEGAL TENDER.

(3) IF A PERSON CHARGED WITH A CIVIL INFRACTION FAILS TO PAY THE FINE AND SURCHARGES WITHIN TWENTY DAYS AFTER THE DATE OF THE PENALTY ASSESSMENT NOTICE, OR IF THE CLERK OF THE COURT DOES NOT ACCEPT PAYMENT FOR THE FINE AND SURCHARGES AS EVIDENCED BY RECEIPT, THE PERSON IS ALLOWED TO PAY THE FINE, SURCHARGES, AND THE DOCKET FEES IN THE AMOUNTS SET FORTH IN SECTIONS 13-1-204 (1)(b) AND 16-2.3-106 (5)(a)(I) TO THE CLERK OF THE COURT REFERRED TO IN THE SUMMONS PORTION OF THE PENALTY ASSESSMENT NOTICE DURING THE TWO BUSINESS DAYS PRIOR TO THE TIME FOR APPEARANCE, AS SPECIFIED IN THE NOTICE. IF THE FINE FOR A CIVIL INFRACTION AND SURCHARGES IS NOT TIMELY PAID, THE CASE IS HEARD IN THE COURT OF COMPETENT JURISDICTION PRESCRIBED ON THE PENALTY ASSESSMENT NOTICE IN THE MANNER PROVIDED FOR IN THIS ARTICLE 2.3 FOR THE PROSECUTION OF CIVIL INFRACTIONS.

(4) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, A MINOR UNDER EIGHTEEN YEARS OF AGE SHALL APPEAR AT A HEARING ON THE DATE AND TIME SPECIFIED IN THE PENALTY ASSESSMENT NOTICE AND ANSWER THE ALLEGED VIOLATION IF THE PENALTY ASSESSMENT WAS TIMELY PAID BUT NOT SIGNED AND NOTARIZED IN THE MANNER REQUIRED BY SUBSECTION (1)(c)(III)(B) OF THIS SECTION.

(5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, IF THE OFFENSE CHARGED IS FOR THE COMMISSION OF A CIVIL INFRACTION FOR A PARKS AND WILDLIFE VIOLATION CONTAINED IN TITLE 33, THE PENALTY ASSESSMENT PROCEDURES CONTAINED IN SECTION 33-6-104 OR 33-15-102 APPLY.

16-2.3-103. Summons and complaint for civil infractions. (1) A SUMMONS AND COMPLAINT MAY BE ISSUED BY ANY PEACE OFFICER FOR AN OFFENSE CONSTITUTING A CIVIL INFRACTION COMMITTED IN THE PEACE OFFICER'S PRESENCE OR, IF NOT COMMITTED IN THE PEACE OFFICER'S PRESENCE, THAT THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE WAS COMMITTED AND PROBABLE CAUSE TO BELIEVE WAS COMMITTED BY THE PERSON CHARGED. EXCEPT FOR PENALTY ASSESSMENT NOTICES, WHICH MUST BE HANDLED PURSUANT TO THE PROCEDURES SET FORTH IN SECTION 16-2-201 OR 16-2.3-102, A COPY OF A SUMMONS AND COMPLAINT ISSUED MUST BE FILED IMMEDIATELY WITH THE COUNTY COURT BEFORE WHICH APPEARANCE IS REQUIRED, AND A SECOND COPY MUST BE GIVEN TO THE DISTRICT ATTORNEY OR DEPUTY DISTRICT ATTORNEY FOR THE COUNTY.

(2) A SUMMONS ISSUED BY THE COUNTY COURT FOR A CIVIL INFRACTION MAY BE SERVED BY GIVING A COPY TO THE PERSON OR BY LEAVING A COPY AT THE PERSON'S USUAL PLACE OF ABODE WITH A PERSON OVER THE AGE OF EIGHTEEN YEARS RESIDING THEREIN, OR BY MAILING A COPY TO THE PERSON'S LAST KNOWN ADDRESS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, NOT LESS THAN FOURTEEN DAYS PRIOR TO THE TIME THE PERSON IS REQUIRED TO APPEAR. SERVICE BY MAIL IS COMPLETE UPON THE RETURN OF THE RECEIPT SIGNED BY THE PERSON. PERSONAL SERVICE MUST BE MADE BY ANY DISINTERESTED PARTY OVER EIGHTEEN YEARS OF AGE.

16-2.3-104. Parties to a crime. A PERSON IS LEGALLY ACCOUNTABLE AS PRINCIPAL FOR THE BEHAVIOR OF ANOTHER PERSON WHO COMMITS A CIVIL INFRACTION IF, WITH THE INTENT TO PROMOTE OR FACILITATE THE COMMISSION OF THE OFFENSE, THE PERSON AIDS, ABETS, ADVISES, OR ENCOURAGES THE OTHER PERSON IN PLANNING OR COMMITTING THE OFFENSE.

16-2.3-105. Civil infractions - proper court for hearing - burden of proof - appeal - collateral attack. (1) A COUNTY COURT MAGISTRATE APPOINTED PURSUANT TO PART 5 OF ARTICLE 6 OF TITLE 13, OR A COUNTY JUDGE ACTING AS A MAGISTRATE, SHALL CONDUCT THE HEARING IN A COUNTY COURT FOR THE ADJUDICATION OF A CIVIL INFRACTION; EXCEPT THAT, IF THE CHARGE INCLUDES A CRIME AND CIVIL INFRACTION IN THE SAME SUMMONS AND COMPLAINT, ALL CHARGES MUST BE MADE RETURNABLE BEFORE A JUDGE OR MAGISTRATE WHO HAS JURISDICTION OVER THE CRIME. THE COLORADO RULES OF CRIMINAL PROCEDURE APPLY IN A CASE THAT

CONTAINS BOTH A CRIME AND A CIVIL INFRACTION.

(2) WHEN A COURT OF COMPETENT JURISDICTION DETERMINES THAT A PERSON CHARGED WITH A MISDEMEANOR OR PETTY OFFENSE IS GUILTY OF A LESSER INCLUDED OFFENSE THAT IS A CIVIL INFRACTION, THE COURT MAY ENTER A JUDGMENT AS TO THE LESSER INCLUDED OFFENSE.

(3) IN A CIVIL INFRACTION CASE, THE BURDEN OF PROOF IS ON THE PEOPLE, AND THE MAGISTRATE SHALL ENTER JUDGMENT IN FAVOR OF THE PERSON UNLESS THE PEOPLE PROVE THE LIABILITY OF THE PERSON BEYOND A REASONABLE DOUBT. THE DISTRICT ATTORNEY OR A DISTRICT ATTORNEY'S DEPUTY MAY, BUT IS NOT REQUIRED TO, AT THE DISTRICT ATTORNEY'S DISCRETION, ENTER A CIVIL INFRACTION CASE FOR THE PURPOSE OF ATTEMPTING TO NEGOTIATE A PLEA TO A LESSER OFFENSE, REDUCED PENALTY, OR A STIPULATION TO PRETRIAL DIVERSION OR DEFERRED JUDGMENT AND SENTENCE. THE DISTRICT ATTORNEY SHALL NOT REPRESENT THE STATE AT HEARINGS CONDUCTED BY A MAGISTRATE OR A COUNTY JUDGE ACTING AS A MAGISTRATE ON CIVIL INFRACTION MATTERS. THE MAGISTRATE OR COUNTY JUDGE ACTING AS A MAGISTRATE MAY CALL AND QUESTION ANY WITNESS AND SHALL ACT AS THE FACT FINDER AT HEARINGS ON CIVIL INFRACTION MATTERS.

(4) AN APPEAL FROM FINAL JUDGMENT ON A CIVIL INFRACTION MATTER MUST BE TAKEN TO THE DISTRICT COURT FOR THE COUNTY WHERE THE MAGISTRATE OR JUDGE ACTING AS MAGISTRATE IS LOCATED.

(5) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION, A PERSON AGAINST WHOM A JUDGMENT IS ENTERED FOR A CIVIL INFRACTION MAY NOT COLLATERALLY ATTACK THE VALIDITY OF THAT JUDGMENT UNLESS THE PERSON COMMENCES THE ATTACK WITHIN SIX MONTHS AFTER THE DATE OF ENTRY OF THE JUDGMENT.

(b) IN RECOGNITION OF THE DIFFICULTIES ATTENDING THE LITIGATION OF STALE CLAIMS AND THE POTENTIAL FOR FRUSTRATING VARIOUS STATUTORY PROVISIONS DIRECTED AT REPEAT OFFENDERS, FORMER OFFENDERS, AND HABITUAL OFFENDERS, THE ONLY EXCEPTIONS TO THE TIME LIMITATION SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION ARE CASES IN WHICH THE COURT HEARING THE COLLATERAL ATTACK FINDS:

(I) THAT THE COURT ENTERING JUDGMENT DID NOT HAVE

JURISDICTION OVER THE SUBJECT MATTER OF THE ALLEGED CIVIL INFRACTION;

(II) THAT THE COURT ENTERING JUDGMENT DID NOT HAVE JURISDICTION OVER THE PERSON;

(III) BY A PREPONDERANCE OF THE EVIDENCE, THAT THE FAILURE TO SEEK RELIEF WITHIN THE TIME LIMITATION SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION WAS THE RESULT OF AN ADJUDICATION OF INCOMPETENCE OR BY COMMITMENT OR CERTIFICATION OF THE VIOLATOR TO AN INSTITUTION FOR TREATMENT AS A PERSON WITH A BEHAVIORAL HEALTH DISORDER; OR

(IV) THAT THE FAILURE TO SEEK RELIEF WITHIN TIME LIMITATION SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION WAS THE RESULT OF CIRCUMSTANCES AMOUNTING TO JUSTIFIABLE EXCUSE OR EXCUSABLE NEGLECT.

16-2.3-106. Failure to pay penalty for civil infractions - failure of parent or guardian to sign penalty assessment notice - procedures.

(1) UNLESS A PERSON WHO HAS BEEN CITED FOR A CIVIL INFRACTION PAYS THE FINE AND SURCHARGES PURSUANT TO SECTIONS 24-4.1-119 (1)(g), 24-4.2-104 (1), AND 24-33.5-415.6, THE PERSON SHALL APPEAR AT A HEARING ON THE DATE AND TIME SPECIFIED IN THE SUMMONS AND COMPLAINT AND ANSWER THE COMPLAINT. THIS REQUIREMENT TO APPEAR MAY BE COMPLIED WITH BY APPEARANCE OF COUNSEL.

(2) IF A MINOR UNDER EIGHTEEN YEARS OF AGE IS REQUIRED TO APPEAR AT A HEARING PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE MINOR SHALL INFORM THE MINOR'S PARENT OR LEGAL GUARDIAN, AND THE PARENT OR LEGAL GUARDIAN SHALL ALSO APPEAR AT THE HEARING.

(3) IF THE PERSON ANSWERS THAT THE PERSON IS GUILTY OR IF THE PERSON FAILS TO APPEAR FOR THE HEARING, THE MAGISTRATE SHALL ENTER JUDGMENT AGAINST THE PERSON.

(4) IF THE PERSON DENIES THE ALLEGATIONS IN THE COMPLAINT, A FINAL HEARING ON THE COMPLAINT MUST BE HELD SUBJECT TO THE PROVISIONS REGARDING A SPEEDY TRIAL IN SECTION 18-1-405. IF THE PERSON IS FOUND GUILTY OR LIABLE AT THE FINAL HEARING OR IF THE

PERSON FAILS TO APPEAR FOR A FINAL HEARING, THE MAGISTRATE SHALL ENTER JUDGMENT AGAINST THE PERSON.

(5) (a) (I) If JUDGMENT IS ENTERED AGAINST A PERSON, THE MAGISTRATE SHALL ASSESS THE APPROPRIATE FINE AND SURCHARGES, A DOCKET FEE OF SIXTEEN DOLLARS, AND OTHER APPLICABLE COSTS AUTHORIZED BY SECTION 13-16-122 (1).

(II) ALL DOCKET FEES COLLECTED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION MUST BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (6).

(b) A MAGISTRATE SHALL NOT ISSUE A BENCH WARRANT FOR THE ARREST OF ANY PERSON WHO FAILS TO APPEAR FOR A HEARING PURSUANT TO SUBSECTION (1), (2), OR (3) OF THIS SECTION OR FOR A FINAL HEARING PURSUANT TO SUBSECTION (4) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 13-1-204, **amend** (1)(b) as follows:

13-1-204. Court security cash fund - creation - grants - regulations. (1) (b) A five-dollar surcharge ~~shall~~ MUST be assessed and collected as provided by law on docket fees and jury fees for specified civil actions filed on and after July 1, 2007, on docket fees for criminal convictions entered on and after July 1, 2007, on filing fees for specified probate filings made on and after July 1, 2007, on docket fees for specified special proceeding filings made on and after July 1, 2007, on fees for specified filings in water matters initiated on and after July 1, 2007, ~~and~~ on docket fees for specified traffic infraction penalties assessed on and after July 1, 2007, AND ON DOCKET FEES FOR CIVIL INFRACTION PENALTIES ASSESSED ON OR AFTER MARCH 1, 2022. The surcharge ~~shall~~ MUST be transmitted to the state treasurer, who shall credit the surcharge to the fund.

SECTION 3. In Colorado Revised Statutes, 13-6-212, **amend** (2)(f) as follows:

13-6-212. Duties of clerk. (2) Upon approval by the chief justice of the supreme court, the chief judge of a judicial district may authorize, either generally or in specific cases, the clerk of the county court to do the

following:

(f) With the consent of the defendant, accept pleas of guilty and admissions of liability and impose penalties pursuant to a schedule approved by the presiding judge in misdemeanor cases involving violations of wildlife and parks and outdoor recreation laws for which the maximum penalty in each case is a fine of not more than one thousand dollars; and in misdemeanor traffic and traffic infraction cases involving the regulation of vehicles and traffic for which the penalty specified in section 42-4-1701, ~~C.R.S.~~, or elsewhere in articles 2 to 4 of title 42, ~~C.R.S.~~, in each case is less than three hundred dollars; AND IN CIVIL INFRACTION CASES. A clerk shall not levy a fine ~~of over said~~ GREATER THAN THESE amounts nor sentence any person to jail. If, in the judgment of the clerk, a fine ~~of over said~~ GREATER THAN THESE amounts or a jail sentence is justified, the case ~~shall~~ MUST be certified to the judge of the county court for arraignment and trial de novo.

SECTION 4. In Colorado Revised Statutes, 13-6-501, **amend** (4) introductory portion, (5), (6), (8), and (9); and **add** (4)(a.5) as follows:

13-6-501. County court magistrates - qualifications - duties.

(4) Subject to the provision that no magistrate may preside in any trial by jury, county court magistrates ~~shall~~ have power to hear the following matters:

(a.5) CIVIL INFRACTIONS, AS DESCRIBED IN SECTION 16-2.3-101;

(5) Except in class A and class B traffic infraction matters AND CIVIL INFRACTION MATTERS, before a county court magistrate may hear any matter, all parties ~~thereto~~ shall have waived, on the record, their right to proceed before a county judge. If any party fails to waive such right, or objects to the magistrate, that party's case ~~shall~~ MUST be rereferred to a county judge.

(6) Magistrates, when handling county court matters, ~~and~~ class A and class B traffic infraction matters, AND CIVIL INFRACTION MATTERS, and where the parties to such proceedings, other than traffic infraction matters, ~~shall~~ have waived their right to proceed before a county judge, ~~shall~~ have all the jurisdiction and power of a county judge, and their orders and judgments ~~shall be~~ ARE those of the county court.

(8) The duties, qualifications, compensation, conditions of employment, and other administrative details concerning magistrates who hear traffic infraction matters AND CIVIL INFRACTION MATTERS not set forth in this part 5 ~~shall be~~ ARE established in accordance with the provisions of PURSUANT TO section 13-3-105.

(9) The supreme court shall adopt such rules and regulations as it deems necessary or proper to carry out the provisions of this part 5 relating to traffic infraction matters AND CIVIL INFRACTION MATTERS, including, but not limited to, procedural matters.

SECTION 5. In Colorado Revised Statutes, **amend** 13-6-502 as follows:

13-6-502. Jury trials. Notwithstanding ~~the provisions of~~ section 16-10-109 ~~C.R.S.~~, or any other provision of law, the right to a jury trial ~~shall not be~~ IS NOT available at a hearing before a magistrate ~~where~~ WHEN the cited person is charged with a class A or a class B traffic infraction OR CIVIL INFRACTION.

SECTION 6. In Colorado Revised Statutes, **amend** 13-6-503 as follows:

13-6-503. Evidence offered by officer. At any hearing on a class A or class B traffic infraction OR CIVIL INFRACTION, the officer who issued the citation OR PENALTY ASSESSMENT NOTICE shall offer evidence of the facts concerning the alleged infraction either in person or by affidavit, as such affidavit may be established by rules adopted by the supreme court pursuant to section 13-6-501 (9). If ~~such~~ THE officer appears personally, the magistrate and the cited person may then examine ~~such~~ THE officer. The cited party ~~shall have~~ HAS the right to call the officer by subpoena as in the case of other civil matters.

SECTION 7. In Colorado Revised Statutes, 13-80-103, **add** (1)(i) as follows:

13-80-103. General limitation of actions - one year. (1) The following civil actions, regardless of the theory upon which suit is brought, or against whom suit is brought, shall be commenced within one year after the cause of action accrues, and not thereafter:

(i) ALL ACTIONS AGAINST A PERSON ALLEGING LIABILITY FOR A PENALTY FOR COMMISSION OF A CIVIL INFRACTION, AS DESCRIBED IN SECTION 16-2.3-101.

SECTION 8. In Colorado Revised Statutes, 13-80-108, **add** (11.5) as follows:

13-80-108. When a cause of action accrues. (11.5) A CAUSE OF ACTION FOR A PENALTY FOR COMMISSION OF A CIVIL INFRACTION, AS DESCRIBED IN SECTION 16-2.3-101, IS DEEMED TO ACCRUE ON THE DATE THE CIVIL INFRACTION WAS COMMITTED.

SECTION 9. In Colorado Revised Statutes, **amend as it will become effective March 1, 2022**, 16-2-104 as follows:

16-2-104. Issuance of summons and complaint. A summons and complaint may be issued by any peace officer for an offense constituting a misdemeanor or a petty offense ~~or a civil infraction~~ committed in the peace officer's presence or, if not committed in the peace officer's presence, ~~which~~ THAT the peace officer has probable cause to believe was committed and probable cause to believe was committed by the person charged. Except for penalty assessment notices, which ~~shall~~ MUST be handled ~~according to~~ PURSUANT TO the procedures set forth in section 16-2-201 OR 16-2.3-102, a copy of a summons and complaint so issued ~~shall~~ MUST be filed immediately with the county court before which appearance is required, and a second copy ~~shall~~ MUST be given to the district attorney or deputy district attorney for the county.

SECTION 10. In Colorado Revised Statutes, **amend as it will become effective March 1, 2022**, 16-2-109 as follows:

16-2-109. Service of summons. A summons issued by the county court in a prosecution for a misdemeanor or petty offense ~~or civil infraction~~ may be served by giving a copy to the defendant personally or by leaving a copy at the defendant's usual place of abode with some person over the age of eighteen years residing therein or by mailing a copy to the defendant's last known address by certified mail, return receipt requested, not less than fourteen days prior to the time the defendant is required to appear. Service by mail ~~shall~~ MUST be complete upon the return of the receipt signed by the defendant. Personal service ~~shall~~ MUST be made by

any disinterested party over the age of eighteen years.

SECTION 11. In Colorado Revised Statutes, 16-2-201, **amend as it will become effective March 1, 2022,** (1) as follows:

16-2-201. Penalty assessment notice procedure. (1) When a person is arrested for a civil infraction, the arresting officer may give the person a penalty assessment notice PURSUANT TO SECTION 16-2.3-102 and release the person upon its terms.

SECTION 12. In Colorado Revised Statutes, 16-4-113, **amend as it will become effective March 1, 2022,** (1) introductory portion as follows:

16-4-113. Type of bond in certain misdemeanor cases. (1) In exercising the discretion mentioned in section 16-4-104, the judge shall release the accused person upon personal recognizance if the charge is any ~~unclassified~~ offense for a violation of which the maximum penalty does not exceed six months' imprisonment, and ~~he or she~~ THE ACCUSED PERSON shall not be required to supply a surety bond, or give security of any kind for ~~his or her~~ THEIR appearance for trial other than ~~his or her~~ THEIR personal recognizance, unless one or more of the following facts are found to be present:

SECTION 13. In Colorado Revised Statutes, 16-5-401, **amend as it will become effective March 1, 2022,** (1)(a) as follows:

16-5-401. Limitation for commencing criminal proceedings, civil infraction proceedings, and juvenile delinquency proceedings - definitions. (1) (a) Except as otherwise provided by statute applicable to specific offenses, delinquent acts, or circumstances, no adult person or juvenile shall be prosecuted, tried, or punished for any offense or delinquent act unless the indictment, information, complaint, or petition in delinquency is filed in a court of competent jurisdiction or a summons and complaint or penalty assessment notice is served upon the defendant or juvenile within the period of time after the commission of the offense or delinquent act as specified below:

Murder, kidnapping, treason, any sex offense against

a child, and any forgery regardless of the penalty

provided:

No limit

Attempt, conspiracy, or solicitation to commit murder;

attempt, conspiracy, or solicitation to commit

kidnapping; attempt, conspiracy, or solicitation to

commit treason; attempt, conspiracy, or solicitation

to commit any sex offense against a child; and

attempt, conspiracy, or solicitation to commit any

forgery regardless of the penalty provided:

No limit

Vehicular homicide, except as described in subsection

(1)(a.5) of this section; leaving the scene of an

accident that resulted in the death of a person:

Five years

Other felonies:

Three years

Misdemeanors:

Eighteen months

Class 1 and 2 misdemeanor traffic offenses:

One year

Petty offenses: ~~and civil infractions:~~

Six months

SECTION 14. In Colorado Revised Statutes, **amend** 16-10-101 as follows:

16-10-101. Jury trials - statement of policy. The right of a person who is accused of an offense other than a noncriminal traffic infraction or offense, CIVIL INFRACTION, or OFFENSE other than a municipal charter, municipal ordinance, or county ordinance violation as provided in section 16-10-109 (1), to have a trial by jury is inviolate and a matter of substantive

due process of law as distinguished from one of "practice and procedure". The people ~~shall~~ also have the right to refuse to consent to a waiver of a trial or sentencing determination by jury in all cases in which the accused has the right to request a trial or sentencing determination by jury.

SECTION 15. In Colorado Revised Statutes, 17-26-109, **amend** (1)(b)(I) as follows:

17-26-109. Deductions of time - record keeping - forfeitures - definition - repeal. (1) Every person who is sentenced to and imprisoned in any county jail of this state who performs faithfully the duties assigned to him or her and conducts himself or herself in accordance with the rules of the jail earns deductions from the time of his or her sentence as follows:

(b) In addition to the deduction described in subsection (1)(a) of this section, an inmate may receive a three-day deduction for each thirty days on his or her sentence if he or she:

(I) SUCCESSFULLY COMPLETES A DESIGNATED PROGRAM OR EDUCATIONAL ACTIVITY WITHIN THE JAIL OR is designated by the county sheriff as a trusty prisoner;

SECTION 16. In Colorado Revised Statutes, 18-1-104, **amend as it will become effective March 1, 2022,** (2) as follows:

18-1-104. "Offense" defined - offenses classified - common-law crimes abolished. (2) Each offense falls into one of ~~eleven~~ NINE classes, one of six drug offense levels, or one unclassified category. There are six classes of felonies as described in section 18-1.3-401 and four levels of drug felonies as described in section 18-1.3-401.5, two classes of misdemeanors as described in section 18-1.3-501 and two levels of drug misdemeanors as described in section 18-1.3-501, petty offenses as described in section 18-1.3-503, civil infractions as described in section 18-1.3-503, and the category of drug petty offense as described in section 18-1.3-501 (1)(e).

SECTION 17. In Colorado Revised Statutes, 18-1-1001, **amend** (1) as follows:

18-1-1001. Protection order against defendant - definitions.

(1) There is ~~hereby~~ created a mandatory protection order against any person charged with a CRIMINAL violation of any of the provisions of this ~~title~~ TITLE 18, which order ~~shall remain~~ REMAINS in effect from the time that the person is advised of ~~his or her~~ THE PERSON'S rights at arraignment or the person's first appearance before the court and informed of such order until final disposition of the action. Such order ~~shall restrain~~ RESTRAINS the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged. The protection order issued pursuant to this section ~~shall~~ MUST be on a standardized form prescribed by the judicial department, and a copy ~~shall~~ be provided to the protected parties.

SECTION 18. In Colorado Revised Statutes, 18-1.3-503, **amend as it will become effective March 1, 2022**, (1.6) as follows:

18-1.3-503. Petty offense and civil infraction classified - penalties. (1.6) (a) For offenses committed on or after March 1, 2022, a violation of a statute of this state is a civil infraction if specifically classified as a civil infraction. The penalty for commission of a civil infraction, upon conviction, is a fine of not more than one hundred dollars, unless otherwise provided by statute. A CIVIL INFRACTION CONSTITUTES A CIVIL MATTER.

(b) A peace officer may apply the penalty assessment NOTICE procedure in ~~section 16-2-201~~ SECTION 16-2.3-102 for the payment of a fine in a civil infraction case.

SECTION 19. In Colorado Revised Statutes, 18-1.3-603, **amend as it will become effective March 1, 2022**, (1) introductory portion as follows:

18-1.3-603. Assessment of restitution - corrective orders. (1) Every order of conviction of a felony, misdemeanor, petty offense, ~~civil infraction~~, or traffic misdemeanor offense, except any order of conviction for a state traffic misdemeanor offense issued by a municipal or county court in which the prosecuting attorney is acting as a special deputy district attorney pursuant to an agreement with the district attorney's office, shall include consideration of restitution. Each such order shall include one or more of the following:

SECTION 20. In Colorado Revised Statutes, 18-3-204, **amend** (3) as follows:

18-3-204. Assault in the third degree. (3) Assault in the third degree is a class 1 misdemeanor. ~~and is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501(3).~~

SECTION 21. In Colorado Revised Statutes, 18-3-405.6, **amend** (2)(a) as follows:

18-3-405.6. Invasion of privacy for sexual gratification. (2) (a) Except as otherwise provided in ~~paragraph (b) of this subsection~~ (2) SUBSECTION (2)(b) OF THIS SECTION, invasion of privacy for sexual gratification is a class 1 misdemeanor. ~~and is an extraordinary risk crime subject to the modified sentencing range specified in section 18-1.3-501(3).~~

SECTION 22. In Colorado Revised Statutes, 18-3-412.5, **amend** (3)(a) as follows:

18-3-412.5. Failure to register as a sex offender. (3) (a) Failure to register as a sex offender is a class 1 misdemeanor if the person was convicted of misdemeanor unlawful sexual behavior, or of another offense, the underlying factual basis of which involves misdemeanor unlawful sexual behavior, or if the person received a disposition or was adjudicated for an offense that would constitute misdemeanor unlawful sexual behavior if committed by an adult, or for another offense, the underlying factual basis of which involves misdemeanor unlawful sexual behavior. ~~A class 1 misdemeanor conviction pursuant to this subsection (3) is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501(3).~~

SECTION 23. In Colorado Revised Statutes, 18-4-401, **amend as it will become effective March 1, 2022**, (1) introductory portion as follows:

18-4-401. Theft - repeal. (1) A person commits theft when he or she knowingly obtains, retains, or exercises control over anything of value of another without authorization or by threat or deception; receives, loans money by pawn or pledge on, or disposes of anything of value or belonging to another that he or she knows or believes to have been stolen, ~~or procures~~

~~food or accommodations from a public establishment without making payment therefore; and:~~

SECTION 24. In Colorado Revised Statutes, **amend** as it will become effective March 1, 2022, 18-4-416 as follows:

18-4-416. Theft by resale of a lift ticket or coupon. Any unauthorized person who, with the intent to profit therefrom, resells or offers to resell any ticket, pass, badge, pin, coupon, or other device which THAT then entitles the bearer to the use, benefit, or enjoyment of any skiing service or skiing facility commits a civil infraction. ~~The penalty of a violation of this section shall be a fine in an amount not to exceed three hundred dollars. Under no circumstances shall~~ A PEACE OFFICER MUST NOT, UNDER ANY CIRCUMSTANCES, ARREST a person being charged with this civil infraction ~~be arrested by any peace officer;~~ and a summons to the appropriate court of jurisdiction ~~shall~~ MUST be issued to the accused person.

SECTION 25. In Colorado Revised Statutes, 18-4-511, **add** (8) as follows:

18-4-511. Littering of public or private property - repeal. (8) ANY TIME A PERSON IS CHARGED WITH COMMITTING LITTERING, THE PEACE OFFICER SHALL ISSUE A SUMMONS AND COMPLAINT FOR THE PERSON'S APPEARANCE IN COURT. NOTWITHSTANDING SECTION 16-2.3-102, A PEACE OFFICER SHALL NOT ISSUE A PENALTY ASSESSMENT FOR LITTERING.

SECTION 26. In Colorado Revised Statutes, 18-6-803.5, **repeal** (2)(a.5) as follows:

18-6-803.5. Crime of violation of a protection order - penalty - peace officers' duties - definitions. (2) (a.5) ~~A second or subsequent violation of a protection order is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501 (3).~~

SECTION 27. In Colorado Revised Statutes, 18-8-102, **amend** (3) as follows:

18-8-102. Obstructing government operations. (3) Obstructing government operations is a ~~class 3 misdemeanor~~ CLASS 2 MISDEMEANOR.

SECTION 28. In Colorado Revised Statutes, 24-4.1-119, **add** (1)(g) as follows:

24-4.1-119. Costs and surcharges levied on criminal actions and traffic offenses. (1) (g) (I) A SURCHARGE OF EIGHT DOLLARS IS LEVIED AGAINST EACH PENALTY IMPOSED FOR VIOLATION OF A CIVIL INFRACTION PURSUANT TO SECTION 16-2.3-101. THE CLERK OF THE COURT SHALL TRANSMIT ALL MONEY COLLECTED TO THE COURT ADMINISTRATOR OF THE JUDICIAL DEPARTMENT IN WHICH THE OFFENSE OCCURRED FOR CREDIT TO THE CRIME VICTIM COMPENSATION FUND ESTABLISHED IN THAT JUDICIAL DISTRICT.

(II) THE SURCHARGES LEVIED PURSUANT TO THIS SUBSECTION (1)(g) ARE SEPARATE AND DISTINCT FROM SURCHARGES LEVIED PURSUANT TO SECTION 24-4.2-104 FOR THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND.

SECTION 29. In Colorado Revised Statutes, 24-4.2-104, **add** (1)(b)(III) as follows:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses. (1) (b) (III) A SURCHARGE OF EIGHT DOLLARS IS LEVIED AGAINST EACH PENALTY IMPOSED FOR VIOLATION OF A CIVIL INFRACTION PURSUANT TO SECTION 16-2.3-101. THE CLERK OF THE COURT SHALL TRANSMIT ALL MONEY COLLECTED TO THE COURT ADMINISTRATOR OF THE JUDICIAL DEPARTMENT IN WHICH THE OFFENSE OCCURRED FOR CREDIT TO THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND ESTABLISHED IN THAT JUDICIAL DISTRICT.

SECTION 30. In Colorado Revised Statutes, 24-33.5-415.6, **add** (10) and (11) as follows:

24-33.5-415.6. Offender identification - fund. (10) A SURCHARGE OF TWO DOLLARS AND FIFTY CENTS IS LEVIED AGAINST EACH CIVIL ACTION RESULTING IN AN ADMISSION OF LIABILITY OR A JUDGMENT AGAINST THE DEFENDANT FOR A CIVIL INFRACTION CHARGED PURSUANT TO STATE STATUTE. THE DEFENDANT SHALL PAY THE SURCHARGE TO THE CLERK OF THE COURT. EACH CLERK SHALL TRANSMIT THE MONEY TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(11) A SURCHARGE OF TWO DOLLARS AND FIFTY CENTS IS LEVIED AGAINST EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT TO SECTION 16-2.3-102 FOR A CIVIL INFRACTION PURSUANT TO STATE STATUTE THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CIVIL ACTION. ALL MONEY COLLECTED BY THE CLERK OF THE COURT PURSUANT TO THIS SUBSECTION (11) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

SECTION 31. In Colorado Revised Statutes, 25-4-414, **amend as it will become effective March 1, 2022, (1)** as follows:

25-4-414. Penalties. (1) A health-care provider, laboratory employee, or other person who is required to make a report pursuant to section 25-4-405 and who fails to make such a report commits a civil infraction and, upon conviction, shall be punished by a fine of ~~not more than three~~ ONE hundred dollars.

SECTION 32. In Colorado Revised Statutes, 26-2-306, **amend (3)** as follows:

26-2-306. Trafficking in food stamps. (3) When a person commits the offense of trafficking in food stamps twice or more within a period of six months, two or more of the offenses may be aggregated and charged in a single count, in which event the offenses so aggregated and charged shall constitute a single offense. ~~and, if the aggregate value of the food stamps involved is one thousand dollars or more but less than twenty thousand dollars, it is a class 4 felony; however, if the aggregate value of the food stamps involved is twenty thousand dollars or more, it is a class 3 felony.~~

SECTION 33. In Colorado Revised Statutes, 33-6-104, **amend (2)(a)(I)** as follows:

33-6-104. Imposition of penalty - procedures. (2) (a) (I) At the time that a person is charged with violating any misdemeanor OR CIVIL INFRACTION provisions of articles 1 to 6 of this title 33 or a rule of the commission, the officer shall issue a summons and complaint to the alleged offender or, in the case of a violation for which a fine of a fixed amount is prescribed, may give the alleged offender an opportunity to voluntarily pay the fine and surcharge in the form of a penalty assessment.

SECTION 34. In Colorado Revised Statutes, 33-10.5-105, **amend** (2)(a.5) as follows:

33-10.5-105. Prohibition of aquatic nuisance species - rules - penalties. (2) (a.5) A person who knowingly or willfully violates subsection (1)(e) of this section commits a civil infraction and, upon entry of judgment, shall be fined one hundred dollars. ~~When a person is charged with knowingly or willfully violating subsection (1)(e) of this section, the officer shall give a penalty assessment notice to the defendant and follow the procedures in section 33-15-102 (2). If the fine and surcharge are not timely paid, the case shall be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the manner provided for in article 4 of title 42 for the prosecution of traffic infractions.~~

SECTION 35. In Colorado Revised Statutes, 33-13-108.1, **amend as it will become effective March 1, 2022**, (1)(a) introductory portion as follows:

33-13-108.1. Operating a vessel while under the influence - definitions. (1) (a) It is a ~~violation~~ MISDEMEANOR for any person to operate or be in actual physical control of a motorized, wind-powered, or flying vessel in this state while:

SECTION 36. In Colorado Revised Statutes, 42-2-138, **amend as it will become effective March 1, 2022**, (1)(d)(I) as follows:

42-2-138. Driving under restraint - penalty - definitions. (1) (d) (I) A person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that the person's license or privilege to drive, either as a resident or nonresident, is restrained under section 42-2-126 (3), is restrained solely or partially because of a conviction of DUI, DUI per se, DWAI, or UDD, or is restrained in another state solely or partially because of an alcohol-related driving offense commits a class 2 misdemeanor traffic offense. Upon a second or subsequent conviction, the person shall be punished by a fine of not less than five hundred dollars nor more than three thousand dollars. ~~The minimum county jail sentence imposed by this subsection (1)(d)(I) shall be mandatory, and the court shall not grant probation or a suspended sentence thereof; but, in a case where the defendant is convicted although the defendant established that the defendant had to drive the motor vehicle in violation of this subsection (1)(d)(I)~~

~~because of an emergency, the mandatory jail sentence, if any, shall not apply, and, for a first conviction, the court may impose a sentence of imprisonment in the county jail for a period of not more than one year and, in the discretion of the court, a fine of not more than one thousand dollars; and, for a second or subsequent conviction, the court may impose a sentence of imprisonment in the county jail for a period of not more than two years and, in the discretion of the court, a fine of not more than three thousand dollars.~~

SECTION 37. In Colorado Revised Statutes, 42-4-1301, **amend** (1)(a), (1)(b), and (2)(a) **as they will become effective March 1, 2022**, as follows:

42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - definitions - penalties.
(1) (a) A person who drives a motor vehicle or vehicle under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, commits driving under the influence. Driving under the influence is a ~~traffic~~ misdemeanor, but it is a class 4 felony if the violation occurred after three or more prior convictions, arising out of separate and distinct criminal episodes, for DUI, DUI per se, or DWAI; vehicular homicide, as described in section 18-3-106 (1)(b); vehicular assault, as described in section 18-3-205 (1)(b); or any combination thereof.

(b) A person who drives a motor vehicle or vehicle while impaired by alcohol or by one or more drugs, or by a combination of alcohol and one or more drugs, commits driving while ability impaired. Driving while ability impaired is a ~~traffic~~ misdemeanor, but it is a class 4 felony if the violation occurred after three or more prior convictions, arising out of separate and distinct criminal episodes, for DUI, DUI per se, or DWAI; vehicular homicide, as described in section 18-3-106 (1)(b); vehicular assault, as described in section 18-3-205 (1)(b); or any combination thereof.

(2) (a) A person who drives a motor vehicle or vehicle when the person's BAC is 0.08 or more at the time of driving or within two hours after driving commits DUI per se. During a trial, if the state's evidence raises the issue, or if a defendant presents some credible evidence, that the defendant consumed alcohol between the time that the defendant stopped driving and the time that testing occurred, such issue shall be an affirmative defense, and the prosecution must establish beyond a reasonable doubt that

the minimum 0.08 blood or breath alcohol content required in this subsection (2)(a) was reached as a result of alcohol consumed by the defendant before the defendant stopped driving. DUI per se is a ~~traffic~~ misdemeanor, but it is a class 4 felony if the violation occurred after three or more prior convictions, arising out of separate and distinct criminal episodes, for DUI, DUI per se, or DWAI; vehicular homicide, as described in section 18-3-106 (1)(b); vehicular assault, as described in section 18-3-205 (1)(b); or any combination thereof.

SECTION 38. In Colorado Revised Statutes, 42-4-1701, **amend** (1) as follows:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (1) It is a traffic infraction for any person to violate any of the provisions of articles 1 to 3 of this ~~title~~ TITLE 42 and parts 1 to 3 and 5 to 19 of this ~~article~~ ARTICLE 4 unless such violation is, by articles 1 to 3 of this ~~title~~ TITLE 42 and parts 1 to 3 and 5 to 19 of this ~~article~~ ARTICLE 4 or by any other law of this state, declared to be a felony, misdemeanor, petty offense, CIVIL INFRACTION, or misdemeanor traffic offense. Such a traffic infraction ~~shall constitute~~ CONSTITUTES a civil matter.

SECTION 39. In Colorado Revised Statutes, **repeal** 42-4-1708.5.

SECTION 40. In Colorado Revised Statutes, 8-20.5-105, **amend** as it will become effective March 1, 2022, (2) as follows:

8-20.5-105. Confidentiality. (2) Any person making such confidential records available to any person or organization without authorization from the affected operator or owner commits a petty offense and shall be punished as ~~provided in section 18-1.3-501~~ PURSUANT TO SECTION 18-1.3-503.

SECTION 41. In Colorado Revised Statutes, 25-2-112, **amend** (7)(a) as follows:

25-2-112. Certificates of birth - filing - establishment of paternity - notice to collegeinvest. (7) The state registrar shall revise the birth certificate worksheet form used for the preparation of a certificate of live birth to include:

(a) A statement that knowingly and intentionally misrepresenting material information on the worksheet form used for the preparation of a birth certificate is a ~~misdemeanor~~ PETTY OFFENSE;

SECTION 42. In Colorado Revised Statutes, **amend as it will become effective March 1, 2022**, 25.5-3-111 as follows:

25.5-3-111. Penalties. Any person who represents that any medical service is reimbursable or subject to payment ~~under~~ PURSUANT TO this part 1 when ~~he or she~~ THE PERSON knows that it is not commits a petty offense. ~~and any~~ ANY person who represents that ~~he or she~~ THE PERSON is eligible for assistance ~~under~~ PURSUANT TO this part 1 when ~~he or she~~ THE PERSON knows that ~~he or she~~ THE PERSON is not commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-503.

SECTION 43. In Colorado Revised Statutes, **amend as it will become effective March 1, 2022**, 42-2-310 as follows:

42-2-310. Violation. Any person who violates any of the provisions of this part 3 commits a petty offense, ~~as provided in section 18-1.3-501~~ PURSUANT TO SECTION 18-1.3-503.

SECTION 44. In Colorado Revised Statutes, 42-7-510, **amend as it will become effective March 1, 2022**, (3) as follows:

42-7-510. Insurance or bond required. (3) Any person who violates any provision of this section commits a class A traffic infraction. If any violation of this section is committed on behalf of a partnership or corporation, any director, officer, partner, or high managerial agent thereof who authorized, ordered, permitted, or otherwise participated in, by commission or omission, such violation is also a ~~class 1~~ CLASS A traffic infraction.

SECTION 45. In Colorado Revised Statutes, 43-5-308, **amend as it will become effective March 1, 2022**, (1)(a) as follows:

43-5-308. Flagpersons - definition - penalty. (1) (a) A person shall not fail or refuse to obey the visible instructions, signals, or direction displayed or given by a flagperson. A person who violates this subsection (1)(a) commits a CLASS A traffic infraction.

SECTION 46. Appropriation. For the 2021-22 state fiscal year, \$124,800 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for information technology infrastructure. Any money appropriated in this section not expended prior to July 1, 2022, is further appropriated to the department for the 2022-23 state fiscal year for the same purpose.

SECTION 47. Effective date - applicability. This act takes effect March 1, 2022, and applies to offenses committed on or after that date; except that section 16-2.3-102, Colorado Revised Statutes, as enacted in section 1 of this act, takes effect on September 1, 2022.

SECTION 48. Safety clause. The general assembly hereby finds,

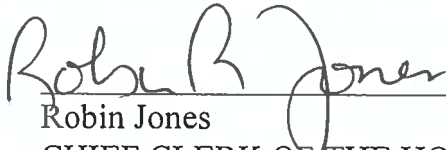
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED April 7, 2022 at 4:15pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO