

# Interagency **TASK FORCE** ON Drunk Driving

## **Meeting Minutes**

April 18, 2014 9:00 am – Noon

**Opening Comments** – 9:03 – Glenn Davis

### **Introductions**

14 of 21 member in attendance, therefore we have a quorum

### **Legislation Sponsors' Remarks (if in attendance)**

None in attendance

### **Public Comments**

Elliott – The 420 rally is Saturday and Sunday downtown and also the Cannabis Cup where Denver meets Adams County. Public education push, the marijuana industry is focusing on five core public education messages:

- Enjoy legal purchase if over 21
- Don't take it out of state
- Don't give to someone under 21
- Don't drive impaired
- Don't consume it publicly, or sell it to anyone else

Businesses are on board with the messaging. There is an incredible amount of people coming to Colorado for this event. Airport and hotels are seeing a large influx.

### **Minutes of Previous Meeting**

Corrections – Katie Wells add name for comments made by public in lightning round and also Melander in public comments section.

Motion made to accept with corrections made by Lemley, second by Aylmer - motion passes.

### **Statistics**

#### **Summary of Key Performance Indicators (CSP) – Captain Paul Matzke**

- See handout
- The Colorado State Patrol is trending an increase in DUI/D arrests in March 2014 compared to March 2013.
- Rural Click It or Ticket campaign – 34 agencies 1538 tickets written, almost 200 more for this year's enforcement wave with the same amount of agencies participating.

Melander– The common code 813 (DUID) is reflecting zero?

Savage – Internal issue on our end for data collection, still being enforced, but working on getting issue resolved.

Matzke - There will be a big push at the end of the month for impaired driving enforcement  
Maroney – Can we get this data earlier to review prior to meeting for discussion?  
Hahn – I will try to get that out with the agenda.

### **State Fatality Numbers (CDOT)**

- In 2014, there have been 87 fatal crashes with 92 fatalities.
- In comparison to the same time period as above for 2013, there were 92 fatal crashes with 102 fatalities.
- Trending down, likelihood that we will be about the same numbers as last year.

Flavia – do we know the percentage of alcohol or drugs?

Davis – Usually in the 33% rate

### **Data on Impaired Driver Evaluations Conducted by Probation - Blood Alcohol Concentration Data – Christine Flavia (OBH)**

- See attached handout.
- Data comes from probation officers, not representative of all arrests – just evaluations done by probation
- The changes are not statistically significant, looking at numbers as a trend.
- Recommend looking at judicial data (JD) first.
- Alarming trend – we have seen a steady trend in the last three fiscal years

Lemley – at what point is the data collected?

Flavia – after charges are filed, typically people are referred to evaluation in probation

Colling – 50/50 – done before and at probation.

Flavia – our state average is 0.163

Davis – national average is 0.165

Flavia – Consider what it takes to get to 0.16, it is 6-8 drinks in one hour. Standard size servings. This is a lot of alcohol being consumed in a relatively small amount of time

Davis – CDOT has an app that calculates BAC - based on weight - RU Buzzed. The app utilizes Whidmark's formula

Maroney – what is 2D figure?

Colling – It is district court.

Flavia – It is district court, typically if someone had a felony attached to the charges, it goes to district court

Maroney – How is statewide rate calculated? Is it an average of counties average or of all data?

Flavia – She did not run data & she can find out.

Davis – It is an average of known data, keep in mind there is a right for refusal.

Shaffer – Do you notice an increase in the number of offenses?

Flavia – We did not look at that, but I could pull that, it would be interesting.

Wells – It would be interesting to see the breakdown in age. Especially with the 18-25 year olds. She pulled some numbers because seeing an increase of use of heroin in young people. Note, data collected is representative only of individuals through licensed treatment providers in 2013.

>17.99 years drug of choice (3,312 went into treatment)

➤ primary marijuana (2,224 reported as drug of choice)

- secondary alcohol
- tertiary meth
- 18-24 years old (20,999 went into treatment)
- primary alcohol (13,518 reported alcohol as drug of choice)
- secondary marijuana
- tertiary heroin

Wells – It would be curious to see with that age group how many receive DUIs.

Flavia – Keep in mind that is within one year statewide

Wells – She asked judicial what they are seeing in court.

- 4-5 years ago flipped marijuana then alcohol.
- Reviewed seven districts, every one of them said heroin.
- Boulder said without a doubt it is marijuana until they turn 18, and then it is heroin because it is cheaper.

Timken – Do you have any data on prescription?

Wells – For 17.99 – prescription drugs – identified tertiary (80)

Timken – Is data broken out by gender?

Wells – No, but I could – that would be interesting.

Savage – Seeing a problem primarily in the east nationally. The Governor of Vermont spent a large portion of his state address on this growing problem. Some state police agencies in the east are putting Narcan, an anti-overdose drug, in patrol cars because it is becoming a larger problem. We haven't seen it, but our partners in other states are seeing a huge increase.

Wells – Especially in smaller rural communities that don't have treatment available, overdose is very tragic.

### **Media Relations & Significant Upcoming Events - Emily Wilfong (CDOT)**

- Drive High Get a DUI campaign is going well, really resonating with target audience. Received five phone calls from dispensaries asking for more materials. The Cannabist in Denver Post, put out things to look for on 420, used our slogan without prompting.
- Issued a joint press release with multiple state agencies on 420 Rally
- They will be at the Cannabis Cup
  - There will be people attending the event that will be sampling and potentially driving.
  - They will be distributing messaging flyers attached with bags of Cheetos and Goldfish.
  - Taking place this Saturday and Sunday
- Kicking off summer months – big push for DUI messaging through advertising and they will be continuing the Drink and Don't Drive campaign. They will be using the same imagery as last year's campaign.
- Ambient marketing
- Lodo – completely pay for parking lot for the night. Taking to different locations – looking into
- Partnering with beer festivals
- Seat belt legislation – in Pueblo – looking at a targeted approach. High crash and low observed seat belt campaign. Going to be adding seat belt use along with impaired driving messaging.

Davis – can you talk about the material that you had made for people that are renting a car?  
Wilfong – Prescription pads, rip off on FAQ about marijuana traffic safety messaging. Materials distributed to rental cars agencies at DIA to try and reach tourists traveling in.  
Davis – can you elaborate on how we are working with the state of Washington?  
Wilfong – The state of Washington has reached out and would like to use our media campaigns for Drive High Get a DUI. Joint effort, trying to get ahead of this issue.  
Davis – It is a credit to organization that they are using the material we have been putting out. Would like to have it funded from a state perspective instead of NHTSA. Currently funding out of NHTSA, unless we can come up with another source  
Wells – Speak Now campaign – new media material targeting minors and parents with alcohol and marijuana messaging and educational information. Link to campaign: [Speaknowcolorado.org](http://Speaknowcolorado.org) Will try to bring more for the next meeting. Graduated drivers licensing – online course parents can take to help understand  
Johnson – Really liked the idea of putting in rental cars. Add to, resort towns – rental companies in resort towns. It is a huge issue with people coming into town and not understanding laws.  
Wilfong – That will be great, trying to balance our budget. It is on our radar.  
Johnson – Even if it could be downloadable material.

Break: 10:00

Reconvene: 10:15

### **Task Force Business & Presentations –**

#### **Bylaws – Glenn Davis (CDOT)**

- Brought to our attention that bylaws are not in sync with statute.
- The way statute is written, members are Executive Director or their designee, representatives are selected jointly by the member – interpreted to mean -selected by CDOT Executive Director
- Motion for bylaw committee to review and update bylaws made by Aylmer, second by Flavia. All in favor, motion passes.
- Volunteers for Bylaw Committee:
  - Glenn Davis
  - Anthony Perea
  - Andrew Lemley
- Will look at the bylaws at the end of the legislative session and report back to the task force.

#### **Statewide Highway Safety Plan – Glenn Davis (CDOT)**

- Statewide Highway Safety Plan – overall umbrella of state safety plan
- Passed out interest cards at last month’s meeting for those who were interested in attending.
- Emphasis areas they are working on. Wanted to come up with a plan on how to work on it. Glenn gave him the plan the ITFDD worked on to see if they can be synced. Main concern is the overlap.
- Plan has not been submitted yet, more in the planning phase. Consultant with CDOT that is working on. The five strategies have not been presented yet. Still early on process.

- Are there things that are overlapping, and if so what? Would like to avoid duplication of efforts.
- Rural – saw an increase 18-24 year olds, want to put an emphasis on, this is an area they want to focus on.
- Open to suggestions.
- Will continue to forward information.

Wilfong – The group was extremely impressed with what we are already doing, wanted to pass on.

Hart – CDPHE was not at the alcohol meetings due to a scheduling conflict. CDPHE is supporting the Governor’s plan for reducing prescription drug abuse.

Davis – There is a data meeting on 4/21/14 – if you see something of interest, encourage you to come

### **Statewide Impaired Driving Plan – Glenn Davis (CDOT)**

- CDOT had to do in order to secure funding from NHTSA
- It is done based on what category you fall in – we are mid range state, based on the number of fatalities in the state.
- That was one of the best ones they had.
- CDOT has to do a plan again this year. Has to be submitted by July 1<sup>st</sup>
- NHTSA wants an updated plan.
- Documenting the task force activities.
- Would like to have more discussion in May?
- Do you want to be a team leader again?
- Have you made any substantial changes since the last plan?
- Would like to carve out a portion of each meeting to give updates.

### **Follow Up Discussion on Roadside Survey**

- Davis – CDOT has no position, open for discussion.
- Flavia – Can you tell us why?
- Davis – In my opinion, reluctant to have something this controversial in an election year
- Lemley – Does that mean the task force is not taking a position?

### **Legislative Update – Major Mark Savage (CSP)**

Trooper Dave Hall was unable to attend the meeting today, please see attached handout for legislative updates.

Davis - HB14-129 - ARIDE training for law enforcement

When it was finally written, recommended that P.O.S.T. create ARIDE train-the-trainer school. The training does not exist; money has been sitting for a year. Changed to DRE. If bill passes as written, can tap into money sitting there to increase DRE training.

### **Lightning Round Update**

Rocke (CDOT) – Selected 24 candidates for the DRE school. Hilton Garden Inn, Aurora, CO hosted by Aurora Police Department. There is one from Chaffee County and not currently a DRE in that area. Also, one from Sterling. Very excited.

Sent out LEAF applications yesterday. Due 5/16/14 – expecting 50 applications  
Close (DOR) – Update on HB1240 – we have seen an increase 30-35% of interlock devices in the first quarter.  
Bright – Anything we can do to increase or education level for LE, ARIDE training is an important tool is beneficial  
Timke – Journal article regarding 21 drinking age, a lot of reference to traffic safety issues. Will forward to Brenda to pass on.  
Parker (CAAP) – Annual conference first Friday in June in DTC, if you would like more information, let her know.  
Flavia (OBH) – With PDD funding hosting regional offender treatment training. First one May 7<sup>th</sup> (one of five) – it could include anybody treatment, law enforcement. Encourage networking and collaborating in communities. Eleventh year of doing this. Last five years branched out to all offender services. Would like to make it more DUI specific, a lot of challenges in our field. Colorado Springs, Loveland, Grand Junction. Will pass on information to Brenda for distribution  
Colling – Also given to chief probation officers and will be in all probation offices.  
Christine, Brett, and she will be presenting on HB1240, educating what does it mean. 66 people signed up for their session.  
Johnson – getting into prom and graduation season, gearing up by putting out PSAs and letters to the editors and retailers warning them of this time frame. Be on the look out for underage attempts to purchase. Especially college campus and high schools.  
Matzke (CSP) – current HVE spring events, focused on prom as well  
Davis (CDOT) – HB14-129 – would have to be spent this fiscal year (June 30, 2014)  
He will forward expectations on updated statewide plan  
Chiefs of Police – legislative liaison Chief Jackson (Greenwood Village PD), they came out with a marijuana position paper March 13<sup>th</sup>.  
Summarized Chiefs of Police letter to the Governor in regards to marijuana.  
Where did 400 DREs number come from in the Chief of Police’s letter to the Governor?  
Right now we have 212. Help us identify the officers that can go through this training.  
This is not training for everybody. Going to need help from the Chiefs of Police in identifying who is right for this training.

Flavia motion to adjourn, Aylmer second. Motion passes.

**Adjourn: 10:57**

**Next Meeting:** Friday, May 16, 2014

**In Attendance:**

Glenn Davis, Colorado Department of Transportation  
Robin Rocke, Colorado Department of Transportation  
Major Mark Savage, Colorado State Patrol  
Captain Paul Matzke, Colorado State Patrol  
Brenda Hahn, Colorado State Patrol

Brett Close, Colorado Department of Revenue  
Bud Bright, Teller County Sheriff's Office / County Sheriffs of Colorado  
Dave Timken, CIDRE  
Patrick Maroney, Colorado Department of Revenue, Liquor Enforcement Division  
Anthony Perea, Weld County District Attorney's Office / Colorado District Attorneys  
Council  
Jill DeRoehn, Denver County Probation  
Katie Wells, Colorado Department of Human Services, Office of Behavioral Health  
Dr. Bob Weltzer, Colorado P.O.S.T., SME  
Tom Kissler, Smart Start, Inc.  
Rebecca Virtue, Smart Start, Inc.  
Natricee Bryant, Colorado Department of Revenue, Executive Director's Office  
Kat Foo, Colorado Department of Human Services  
Jan Hart, Colorado Department of Public Health and Environment  
Andrew Lemley, Colorado Brewers Guild  
Paul Aylmer, Colorado Restaurant Association  
Kris Johnson, Standard Sales Distribution  
Susan Colling, Judicial / Probation  
Christine Flavia, Colorado Department of Human Services, Office of Behavioral Health  
Nikayla Mattison, Alcohol Monitoring Systems, representing person under 24 enrolled in  
a secondary or postsecondary school  
Sue Parker, Colorado Association of Addiction Professionals  
Brian Shaffer, Draeger Safety Diagnostics, Inc.  
Emily Wilfong, Colorado Department of Transportation  
Linda Gott, NMS Labs  
Brenna Hersey, Amelie Company  
Wes Melander, Member of the public  
Mike Sack, Standard Sales LP  
Shannon Westhoff, Hispanidad  
Laura Sonderup, Hispanidad  
Stephanie Fransen, Colorado Licensed Beverage Association  
Tyler Henson, Wine and Spirits Wholesalers of Colorado

Colorado State Patrol

Common Codes	January			February			March			April			May			June			July			August			September			October			November			December		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013			
800	325	306	330	302	280	292	354	332	403	486	360	272	528	400	355	531	379	331	482	456	373	490	369	410	459	353	396	375	276	321	324	274	375	369	296	350
801	29	18	19	39	30	31	36	34	43	60	33	21	57	39	29	75	46	36	54	51	32	63	43	57	40	38	44	29	31	36	40	0	36	41	26	29
802	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0
803	3	2	1	4	4	5	5	1	2	3	6	1	0	7	1	9	1	5	10	2	12	11	6	21	4	1	8	2	2	1	4	24	0	7	1	3
804	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
806	0	0	0	0	0	0	3	1	0	1	1	0	0	2	1	0	0	0	1	0	1	0	1	0	1	5	1	2	0	3	0	0	0	0	1	1
807	3	3	4	3	3	2	5	7	6	1	3	2	1	4	4	7	6	1	7	2	6	1	3	3	5	4	4	4	3	0	2	2	6	4	3	4
810	4	4	4	1	2	0	0	2	3	1	4	2	3	2	5	5	2	2	3	2	3	4	1	5	2	2	3	4	2	0	3	2	0	4	3	3
811	4	3	3	1	6	0	7	13	5	6	1	4	2	3	4	4	0	2	5	2	8	3	1	8	5	5	6	1	0	8	1	1	11	6	5	10
812	163	129	143	156	118	104	157	147	149	230	183	111	254	196	162	267	174	125	231	204	123	242	176	160	194	175	153	159	119	122	154	109	151	175	133	148
813	29	17	19	22	22	0	21	30	0	45	27	35	28	35	33	30	15	14	27	24	13	24	28	20	28	16	17	20	16	14	24	22	14	15	15	15
814	1	0	0	0	1	0	0	2	0	0	0	0	0	0	1	2	2	0	1	0	0	0	1	1	0	0	0	0	0	1	0	1	2	0	2	1
815	0	1	1	1	1	0	3	1	0	0	0	1	1	2	1	2	0	0	0	1	0	1	4	0	1	0	0	1	0	0	1	0	0	0	0	0
816	1	0	0	1	3	0	1	1	0	0	0	0	0	3	0	1	0	0	2	0	2	0	1	1	1	0	2	0	0	1	0	0	1	0	1	0
817	0	0	0	0	0	0			0	0	0	0	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
818	6	7	7	9	6	11	15	9	13	0	11	10	12	13	10	7	15	14	15	6	15	15	11	12	17	9	8	8	10	10	8	12	7	12	8	13
TOTALS	568	490	531	539	476	445	607	580	624	833	629	459	895	707	606	941	640	530	838	750	589	854	645	698	757	608	642	605	459	517	560	448	607	634	494	577
<b>Total Minus Complimentary Charges</b>	<b>358</b>	<b>328</b>	<b>353</b>	<b>342</b>	<b>312</b>	<b>323</b>	<b>390</b>	<b>368</b>	<b>449</b>	<b>547</b>	<b>397</b>	<b>295</b>	<b>597</b>	<b>441</b>	<b>389</b>	<b>611</b>	<b>427</b>	<b>369</b>	<b>539</b>	<b>509</b>	<b>408</b>	<b>557</b>	<b>413</b>	<b>472</b>	<b>501</b>	<b>393</b>	<b>443</b>	<b>408</b>	<b>309</b>	<b>357</b>	<b>367</b>	<b>276</b>	<b>414</b>	<b>414</b>	<b>325</b>	<b>382</b>

800	Drove Vehicle While Under the Influence of Alcohol or Drugs or Both
801	Drove Vehicle While Ability Impaired by Alcohol or Drugs or Both
802	Animal Rider on Highway Under the Influence of (Alcohol/Controlled Substance)
803	Pedestrian on Highway Under the Influence of (Alcohol/Controlled Substance)
804	Habitual User of Controlled Substance Drove Vehicle
806	Vehicular Homicide - While Driving Under the Influence of Alcohol or One or More Drugs or Both, Such Conduct was the Proximate Cause of a Death to Another Person
807	Vehicular Assault - While Driving Under the Influence of Alcohol or One or More Drugs or Both, Such Conduct was the Proximate Cause of Serious Bodily Injury to Another Person
810	Person Under 21 Drove Vehicle With BAC of 0.02 but Less Than 0.05 (First Offense)
811	Minor/Provisional Driver Possessed 1 oz or Less of Marijuana
812	Drove Vehicle With Blood Alcohol Content of 0.08 or More
813	Drove Vehicle While Under the Influence of Drugs
814	Drove Vehicle While Ability Impaired By Drugs
815	Drove Vehicle With Excessive Alcohol Content in (Blood/Breath)
816	Drove Vehicle Knowingly With Ignition Interlock Device (intercepted/Bypassed/interfered With)
817	Tampered With Ignition Interlock Device
818	Drove Vehicle Other Than Vehicle Equipped With Approved Ignition Interlock Device

**ADDSCODS Average BAC by County**

FY2011	
Statewide	0.156
Adams	0.159
Alamosa	0.134
Arapahoe	0.160
Archuleta	0.171
Baca	0.137
Bent	0.135
Boulder	0.154
Broomfield	0.157
Chaffee	0.160
Cheyenne	0.134
Clear Creek	0.172
Conejos	0.147
Costilla	0.153
Crowley	0.103
Custer	0.137
Delta	0.155
Denver	0.163
Dolores	0.153
Douglas	0.167
Eagle	0.148
El Paso	0.163
Elbert	0.159
Fremont	0.157
Garfield	0.147
Gilpin	0.154
Grand	0.163
Gunnison	0.162
Huerfano	0.124
Jackson	0.161
Jefferson	0.165
Kiowa	0.152
Kit Carson	0.155
La Plata	0.152
Lake	0.150
Larimer	0.152
Las Animas	0.146
Lincoln	0.173
Logan	0.130
Mesa	0.157
Mineral	0.214
Moffat	0.167
Montezuma	0.151
Montrose	0.150
Morgan	0.145
Otero	0.154
Ouray	0.161
Park	0.148
Phillips	0.155
Pitkin	0.157
Prowers	0.136
Pueblo	0.156
Rio Blanco	0.156
Rio Grande	0.134
Routt	0.159
Saguache	0.138
San Juan	0.104
San Miguel	0.142
Sedgwick	0.158
Summit	0.157
Teller	0.133
Washington	0.156
Weld	0.155

FY2012	
Statewide	0.160
Adams	0.159
Alamosa	0.138
Arapahoe	0.159
Archuleta	0.178
Baca	0.149
Bent	0.146
Boulder	0.155
Broomfield	0.166
Chaffee	0.166
Cheyenne	0.146
Clear Creek	0.141
Conejos	0.145
Costilla	0.154
Crowley	0.162
Custer	0.139
Delta	0.152
Denver	0.165
Dolores	0.097
Douglas	0.157
Eagle	0.148
El Paso	0.166
Elbert	0.160
Fremont	0.162
Garfield	0.149
Gilpin	0.144
Grand	0.161
Gunnison	0.158
Hinsdale	0.082
Huerfano	0.173
Jefferson	0.169
Kiowa	0.149
Kit Carson	0.146
La Plata	0.156
Lake	0.168
Larimer	0.153
Las Animas	0.133
Lincoln	0.181
Logan	0.140
Mesa	0.168
Mineral	0.153
Moffat	0.157
Montezuma	0.156
Montrose	0.144
Morgan	0.148
Otero	0.175
Ouray	0.123
Park	0.151
Phillips	0.180
Pitkin	0.165
Prowers	0.146
Pueblo	0.162
Rio Blanco	0.156
Rio Grande	0.150
Routt	0.159
Saguache	0.136
San Juan	0.203
San Miguel	0.148
Sedgwick	0.144
Summit	0.151
Teller	0.147
Washington	0.169
Weld	0.154

FY2013	
Statewide	0.163
Adams	0.161
Alamosa	0.135
Arapahoe	0.165
Archuleta	0.154
Baca	0.178
Bent	0.115
Boulder	0.158
Broomfield	0.160
Chaffee	0.147
Cheyenne	0.187
Clear Creek	0.133
Conejos	0.143
Costilla	0.149
Crowley	0.102
Custer	0.202
Delta	0.154
Denver	0.166
Dolores	0.181
Douglas	0.168
Eagle	0.144
El Paso	0.170
Elbert	0.160
Fremont	0.164
Garfield	0.156
Gilpin	0.146
Grand	0.167
Gunnison	0.151
Huerfano	0.182
Jackson	0.187
Jefferson	0.171
Kiowa	0.175
Kit Carson	0.136
La Plata	0.159
Lake	0.150
Larimer	0.157
Las Animas	0.158
Lincoln	0.144
Logan	0.142
Mesa	0.175
Mineral	0.123
Moffat	0.154
Montezuma	0.161
Montrose	0.150
Morgan	0.160
Otero	0.145
Ouray	0.157
Park	0.145
Phillips	0.146
Pitkin	0.160
Prowers	0.140
Pueblo	0.175
Rio Blanco	0.163
Rio Grande	0.155
Routt	0.157
Saguache	0.147
San Juan	0.092
San Miguel	0.175
Sedgwick	0.261
Summit	0.160
Teller	0.163
Washington	0.140
Weld	0.161

Yuma	0.140
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Yuma	0.151
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Yuma	0.140
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**ADDSCODS - Average BAC by Judicial District**

**FY2011**

State	0.156
01	0.170
02	0.161
03	0.140
04	0.164
05	0.155
06	0.154
07	0.150
08	0.149
09	0.149
10	0.157
11	0.154
12	0.134
13	0.147
14	0.164
15	0.131
16	0.148
17	0.157
18	0.162
19	0.154
20	0.155
21	0.171
22	0.150

**FY2012**

State	0.160
01	0.172
02	0.161
03	0.133
04	0.167
05	0.150
06	0.160
07	0.146
08	0.153
09	0.152
10	0.162
11	0.158
12	0.143
13	0.147
14	0.161
15	0.140
16	0.169
17	0.162
18	0.160
19	0.154
20	0.156
21	0.168
22	0.151

**FY2013**

State	0.163
1	0.175
2	0.166
3	0.156
4	0.170
5	0.154
6	0.161
7	0.153
8	0.155
9	0.155
10	0.175
11	0.156
12	0.140
13	0.146
14	0.159
15	0.138
16	0.121
17	0.164
18	0.164
19	0.159
20	0.159
21	0.176
22	0.166
2D	0.207

- |    |   |    |                    |
|----|---|----|--------------------|
| 01 | Gilpin, Jefferson   | 19 | Weld               |
| 02 | Denver  | 20 | Boulder            |
| 03 | Huerfano, Las Animas  | 21 | Mesa               |
| 04 | El Paso, Teller   | 22 | Dolores, Montezuma |
| 05 | Clear Creek, Eagle, Lake, Summit                                |    |                    |
| 06 | Archuleta, La Plata, San Juan                                   |    |                    |
| 07 | Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel          |    |                    |
| 08 | Jackson, Larimer  |    |                    |
| 09 | Garfield, Pitkin, Rio Blanco                                    |    |                    |
| 10 | Pueblo  |    |                    |
| 11 | Chaffee, Custer, Fremont, Park                                  |    |                    |
| 12 | Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache       |    |                    |
| 13 | Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma |    |                    |
| 14 | Grand, Moffat, Routt  |    |                    |
| 15 | Baca, Cheyenne, Kiowa, Prowers                                  |    |                    |
| 16 | Bent, Crowley, Otero  |    |                    |
| 17 | Adams, Broomfield,  |    |                    |
| 18 | Arapahoe, Douglas, Elbert, Lincoln                              |    |                    |

LEGISLATIVE UPDATE  
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April 18, 2014

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## Legislative Update – 04/18/14

Prepared for: The task force formally known as ITFDD

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### **House Bills**

#### **HB 14-1035 - Restitution Collection Deferred Judgment ([LINK](#))**

STATUS: Signed by Governor on 03/07/14

This bill clarifies that an order of restitution is in effect until the restitution is paid in full. It also clarifies that all of the provisions under current law for restitution in criminal actions apply, notwithstanding the termination of a deferred judgment and sentence or a deferred adjudication.

#### **HB 14-1036 – Felony DUI - ([LINK](#))**

STATUS: Passed House on 4/14. Now on to Senate.

This bill is a CDAC bill being carried by Rep. Mark Waller. Both the State Patrol and CDOT are supporting this bill. Right now, there is a pretty hefty fiscal note, as well as other complications that has this bill held up for now.

#### **HB 14-1037 - Enforcing Laws Against Designer Drugs ([LINK](#))**

STATUS: Passed House on 4/16. Now on to Senate.

This bill prohibits the distribution, dispensing, manufacturing, or sales of any product labeled as incense or any other trademark if the product contains synthetic cannabinoids. It establishes civil penalties of between \$10,000 and \$500,000 for violations (deceptive trade practices). Penalties increase to between \$25,000 and \$500,000 for persons who sell or distribute these products to a minor who is at least two years younger than the violator. Persons subject to civil penalties remain subject to any criminal penalties.

On or before September 1, 2014, the Colorado Bureau of Investigation (CBI) in the Department of Public Safety (DPS) is required to establish a division to address the laws prohibiting sales and distribution of synthetic cannabinoids, cathinones, and other designer drugs. The CBI is directed to purchase at least ten field test kits and make them available to local law enforcement

agencies. The bill also tolls the statute of limitations for crimes related to synthetic and other designer drugs while law enforcement awaits results of laboratory analyses.

#### **HB 14-1122 – Keep Legal MJ From Those Under 21 [\(LINK\)](#)**

STATUS: Signed by the Governor on 3/17/14

This bill requires that medical marijuana be sold in child-proof packaging unless a patient provides a doctor's note explaining that opening the child-proof packaging is difficult. It also gives a retail marijuana store owner or employee the ability to confiscate proof of age suspected to be fraudulent from a person under 21 years of age who is attempting to purchase retail marijuana. The licensee or employee or a member of law enforcement may also detain and question the person. Finally, the bill changes the classification of the crime for selling retail marijuana to a person under 21 from a class 2 to a class 1 misdemeanor.

#### **HB 14-1132 – Hours of Alcohol Sales On-Premises Consumption [\(LINK\)](#)**

STATUS: 02/17/2014 House Third Reading Lost

Under current law, alcoholic beverages for on-site consumption can be sold any day of the week between the hours of 7:00 a.m. and 2:00 a.m. This bill allows a local government to set the hours for sales of alcoholic beverages for on-site consumption at licensed establishments within its jurisdiction. Under the bill, local jurisdictions may reduce hours of operation, or extend hours up to and including 24-hours a day.

#### **HB 14-1148 - Victims' Rights Act Cleanup [\(LINK\)](#)**

STATUS: Signed by the Governor on 4/4

This bill adds violations of civil protection orders in sex offense cases, coercion of involuntary servitude, and all child prostitution offenses to the list of crimes to which the Victims Rights Act (VRA) applies. It also makes several adjustments to the VRA by:

- clarifying that a modification of sentence, including probation, is a critical stage and adds a hearing on record to the definition of a critical stage;
- creating the right for a victim to receive a free copy of the initial incident report from the investigating law enforcement agency;
- creating the right for a victim to be heard at a hearing on record sealing;
- extending the right to be heard to persons who are in the Division of Youth Corrections;
- and
- making victim notification automatic for victims of a crime committed prior to 1993.

**HB 14-1158 – Vehicular Homicide & Assault Minimum Sentence ([LINK](#))**

STATUS: Killed in House Appropriations on 4/10

The bill requires the court to sentence a person convicted of vehicular homicide or vehicular assault who was under the influence of drugs or alcohol at the time of the accident to at least the minimum term of imprisonment in the department of corrections for the offense, except when a longer sentence is required by law. Additionally, the defendant is not eligible for probation or a suspended sentence.

**HB 14-1191 - Hit And Run Medina Alert Program ([LINK](#))**

STATUS: Signed by Governor on 3/25

This bill allows the Department of Public Safety (DPS) to establish a program to alert the public when a hit-and-run accident involving serious bodily injury or death occurs and law enforcement needs assistance in locating the suspect's vehicle.

The DPS is authorized to promulgate rules and implement the program, referred to as the Medina alert, on or after January 1, 2015.

**HB 14-1196 - Local Government Marijuana Impacts Task Force ([LINK](#))**

STATUS: 02/20/2014 House Committee on Local Government Lay Over Amended

The bill creates the marijuana impacts task force (task force) in the department of local affairs to study the local government impacts related to the cultivation, testing, sale, consumption, and regulation of retail marijuana and retail marijuana products. The task force consists of 17 members who represent specified local government interests, state government agencies, the marijuana community, and public defenders.

The task force is required to meet during the 2014 interim and may solicit input from various state and local government entities, public and private organizations, and private citizens. The bill specifies that members of the task force serve without compensation and that all staff needed to assist the task force will be provided by the department of local affairs.

The task force is required to evaluate the impacts that the cultivation, testing, sale, consumption, and regulation of retail marijuana and retail marijuana products have on the services provided by local governments and on local governments' budgets. In addition, the task force is required to develop recommendations that may be implemented at the state or local level to help address such impacts.

**HB 14-1209 - Marijuana Diversion Prevention Grant Program ([LINK](#))**

STATUS: Killed in House Appropriations on 4/8

The bill permits the general assembly to appropriate surplus funds in the marijuana cash fund to the marijuana diversion prevention grant program. The bill creates the marijuana diversion prevention grant program (grant program) that is administered by the state controller. The grant program will provide grants to the state patrol and other state law enforcement agencies that share a border with Colorado

to prevent diversion of retail marijuana from Colorado and apprehend those attempting to divert retail marijuana from Colorado.

The grant program includes a grant review committee consisting of:

- The state controller;
- The executive director of the department of public safety, or his or her designee;
- The executive director of the statewide organization representing sheriffs, or his or her designee; and
- The executive director of the statewide organization representing the chiefs of police, or his or her designee.

In a fiscal year in which the general assembly appropriates money to the grant program, a law enforcement agency seeking a grant must apply by August 1. The application must include a description of how the money will be used, a description of law enforcement cooperation in using the money, and the amount requested itemized by personnel costs, equipment costs, and other costs, plus any other information required.

The grant review committee shall award grants based on need and effectiveness. The Colorado state patrol must receive priority in receiving grants.

#### **HB 14-1220 - Discovery Requirements In Criminal Cases [\(LINK\)](#)**

STATUS: Postponed Indefinitely

This bill makes adjustments to procedures for discovery in criminal cases. The defense is to do the following no later than 35 days before the start of trial:

- provide all specified discovery materials, except when good cause can be shown;
- disclose the nature of the defense strategy for a felony trial (this requirement is seven days for non-felony cases); and
- notify the prosecution if the defense intends to introduce evidence that the defendant was intoxicated or at a place other than the location of the offense.

No later than 45 days before trial, except for good cause, the prosecutor and defense are required to confer and attempt to reach agreement on discovery issues. Unless the moving party can certify that the prosecutor and defense counsel have satisfied this requirement, no motions concerning discovery issues can be filed.

## **HB 14-1261 - Improvements To Pretrial Release [\(LINK\)](#)**

STATUS: 02/27/2014 House Second Reading Laid Over to 5/11/2014 (In other words: dead)

Current law allows listed entities electronic read-only access to the name index and register of actions of public case types. The bill adds bonding agents to the list.

The bill limits a court's authority to determining the amount of the bond and gives the defendant the ability to choose how to satisfy the bond. The bill limits the court's authority to release a person on personal recognizance bond (PR bond). The court may not issue a PR bond if the person failed to appear on a felony or class 1 misdemeanor in the last 5 years or fails to appear while on bond for a felony or class 1 misdemeanor or if the court does not have sufficient information to make an intelligent decision regarding issuing a PR bond.

The bill sets the following specific bond amounts for the following crimes:

- \$10,000 for driving under restraint with a prior DUI;
- \$50,000 for vehicular eluding while driving under the influence; and
- \$50,000 for felony drug distribution.

A pretrial supervision program that supervises a defendant who has also been released on a bond with a bond posted by a compensated surety shall notify the surety, within 2 business days, of any violations or potential violations of bond or supervision conditions discovered by the pretrial supervision program or if the pretrial supervision program intends to request bond revocation.

The bill requires the court to order the compensated surety who posted a bond to return all premiums paid by the defendant, and the county or agency to refund all pretrial supervision costs or fees, if, within 14 days of posting the bond for the defendant, all charges related to the bond are dismissed by the court or no charges are filed against the defendant.

## **HB 14-1310 – Fund Breathalyzers for Law Enforcement [\(LINK\)](#)**

STATUS: Passed House Second Reading 4/17

This bill would provide for a sustained funding source for the eventual replacement of instruments in the EBAT program.

## **HB 14-1321 – Membership Task Force Drunk and Impaired Driving [\(LINK\)](#)**

STATUS: Passed Senate Second Reading 4/17.

The interagency task force on drunk driving was established by law in 2006. The bill changes the name of the task force to the Colorado task force on drunk and impaired driving. The bill also removes the director of the division of behavioral health in the department of human services from the board and instead requires the director to appoint 2 experts in substance abuse education and treatment. The bill also designates the chairperson of the peace officers standards and training board, or the chairperson's designee, as a member of the task force. Finally, the bill requires the executive director of the department of transportation to select a representative of the retail marijuana industry to serve on the task force.

## **HB 14-1361 - Regulation Of Marijuana Concentrates [\(LINK\)](#)**

STATUS: Passed House Second Reading on 4/17

This bill requires that by January 1, 2016, the Department of Revenue (DOR) promulgate rules establishing the equivalency of one ounce of retail marijuana flower in various retail marijuana products including retail marijuana concentrate. Prior to promulgating the rules, the DOR may contract for a scientific study to determine such equivalency. The bill also clarifies that a retail marijuana store may not sell more than one ounce of retail marijuana or its equivalent in retail marijuana products to a Colorado resident, or not more than a quarter ounce of retail marijuana or its equivalent in marijuana products to a nonresident.

## **HB 14-1366 - Sale Of Edible Marijuana Products [\(LINK\)](#)**

STATUS: Passed House Second Reading on 4/17

Existing Department of Revenue (DOR) rules require all retail marijuana and retail marijuana products to be in packaging meeting requirements similar to the federal "Poison Prevention Packaging Act of 1970." This bill limits that requirement to apply only to edible retail marijuana products. The bill also requires that on or before January 1, 2016, the DOR adopt rules requiring edible retail marijuana products to be shaped, stamped, colored, or otherwise marked with a standard symbol indicating that it contains marijuana and is not for consumption by children.

Current law prohibits a retail marijuana manufacturer from adding marijuana to a trademarked food product if the final product is represented as containing a trademarked product. The bill expands the prohibition to include knowingly adding marijuana to food products that a reasonable consumer would confuse with a trademarked food. Additionally, it prohibits manufacturers from knowingly adding marijuana to a product that is primarily marketed to children.

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