

First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 05-0234.01 Stephen Miller

SENATE BILL 05-018

SENATE SPONSORSHIP

Mitchell

HOUSE SPONSORSHIP

Carroll T.

Senate Committees

House Committees

Transportation

A BILL FOR AN ACT

101 CONCERNING THE FORFEITURE OF VEHICLES FOR DRIVING UNDER
102 RESTRAINT DUE TO SUBSTANCE-RELATED OFFENSES.

Bill Summary

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

Permits a prosecuting attorney under certain circumstances to request the court to order the forfeiture of a vehicle driven by a person convicted for driving with a license revoked due to substance-related offenses.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** 42-2-138 (1) (d), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF THE FOLLOWING NEW
3 SUBPARAGRAPHS to read:

4 **42-2-138. Driving under restraint - penalty.** (1) (d) (I.3) IF A
5 PERSON IS CONVICTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (d)
6 FOR DRIVING WHILE THE PERSON'S DRIVER'S LICENSE IS REVOKED UNDER
7 SECTION 42-2-125 (1) DUE TO A CONVICTION DESCRIBED IN
8 SUBPARAGRAPH (I.7) OF THIS PARAGRAPH (d) OR WHILE THE LICENSE IS
9 REVOKED FOR ONE YEAR, AS PROVIDED IN SECTION 42-2-126 (6) (b) (II) OR
10 (6) (b) (II.5) (C), THE COURT, AT THE REQUEST OF THE PROSECUTING
11 ATTORNEY, MAY ORDER THE FORFEITURE TO THE STATE OF THE MOTOR
12 VEHICLE OR OFF-HIGHWAY VEHICLE THAT THE PERSON DROVE IN
13 VIOLATION OF SAID SUBPARAGRAPH (I), IF THE VEHICLE WAS REGISTERED
14 IN THE PERSON'S NAME AT THE TIME OF THE OFFENSE OR IF THE PERSON
15 HAD THE CONSENT OF THE REGISTERED OWNER TO DRIVE THE VEHICLE AT
16 THE TIME OF THE OFFENSE. THE PROSECUTING ATTORNEY MAY REQUEST
17 THE COURT TO ORDER THE FORFEITURE AS AN ELEMENT OF SENTENCING OR
18 AS A CONDITION OF PROBATION OR OF A DEFERRED SENTENCE. MOTOR
19 VEHICLES AND OFF-HIGHWAY VEHICLES FORFEITED PURSUANT TO THIS
20 SECTION SHALL BE DISPOSED OF AS PROVIDED IN SECTION 16-13-311,
21 C.R.S.

22 (I.7) FOR PURPOSES OF SUBPARAGRAPH (I.3) OF THIS PARAGRAPH
23 (d), A CONVICTION FOR WHICH A DRIVER'S LICENSE IS REVOKED UNDER
24 SECTION 42-2-125 (1) MEANS A CONVICTION FOR ONE OR MORE OF THE
25 FOLLOWING OFFENSES:

26 (A) VEHICULAR HOMICIDE INVOLVING ALCOHOL OR DRUGS, AS
27 DESCRIBED IN SECTION 18-3-106 (1) (b), C.R.S.;

1 (B) VEHICULAR ASSAULT INVOLVING ALCOHOL OR DRUGS, AS
2 DESCRIBED IN SECTION 18-3-205 (1) (b), C.R.S.;

3 (C) DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF
4 A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 12-22-303 (7), C.R.S.,
5 OR WHILE AN HABITUAL USER OF SUCH A CONTROLLED SUBSTANCE;

6 (D) AN ALCOHOL-RELATED OR DRUG-RELATED TRAFFIC OFFENSE
7 PROVIDED FOR IN SECTION 42-4-1301 (1) OR (2) (a) FOR ACTS COMMITTED
8 WITHIN A PERIOD OF FIVE YEARS AFTER A PREVIOUS CONVICTION OF SUCH
9 AN ALCOHOL-RELATED OR DRUG-RELATED OFFENSE;

10 (E) AN ALCOHOL-RELATED OR DRUG-RELATED TRAFFIC OFFENSE
11 UNDER SECTION 42-4-1301 (1), (2) (a), OR (2) (a.5) COMMITTED BY A
12 DRIVER UNDER TWENTY-ONE YEARS OF AGE;

13 (F) AN ALCOHOL-RELATED OR DRUG-RELATED TRAFFIC OFFENSE
14 PROVIDED FOR IN SECTION 42-4-1301 (1) OR (2) (a) WHEN THE OFFENDER
15 HAS TWO PREVIOUS CONVICTIONS OF EITHER OF SUCH OFFENSES.

16 **SECTION 2. Effective date - applicability.** This act shall take
17 effect July 1, 2005, and shall apply to offenses committed on or after said
18 date.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.