

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

[HB17-1002](#) **Child Care Expenses Income Tax Credit Extension**

Short Title: Child Care Expenses Income Tax Credit Extension

Sponsors: B. Pettersen | T. Exum / B. Martinez Humenik | J. Kefalas

Summary: For the 3 income tax years prior to January 1, 2017, a residential individual who has a federal adjusted gross income of \$25,000 or less may claim a refundable state income tax credit for child care expenses. The tax credit is equal to 25% of eligible child care expenses that the individual incurred during the taxable year, up to a maximum amount of \$500 for a single dependent or \$1,000 for 2 or more dependents. The bill extends the tax credit for 3 more income tax years. It was discovered that because of when the initial tax expired that they needed an additional 6 months of revenue from what the fiscal note provided. An amendment was added in the Senate to allow any additional revenue in the June forecast to be applied to this credit. If revenue is not available, the credit will be reduced in the 1st year.

(Note: This summary applies to the final version of this bill)

Position: **Passively Support**

Status: 5/10/2017 House Considered Senate Amendments - Result was to Concur - Repass

Fiscal Notes: [Fiscal Note](#)

[HB17-1015](#) **Clarify Good Time Sentence Reductions In Jails**

Short Title: Clarify Good Time Sentence Reductions In Jails

Sponsors: E. Hooton / J. Cooke

Summary: The bill consolidates and clarifies various statutory sections concerning reductions of sentences for county jail inmates.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**

Status: 3/23/2017 Governor Signed

Fiscal Notes: [Fiscal Note](#)

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

[HB17-1029](#)

Open Records Subject To Inspection Denial

Short Title: Open Records Subject To Inspection Denial

Sponsors: P. Lawrence / B. Gardner

Summary: The bill allows a custodian to deny access to confidential personal information records and employee personal e-mail addresses. The provisions of the 'Colorado Open Records Act' that relate to civil or administrative investigations and trade secrets and other privileged and confidential information apply to the judicial branch.

(Note: This summary applies to this bill as introduced.)

Position: **Passively Support**

Status: 2/2/2017 House Committee on State, Veterans, & Military Affairs
Postpone Indefinitely

Fiscal Notes: [Fiscal Note](#)

[HB17-1055](#)

Create New Tax Check-off For Urban Peak

Short Title: Create New Tax Check-off For Urban Peak

Sponsors: L. Herod / B. Gardner

Summary: The bill creates the Urban Peak Housing and Support Services for Youth Experiencing Homelessness fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form (form) for the 5 income tax years following the year that the executive director of the department of revenue (department) certifies to the revisor of statutes that:

- There is a space available on the form; and
- The fund is next in the queue.

Once the fund is placed on the form, the department is directed to determine annually the total amount contributed to the fund and report that amount to the state treasurer and the general assembly. The state treasurer is required to credit that amount to the fund, and the general assembly appropriates from the fund to the department the costs of administering moneys designated for the fund. After that amount is deducted, the moneys remaining in the fund at the end of a fiscal year are transferred to Urban Peak, a nonprofit organization.

Following the statutory 2-year grace period for new tax check-offs, the

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

fund is required to achieve the minimum contribution amount of \$50,000 per year to remain on the form.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**
Status: 3/16/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[HB17-1071](#) Refund Monetary Amounts After Vacated Conviction

Short Title: Refund Monetary Amounts After Vacated Conviction
Sponsors: C. Wist | P. Lee / B. Gardner | D. Kagan
Summary: The bill establishes a process for a defendant who has paid a monetary amount due for a criminal conviction in a district or county court to request a refund of the amount paid if:

- The conviction was overturned and either the charges were dismissed or the person was acquitted following a new trial; or
- All or part of an order for restitution was reversed and the defendant paid more restitution than was ultimately ordered.

The bill directs the state court administrator to pay to the defendant the amount of any refund found due.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**
Status: 3/23/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[HB17-1075](#) Arrest Of An Offender On A Deferred Sentence

Short Title: Arrest Of An Offender On A Deferred Sentence
Sponsors: M. Gray
Summary: The bill sets forth the conditions under which a probation officer may arrest a defendant who has been granted a deferred judgment and sentence. The bill also makes corresponding amendments to the

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

conditions under which a probation officer may arrest a probationer.

(Note: This summary applies to this bill as introduced.)

Position: **Monitor**
Status: 2/16/2017 House Committee on Judiciary Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[HB17-1085](#)

Women's Health Protection Act

Short Title: Women's Health Protection Act

Sponsors: P. Neville

Summary: The bill requires all abortion clinics to file an annual registration with the attorney general. The attorney general shall create and make available the registration form. While keeping identifying information of any women who sought an abortion private, the registration form must include the following information:

- The number of abortions performed at the clinic during the previous year, including the trimester in which the abortion was performed, based on appropriately maintained records kept by the clinic;
- A specific report for each abortion performed at or after 20 weeks' gestation;
- A description of the method or methods of abortion performed at the clinic;
- The name of each physician performing abortions at the clinic, along with the state of each physician's licensure, any board certifications or specialties maintained by the physician, and any disciplinary action taken against the physician in the last 5 years;
- The number of babies born alive at the clinic during the year, whether the babies were born prior to, during, or after the attempted completion of an abortion, whether or not these babies survived, whether or not they were viable, and whether or not they were transported to a hospital; and
- The number of patients, including women and born-alive infants, who were transported to a hospital from the clinic following a partially or fully completed abortion in the previous year.

The attorney general has 30 days to reject an inaccurate or incomplete registration form and 30 days from the date of discovery to reject a form

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

that contains false or fraudulent information. Failure to file a registration form or operating without a registration form subjects an abortion clinic to a fine, a suspension, or closure. All registration forms and inspection or investigation forms are public records.

The attorney general has a duty to inspect, without notice, each registered abortion clinic at least annually. At a minimum, each inspection must determine whether the abortion clinic is performing abortions at or after 20 weeks' gestation and whether it is operating with:

- Medically modern ultrasound equipment;
- Equipment to preserve the life of and to resuscitate born-alive infants;
- Legally approved methods of medical and hazardous waste disposal;
- Medically safe standards for sterilization of instruments and procedure areas and storage, medically safe policies for expired and opened medicines, and emergency exits sufficient to accommodate a stretcher or gurney; and
- Proper 'Health Insurance Portability and Accountability Act of 1996' policies.

If the attorney general finds an inspection violation, he or she may impose a fine up to \$5,000 or impose a suspension or closure of the abortion clinic.

(Note: This summary applies to this bill as introduced.)

Position: **Passively Oppose**
Status: 2/9/2017 House Committee on Health, Insurance, & Environment
Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

<u>HB17-1086</u>	Abortion Pill Reversal Information Act
Short Title:	Abortion Pill Reversal Information Act
Sponsors:	J. Everett D. Nordberg / V. Marble
Summary:	The bill ensures that a woman is given information regarding the possibility of an abortion pill reversal so that she is fully informed and is given options to continue the pregnancy and preserve the mother-child relationship when she desires to do so. The department of public health

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

and environment must publish a statement on its website regarding abortion pill reversal. The woman's doctor shall provide her with this statement at least 24 hours before providing the abortion pill.

(Note: This summary applies to this bill as introduced.)

Position: **Monitor**
Status: 2/9/2017 House Committee on Health, Insurance, & Environment
Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[HB17-1094](#) **Telehealth Coverage Under Health Benefit Plans**

Short Title: Telehealth Coverage Under Health Benefit Plans

Sponsors: P. Buck | D. Valdez / L. Crowder | K. Donovan

Summary: Under current law, health benefit plans are required to cover health care services delivered to a covered person by a provider via telehealth in the same manner that the plan covers health care services delivered by a provider in person. The bill clarifies that:

- A health plan cannot restrict or deny coverage of telehealth services based on the communication technology or application used to deliver the telehealth services;
- The availability of telehealth services does not change a carrier's obligation to contract with providers available in the community to provide in-person services;
- A covered person may receive telehealth services from a private residence, but the carrier is not required to pay or reimburse for any transmission costs or originating site fees the covered person incurs;
- A carrier is to apply the applicable copayment, coinsurance, or deductible amount to health care services a covered person receives through telehealth, which amount cannot exceed the amount applicable to those health care services when delivered through in-person care; and
- Telehealth includes health care services provided through HIPAA-compliant audio-visual communication or the use of a HIPAA-compliant application via a cellular telephone but does not include voice-only telephone communication or text messaging.

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

(Note: This summary applies to the final version of this bill)

Position: **Passively Support/Pending**
Status: 3/16/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[HB17-1109](#) **Child Sex Assault Pattern Offense Place Of Trial**

Short Title: Child Sex Assault Pattern Offense Place Of Trial

Sponsors: T. Carver | J. Danielson / J. Cooke | R. Fields

Summary: In current law, several sex-assault-on-a-child crimes are designated 'pattern' offenses, meaning that the defendant has a pattern of sexually assaulting the same child repeatedly. When such assaults occur in more than one jurisdiction, the district attorney in each such jurisdiction must prosecute a case for the incident that occurred in his or her jurisdiction. The bill allows a prosecutor to charge and bring a pattern-offense case for all such assaults in any jurisdiction where one of the acts occurred. The bill allows the prosecution of a defendant charged with sex-assault-on-a-child pattern offense or sex-assault-on-a-child-in-a-position-of-trust pattern offense to be tried:

- In a county where at least one or more of the incidents of sexual contact occurred; or
- In a county where an act in furtherance of the offense was committed.

(Note: This summary applies to the final version of this bill)

Position: **Passively Support**
Status: 4/4/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[HB17-1112](#) **Immunity Unauthorized Practice Of Profession**

Short Title: Immunity Unauthorized Practice Of Profession

Sponsors: K. Van Winkle

Summary: The bill provides immunity from civil and administrative penalties for the unauthorized practice of a profession by an individual who meets certain

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

requirements.

(Note: This summary applies to this bill as introduced.)

Position: **Actively Monitor**
Status: 2/21/2017 House Committee on Judiciary Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[HB17-1127](#) Exempt Feminine Hygiene Products From Sales Tax

Short Title: Exempt Feminine Hygiene Products From Sales Tax
Sponsors: S. Lontine / B. Martinez Humenik
Summary: The bill creates a state sales tax exemption, commencing January 1, 2018, for all sales, storage, and use of feminine hygiene products. The bill further specifies that local statutory taxing jurisdictions may choose to adopt the same exemption by express inclusion in their sales and use tax ordinance or resolution.

(Note: This summary applies to this bill as introduced.)

Position: **Actively Monitor**
Status: 5/5/2017 House Committee on Appropriations Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[HB17-1132](#) Judicial Disqualification In Civil Actions

Short Title: Judicial Disqualification In Civil Actions
Sponsors: P. Lundeen / B. Gardner
Summary: Currently, under the Colorado rules of civil procedure, a party may file a motion and affidavit to disqualify a judge for specified reasons. The bill establishes a process for an automatic interlocutory appeal if the motion:

- Is supported by an affidavit stating facts establishing grounds for disqualification; and
- Is filed within 21 days after the assignment of the judge or the appearance of a party giving rise to the basis for disqualification.

For the interlocutory appeal of an order denying the motion, a petition for

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

review must be filed within 7 days after the order.

The bill directs the Colorado supreme court to promulgate rules concerning the interlocutory appeal.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Position: **Monitor**
Status: 5/1/2017 Senate Committee on Judiciary Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[HB17-1134](#) **Hold Colorado Government Accountable Sanctuary Jurisdictions**

Short Title: Hold Colorado Government Accountable Sanctuary Jurisdictions

Sponsors: D. Williams / V. Marble

Summary: The bill is known as the 'Colorado Politician Accountability Act'.

The bill includes a legislative declaration that states that addressing sanctuary jurisdictions is a matter of statewide concern and that makes findings about how sanctuary policies are contrary to federal law and state interests.

The bill creates a civil remedy against the state or a political subdivision of the state (jurisdiction) and against its elected officials for creating sanctuary policies. The bill also creates a crime of rendering assistance to an illegal alien that can be brought against an elected official for creating a sanctuary jurisdiction.

An elected official is responsible for the creation of a sanctuary jurisdiction if the elected official votes in favor of imposing or creating a law, ordinance, or policy that allows the jurisdiction to operate as a sanctuary jurisdiction, fails to take steps to try to change a law, ordinance, or policy that allows the jurisdiction to operate as a sanctuary jurisdiction, or is a county sheriff who imposes or enforces a policy that allows the jurisdiction to operate as a sanctuary jurisdiction in a county in which the elected officials have not voted to impose or create a sanctuary jurisdiction.

The bill allows any person who claims that he or she is a victim of any

Colorado Coalition Against Domestic Violence Final Monitor Report 2017

crime committed by an illegal alien who established residency in a sanctuary jurisdiction to file a civil action for compensatory damages against a jurisdiction and against the elected officials of the jurisdiction who were responsible for creating the policy to operate as a sanctuary jurisdiction. Notwithstanding the protections of the 'Colorado Governmental Immunity Act', the jurisdiction and its officials who are responsible for creating a sanctuary jurisdiction are civilly liable for damages if the person who engaged in the criminal activity:

- Is determined to be an illegal alien;
- Had established residency in the sanctuary jurisdiction; and
- Is convicted of the crime that is a proximate cause of the injury to a person or property.

The maximum amount of compensatory damages for injury to persons is \$700,000 per person or \$1,980,000 for injury to 2 or more persons; except that no person may recover in excess of \$700,000. The maximum amount of compensatory damages for injury to property is set at \$350,000 per person or \$990,000 for injury to multiple persons; except that no person may recover in excess of \$350,000.

The bill defines a 'sanctuary jurisdiction' as a jurisdiction that adopts a law, ordinance, or policy on or after the effective date of this bill that prohibits or in any way restricts an official or employee of the jurisdiction from:

- Cooperating and complying with federal immigration officials or enforcing federal immigration law;
- Sending to or receiving from or requesting from federal immigration officials information regarding the citizenship or immigration status, lawful or unlawful, of an individual;
- Maintaining or exchanging information about an individual's immigration status, lawful or unlawful, with other federal agencies, state agencies, or municipalities;
- Inquiring about an individual's name, date and place of birth, and immigration status while enforcing or conducting an official investigation into a violation of any law of this state;
- Continuing to detain an individual, regardless of the individual's ability to be released on bail, who has been identified as an illegal alien while in custody for violating any state law; or
- Verifying the lawful presence and eligibility of a person applying for a state or local public benefit as required by state and federal law.

Colorado Coalition Against Domestic Violence Final Monitor Report 2017

The bill sets forth the requirements for determining when an illegal alien has established residency in a sanctuary jurisdiction. An 'illegal alien' is defined as a person who is not lawfully present within the United States, as determined by federal immigration law.

The governing body of any jurisdiction is prohibited from adopting a law, ordinance, rule, policy, or plan or taking any action that limits or prohibits an elected official, employee, or law enforcement officer from communicating or cooperating with an appropriate public official, employee, or law enforcement officer of the federal government concerning the immigration status of an individual residing in the state. The governing body of a jurisdiction is required to provide written notice to each elected official, employee, and law enforcement officer of the jurisdiction of his or her duty to communicate and cooperate with the federal government concerning enforcement of any federal or state immigration law. The governing body of any jurisdiction in this state is required to annually submit a written report to the department of public safety (department) that the jurisdiction is in compliance with the cooperation and communication requirements. If the department does not receive those written reports, the department is required to provide the name of that jurisdiction to the state controller.

A law enforcement officer of a jurisdiction who has reasonable cause to believe that an individual under arrest is not lawfully present in the United States shall immediately report the individual to the appropriate U.S. immigration and customs enforcement office (ICE) within the department of homeland security. The governing body of any jurisdiction is required to report annually to the department on the number of individuals who were reported to ICE by law enforcement officers from that jurisdiction. The department is directed to compile and submit annual reports on compliance to the general assembly and to the state controller. The state controller is required to withhold the payment of any state funds to any jurisdiction that is found by the department to have failed to comply with these reporting requirements. The state controller shall withhold funds until the department notifies the state controller that the jurisdiction is in compliance.

The bill creates the crime of rendering assistance to an illegal alien through a sanctuary jurisdiction, which is a class 4 felony. A person who is an elected official of a jurisdiction commits rendering assistance to an illegal alien through a sanctuary jurisdiction if, with intent to hinder, delay, or prevent the discovery, detection, apprehension, prosecution, conviction, or punishment of illegal aliens within the jurisdiction:

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

- He or she was responsible for creating a sanctuary jurisdiction in the jurisdiction to which the official is elected; and
- When, as a result of the protection afforded by a sanctuary jurisdiction, a third person engages in criminal activity and the third person:
 - Is an illegal alien as legally defined by federal immigration law;
 - Had established residency in the sanctuary jurisdiction that was created by the official; and
 - Has been convicted of a crime that caused injury to a person or to property.

A person who has knowledge of a crime committed by an illegal alien as a result of the creation of a sanctuary jurisdiction may file an affidavit with the attorney general or with a district attorney outlining the crime and requesting that charges be brought or that a grand jury be impaneled. The attorney general or district attorney shall investigate and respond in writing with his or her decision to the person filing the affidavit within 49 days. If the attorney general or district attorney declines to bring charges or impanel a grand jury, the person may file a second affidavit directly with the applicable court.

The bill includes a severability clause and a provision that states that the bill is not subject to judicial review.

The bill takes effect upon passage and applies to acts or omissions occurring on or after said date.

(Note: This summary applies to this bill as introduced.)

Position: **Actively Oppose**
Status: 2/22/2017 House Committee on State, Veterans, & Military Affairs
Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[HB17-1142](#) **Electronic Court Hearing Notices**

Short Title: Electronic Court Hearing Notices
Sponsors: D. Jackson / B. Gardner
Summary: Under current law, the clerk of the court mails notice of the filing of certain petitions and the date and time of hearings on the petition to specified interested parties by registered mail. The bill changes the

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

process so the clerk of the court may send the notice by first-class mail or electronically using the e-filing system of the judicial department.

Under current law, if a respondent in a domestic relations action cannot be personally served and is served by publication, the clerk of the court is required to post a copy of the process on a bulletin board in the clerk's office for 35 days after the date of publication and may post the notice online on the court's website. The bill gives the clerk the option of posting the notice online on the court's website rather than on a bulletin board.

The bill also updates the time frame for holding certain hearings to multiples of 7 days.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**
Status: 3/20/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[HB17-1146](#)

Parents' Rights Related To Minors

Short Title: Parents' Rights Related To Minors

Sponsors: P. Neville

Summary: The bill allows qualified, per school district policy, employees to dispense over-the-counter medications to a student if the student's parent or legal guardian provided the school district with written general authorization to dispense such over-the-counter medications during a specified academic year. The bill grants criminal and civil immunity to such school employees if they acted with written authorization from the student's parent or legal guardian. The same authority and immunity is granted to child care providers, including employees or relatives in nonlicensed facilities, provided the person dispensing the over-the-counter medication has written general authority for a specific time period from the child's parent or legal guardian.

The bill allows a parent or legal guardian to opt out of the collection and storage by a local education provider of any type of data related to his or her child.

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

(Note: This summary applies to this bill as introduced.)

Position: **Actively Monitor**
Status: 2/23/2017 House Committee on Health, Insurance, & Environment
Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[HB17-1147](#) Purpose Of Community Corrections

Short Title: Purpose Of Community Corrections
Sponsors: L. Sias / D. Kagan
Summary: The bill provides the purposes of community corrections programs.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**
Status: 3/30/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[HB17-1168](#) Criminal Court Procedures For Military Defendants

Short Title: Criminal Court Procedures For Military Defendants
Sponsors: P. Lee | L. Landgraf
Summary: If a court determines that a criminal defendant is currently serving in the United States armed forces or is a veteran of such forces (military defendant) and has been diagnosed as having any of certain mental health problems relating to his or her military service, the court shall:

- Order the person preparing the presentence report to consult with the federal department of veterans affairs or another agency or person with suitable knowledge or experience, for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, state, and local program options; and
- Consider such treatment options, as well as the treatment recommendations of any diagnosing or treating mental health professionals, in imposing sentence.

If the court determines that a military defendant suffers sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

mental health problems during his or her service in the United States armed forces and the defendant is eligible for probation, the court shall consider such fact favorably in determining whether to grant probation and in assessing whether he or she should be ordered into a federal or community-based treatment service program.

The bill allows a court to order the criminal conviction records of a military defendant to be sealed when certain conditions are satisfied.

(Note: This summary applies to this bill as introduced.)

Position: **Monitor**
Status: 3/14/2017 House Committee on Judiciary Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[HB17-1172](#) Penalties For Child Sex Traffickers

Short Title: Penalties For Child Sex Traffickers
Sponsors: T. Carver | C. Navarro / J. Cooke
Summary: The bill requires a court to sentence a person convicted of a class 2 felony for human trafficking of a minor for sexual servitude to the department of corrections for a term of at least the minimum of the presumptive range for a class 2 felony, which is 8 years.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**
Status: 4/28/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[HB17-1188](#) Harassment Sexual Orientation Or Disability

Short Title: Harassment Sexual Orientation Or Disability
Sponsors: M. Foote / D. Coram | D. Moreno
Summary: Colorado's law concerning bias-motivated crimes prohibits the intimidation or harassment of another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation. However, Colorado's harassment statute makes harassment a class 1 misdemeanor if the

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

offender commits harassment with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, or national origin.

The bill adds physical or mental disability and sexual orientation to the categories described in the harassment statute to make the statute consistent with Colorado's law concerning bias-motivated crimes.

(Note: This summary applies to the final version of this bill)

Position: **Passively Support**
Status: 5/3/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[HB17-1204](#) **Juvenile Delinquency Record Expungement**

Short Title: Juvenile Delinquency Record Expungement

Sponsors: P. Lee / J. Cooke

Summary: Under current law, there is limited access to juvenile delinquency records. The bill restricts that access by making certain records public only after a court orders that a child be charged as an adult, consistent with recent changes to the direct file statute, and by eliminating the requirement that the prosecuting attorney notify the school principal of minor offenses. The bill also ensures that the juvenile and his or her attorney can access the juvenile's records, and that juvenile record information is available to agencies that require the information for research purposes, with protections against the disclosure of identifying information.

Under current law, a juvenile or someone on the juvenile's behalf must petition, after an applicable waiting period of one to 5 years, for expungement.

The bill requires the court to automatically expunge records in certain situations. In some situations, the juvenile must still petition for expungement. The bill clarifies who is eligible for each process the requirements for each process.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**

Prepared by: Jensen Public Affairs

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

Status: 5/18/2017 Signed by the President of the Senate
Fiscal Notes: [Fiscal Note](#)

[HB17-1250](#) **Renew And Expand Tax Check-off To Benefit Wildlife**

Short Title: Renew And Expand Tax Check-off To Benefit Wildlife

Sponsors: S. Lebsock / D. Coram | K. Donovan

Summary: With respect to the nongame and endangered wildlife tax check-off, which is scheduled to sunset in 2018, the bill:

- Expands and renames the check-off as the Colorado nongame conservation and wildlife restoration voluntary contribution program (check-off) for the purpose of benefiting all wildlife in Colorado;
- Extends the future repeal date of the check-off by 5 years;
- Specifies that the voluntary contribution moneys allocated to the division of parks and wildlife (division) in the department of natural resources (i.e., 90% of the first \$250,000 and 75% of the moneys over that initial \$250,000 in contributions per year) will continue to be used by the division for the protection and perpetuation of nongame and endangered wildlife;
- Provides that the remainder of the moneys received through the check-off (i.e., 10% of the first \$250,000 received and 25% of the moneys above \$250,000 contributed each year) will be used to make grants for wildlife rehabilitation in the state;
- For the facilitation of the wildlife rehabilitation grant program, creates the Colorado nongame conservation and wildlife restoration cash fund (fund) authority that is overseen by a seven-member board of directors (board);
- Describes the process by which the board makes recommendations to the division for authorizing grants to rehabilitators and requires the board to develop guidelines for processing and evaluating grant applications; and
- Specifies that the board is subject to open records and open meetings laws.

Sections 3 and 4 make conforming amendments necessitated by the change of the name of the fund.

To implement the bill, **section 5** makes an appropriation of \$2,200 for the 2017-18 fiscal year from the fund to the department of revenue.
(Note: This summary applies to the final version of this bill)

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

Position:

Status: 5/3/2017 Senate Third Reading Passed - No Amendments

Fiscal Notes: [Fiscal Note](#)

[HB17-1326](#)

Justice Reinvestment Crime Prevention Initiative

Short Title: Justice Reinvestment Crime Prevention Initiative

Sponsors: P. Lee / D. Kagan | B. Gardner

Summary: The bill changes the length of time that a parolee may serve for a technical parole violation. If the parolee is on parole for a class 2 felony; level 1 drug felony; a crime of violence, stalking, menacing, or unlawful sexual behavior; or a crime against an at-risk adult or is a sexually violent predator, the length of revocation is up to the remainder of the parolee's parole period. If the parolee is on parole for a level 2 drug felony or a class 3 nonviolent felony, the length of revocation is up to 90 days. If the parolee is on parole for a level 3 or level 4 drug felony or a class 4, class 5, or class 6 nonviolent felony, the length of revocation is up to 30 days.

The bill requires the division of adult parole to conduct a parole plan investigation prior to the parole release hearing and to inform the parole board (board) of the results of the investigation. If the board finds an inmate's parole plan inadequate, the board can table the release decision and order the department to submit a revised parole plan developed in conjunction with the inmate within 30 days of the board's order.

The bill allows the board to conduct a parole release review instead of a hearing without the presence of the inmate if the inmate is assessed 'low' or 'very low' on the risk assessment instrument and victim notification is not required.

The bill creates the justice reinvestment crime prevention initiative in the division of local government in the department of local affairs (division). The division shall develop the initiative to expand small business lending in the target communities of Aurora and Colorado Springs. The division will issue a request for participation from one or more nondepository community development financial institution loan funds to participate in the small business lending program. The division shall enter into a contract with the selected funds to define the operating terms of the loan program. The loans are limited to 5 years and \$50,000.

The division shall also develop the initiative to implement a grant program for programs, projects, or direct services aimed at reducing

Colorado Coalition Against Domestic Violence Final Monitor Report 2017

crime in the target communities. The division shall issue a request for participation to select a community foundation or foundations to manage the grant program. The division shall sign an agreement with the selected foundation or foundations that defines the role and responsibility of the foundation in managing the grant program. The grant program may fund:

- Academic improvement programs;
- Community-based services;
- Community engagement programs;
- Increasing safety and usability of common outdoor-spaces programs;
- Technical assistance related to data collection, data analysis, and evaluation; and
- Administrative costs of the foundation.

Only a nonprofit organization in good standing and registered with the internal revenue service and the Colorado secretary of state, a school, a unit of local government, or a private contractor hired to provide technical assistance are eligible to receive grants.

The bill requires the division to present a status report to the joint judiciary committee regarding the initiative.

The bill reduces the appropriation to the department of corrections by \$5,865,182 as a result of the changes to the parole statutes. The bill appropriates that \$5,865,182 to the department of local affairs to fund the lending program and the grant program.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**
Status: 5/10/2017 House Considered Senate Amendments - Result was to Concur - Repass
Fiscal Notes: [Fiscal Note](#)

[HB17-1338](#) Municipal Court Bond Hold Notification and Hearing

Short Title: Municipal Court Bond Hold Notification and Hearing
Sponsors: J. Bridges | L. Liston / D. Kagan | V. Marble
Summary: If a person is detained in a jail on a municipal hold and does not immediately receive a personal recognizance bond, the jail shall promptly notify the municipal court of the hold or, if the municipal hold is the sole

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

basis for the person's detention, notify the municipal court of the hold within 4 hours. All municipal courts shall establish an e-mail address, if internet service is available, whereby the municipal court can receive notifications from jails. If internet service is not available, the municipal court shall establish a telephone line with voicemail for the same purpose. Once a demanding municipal court receives the notice that its hold is the sole basis for the detention, the court shall hold a hearing within 2 days of receiving the notice; except that if the defendant has failed to appear at least twice in the case and the jail is in a different county than the county where the municipality is located, the demanding municipal court shall hold a hearing within 4 days. At the hearing the municipal court must either:

- Arraign the defendant; or
- If the defendant is being held for failure to appear, conduct the proceedings related to the failure to appear unless the proceeding is a trial or evidentiary hearing or requires the presence of a witness.

If the case is not resolved at the hearing, the municipal court shall conduct a bond hearing and release the defendant on bond under the least restrictive conditions possible. If the defendant does not appear before the municipal court within the required time frames, the jail holding the defendant shall release the defendant on an unsecured personal recognizance bond with no other conditions returnable to the municipal court. A municipal court shall adopt standing orders to effectuate the defendant's release if the defendant is not transferred to the municipal court within the required time frames.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**
Status: 5/18/2017 Signed by the President of the Senate
Fiscal Notes: [Fiscal Note](#)

[SB17-003](#) **Repeal Colorado Health Benefit Exchange**

Short Title: Repeal Colorado Health Benefit Exchange
Sponsors: J. Smallwood / P. Neville
Summary: In 2010, pursuant to the enactment of federal law that allowed each state to establish a health benefit exchange option through state law or opt to

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

participate in a national exchange, the general assembly enacted the 'Colorado Health Benefit Exchange Act' (act). The act created the state exchange, a board of directors (board) to implement the exchange, and a legislative health benefits exchange implementation review committee to make recommendations to the board. The bill repeals the act, effective January 1, 2018, and allows the exchange to continue for one year for the purpose of winding up its affairs. The bill also requires the board, on the last day of the wind-up period, to transfer any unencumbered money that remains in the exchange to the state treasurer, who shall transfer the money to the general fund.

(Note: This summary applies to this bill as introduced.)

Position: **Monitor**
Status: 5/8/2017 Senate Second Reading Laid Over to 05/11/2017 - No Amendments
Fiscal Notes: [Fiscal Note](#)

SB17-016 County Choice Child Protection Teams

Short Title: County Choice Child Protection Teams
Sponsors: C. Jahn | T. Neville / T. Kraft-Tharp | D. Nordberg
Summary: **Legislative Audit Committee.** Current law requires the creation of a child protection team for any county or group of contiguous counties receiving more than 50 referrals related to child abuse or neglect in a year. Other counties or groups of contiguous counties are encouraged, but not required, to establish a child protection team. The bill makes it optional for all counties and groups of contiguous counties to establish a child protection team, at the discretion of the county director or the directors of a contiguous group of counties. The state department of human services is directed to include a summary and description of the work of child protection teams in its annual 'State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act' presentation.

(Note: This summary applies to the final version of this bill)

Position: **Actively Monitor**
Status: 4/4/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

Prepared by: Jensen Public Affairs

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

[SB17-028](#)

Healthy Families And Military Preparedness Act

Short Title:

Healthy Families And Military Preparedness Act

Sponsors:

B. Gardner / D. Nordberg | T. Exum

Summary:

The bill requires the state department of human services (state department) and county departments of human or social services (county departments) to provide notice and to collect and share information with the command authority of national military installations regarding any report received of known or suspected instances of child abuse or neglect in which the person having custody or control of the child is a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces assigned to that military installation.

The state department and county departments may enter into memorandums of understanding with military installations establishing protocols for the sharing of information and for collaboration on the investigations into child abuse or neglect by a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces.

The state board of human services shall promulgate rules related to the collection and sharing of information.

The bill allows designated authorities at the military base of assignment or installation for the member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces to have access to reports of child abuse or neglect.

Reports of known or suspected child abuse or neglect must include the military affiliation of any person who has custody or control of the child who is the subject of the investigation of child abuse or neglect, if such individual is a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces.

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

(Note: This summary applies to the final version of this bill)

Position: **Passively Support**
Status: 5/18/2017 Signed by the President of the Senate
Fiscal Notes: [Fiscal Note](#)

**[SB17-048](#) **Require Arrests Of Intensive Supervision Program
Escapes From Department Of Corrections****

Short Title: Require Arrests Of Intensive Supervision Program Escapes From Department Of Corrections

Sponsors: J. Cooke / Y. Willett

Summary: The bill states that when a peace officer or community parole officer has probable cause to believe that an offender in an intensive supervision program has committed an escape by knowingly removing or tampering with an electronic monitoring device that he or she is required to wear as a condition of parole, the officer shall immediately seek a warrant for the offender's arrest or arrest the offender without undue delay if the offender is in the presence of the officer. However, before an officer arrests an offender, the officer, if practicable, shall determine that the notification of removal or tampering was not merely the result of an equipment malfunction.

(Note: This summary applies to the final version of this bill)

Position: **Passively Support**
Status: 4/4/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

**[SB17-086](#) **Authorize Local Governments Inclusionary Housing
Programs****

Short Title: Authorize Local Governments Inclusionary Housing Programs

Sponsors: S. Fenberg

Summary: In 1981, the general assembly enacted legislation that prohibits counties and municipalities (local governments) from enacting any ordinance or resolution that would control rent on private residential property.

The bill clarifies that an ordinance or resolution that would control rent on either private residential property or a private residential housing unit

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

does not include an ordinance or resolution enacted by a county or a municipality that establishes, as a condition of obtaining approval for the development of a project, inclusionary housing or inclusionary zoning requirements.

As used in the bill, 'inclusionary housing' or 'inclusionary zoning' means a program enacted legislatively and with opportunity for public input that requires, as a condition of obtaining approval for the development of a project, the provision of residential units affordable to and occupied by owners or tenants whose household incomes do not exceed a limit that is established in the ordinance or resolution.

The bill specifies different components that may be included in an inclusionary housing program.

(Note: This summary applies to this bill as introduced.)

Position: **Monitor**
Status: 2/6/2017 Senate Committee on State, Veterans, & Military Affairs
Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[SB17-116](#) **Concealed Handgun Carry Without A Permit**

Short Title: Concealed Handgun Carry Without A Permit
Sponsors: T. Neville / K. Van Winkle
Summary: The bill allows a person who legally possesses a handgun under state and federal law to carry a concealed handgun in Colorado. A person who carries a concealed handgun under the authority created in the bill has the same carrying rights and is subject to the same limitations that apply to a person who holds a permit to carry a concealed handgun under current law, including the prohibition on the carrying of a concealed handgun on the grounds of a public elementary, middle, junior high, or high school.

The bill reduces an appropriation.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Position: **Actively Oppose**

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

Status: 4/26/2017 House Committee on State, Veterans, & Military Affairs
Postpone Indefinitely

Fiscal Notes: [Fiscal Note](#)

SB17-128 Higher Education Behavior Policies

Short Title: Higher Education Behavior Policies

Sponsors: R. Fields / J. Bridges

Summary: The bill requires all higher education institutions that receive money from the college opportunity fund (institutions) to adopt policies on sexual assault, domestic violence, dating violence, stalking, and hate crimes involving a student, faculty, or staff member consistent with the provisions of the bill. The bill requires the policy to be published in handbooks and on the institution's website. Institutions are required to review and, if necessary, update the policies every 2 years.

(Note: This summary applies to this bill as introduced.)

Position: **Active Amend**

Status: 2/15/2017 Senate Committee on State, Veterans, & Military Affairs
Postpone Indefinitely

Fiscal Notes: [Fiscal Note](#)

SB17-141 Low-risk Sex Offender Community-based Treatment

Short Title: Low-risk Sex Offender Community-based Treatment

Sponsors: I. Aguilar / L. Herod

Summary: The bill requires the sex offender management board, in collaboration with the department of corrections, the judicial department, and the parole board, and in consultation with sex offender research experts, to establish evidence-based criteria for the release of low-risk offenders. The bill requires the department of corrections to allow a low-risk sex offender to complete his or her required treatment in a community-based program if the department does not have sufficient prison-based treatment for the offender. The bill prohibits the parole board from denying parole to a low-risk sex offender because the offender did not complete treatment if the offender is seeking release to complete treatment in a community-based program.

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

(Note: This summary applies to this bill as introduced.)

Position: **Actively Monitor**
Status: 2/22/2017 Senate Committee on Judiciary Postpone Indefinitely
Fiscal Notes: [Fiscal Note](#)

[SB17-193](#) **Research Center Prevention Substance Abuse Addiction**

Short Title: Research Center Prevention Substance Abuse Addiction
Sponsors: C. Jahn | K. Lundberg / B. Pettersen | B. Rankin
Summary: The bill establishes the center for research into substance use disorder prevention, treatment, and recovery support strategies at the university of Colorado health sciences center.

The bill makes an appropriation.

((Note: This summary applies to the final version of this bill))

Position: **Passively Support**
Status: 5/18/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[SB17-207](#) **Strengthen Colorado Behavioral Health Crisis System**

Short Title: Strengthen Colorado Behavioral Health Crisis System
Sponsors: J. Cooke | D. Kagan / J. Salazar | L. Sias
Summary: The bill clarifies the intent of the general assembly for establishing a coordinated behavioral health crisis response system (crisis system). The crisis system is intended to be a comprehensive, appropriate, and preferred response to behavioral health crises in Colorado. By clarifying the role of the crisis system and making necessary enhancements, the bill puts systems in place to help Colorado end the use of jails and correctional facilities as placement options for individuals placed on emergency mental health holds if they have not also been charged with a crime and enhances the ability of emergency departments to serve individuals who are experiencing a behavioral health crisis. The crisis system is intended to provide an appropriate first line of response to individuals in need of an emergency 72-hour mental health hold. The statewide framework created by the crisis system strengthens community partnerships and ensures that first responders are equipped with a variety

Colorado Coalition Against Domestic Violence Final Monitor Report 2017

of options for addressing behavioral health crises that meet the needs of the individual in a clinically appropriate setting.

The bill expands and strengthens the current crisis system in the following ways:

- Encourages crisis system contractors in each region to develop partnerships with the broad array of crisis intervention services in the region;
- Requires crisis system contractors to be responsible for community engagement, coordination, and system navigation for key partners in the crisis system. The goals of community coordination are to formalize key relationships within contractually defined regions, pursue collaborative programming for behavioral health services, and coordinate interventions as necessary with behavioral health crises in the region.
- Increases the ability of all crisis services facilities, including walk-in centers, acute treatment units, and crisis stabilization units within the crisis system, regardless of facility licensure, to adequately care for an individual brought to the facility in need of an emergency 72-hour mental health hold;
- Expands the ability of mobile response units to be available within 2 hours, either face-to-face or using telehealth operations for mobile crisis evaluations;
- Recognizes the obligations of hospitals and hospital-based emergency departments under federal law to screen and stabilize every patient who comes to the hospital-based emergency department, including those patients experiencing a behavioral health crisis; and
- Requires that, on or before January 1, 2018, all walk-in centers throughout the state be appropriately designated, adequately prepared, and properly staffed to accept an individual in need of an emergency 72-hour mental health hold.

The department of human services (department) shall ensure consistent training for professionals who have regular contact with individuals who are experiencing a behavioral health crisis. The department shall conduct a needs and capacity assessment of the crisis system.

The office of behavioral health is required to submit a report on or before November 1, 2017, and on or before May 1, 2018, concerning the status of funding, the use of new and existing resources, and the implementation of additional behavioral health crisis services. This report is separate and in addition to the information the department is required to provide

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

concerning the crisis system in its annual SMART report to the general assembly.

The bill removes language from statute that allows, at any time for any reason, an individual who is being held on an emergency 72-hour mental health hold to be detained or housed in a jail, lockup, or other place used for the confinement of persons charged with or convicted of criminal offenses. The effective date of this component of the bill is May 1, 2018.

The bill requires annual reports to the department by each emergency services facility that has treated a person pursuant to an emergency 72-hour mental health hold. The reports must only include aggregate and nonidentifying information. The reports must include information on the names and counties of involved facilities; the total number of persons treated at the facility; a summary regarding the different reasons for which persons were treated at the facility; and a summary of the disposition of the persons transferred to a designated mental health facility.

An appropriation from the marijuana tax cash fund is authorized.

(Note: This summary applies to the final version of this bill)

Position: **Passively Support**
Status: 5/18/2017 Governor Signed
Fiscal Notes: [Fiscal Note](#)

[SB17-242](#) **Modernize Behavioral Health Terminology in Colorado Revised Statutes**

Short Title: Modernize Behavioral Health Terminology in Colorado Revised Statutes
Sponsors: B. Martinez Humenik / K. Ransom | J. Ginal
Summary: The bill updates and modernizes terminology in the Colorado Revised Statutes related to behavioral health, mental health, alcohol abuse, and substance abuse. Based on specific contexts, the new terminology refers to behavioral health disorders, mental health disorders, alcohol use disorders, or substance use disorders.

Outdated references to the 'unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse' have been corrected to use

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**

the actual current name of that office, which is 'the office of behavioral health in the department of human services'.

(Note: This summary applies to the final version of this bill)

Position: **Monitor**
Status: 5/9/2017 Senate Considered House Amendments - Result was to Concur - Repass
Fiscal Notes: [Fiscal Note](#)

[SB17-284](#) **A Woman's Right To Accurate Health Care Information**

Short Title: A Woman's Right To Accurate Health Care Information
Sponsors: K. Lundberg | V. Marble / K. Ransom | L. Saine
Summary: The bill ensures that women are fully and accurately informed about their personal medical conditions regarding their pregnancies and health care options. Current medical procedures already use ultrasound technology to provide information regarding the gestational age of a child in utero. The bill ensures that a woman has the opportunity to see or forego seeing her ultrasound. The bill gives the woman a choice between an abdominal or vaginal ultrasound. The bill allows a woman the opportunity to find a provider of ultrasound technology that will provide the service free of charge. The bill requires that a woman be given full and accurate information regarding her abortion. The bill describes the information that the physician performing the abortion provides to the woman, and gives the woman an opportunity to sign or refuse to sign a receipt of information. The bill requires the abortion provider to provide certain information to the woman at least 24 hours prior to performing an abortion.

The bill creates a civil right of action for noncompliance with the requirements, making a physician's noncompliance with the requirements unprofessional conduct and making a violation of the requirements a crime.

(Note: This summary applies to this bill as introduced.)

Position:
Status: 4/13/2017 Senate Second Reading Lost with Amendments - Committee
Fiscal Notes: [Fiscal Note](#)

Prepared by: Jensen Public Affairs

**Colorado Coalition Against Domestic Violence
Final Monitor Report 2017**