

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 26-1297

BY REPRESENTATIVE(S) Carter and Luck, Caldwell, Clifford, Duran, Espenosa, Keltie, Phillips, Weinberg;
also SENATOR(S) Rich and Exum, Jodeh, Snyder, Coleman.

CONCERNING USING UNIFORM LANGUAGE TO REFERENCE MISDEMEANOR TRAFFIC OFFENSES.

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

SECTION 1. In Colorado Revised Statutes, 18-1-410.6, **amend** (2), (3)(a)(III), and (4) introductory portion as follows:

18-1-410.6. Relief from improperly entered guilty pleas for certain misdemeanor and municipal offenses - legislative declaration.

(2) Therefore, the general assembly declares that noncitizen defendants must have the opportunity to meaningfully challenge an unconstitutionally entered guilty plea for certain class 1 misdemeanors, class 2 misdemeanors, class 3 misdemeanors, ~~traffic misdemeanors~~ MISDEMEANOR TRAFFIC OFFENSES, petty offenses, and municipal offenses.

(3) (a) Notwithstanding a limitation contained in section 16-5-402, a municipal ordinance, or a municipal court rule of procedure, at any time

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.

following the entry of a guilty plea, a criminal defendant may challenge the guilty plea on the grounds set forth in subsection (4) of this section to a:

(III) ~~Traffic~~ Misdemeanor TRAFFIC OFFENSE; or

(4) A defendant moving to vacate a guilty plea to a class 1, class 2, or class 3 misdemeanor as classified at the time the guilty plea was entered; a ~~traffic~~ misdemeanor TRAFFIC OFFENSE; a petty offense; or a municipal offense, must, in good faith, allege the following:

SECTION 2. In Colorado Revised Statutes, 18-1.3-501, **amend** (1)(c) as follows:

18-1.3-501. Misdemeanors classified - drug misdemeanors and drug petty offenses classified - penalties - legislative intent - definitions.

(1) (c) A term of imprisonment in a county jail for a conviction of a misdemeanor, petty, or ~~traffic~~ misdemeanor TRAFFIC offense shall not be ordered to be served consecutively to a sentence to be served in a state correctional facility; except that if, at the time of sentencing, the court determines, after consideration of all the relevant facts and circumstances, that a concurrent sentence is not warranted, the court may order that the misdemeanor sentence be served prior to the sentence to be served in the state correctional facility and prior to the time the defendant is transported to the state correctional facility to serve all or the remainder of the defendant's state correctional facility sentence.

SECTION 3. In Colorado Revised Statutes, 18-1.3-602, **amend** (2) and (4)(a)(I) as follows:

18-1.3-602. Definitions.

As used in this part 6, unless the context otherwise requires:

(2) "Conviction" means a verdict of guilty by a judge or jury or a plea of guilty or nolo contendere that is accepted by the court for a felony, misdemeanor, petty offense, or ~~traffic~~ misdemeanor TRAFFIC offense, or adjudication for an offense that would constitute a criminal offense if committed by an adult. "Conviction" also includes having received a deferred judgment and sentence or deferred adjudication; except that a

person shall IS not be deemed to have been convicted if the person has successfully completed a deferred sentence or deferred adjudication.

(4) (a) "Victim" means any person aggrieved by the conduct of an offender and includes, but is not limited to, the following:

(I) Any person against whom any felony, misdemeanor, petty, or traffic misdemeanor TRAFFIC offense has been perpetrated or attempted;

SECTION 4. In Colorado Revised Statutes, 18-1.3-603, **amend** (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, or traffic misdemeanor TRAFFIC offense, except any order of conviction for a state traffic misdemeanor TRAFFIC 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, must include consideration of restitution. Each order must include one or more of the following:

SECTION 5. In Colorado Revised Statutes, 42-2-132.5, **amend** (10)(a) as follows:

42-2-132.5. Mandatory and voluntary restricted licenses following alcohol convictions - rules.

(10) Operating vehicle after circumventing interlock device.

(a) A person whose privilege to drive is restricted to the operation of a motor vehicle equipped with an approved ignition interlock device and who operates a motor vehicle other than a motor vehicle equipped with an approved ignition interlock device or who circumvents or attempts to circumvent the proper use of an approved ignition interlock device commits a class 1 traffic misdemeanor TRAFFIC OFFENSE.

SECTION 6. In Colorado Revised Statutes, 42-2-206, **amend** (1)(a)(I) and (1)(b)(II) as follows:

42-2-206. Driving after revocation prohibited.

(1) (a) (I) It is unlawful for any person to operate any motor vehicle in this state while the revocation of the department prohibiting the operation remains in effect. Any person found to be an habitual offender who operates a motor vehicle in this state while the revocation of the department prohibiting ~~such~~ THE operation is in effect commits a class 2 ~~traffic~~ misdemeanor TRAFFIC OFFENSE.

(b) (II) Aggravated driving with a revoked license is a class 1 ~~traffic~~ misdemeanor TRAFFIC OFFENSE; except that a court shall sentence the offender to a mandatory minimum term of imprisonment of sixty days in the custody of a county jail.

SECTION 7. In Colorado Revised Statutes, 42-2-405.5, **amend** (1) as follows:

42-2-405.5. Violations of out-of-service order.

(1) A person who operates a commercial motor vehicle in violation of an out-of-service order commits a class 1 ~~traffic~~ misdemeanor TRAFFIC OFFENSE.

SECTION 8. In Colorado Revised Statutes, 42-4-705, **amend** (3)(b)(II) as follows:

42-4-705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle.

(3) (b) (II) If the person violates subsection (2) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits a class 1 ~~traffic~~ misdemeanor TRAFFIC OFFENSE.

SECTION 9. In Colorado Revised Statutes, 42-4-1301, **amend** (2)(d)(II) as follows:

42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - definitions - penalties.

(2) (d) (II) A second or subsequent violation of this ~~paragraph (d)~~ SUBSECTION (2)(d) is a class 2 ~~traffic~~ misdemeanor TRAFFIC OFFENSE.

SECTION 10. In Colorado Revised Statutes, 42-4-1402.5, **amend** (3)(a) as follows:

42-4-1402.5. Vulnerable road user - prohibition - violations and penalties - definition.

(3) Violations and penalties.

(a) Infliction of serious bodily injury to a vulnerable road user is a class 1 ~~traffic~~ misdemeanor TRAFFIC OFFENSE.

SECTION 11. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO