

2017-2018 #45 - Final

August 21, 2017

Wayne W. Williams
Secretary of State
1700 Broadway, Suite 200
Denver, Colorado 80290
Phone: 303-894-2200, ext. 6307
E-mail: initiatives@sos.state.co.us

RECEIVED

AUG 21 2017

Colorado Secretary of State

S. WARD 3:56 P.M.

Dear Secretary Williams,

Attached is the letter from the Legislative Council, as well as the final verbiage of the ballot initiative #45 for the November 2018 Colorado statewide ballot. We hope to have this proposition included in the September 6, 2017 Title board hearing. There are no changes from the original verbiage filed with and reviewed by the Legislative Council.

Our initiative #43 was withdrawn and replaced with the attached #45, which is identical.

The single subject of this proposition is:

Should the people of the state of Colorado require all funds from governmentally imposed financial penalties to be paid solely to victims and/or charities instead of government entities?

The Proposition (Final Draft) :

Be it enacted by the people of the state of Colorado:

SECTION 1. Declaration of the people of the state of Colorado.

- (1) A CONFLICT OF INTEREST EXISTS WHEN ANY ENTITY OF GOVERNMENT ENFORCES A LAW AND AT THE SAME TIME RECEIVES THE FINANCIAL BENEFIT VIA THE ACTIVITIES OF ENFORCEMENT. THESE ENFORCEMENT ACTIVITIES HAVE CREATED A MISTRUST OF OUR

LAW ENFORCEMENT ENTITIES THAT MUST BE CORRECTED IN ORDER TO RESTORE A MORE PEACEFUL AND TRUSTING RELATIONSHIP BETWEEN THE CITIZENS OF THE STATE OF COLORADO AND OUR ENFORCEMENT ENTITIES.

- (2) SOME JURISDICTIONS IN OUR STATE ROUTINELY TAKE ADVANTAGE OF LAWS STRICTLY FOR THE PURPOSE OF FORCIBLY TAKING FUNDS FROM THE PEOPLE FOR THEIR OWN USE. IT IS COMMON PRACTICE FOR SOME REGULATORY ENTITIES WITHIN THE STATE TO FINE BUSINESSES BECAUSE THEY RECEIVE THE BENEFIT OF THE FUNDS GENERATED BY THESE FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.
- (3) THE PEOPLE OF THE STATE OF COLORADO HEREBY ASSERT THAT IT IS TIME FOR A CHANGE TO THIS SYSTEM WHICH REMOVES THIS CONFLICT OF INTEREST AND GROWS A MORE TRUSTING RELATIONSHIP BETWEEN THE PEOPLE AND OUR GOVERNMENT.

SECTION 2. In Colorado revised Statutes, **repeal and reenact, with amendments, 42-1-217** as follows:

42-1-217 Disposition of fines and surcharges.

- (1) ANY AND ALL FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ASSESSED BY ANY GOVERNMENT ENTITY WITHIN THE STATE OF COLORADO OR CONTRACTOR THEREOF SHALL NOT BE KEPT AFTER COLLECTION BY ANY ENTITY OF GOVERNMENT WHATSOEVER, EXCEPT IN THE INSTANCE THAT THE APPLICABLE GOVERNMENT ENTITY IS RECOVERING DAMAGES VIA RESTITUTION. ANY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ARE TO BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE, FORFEITURE OR PENALTY BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE, FORFEITURE OR PENALTY EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.
- (2) ANY GOVERNMENT ENTITY, COURT OR JURISDICTION SHALL CLEARLY NOTIFY ALL PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES OF THIS SECTION IMMEDIATELY FOLLOWING ANY ASSESSMENT OF ANY FINANCIAL PENALTY. ANY AND ALL PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES SHALL HAVE SIXTY-DAYS DAYS FOLLOWING THE ASSESSMENT OF ANY FINE, FORFEITURE OR PENALTY TO MAKE PAYMENT AND PROVIDE PROOF OF THE PAYMENT IN ORDER TO FULLY SATISFY ANY FINANCIAL PENALTY. THE COURTS MAY EXTEND THE

SIXTY-DAY DEADLINE IN THE EVENT THAT PAYMENTS ARE UNABLE TO BE MADE WITHIN A SIXTY-DAY PERIOD.

- (3) THIS SECTION IS NOT LIMITED TO MOTOR VEHICLE RELATED PENALTIES AND SUPERSEDES ALL PREVIOUS STATUTES RELATING TO THE COLLECTION AND RETENTION OF FINES, FORFEITURES OR FINANCIAL PENALTIES BY GOVERNMENT ENTITIES ANYWHERE WITHIN THE STATE OF COLORADO.

SECTION 3. In Colorado Revised Statutes, 42-4-1409, **repeal** (9) as follows:

42-4-1409. Compulsory insurance – penalty – legislative intent. (9) ~~It is the intent of the general assembly that the moneys collected as fines imposed pursuant to paragraphs (a) and (b) of subsection (4) of this section are to be used for the supervision of the public highways. The general assembly determines that law enforcement agencies that patrol and maintain the public safety on public highways are supervising the public highways. The general assembly further determines that a clerk and recorder for a county is supervising the public highways through his or her enforcement of the requirements for demonstration of proof of motor vehicle insurance pursuant to section 42-3-105 (1) (d). Therefore, of the moneys collected from fines pursuant to paragraphs (a) and (b) of subsection (4) of this section, fifty percent of these moneys shall be transferred to the law enforcement agency that issued the ticket for a violation of this section. The remaining fifty percent of the moneys collected from fines for violations of paragraph (a) or (b) of subsection (4) of this section shall be transmitted to the clerk and recorder for the county in which the violation occurred.~~

SECTION 4. In Colorado Revised Statutes, 8-43-306, **repeal** (2) as follows:

8-43-306. Collection of fines, penalties, and overpayments. (2) ~~All penalties when collected are payable to the division and transmitted through the state treasurer for credit to the Colorado uninsured employers fund, created in section 8-67-105.~~

SECTION 5. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 18-9-205 as follows:

18-9-205. Disposition of fines.

ANY FINES COLLECTED PURSUANT TO SECTION 18-9-204 SHALL BE PAID FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO

PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE, FORFEITURE OR PENALTY EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.

SECTION 6. In Colorado Revised Statutes 25-14-208 (4), **repeal and reenact, with amendments**, as follows:

25-14-208. Unlawful acts - penalty - disposition of fines and surcharges.

(4) ALL JUDGES, CLERKS OF A COURT OF RECORD, OR OTHER OFFICERS IMPOSING OR RECEIVING FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES COLLECTED PURSUANT TO OR AS A RESULT OF A CONVICTION OF ANY PERSONS FOR A VIOLATION OF ANY PROVISION OF THIS PART 2 SHALL TRANSMIT ALL MONEYS SO COLLECTED IN THE FOLLOWING MANNER:

- (a) ALL FINES ASSESSED UNDER THIS SECTION ARE TO BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.

SECTION 7. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 25-15-311 as follows:

25-15-311. Disposition of fines and penalties.

ALL FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ASSESSED UNDER THE PROVISIONS OF SECTIONS 25-15-309 AND 25-15-310 ARE TO BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE OR PENALTY BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY

THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.

SECTION 8. In Colorado Revised Statutes, **repeal and reenact, with amendments, 25-4-110** as follows:

25-4-110. Prosecutions - disposition of fines.

ALL FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ASSESSED OR COLLECTED UNDER THE PROVISIONS OF THIS PART ARE TO BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE OR PENALTY BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES AND IT IS THE DUTY OF THE DISTRICT ATTORNEYS IN THE RESPECTIVE COUNTIES TO PROSECUTE ALL PERSONS VIOLATING OR REFUSING TO OBEY THE PROVISIONS OF THIS PART 1.

SECTION 9. In Colorado Revised Statutes, **repeal and reenact, with amendments, 25-7-129** as follows:

25-7-129. Disposition of fines and penalties.

ALL FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ASSESSED OR COLLECTED UNDER THE PROVISIONS OF SECTIONS 25-7-115, 25-7-122, AND 25-7-123 ARE TO BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE OR

PENALTY BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.

SECTION 10. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 30-15-103 as follows:

30-15-103. Disposition of fines and forfeitures.

- (1) ALL FINES, FORFEITURES, OR OTHER FINANCIAL PENALTIES ASSESSED OR COLLECTED FOR THE VIOLATION OF COUNTY RESOLUTIONS ADOPTED PURSUANT TO THIS PART 1 ARE TO BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE OR PENALTY BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.
- (2) ALL MONEYS COLLECTED BY THE COUNTY FOR LICENSES OR OTHERWISE NOT RELATED TO FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES SHALL BE PAID INTO THE TREASURY OF THE COUNTY AT SUCH TIMES AND IN SUCH MANNER AS MAY BE PRESCRIBED BY ORDINANCE, OR, IF THERE IS NO ORDINANCE REFERRING TO THE CASE, IT SHALL BE PAID TO THE TREASURER AT ONCE.

SECTION 11. In Colorado Revised Statutes, repeal and reenact, with amendments, 30-15-408 as follows:

30-15-408. Disposition of fines and forfeitures.

- (1) ALL FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ASSESSED OR COLLECTED FOR THE VIOLATION OF ORDINANCES, AND EXCEPT AS OTHERWISE PROVIDED FOR SURCHARGES LEVIED PURSUANT TO SECTION 30-15-402 (2) AND (3) ARE TO BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE OR PENALTY BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.
- (2) ALL MONEYS COLLECTED FOR LICENSES OR OTHERWISE NOT RELATED TO FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES SHALL BE PAID INTO THE TREASURY OF THE COUNTY AT SUCH TIMES AND IN SUCH MANNER AS MAY BE PRESCRIBED BY ORDINANCE, OR, IF THERE IS NO ORDINANCE REFERRING TO THE CASE, IT SHALL BE PAID TO THE TREASURER AT ONCE.

SECTION 12. In Colorado Revised Statutes, repeal and reenact, with amendments, 31-16-109 as follows:

31-16-109. Disposition of fines and forfeitures.

- (1) ALL FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ASSESSED OR COLLECTED FOR THE VIOLATION OF ORDINANCES ARE TO BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE OR PENALTY BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS

ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.

- (2) ALL MONEYS COLLECTED FOR LICENSES OR OTHERWISE NOT RELATED TO FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES SHALL BE PAID INTO THE TREASURY OF THE CITY OR TOWN AT SUCH TIMES AND IN SUCH MANNER AS MAY BE PRESCRIBED BY ORDINANCE, OR, IF THERE IS NO ORDINANCE REFERRING TO THE CASE, IT SHALL BE PAID TO THE TREASURER AT ONCE.

SECTION 13. In Colorado Revised Statutes, 42-4-1210 (3) **repeal and reenact, with amendments**, as follows:

42-4-1210. Designated areas on private property for authorized vehicles.

- (3) ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWENTY-FIVE DOLLARS. THE DISPOSITION OF FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ASSESSED OR COLLECTED UNDER THIS SECTION SHALL BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE OR PENALTY BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.

SECTION 14. – In Colorado revised Statutes, **add** 24-3-104 as follows:

24-3-104. Disposition of all fines, forfeitures and financial penalties.

- (1) ANY AND ALL FINES, FORFEITURES OR FINANCIAL PENALTIES OF ANY KIND ASSESSED BY ANY GOVERNMENT ENTITY WITHIN THE STATE OF COLORADO

OR CONTRACTOR THEREOF SHALL NOT BE KEPT AFTER COLLECTION BY ANY ENTITY OF GOVERNMENT WHATSOEVER, EXCEPT IN THE INSTANCE THAT THE APPLICABLE GOVERNMENT ENTITY IS RECOVERING DAMAGES VIA RESTITUTION. ANY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ARE TO BE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE, FORFEITURE OR OTHER FINANCIAL PENALTY BY THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE, FORFEITURE OR PENALTY EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES.

- (2) ANY GOVERNMENT ENTITY, COURT OR JURISDICTION SHALL CLEARLY NOTIFY ALL PERSONS ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES OF THIS SECTION IMMEDIATELY FOLLOWING ANY ASSESSMENT OF ANY FINANCIAL PENALTY. ANY AND ALL PERSON(S) ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES SHALL HAVE SIXTY-DAYS DAYS FOLLOWING THE ASSESSMENT OF ANY FINE, FORFEITURE OR PENALTY TO MAKE PAYMENT AND PROVIDE PROOF OF SUCH PAYMENT IN ORDER TO FULLY SATISFY ANY SUCH PENALTY. THE COURTS MAY EXTEND THE SIXTY-DAY DEADLINE IN THE EVENT THAT PAYMENTS ARE UNABLE TO BE MADE WITHIN A SIXTY-DAY PERIOD.
- (3) THIS SECTION SUPERSEDES ALL PREVIOUS STATUTES RELATING TO THE COLLECTION AND RETENTION OF FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES BY GOVERNMENT ENTITIES ANYWHERE WITHIN THE STATE OF COLORADO.

SECTION 15. – In Colorado Revised Statutes, 24-4.1-119 (1)(f)(l) **repeal and reenact, with amendments**, as follows

24-4.1-119. Costs and surcharges levied on criminal actions and traffic offenses.

(F) (I) A SURCHARGE IS HEREBY LEVIED AGAINST EACH PENALTY ASSESSMENT IMPOSED FOR A VIOLATION OF A CLASS A OR CLASS B TRAFFIC INFRACTION OR CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE PURSUANT TO SECTION

42-4-1701, C.R.S. THE AMOUNT OF THE SURCHARGE SHALL BE ONE HALF OF THE AMOUNT SPECIFIED IN THE PENALTY AND SURCHARGE SCHEDULE IN SECTION 42-4-1701 (4), C.R.S., OR, IF NO SURCHARGE AMOUNT IS SPECIFIED, THE SURCHARGE SHALL BE CALCULATED AS THIRTY-SEVEN PERCENT OF THE PENALTY IMPOSED. THIS SURCHARGE IS PAYABLE TO A VICTIM OF THE VIOLATION UP TO AND INCLUDING ALL DAMAGES INCURRED BY THE VICTIM. IN THE ABSENCE OF A VICTIM, ALL MONEYS DUE UNDER THIS SECTION ARE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE SURCHARGE BY THE PERSON ORDERED TO PAY THE SURCHARGE, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THIS SURCHARGE ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE SURCHARGE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE SURCHARGE PER THIS SECTION.

SECTION 16. – In Colorado Revised Statutes, 24-4.2-104 (1)(a)(I) **repeal and reenact, with amendments**, as follows:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses.

(1) (A) (I) A SURCHARGE EQUAL TO THIRTY-SEVEN PERCENT OF THE FINE IMPOSED FOR EACH FELONY, MISDEMEANOR, OR CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE, OR A SURCHARGE OF ONE HUNDRED SIXTY-THREE DOLLARS FOR FELONIES, SEVENTY-EIGHT DOLLARS FOR MISDEMEANORS, FORTY-SIX DOLLARS FOR CLASS 1 MISDEMEANOR TRAFFIC OFFENSES, AND THIRTY-THREE DOLLARS FOR CLASS 2 MISDEMEANOR TRAFFIC OFFENSES, WHICHEVER AMOUNT IS GREATER, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (B) OF THIS SUBSECTION (1), IS HEREBY LEVIED ON EACH CRIMINAL ACTION RESULTING IN A CONVICTION OR IN A DEFERRED JUDGMENT AND SENTENCE, AS PROVIDED IN SECTION 18-1.3-102, C.R.S., WHICH CRIMINAL ACTION IS CHARGED PURSUANT TO STATE STATUTE, OR UPON EACH PETITION ALLEGING THAT A CHILD IS DELINQUENT THAT RESULTS IN A FINDING OF GUILTY PURSUANT TO PART 8 OF ARTICLE 2 OF TITLE 19, C.R.S., OR A DEFERRAL OF ADJUDICATION PURSUANT TO SECTION 19-2-709, C.R.S. THESE SURCHARGES ARE PAYABLE TO A VICTIM OF THE VIOLATION UP TO AND INCLUDING ALL DAMAGES INCURRED BY THE VICTIM. IN THE ABSENCE OF A VICTIM, ALL MONEYS DUE UNDER THIS SECTION ARE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE SURCHARGE BY THE PERSON ORDERED TO PAY THE SURCHARGE, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THIS SURCHARGE ANYWHERE IN THE STATE OF COLORADO IN

WHICH THE PERSON ORDERED TO THESE SURCHARGES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE SURCHARGES EXCEED THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE SURCHARGES PER THIS SECTION.

SECTION 17. – In Colorado Revised Statutes, 24-4.2-104 (II)(A) **repeal and reenact, with amendments**, as follows:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses.

(II) (A) IN ADDITION TO ANY OTHER SURCHARGE PROVIDED FOR IN THIS SECTION, A SURCHARGE OF ONE THOUSAND THREE HUNDRED DOLLARS SHALL BE LEVIED ON EACH CRIMINAL ACTION RESULTING IN A CONVICTION OR IN A DEFERRED JUDGMENT AND SENTENCE, AS PROVIDED IN SECTION 18-1.3-102, C.R.S., WHICH CRIMINAL ACTION IS CHARGED PURSUANT TO THE STATUTES LISTED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II). THESE SURCHARGES ARE PAYABLE TO A VICTIM OF THE VIOLATION UP TO AND INCLUDING ALL DAMAGES INCURRED BY THE VICTIM. IN THE ABSENCE OF A VICTIM, ALL MONEYS DUE UNDER THIS SECTION ARE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE SURCHARGE BY THE PERSON ORDERED TO PAY THE SURCHARGE, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THIS SURCHARGE ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO THIS SURCHARGE HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE SURCHARGE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE SURCHARGES PER THIS SECTION.

SECTION 18. – In Colorado Revised Statutes, 24-4.2-104 (b)(I) **repeal and reenact, with amendments**, as follows:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses.

(b) (I) A SURCHARGE IS HEREBY LEVIED AGAINST EACH PENALTY ASSESSMENT IMPOSED FOR A VIOLATION OF A CLASS A OR CLASS B TRAFFIC INFRACTION OR CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE PURSUANT TO SECTION 42-4-1701, C.R.S. THE AMOUNT OF THE SURCHARGE SHALL BE ONE HALF OF THE AMOUNT SPECIFIED IN THE PENALTY AND SURCHARGE SCHEDULE IN SECTION 42-4-1701 (4), C.R.S., OR, IF NO SURCHARGE AMOUNT IS SPECIFIED, THE SURCHARGE SHALL BE CALCULATED AS THIRTY-SEVEN PERCENT OF THE PENALTY IMPOSED. THIS SURCHARGE IS PAYABLE TO A VICTIM OF THE VIOLATION UP TO AND INCLUDING ALL DAMAGES INCURRED BY THE VICTIM. IN THE ABSENCE OF A VICTIM, ALL MONEYS DUE UNDER THIS SECTION ARE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE SURCHARGE BY THE PERSON ORDERED TO PAY THE SURCHARGE, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THIS SURCHARGE ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE SURCHARGE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE SURCHARGE PER THIS SECTION.

SECTION 19. – In Colorado Revised Statutes, 24-4.2-104 (b)(II) **repeal and reenact, with amendments**, as follows:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses.

(II) A SURCHARGE SHALL BE LEVIED AGAINST ALL PENALTY ASSESSMENTS ISSUED PURSUANT TO SECTION 33-6-104, C.R.S., IN AN AMOUNT EQUAL TO THIRTY-SEVEN PERCENT OF THE PENALTY IMPOSED. THIS SURCHARGE IS PAYABLE TO A VICTIM OF THE VIOLATION UP TO AND INCLUDING ALL DAMAGES INCURRED BY THE VICTIM. IN THE ABSENCE OF A VICTIM, ALL MONEYS DUE UNDER THIS SECTION ARE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE SURCHARGE BY THE PERSON ORDERED TO PAY THE SURCHARGE, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THIS

SURCHARGE ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE SURCHARGE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE SURCHARGE PER THIS SECTION.

SECTION 20. – In Colorado Revised Statutes, 42-4-106 (5)(a)(V) **repeal and reenact, with amendments,** as follows:

42-4-106. Who may restrict right to use highways.

(5)(A)(V) IF A FINE IS ENHANCED UNDER SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH (A), ALL MONEYS DUE UNDER THIS SECTION ARE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE FINE BY THE PERSON ORDERED TO PAY THE FINE, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THIS SURCHARGE ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE FINE PER THIS SECTION.

SECTION 21. – In Colorado Revised Statutes, 42-4-237 (4)(a) **repeal and reenact, with amendments,** as follows:

42-4-237. Safety belt systems - mandatory use - exemptions – penalty.

(4) (A) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (B) OF THIS SUBSECTION (4), ANY PERSON WHO OPERATES A MOTOR VEHICLE WHILE SUCH PERSON OR ANY PASSENGER IS IN VIOLATION OF THE REQUIREMENT OF SUBSECTION (2) OF THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION. PENALTIES DUE PURSUANT TO THIS SUBSECTION (4) ARE FULLY SATISFIED WITH A PAYMENT EQUAL TO THE PENALTY BY THE PERSON ORDERED TO PAY THE PENALTY, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THIS SURCHARGE ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-

INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE PENALTY EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE PENALTY PER THIS SECTION.

SECTION 22. – In Colorado Revised Statutes, 42-4-1701 (4)(c)(II)(C) **repeal and reenact, with amendments**, as follows:

42-4-1701. Traffic offenses and infractions classified-penalties and surcharge schedule

(4)(c)(II)(C) IF A FINE IS DOUBLED UNDER SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (C), THE INCREASE IN THE FINE IS FULLY SATISFIED WITH A PAYMENT EQUAL TO THE INCREASE IN THE FINE BY THE PERSON ORDERED TO PAY THE PENALTY, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE INCREASE IN THE FINE ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE INCREASE IN THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE INCREASE IN THE FINE PER THIS SECTION.

SECTION 23. – In Colorado Revised Statutes, 42-4-1701 (4)(d.5)(II)(B) **repeal and reenact, with amendments**, as follows:

42-4-1701. Traffic offenses and infractions classified-penalties and surcharge schedule

(4)(D.5)(II)(B) IF A PENALTY AND SURCHARGE ARE DOUBLED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (D.5), FULLY SATISFIED WITH A PAYMENT EQUAL TO THE INCREASE IN THE FINE BY THE PERSON ORDERED TO PAY THE PENALTY, OR BY THE GOVERNMENT ENTITY WHICH HAS COLLECTED THESE FUNDS, FIRST IN RESTITUTION TO AN ACTUAL VICTIM OF THE ACT, OR IN THE ABSENCE OF A VICTIM, TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE INCREASE IN THE FINE ANYWHERE IN THE STATE OF COLORADO IN WHICH THE PERSON ORDERED TO PAY FINES, FORFEITURES OR OTHER FINANCIAL PENALTIES HAS NO FINANCIAL SELF-INTEREST, EITHER DIRECTLY OR INDIRECTLY. IF THE INCREASE IN THE FINE EXCEEDS THE AMOUNT OF FULL RESTITUTION TO THE VICTIM, EXCESS FUNDS ARE TO BE DONATED TO A REGISTERED AND LEGITIMATE CHARITY OF THE CHOICE OF THE PERSON ORDERED TO PAY THE INCREASE IN THE FINE PER THIS SECTION.

SECTION 24. – In Colorado Revised Statutes, 43-4-205 **repeal** (5.5)(a) as follows:

43-4-205. Allocation of fund. ~~(5.5) (a) Revenues from fines, penalties, or forfeitures that are credited to the fund pursuant to sections 18-4-509 (2) (a), 39-27-102 (9) (c), 39-27-104 (1) (g) (III), 42-1-217 (1) (a), (1) (b), (1) (d), (1) (e), and (2), 42-4-225 (3), and 42-4-235 (2) (a), C.R.S.;~~

SECTION 25. Effective Date – applicability.

This proposition is effective upon proclamation of the governor and in absence of a proclamation from the governor, in accordance with Article V, section 1 (4) of the Colorado Constitution.

We look forward to the title board hearing.

Warmest regards,

Designated Representatives

Steve Kerbel
P.O. Box 631564 Littleton, CO, 80163-1564
719-331-4950
steve@stoptheshakedown.com
No Fax Number

D. K. Williams
P.O. Box 371416 Denver, CO. 80237
303-588-2731
dkwlaw@gmail.com
No Fax Number