






Colorado Revised Statutes

-  **Colorado Revised Statutes**
-  **TITLE 42 VEHICLES AND TRAFFIC**
-  **REGULATION OF VEHICLES AND TRAFFIC**
-  **ARTICLE 4 Regulation of Vehicles and Traffic**
-  **PART 13 ALCOHOL AND DRUG OFFENSES**

42-4-1301.4. Useful public service – definitions – local programs – assessment of costs.

(1) This section applies to any person convicted of a violation of section [42-4-1301](#) and who is ordered to complete useful public service.

(2) (a) For the purposes of this section and section [42-4-1301](#), "useful public service" means any work that is beneficial to the public and involves a minimum of direct supervision or other public cost. "Useful public service" does not include any work that would endanger the health or safety of any person convicted of a violation of any of the offenses specified in section [42-4-1301](#).

(b) The sentencing court, the probation department, the county sheriff, and the board of county commissioners shall cooperate in identifying suitable work assignments. An offender sentenced to such work assignment shall complete the same within the time established by the court.

(3) There may be established in the probation department of each judicial district in the state a useful public service program under the direction of the chief probation officer. It is the purpose of the useful public service program: To identify and seek the cooperation of governmental entities and political subdivisions thereof, as well as corporations organized not for profit or charitable trusts, for the purpose of providing useful public service jobs; to interview and assign persons who have been ordered by the court to perform useful public service to suitable useful public service jobs; and to monitor compliance or noncompliance of such persons in performing useful public service assignments within the time established by the court.

(4) (a) Any general public liability insurance policy obtained pursuant to this section shall be in a sum of not less than the current limit on government liability under the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.

(b) For the purposes of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., "public employee" does not include any person who is sentenced pursuant to section [42-4-1301](#) to participate in any type of useful public service.

(c) No governmental entity shall be liable under the "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8, C.R.S., or under the "Colorado Employment Security Act", articles 70 to 82 of title 8, C.R.S., for any benefits on account of any person who is sentenced pursuant to section [42-4-1301](#) to participate in any type of useful public service, but nothing in this paragraph (c) shall prohibit a governmental entity from electing to accept the provisions of the "Workers' Compensation Act of

Colorado" by purchasing and keeping in force a policy of workers' compensation insurance covering such person.

(5) In accordance with section [42-4-1307](#)(14), in addition to any other penalties prescribed in this part 13, the court shall assess an amount, not to exceed one hundred twenty dollars, upon any person required to perform useful public service. Such amount shall be used by the operating agency responsible for overseeing such person's useful public service program to pay the cost of administration of the program, a general public liability policy covering such person, and, if such person will be covered by workers' compensation insurance pursuant to paragraph (c) of subsection (4) of this section or an insurance policy providing such or similar coverage, the cost of purchasing and keeping in force such insurance coverage. Such amount shall be adjusted from time to time by the general assembly in order to ensure that the useful public service program established in this section shall be financially self-supporting. The proceeds from such amounts shall be used by the operating agency only for defraying the cost of personal services and other operating expenses related to the administration of the program and the cost of purchasing and keeping in force policies of general public liability insurance, workers' compensation insurance, or insurance providing such or similar coverage and shall not be used by the operating agency for any other purpose.

(6) The provisions of this section relating to the performance of useful public service are also applicable to any defendant who receives a deferred prosecution in accordance with section [18-1.3-101](#), C.R.S., or who receives a deferred sentence in accordance with section [18-1.3-102](#), C.R.S., and the completion of any stipulated amount of useful public service hours to be completed by the defendant shall be ordered by the court in accordance with the conditions of such deferred prosecution or deferred sentence as stipulated to by the prosecution and the defendant.

Source: **L. 2002:** Entire section added with relocations, p. 1907, § 3, effective July 1; (5) amended, p. 303, § 2, effective July 1; (6) amended, p. 1561, § 368, effective October 1. **L. 2004:** (3) amended, p. 506, § 4, effective August 4. **L. 2011:** (5) amended, (HB 11-1268), ch. 267, p. 1220, § 3, effective June 2; (5) amended, (HB 11-1303), ch. 264, p. 1183, § 111, effective August 10.

Editor's note: (1) This section is similar to former § [42-4-1301](#) (9)(c) and (9)(i) as it existed prior to 2002.

(2) Subsection (5) was originally numbered as § [42-4-1301](#)(9)(i)(V), and the amendments to it in Senate Bill 02-036 were harmonized with subsection (5) as it appeared in Senate Bill 02-057. Subsection (6) was originally numbered as § [42-4-1301](#)(9)(c), and the amendments to it in House Bill 02-1046 were harmonized with subsection (6) as it appeared in Senate Bill 02-057.

Cross references: For the legislative declaration contained in the 2002 act amending subsection (6), see section 1 of chapter [318](#), Session Laws of Colorado 2002.