

Colorado Coalition Against Domestic Violence

HB1007 ADD DOMESTIC VIOLENCE EXPERTS TO INTERAGENCY OVERSITE GROUPS

Sponsors Rep. Frangas & Sen. Boyd
 Adds domestic abuse program to the interagency collaboration groups established to provide coordinated efforts for services to families and children.

Position Passive Support

Current Status Signed by Governor

Fiscal Impact None

Impact Amount

Statutory Ref. New subparagraph 24-1.9-102

HB1021 REAUTHORIZE MENTALLY ILL OFFENDERS STUDY

Sponsors Rep. Solano & Sen. Boyd
 Continues through 2014 the legislative oversight committee and taskforce for the continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems. Makes changes to the composition. Specifies, use of force, medication, housing, safety as specific topics to review.

Position Monitor

Current Status Signed by Governor

Fiscal Impact None

Impact Amount

Statutory Ref. 18-1.9-102

HB1022 RECIDIVISM REDUCTION FOR THE MENTALLY ILL GRANT PROGRAM

Sponsors Rep. Solano & Sen. Boyd
 Creates a 3 year grant program within Division of Criminal Justice for persons with mental illnesses or co-occurring disorders who have been involved in the criminal justice system. Grants are to go to counties or groups of counties. Specifies the content of applications. Identifies some of the types of programs that may be funded (includes re-entry services and day reporting centers). Establishes a maximum for each county per year of \$100,000 and \$200,000 over three years. Requires the division to report to the General Assembly by March 1, 2013. As amended allows the Division to seek donations, and specifies no grants if insufficient donations.

Position Monitor

Current Status Delivered to Governor

Fiscal Impact Yes

Impact Amount Conditional on grants of \$200,000 per year.

Statutory Ref. New section 24-33.5-512

HB1036	REGISTRATION FEE PEACE OFFICERS STANDARDS AND TRAINING
Sponsors	Rep. King S. & Sen. Morse Changes from \$.25 to \$.60 the fee on automobile registration that supports the POST board.
Position	Active Support
Current Status	Passed Senate unamended
Fiscal Impact	Yes
Impact Amount	revenue \$1.5 Million
Statutory Ref.	Amends 42-3-304
HB1043	MAKE-A-WISH FOUNDATION INCOME TAX CHECK OFF
Sponsors	Rep. Ryden & Sen. Williams Adds make a wish foundation to income tax check off list.
Position	Monitor
Current Status	Passed Senate unamended
Fiscal Impact	
Impact Amount	
Statutory Ref.	
HB1044	SEALING OF DIRECT FILE RECORDS FOR A JUVENILE
Sponsors	Rep. Roberts & Sen. Morse If a juvenile is charged as an adult but sentenced as a juvenile, allows for expungement of juvenile records.
Position	Monitor
Current Status	Signed by Governor
Fiscal Impact	None
Impact Amount	
Statutory Ref.	Amends 19-1-306
HB1050	COLORADO EASTER SEALS FUND CHECK OFF
Sponsors	Rep. Soper & Sen. Tochtrop Adds Easter Seals to income tax check off list.
Position	Monitor
Current Status	Signed by Governor
Fiscal Impact	
Impact Amount	
Statutory Ref.	

HB1064 **CREATE LEGISLATIVE COMMITTEE TO STUDY POVERTY ISSUES**

Sponsors Rep. Kefalas & Sen. Sandoval

Creates the economic opportunity poverty reduction task force, consisting of 5 members from each house of the general assembly. Requires the task force to meet at least 4 times an interim and members may be reimbursed expenses up to six meetings a year. Specifies the duties of the task force, including assessing current policies and practices in Colorado that promote economic opportunity and poverty reduction and developing and implementing a strategic, integrated, and comprehensive plan to reduce the number of Coloradoans living in poverty by fifty percent, especially for families and children, and studying issues relating to poverty, nutrition programs, employment programs, and self-sufficiency. The task force will make recommendations to the general assembly and propose legislation. Clarifies the task force shall meet during each interim and all monies shall be continuously appropriated. Specifies that if there are insufficient funds received, the task force shall not meet. Repeals the task force July 1, 2014.

Position Active Support

Current Status Delivered to Governor

Fiscal Impact Yes

Impact Amount \$25,568 CF, if study or \$32,341 gifts, grants, donations

Statutory Ref. New Part 14 in Article 2 of Title 2

HB1088 **CERTIFY NONPROFITS AS LOCAL PUBLIC PROCUREMENT UNIT**

Sponsors Rep. Balmer & Sen. Newell

Allows the executive director of the department of personnel to certify a public benefit nonprofit entity as a local public procurement unit. Conditions such certification on the public benefit nonprofit entity using any procured supplies, services, or construction in the furtherance of its stated nonprofit purpose. Defines "public benefit nonprofit entity" as an organization that receives funds from federal, state, or local governmental sources and is exempt from federal taxation under section 501 (c) (3) of the federal internal revenue code. Directs the department of personnel to deliver a report to the State Military Affairs committees in both houses on the number certified nonprofits using the public procurement process and include the amount total spending by certified entities.

Position Passive Support

Current Status Signed by Governor

Fiscal Impact None

Impact Amount

Statutory Ref. 24-110-207.5; 24-110-101

HB1121 DNA EVIDENCE PRESERVATION PROCESS

Sponsors Rep. S. King & Sen. Renfroe

Repeals and reenacts Part 11 of Article 1, Title 18. Clarifies that evidence preservation requirements for criminal investigations apply to felonies or sex crimes. Clarifies process for disposal of evidence after notice to the district attorney, the defendant and his or her defense counsel, and gives defendant opportunity to file objection with court. Allows for disposal of evidence upon the victim's or defendant's request. At sentencing, requires the district attorney to make certain representations related to potential DNA evidence and directs the court to enter those representations into the automated case record. Requires the Dept of Public Safety to compile a report regarding data collected in automated case records. As amended allows a waiver by all parties and destruction of evidence for sexual offenses with an indeterminate sentence.

Position Monitor

Current Status Signed by Governor

Fiscal Impact None

Impact Amount

Statutory Ref.

HB1123 HUMAN SMUGGLING, TRAFFICKING AND SERVITUDE

Sponsors Rep. Lambert & Sen. Schultheis

For purposes of trafficking in adults, defines an "adult" as a person 18 years of age or older and defines a "child" as a person under age 18. Increases the penalty for trafficking in children from a class 3 to a class 2 felony. Adds elements for committing coercion of involuntary servitude to include threats of serious harm or physical restraint, use of a scheme to cause another to believe that if they do not perform requested labor or services that they or another will be harmed, or threats of abuse of the law or legal process against the person or another.

Position Active Amend

Current Status Delivered to Governor

Fiscal Impact None

Impact Amount

Statutory Ref.

HB1132 USING TEXT MESSAGING FOR UNLAWFUL ACTS

Sponsors Reps. Murray and Priola & Sen. Heath

Adds telephone networks, data networks, text messages, and instant messages as means to commit computer dissemination of indecent material to a child, internet luring of a child, internet sexual exploitation of a child, and harassment. Amended to state that the appropriations required have been waived.

Position Passive Support

Current Status Delivered to Governor

Fiscal Impact Yes

Impact Amount

Statutory Ref.

HB1137 GAMBLING AND REFUND INTERCEPTS

Sponsors Rep. Judd & Sen. Newell
Expands the "Gambling Payment Intercept Act" (act) so that restitution debts are to be treated in the same manner that unpaid child support debt and certain arrearages of child and medical support are currently treated under the act. Pays for IT costs through gifts grants and donations.

Position Active Support

Current Status Conference Committee Report Adopted by Senate and House

Fiscal Impact Yes

Impact Amount \$150,000

Statutory Ref.

HB1163 CHILD VICTIM CRIMES

Sponsors Rep. C. Gardner & Sen. Romer
Clarifies the provisions of internet sexual exploitation of a child. Clarifies that a previous out-of-state conviction applies to the aggravating sentencing provisions for child abuse. Clarifies the various acts of extraordinary aggravating conduct in child abuse. Makes possession of one motion picture, video tape, or video containing child pornography a class 4 felony. Amendments regarding materials harmful to minors and increasing penalty for failure to register as a sex offender were removed in conference committee.

Position Active support

Current Status Delivered to Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 18-3-405.4 and 18-6-403

HB1179 ADD PERSON WHO RESIDES WITH VICTIM TO ACP PROGRAM

Sponsors Rep. Labuda & Sen. Veiga
If needed to ensure victim safety, allows a person who lives with an Address Confidentiality Program participant to also participate in the program.

Position Active Support

Current Status Signed by Governor

Fiscal Impact None

Impact Amount

Statutory Ref. Amends 24-21-205

HB1180 CCW PERMITS SATISFY BACKGROUND CHECK REQUIREMENTS

Sponsors Rep. S. King & Sen. Brophy
Amends the application procedure for concealed handgun permits to satisfy federal criminal background check requirements. Allows a person to satisfy federal and state background check requirements for the transfer of a firearm by presenting a valid Colorado concealed handgun permit.

Position Active Oppose

Current Status Concurred with second house amendments

Fiscal Impact Yes

Impact Amount No revised fiscal note.

Statutory Ref. Amends 12-26.1-101, 18-12-203, 18-12-205 etc

HB1181 VICTIMS AT COMMUNITY CORRECTIONS BOARD HEARINGS

Sponsors Rep. McCann & Sen. Foster
Gives a victim the right to provide an oral statement to community corrections board, and allows the board to place reasonable conditions. As amended in the House allows board only to limit the time of the statement, and makes the bill apply only to transition community corrections placements.

Position Active Support

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref.

HB1220 PERMIT UNIT OWNER TO PROMOTE AFFORDABLE HOUSING

Sponsors Rep. Scanlan & Sen. Gibbs
Amends the "Colorado Common Interest Ownership Act" to specify that, in communities of 100,000 or less with a tramway license, the unit owners' association shall not prospectively prohibit a unit owner, public or private, from restricting or specifying by deed, covenant, or other document:
* The permissible sale price, rental rate, or lease rate of the unit; or
* Occupancy or other requirements designed to promote affordable or workforce housing.

Position Pending review

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref.

HB1248 BUSINESS ENTITIES REGULATION

Sponsors Rep. Gerou & Sen. Shaffer
Clarifies filing and record-keeping requirements for Secretary of State business filings. Clarifies partnership law issues. Repeals and reenacts the statute authorizing boards of directors of nonprofit corporations to take action without a meeting.

Position Monitor

Current Status Delivered to Governor

Fiscal Impact

Impact Amount

Statutory Ref.

HB1262 ISSUE SUMMONS INSTEAD OF ARREST WARRANT

Sponsors Rep. Casso & Sen. Morse
Creates an exception to the summons in lieu of arrest provisions in current law if a law enforcement officer presents in writing a basis to believe there is a significant risk of flight or that the victim or public safety may be compromised.

Position Pending review

Current Status Signed by Governor

Fiscal Impact None

Impact Amount

Statutory Ref. Amends 16-5-206

HB1294 RENEW NONGAME AND WILDLIFE CHECKOFF

Sponsors Rep. Vigil & Sen. Schwartz

Position Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref.

SB047 CRIME VICTIM SERVICES ADVISORY BOARD

Sponsors Sen. Newell & Rep. Roberts

Creates the crime victim services advisory board. Repeals the victim compensation and assistance coordinating committees and the victims assistance and law enforcement advisory board. Requires the director of Public Safety to appoint the new board. Establishes the board and its duties. Removes specifications as to which agencies and organizations may apply for a grant to provide services to crime victims. As amended requires the DA appointment to be an elected DA, the assistant DA, or a chief deputy DA. Also allows the executive director to consider geographic diversity when making appointments.

Position Active Support

Current Status Signed by Governor

Fiscal Impact None

Impact Amount

Statutory Ref. New section 24-2.1-117.3

SB068 FUNDING FOR DOMESTIC ABUSE SERVICES

Sponsors Sen. Morse & Rep. McCann

Increases the fees for marriage licenses by \$20 dollars, and marriage and divorce filings by \$10. Allows the money from marriage license and half of the money for divorce filings to go to the domestic abuse program fund. The other half of the divorce filings money shall go to the family violence justice fund. Requires all new monies to be used only for married, separated and divorced persons.

Position Active support

Current Status Delivered to Governor

Fiscal Impact Yes

Impact Amount DHS \$843,000 Family Law \$143,000

Statutory Ref. Amends 26-7.5-101, 105 & 13-32-101, 14-2-106 & 107

SB069 COURT APPOINTED PARENTING COORDINATORS

Sponsors Sens. Boyd and McCann
Provides that a parenting coordinator appointed by the court is immune from (as amended, civil) liability for any claim for injury arising from an act or omission of the parenting coordinator during the performance of his or her duties, so long as the parenting coordinator is acting within the scope of his or her duties and the act or omission is not willful or wanton. Specifies when a parenting coordinator may be required to testify or produce records. As amended clarifies that a party may assert a claim if a parenting coordinator does not comply with applicable rules and guidelines, or related to fees or based upon a negligent act or omission involving operation of a vehicle.

Position Active monitor

Current Status Signed by Governor

Fiscal Impact None

Impact Amount

Statutory Ref. 14-10-128.1

SB093 IDENTITY THEFT

Sponsors Sen. Williams & Rep. Marostica
The revised bill modifies the existing statutes concerning identity theft in the following ways: makes criminal possession of one or more identification documents issued to the same person a class 1 misdemeanor; makes criminal possession of two or more people's identification a class 6 felony; moves attempted identity theft from the identity theft statute; and starts the statute of limitations for identity theft at the time the crime was discovered.

Position Active Monitor

Current Status Concurred with second house amendments

Fiscal Impact Yes

Impact Amount <\$5000

Statutory Ref. 18-5-902, 18-5-903.5

SB100 NONCUSTODIAL PARENT IN COLORADO WORKS

Sponsors Sen. Newell & Rep. Frangas
Changes the definition of a noncustodial parent so that a noncustodial parent may receive employment assistance under the Colorado works program even though his or her child is not receiving assistance under the Colorado works program.

Position Passive Support

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. 26-2-703

SB110 CONTINUE CIVIL RIGHTS DIVISION & COMMISSION

Sponsors Sen. Morse & Rep. Levy
Implements sunset review recommendations for CCRD and continues the division and commission until July 1, 2018. Continues subpoena powers of the division director and eliminates the separate sunset review of this power. Authorizes the commission to initiate complaints that address significant societal or community impact and order equitable relief. Clarifies the duties of the division staff and the commission. Adds claims of discriminatory terms and conditions of employment to CCRD jurisdiction. Harmonizes remedies available to persons retaliated against in when claiming discrimination in places of public accommodation. Amended to delete expanded remedies available to persons claiming employment discrimination. Amended to delete changes to section 402.7 (victim of domestic violence, stalking or sex assault seeking protection) so it remains a private right of action and not under the jurisdiction of CCRD and the commission. Amended to delete provision on right of claimant in certain situations to request hearing before the commission.

Position Active Support

Current Status Signed by Governor

Fiscal Impact None

Impact Amount

Statutory Ref. Omnibus bill: Article 34 of Title 24

SB126 INCOME TAX CHECK OFF MULTIPLE SCLEROSIS

Sponsors Sen. Newell & Rep. Apuan
Extends the sunset of MS income tax check off until 2012.

Position Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref.

SB135 DATA ON PAROLE DECISION MAKING

Sponsors Sen. Penry & Rep. Miklosi
Required the state board of parole to work with DCJ to develop data related to the basis for and the outcomes of parole board decisions including recidivism data and type of re-entry services provided to the offender. . Requires DCJ to provide the board with training regarding how to use the data to facilitate decision making. Requires a report to the general assembly each year.

Position Monitor

Current Status Concurred with second house amendments

Fiscal Impact

Impact Amount

Statutory Ref.

SB228 INCREASE GENERAL ASSEMBLY'S FLEXIBILITY IN USING REVENUES

Sponsors Sen. Morse & Reps. Marostica and Court

Under current law, General Fund appropriations are limited to the lesser of a 6 percent increase from the previous year's appropriation level and 5 percent of Colorado personal income. SB 09-228 sets the limit equal to 5 percent of Colorado personal income. Transfers from the General Fund to transportation, capital construction, and the General Fund statutory reserve are required by the bill as follows: 2% of general fund appropriations to transportation, 0.5% to capital construction and 0.5% to the reserve beginning in FY12-13 and continuing for 5 years, however the capital construction transfer increases to 1% in the third, fourth and fifth years of the transfers. The five-year block of transfers is subject to a trigger on personal income growth. If personal income increases by less than 5 percent in 2012, the entire five-year block of transfers is postponed until the first fiscal year in which personal income increases by at least 5 percent during the calendar year in which the fiscal year originated. If personal income growth were to fall below 5 percent during the five-year period, the transfers would continue to occur without pause. Each individual transfer is subject to a trigger based on the size of future TABOR refunds. If a TABOR refund equal to between 1 percent and 3 percent of General Fund revenue is expected to occur, transfers will be reduced by 50 percent. If the TABOR refund is equal to more than 3 percent of General Fund revenue, the transfer will not occur. Once the five-year period of transfers is complete, the General Fund statutory reserve will equal 6.5 percent of General Fund appropriations. Eliminates other statutory references and obsolete provisions related to the appropriation limit and makes conforming amendments. Eliminates the automatic transfer to the controlled maintenance trust fund that is a percentage of excess general fund revenue. Eliminates the automatic transfer of general fund surplus to the HUTF and capital construction fund. Eliminates the automatic diversion of sales and use tax revenues to the sales and use tax holding fund and instead gives General Assembly the discretion to make such transfers. Eliminates the limit on the amount the General Assembly may appropriate from the HUTF for specified state agencies.

Position Active Support

Current Status Delivered to Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 24-75-201.1; New Section 24-75-219; conforming amendments

SB241 DNA TESTING FOR ADULTS ARRESTED FOR A FELONY

Sponsors Sen. Morse & Reps. S. King and Tipton

Requires adults arrested or charged with a felony to submit DNA. Requires law enforcement agency conducting the booking to collect the biological sample as part of the booking process, in all other cases, upon the person's first appearance in court, the court shall require the investigative agency responsible for fingerprinting to collect the sample. If collection is impractical, an appropriate agency may collect a sample at any other time during detention or the pendency of charges. Agency collecting the sample shall make reasonable efforts to determine if CBI already holds a sample, and if so, they need not collect. Allows a law enforcement agency to use reasonable force to collect the sample using medically recognized procedures. Requires law enforcement to submit sample to CBI. CBI provides all specimen vials, mailing tubes, etc. CBI tests and maintains the results in a state index system. CBI stores and preserves all samples. Allows CBI to expunge the sample if requested and if the case has been dismissed or resulted in acquittal or conviction for something other than a felony, or if no felony charge was filed. Establishes procedures. A delay in expungement, or failure to seek expungement, shall not invalidate a data base match.

Position Active Support

Current Status Conference Committee Report Adopted by House and Senate

Fiscal Impact

Impact Amount

Statutory Ref. New article 16-23-102

SB247 **EXPAND UI BENEFITS FEDERAL STIMULUS MONEYS**

Sponsors Sen. Tochtrop & Rep. Pace

Defines "alternative base period" and uses this base period to qualify an unemployed individual who has not earned sufficient wages for insured work during the existing base period. Modifies eligibility criteria for employees that leave employment due to domestic violence in situations when the worker reasonably believes that continued employment will jeopardize his or her safety of that of their spouse, parents or minor children. Allows UI benefits to an individual who quits their job to relocate to a new residence when their spouse has a change in employment location and the individual cannot reasonably commute to their job from the new residence and is otherwise available for suitable work. Allows UI benefits to an individual who quits their job to care for a sick or disabled immediate family member (defined narrowly) for a duration longer than allowed by FMLA. Authorizes enhanced unemployment insurance compensation benefits to eligible claimants who are enrolled and making satisfactory progress in an approved training program that will train them for a high-demand occupation, more stable long-term occupation or an occupation in the renewable energy industry, and repeals this enhanced benefit on July 1, 2012. Amended to require annual report on use of federal stimulus moneys throughout time of ARRA funding. Amended to define "total unemployment rate" and provide for extended benefits if certain rates are hit.

Position Passive Support

Current Status Concurred with second house amendments

Fiscal Impact Yes

Impact Amount

Statutory Ref. Amends Article 73 of Title 8

SB268 **COURT APPOINTMENTS INVOLVING CHILDREN**

Sponsors Sen. Tapia & Rep. Pommer

Budget Package Bill from JBC. Clarifies that the state shall bear the cost of appointment of a child's legal representative or a child or family investigator in certain cases. Clarifies that, in dissolution of marriage and legal separation proceedings, prior to the entry of a decree or dissolution or legal separation, the court shall consider the combined income and assets of both parties before determining if a party is indigent. Requires the court to make specific findings that appointment of a guardian ad litem in certain delinquency cases is necessary to serve the child's best interests. Requires extraordinary and exceptional circumstances exists for the appointment of a guardian ad litem in truancy cases. Clarifies when appointment of guardian ad litem terminates in delinquency cases.

Position Monitor

Current Status Signed by Governor

Fiscal Impact Yes

Impact Amount (\$97,000) GF

Statutory Ref. Amends 14-10-116 and 116.5; 19-1-111

SB284 POLICE AUTHORITY TO BLOCK COMMUNICATIONS TO BARICADED PERSON

Sponsors Sen. Newell & Rep. Levy
Allows the supervising representative of a law enforcement agency to order a communications or internet provider to cut, intercept or divert phone, cellular or digital communications if there is probable cause to believe a person is holding a hostage or has barricaded themselves in a structure or vehicle and is armed and posing a danger to themselves or others.

Position Active Support

Current Status Passed House unamended

Fiscal Impact None

Impact Amount

Statutory Ref. Amends 18-9-312

SB286 JUSTICE REINVESTMENT ACT

Sponsors Sens. Morse and M. Carroll & Reps. Levy and Merrifield
Using empirical analysis and evidence based data, requires the Commission on Criminal and Juvenile Justice to study sentences in Colorado. Specifically included are a statewide DOC facility management plan and potential bed limitation plan, sentences related to driving under restraint, drug crimes, parole as part of the sentence, and alternatives to incarceration for nonviolent first time offenders and the consequences and efficacy of mandatory minimum sentences and other provisions that limit judicial discretion. Also suggests the commission may study the impact of incarceration on crime rates. Requires a report by November 30, 2009.

Position Monitor

Current Status Concurred with second house amendments

Fiscal Impact None

Impact Amount

Statutory Ref.

SB287 RENEW SPECIAL OLYMPIC COLORADO FUND CHECK OFF

Sponsors Sen. Mitchell & Rep. Levy
Extends special Olympics tax check off until 2012.

Position Monitor

Current Status Passed House unamended

Fiscal Impact

Impact Amount

Statutory Ref.