
Colorado Coalition Against Domestic Violence

Final 2013 Session Report

HB13-1020 TESTING EVIDENCE OF SEXUAL ASSAULT

Sponsors Rep. McNulty & Sen. Roberts

The bill requires the executive director of the department of public safety to adopt rules concerning forensic medical evidence of a sexual assault (forensic evidence) collected by law enforcement agencies. The rules shall include:

- A requirement that forensic evidence be collected at the request of the alleged victim;
- Standards for when forensic evidence must be submitted by law enforcement agencies to the Colorado bureau of investigation or another accredited crime laboratory (laboratory);
- Time frames for when the forensic evidence must be submitted, analyzed, and compared to DNA databases;
- Standards for consent for the collection, testing, and release of results of forensic evidence; and
- A plan for testing the backlog of forensic evidence by the CBI and a date by which forensic evidence must be tested by other laboratories.

The bill requires law enforcement agencies and personnel at medical facilities performing forensic medical examinations to comply with the new rules within 90 days. To resolve the backlog of unanalyzed forensic evidence, the bill requires:

- Law enforcement agencies to submit to the Colorado bureau of investigation (CBI) an inventory of all unanalyzed forensic evidence in active investigations that meets the standard for mandatory submission; and
- The CBI to submit a plan to analyze all of the forensic evidence inventories by law enforcement agencies.

A law enforcement agency may develop its own plan to analyze forensic evidence if the evidence will be analyzed by a date specified in rule by the executive director.

The bill directs the department of public safety to include within the funding requests submitted to the joint budget committee money to analyze the backlog of forensic medical evidence.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status House Considered Senate Amendments - Result was to Concur - Repass

Fiscal Impact [Fiscal Note](#)

HB13-1043 CONCERNING THE STATUTORY DEFINITION OF A DEADLY WEAPON

Sponsors Rep. Foote & Sen. Heath

Under current law, for the purposes of criminal law, a deadly weapon is defined as a firearm, whether loaded or unloaded; a knife; a bludgeon; or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used or intended to be used is capable of producing death or serious bodily injury.

The bill modifies this definition so that a firearm, whether loaded or unloaded, qualifies as a deadly weapon regardless of the manner in which it is used or intended to be used.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1048 CONCERNING THE USE OF DEADLY PHYSICAL FORCE AGAINST A PERSON WHO HAS MADE AN ILLEGAL ENTRY INTO A PLACE OF BUSINESS

Sponsors Rep. Everett & Sen. Grantham

The bill extends the right to use deadly force against an intruder under certain conditions to include owners, managers, and employees of businesses.

Full Text [Full Text of Bill](#)

Position Active Oppose

Current Status House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

HB13-1058 CONCERNING GUIDELINES FOR THE DETERMINATION OF SPOUSAL MAINTENANCE

Sponsors Rep. McCann & Sen. Kerr

The bill creates a process, including guidelines as to amount and term, for determining an award for spousal maintenance at temporary or permanent orders in proceedings for dissolution of marriage, legal separation, or declaration of invalidity filed on or after January 1, 2014.

Key points in the process include:

- Initial findings of fact concerning each party's gross income, marital property, financial resources, and reasonable need as established during the marriage;
- Findings concerning the guideline amount and term of maintenance for marriages of at least 3 years where the parties' annual combined gross income does not exceed \$240,000; and
- Factors relating to the appropriate amount and term of maintenance. The bill maintains the overall threshold standard of need contained in current law that the court must consider before entering a maintenance award.

The bill specifies that the maintenance guidelines as to the amount and term of maintenance do not create a presumption. The court maintains discretion to determine the maintenance award after making the required findings and considering all of the provisions of the law.

The court must make written or oral findings in support of its maintenance award or a denial of maintenance. Maintenance orders will be modified pursuant to the existing modification statute. For dissolution of marriage, legal separation, or declaration of invalidity actions filed on or after January 1, 2014, maintenance awarded at permanent orders may be suspended, reduced, or modified based upon the cohabitation of the recipient spouse when the payor spouse can show that the recipient spouse has maintained a primary residence with another person as a couple for 6 months after the entry of the initial maintenance order.

Maintenance may be reinstated upon the termination of the recipient spouse's cohabitation with another person, but shall not be reinstated beyond the original maintenance term. The enactment of section 1 of the bill does not constitute a substantial and continuing change of circumstances for purposes of modifying existing maintenance orders.

The bill includes provisions for securing maintenance awards and for a party to waive maintenance, accept a reduced amount of maintenance, and to enter into agreements relating to maintenance. Additionally, the bill defines "gross income" for purposes of applying the maintenance guidelines and for determining maintenance.

Finally, the bill amends the current statute for modification of maintenance by clarifying when maintenance terminates and by creating a presumption of good faith in favor of the payor spouse once he or she reaches full social security retirement age.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1081 CONCERNING HUMAN SEXUALITY EDUCATION

Sponsors Rep. Duran & Sen. Todd

The bill moves and adds language to the content standards for the instruction of comprehensive human sexuality education.

The bill creates the comprehensive human sexuality education grant program (program) in the department of public health and environment (department).

An oversight entity will assess available funding opportunities and work with appropriate state departments to apply for federal and state grant moneys to fund the program. Once the program is funded, the oversight entity and the department shall work together to notify school districts, boards of cooperative services, and the state charter school institute of the program. The oversight entity will develop criteria for grant applications and for determining who will receive grant moneys and for how long. The oversight entity shall review all of the grant applications and make recommendations to the department concerning the awarding of grants through the program.

The moneys distributed through the program must only be used for the purpose of providing comprehensive human sexuality education programs that are evidence-based, culturally sensitive, medically accurate, age-appropriate, reflective of positive youth development approaches, and that comply with statutory content standards.

The state board of health shall promulgate rules for the implementation of the program. Schools that receive funding for local comprehensive health education programs are required to implement an opt-out policy rather than an opt-in policy for comprehensive health and sexuality education programs.

Full Text [Full Text of Bill](#)

Position Active Amend

Current Status House Consideration of Second Conference Committee Report result was to Adopt Committee Report – Repass

Fiscal Impact Fiscal Note

HB13-1082 CONCERNING JUVENILE DELINQUENCY RECORDS

Sponsors Rep. Labuda

At the time of an adjudication, the court shall advise the adjudicated juvenile and any respondent parent or guardian of the right to petition the court for the expungement of the juvenile's record. The court, on its own motion or the motion of the juvenile probation department, the juvenile parole department, the juvenile, a respondent parent or guardian, or a court-appointed guardian ad litem, may initiate expungement proceedings concerning the record of any juvenile who has been under the jurisdiction of the court.

Under current law, after an expungement of records, basic identification information on the juvenile and a list of any state and local agencies and officials having contact with the juvenile, as they appear from the records, are unavailable to the public but must remain available to a district attorney, local law enforcement agency, and the department of human services. The bill requires the records of the juvenile's offense to also remain available to the state judicial department and to the victim, if any.

Any criminal justice record of a juvenile who has been charged, adjudicated, or convicted as a repeat or mandatory juvenile offender shall be available for use by a court, a district attorney, any law enforcement agency, any agency of the state judicial department in any subsequent criminal investigation, prosecution, or adjudication or during probation or parole supervision, if otherwise permitted by law.

Under current law, the court may order expunged all records in the petitioner's case in the custody of the court and any records in the custody of any other agency or official if at the hearing the court finds that:

- The petitioner who is the subject of the hearing has not been convicted of a felony or of a misdemeanor and has not been adjudicated a juvenile delinquent since the termination of the court's jurisdiction or the petitioner's unconditional release from parole supervision;
- No proceeding concerning a felony, misdemeanor, or delinquency action is pending or being instituted against the petitioner;

- The rehabilitation of the petitioner has been attained to the satisfaction of the court; and
- The expungement is in the best interests of the petitioner and the community.

Under the bill, a petitioner who has been convicted of a misdemeanor since the termination of the court's jurisdiction or the petitioner's unconditional release from parole supervision may still be eligible for records expungement so long as the misdemeanor did not involve domestic violence, unlawful sexual behavior, or possession of a weapon.

A person is eligible to petition for an expungement order:

- Immediately upon a finding of not guilty at an adjudicatory trial, dismissal of the petition in its entirety as a result of nonprosecution of the offense, or successful completion of a juvenile diversion program, a deferred adjudication, or an informal adjustment;
- At any time if the records to be expunged pertain to the petitioner's conviction for prostitution, soliciting for prostitution, keeping a place of prostitution, public indecency, soliciting for child prostitution, or any corresponding municipal code or ordinance if, at the hearing, the court finds that the petitioner has established by a preponderance of the evidence that, at the time he or she committed the offense, he or she had been sold, exchanged, bartered, or leased by another person for the purpose of performing the offense, or he or she was coerced by another person to perform the offense.
- One year from the date of a law enforcement contact that did not result in a referral to another agency; or one year from the termination of the court's jurisdiction over the petitioner after successful completion of probation;
- Three years from the date of the petitioner's unconditional release from commitment to the department of human services, or three years from the petitioner's unconditional release from parole supervision; or
- Five years from the date of the termination of the court's jurisdiction over the petitioner or the petitioner's unconditional release from probation or parole supervision, whichever date is later, if the juvenile has been adjudicated a repeat or mandatory juvenile offender and if the juvenile has not further violated any criminal statute.

A person who has failed to pay court-ordered restitution to a victim of the offense that is the basis for the juvenile record is not eligible to petition for the expungement of any juvenile record.

Under current law, certain victims of criminal offenses have the right to be informed of and present for -- or the right to be informed of, without being present for -- all critical stages of the treatment of the offender in the criminal justice process.

The bill amends the definition of "critical stages" to include any hearing concerning a petition for expungement. A victim also has the right to be heard at any court proceeding involving a petition for expungement.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Sent to the Governor

Fiscal Impact [Fiscal Note](#)

HB13-1109 CONCERNING THE APPLICATION OF MANDATORY PROTECTION ORDERS TO PAROLEES

Sponsors Rep. Buck & Sen. Renfroe

Under current law, a mandatory protection order is created against any person charged with a criminal offense. The order restrains the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged. The protection order remains in effect until final disposition of the action. For the purposes of these provisions, the bill amends the definition of "until final disposition of the action" to clarify that a defendant shall not be deemed to have been released from incarceration until the defendant has also been discharged from any period of parole supervision that follows such incarceration.

Full Text [Full Text of Bill](#)

Position Active Support (minimal action)

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1129 CONCERNING CREATING THE EVIDENCE-BASED PRACTICES IMPLEMENTATION FOR CAPACITY RESOURCE CENTER

Sponsors Rep. Pettersen & Sen. Newell

The bill creates the evidence-based practices implementation for capacity resource center in the division of criminal justice in the department of public safety. The resource center will assist agencies serving juvenile and adult populations to develop, implement, and sustain effective science-based frameworks to support the use of evidence-based practices.

An advisory board will oversee the resource center. The members of the advisory board are, at a minimum, the executive directors of the department of public safety, department of corrections, and department of human services, the director of the division of criminal justice, and the director of the division of probation or their designees. The director of the division of criminal justice may appoint additional members to ensure adequate representation and oversight. The division of criminal justice is authorized to accept gifts, grants, and donations for the program. The division will report to the general assembly by July 1, 2014, and every 3 years thereafter on the status of the resource center.

The bill appropriates \$739,591 and 6.0 FTE to the department of public safety to implement the program.

Full Text [Full Text of Bill](#)

Position Monitor

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

**HB13-1136 CONCERNING THE CREATION OF REMEDIES IN EMPLOYMENT
DISCRIMINATION CASES BROUGHT UNDER STATE LAW**

Sponsors Rep. Levy & Sen. Carroll

Current law does not permit an award of compensatory or punitive damages or attorney fees and costs to a plaintiff who prevails in a complaint before the Colorado civil rights commission (commission) or in a lawsuit alleging a discriminatory or unfair employment practice under state law, even in cases of intentional discrimination. While federal employment antidiscrimination laws allow such damages in cases where intentional discrimination is found, and allows an award of reasonable attorney fees and costs, only employers who employ 15 or more employees are subject to federal law. Moreover, victims of employment discrimination on the basis of sexual orientation are not afforded protections under federal law. Thus, employees who work for employers with fewer than 15 employees or who claim employment discrimination on the basis of sexual orientation are not allowed compensatory or punitive damages and cannot recover reasonable attorney fees and costs when they prove a case of intentional employment discrimination.

Additionally, current law precludes a claim of age discrimination by persons 70 years of age or older.

Section 1 of the bill establishes the "Job Protection and Civil Rights Enforcement Act of 2013", which would allow the additional remedies of compensatory and punitive damages in employment discrimination cases brought under state law against employers where intentional discrimination is proven. These damages would be in addition to the remedies allowed under current law, namely, front pay, back pay, interest on back pay, reinstatement or hiring, and other equitable relief that may be awarded. Compensatory damages are to compensate a plaintiff for other pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses. If the plaintiff shows by clear and convincing evidence that the defendant engaged in a discriminatory or unfair employment practice with malice or reckless indifference to the rights of the plaintiff, the plaintiff may recover punitive damages. However, a plaintiff may not recover punitive damages against:

- The state or a political subdivision, commission, department, institution, or school district of the state;
- A defendant who demonstrates good-faith efforts to prevent discriminatory and unfair employment practices; or
- A defendant who demonstrates good-faith efforts to identify and make reasonable workplace accommodations for a person with a disability employed by the defendant.

The bill limits the amount of compensatory and punitive damages to the amounts specified in the federal "Civil Rights Act of 1991", but specifies the following maximum damage awards for the following employers:

- For employers who employ between one and 4 employees, \$10,000; or
- For employers who employ between 5 and 14 employees, \$25,000.

The bill directs the court to consider the size and assets of the defendant and the egregiousness of the intentional discriminatory or unfair employment practice when determining the amount of damages to award the victim. A plaintiff who asserts employment discrimination claims under both federal and state law is limited to recovery only once for the same injuries, damages, or losses. When a plaintiff claims discrimination based on age, the plaintiff may only recover relief authorized under federal law, which includes front pay, back pay, and liquidated damages but excludes compensatory and punitive damages.

When a plaintiff claims compensatory or punitive damages in a civil lawsuit, either party to the action is entitled to demand a jury trial. Additionally, the court may award the prevailing plaintiff reasonable attorney fees and costs and, if the court finds that the action was frivolous, groundless, or vexatious, the court may award attorney fees and costs to the defendant.

When a person seeks damages for an intentional discriminatory or unfair employment practice, the person cannot obtain those damages from the commission or, for state employees, the state personnel board (board); rather, the person must file a civil action in the appropriate district court to pursue a damage award.

The bill establishes a process for a complaining party to pursue a damages claim in court after exhausting applicable administrative proceedings, under which process an order or written decision issued by the commission or board is stayed and cannot be appealed by the complaining party or respondent until the damages case is tried in district court and the court issues a decision.

Section 3 of the bill specifies that claims for compensatory damages against the state are payable from the risk management fund. **Section 3** of the bill removes the maximum age limit for purposes of age discrimination claims, thereby permitting persons 70 years of age or older to pursue a claim based on age discrimination. **Section 4** of the bill authorizes the commission to appoint a working group of employers and employees to assist in education and outreach efforts to foster compliance with laws prohibiting discriminatory or unfair employment practices. The remedies available under the bill would apply to causes of action alleging discriminatory or unfair employment practices accruing on or after January 1, 2015.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Governor Action – Signed

Fiscal Impact [Fiscal Note](#)

**HB13-1144 CONCERNING THE ELIMINATION OF THE STATE SALES AND USE TAX
EXEMPTION FOR CIGARETTES**

Sponsors Rep. Kagan & Sen. Steadman

Prior to July 1, 2009, cigarettes were exempt from the state sales and use tax. This exemption was suspended from that date until July 1, 2013, so that cigarettes were subject to the state sales and use tax. During this same period, local sales and use tax exemptions for cigarettes were left unchanged. The bill makes permanent the state sales and use tax on cigarettes by repealing the state exemption altogether. The revenue from the state sales and use tax on cigarettes is transferred from the general fund to the college opportunity fund. The local exemptions remain unchanged.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status House Considered Senate Amendments - Result was to Concur - Repass

Fiscal Impact [Fiscal Note](#)

HB13-1156 CONCERNING CREATION OF AN ADULT DIVERSION PROGRAM

Sponsors Rep. Levy & Sen. Steadman

The bill repeals the adult deferred prosecution sentencing option and replaces it with an adult diversion program. A district attorney's office only has to comply with the provisions of the adult diversion program if it receives state money to initiate or operate the program.

A defendant who is charged with domestic violence or a sex offense is not eligible for the adult diversion program unless the person undergoes an evaluation and the district attorney decides based on the evaluation and other considerations that the person is appropriate for the program.

The bill specifies that there are certain sex offenses that if a defendant is charged with are never appropriate for the adult diversion program. A defendant and district attorney may enter into a diversion agreement for up to 2 years prior to proceeding with the criminal case against the defendant. During the period of the diversion the defendant is subject to the supervisory conditions of the diversion agreement. If the defendant successfully completes the diversion period, the court shall dismiss with prejudice the charges against the defendant. If the defendant violates a condition of the diversion agreement, the prosecution may initiate revocation of diversion agreement proceedings against the defendant.

The bill creates a diversion funding committee (committee). The committee consists of:

- The attorney general or his or her designee;
- The executive director of a statewide organization representing district attorneys or his or her designee;
- The state public defender or his or her designee;
- The director of the division of criminal justice in the department of public safety; and
- The director of the division of probation services in the judicial department or his or her designee.

The committee will develop funding guidelines, including permissible uses for the funding and an application process for elected district attorneys to request funds in order to operate an adult diversion program. The committee must review all funding requests submitted by a district attorney to support an adult pretrial diversion program.

By majority vote, the committee may approve all or a portion of a funding request that meets the established guidelines or deny a request. A district attorney that receives funding pursuant to this bill shall collect data and provide a status report to the judicial department based on its adult diversion program.

By January 31, 2015, and each January 31 thereafter, the judicial department shall provide to the joint budget committee a status report that includes all of the information received from the district attorneys regarding their programs. The bill appropriates to the judicial department \$425,000 and 0.5 FTE for diversion funding.

The bill makes conforming amendments.

Full Text [Full Text of Bill](#)

Position Active Amend

Current Status Sent to the Governor

Fiscal Impact [Fiscal Note](#)

HB13-1162 **CONCERNING ALLOWING A LAW-ABIDING PERSON TO CARRY A CONCEALED HANDGUN WITHOUT A PERMIT, AND, IN CONNECTION THEREWITH, PRESERVING CURRENT LAWS RESTRICTING THE CARRYING OF FIREARMS ON SCHOOL GROUNDS BY CONCEALED HANDGUN PERMIT HOLDERS**

Sponsors Rep. Holbert & Sen. Hill

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.

Full Text [Full Text of Bill](#)

Position Active Oppose

Current Status House Committee on Judiciary Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

**HB13-1163 CONCERNING PAYMENT FOR MEDICAL COSTS ASSOCIATED WITH OBTAINING
A MEDICAL FORENSIC EXAMINATION FOR VICTIMS OF SEXUAL OFFENSES**

Sponsors Rep. Kagan & Sen. Aguilar

The sexual assault victim emergency payment program (program) is created in the division of criminal justice (division) within the department of public safety. The purpose of the program is to help victims of sexual assault who need additional time to determine if they want to participate with the criminal justice system to pay for medical costs and fees associated with obtaining a medical forensic examination, which ensures that evidence of the assault is preserved regardless of whether the criminal justice system is engaged at the time of the assault and examination. The program is the payor of last resort. The division shall determine an annual cap on payment amount per victim based on actual and reasonable costs and available funds. Priority for the program must be to pay for indirect medical costs and fees incurred as the result of obtaining medical forensic examinations following a sexual assault for medical-reporting victims. Such indirect medical costs and fees may include, but are not limited to, emergency department fees and costs, laboratory fees, prescription medication, and physician's fees. The program may also pay for any uncovered direct costs of the medical forensic examination for a medical-reporting victim.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

**HB13-1166 CONCERNING THE REPEAL OF CERTAIN CRIMES THAT INCLUDE MARITAL
STATUS AS AN ELEMENT OF THE CRIME**

Sponsors Rep. Kagan & Sen. Steadman

The bill repeals the crime of promoting sexual immorality and adultery. The bill makes conforming amendments.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1169 CONCERNING ALLOWING A VALID COLORADO CONCEALED HANDGUN PERMIT TO SUBSTITUTE AS AN OTHERWISE REQUIRED CRIMINAL BACKGROUND CHECK PURSUANT TO THE TRANSFER OF A FIREARM

Sponsors Rep. Humphrey & Sen. Brophy

The bill 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. The bill amends the application procedure for concealed handgun permits to satisfy federal criminal background check requirements. On or before October 1, 2013, the Colorado bureau of investigation shall establish and make available to each sheriff in the state a template for permits to carry concealed handguns. On and after January 1, 2014, each sheriff of the state shall ensure that each permit that he or she issues or renews conforms to the template.

Full Text [Full Text of Bill](#)

Position Active Oppose

Current Status House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

HB13-1170 CONCERNING AUTHORIZATION OF LOCAL POLICIES TO ALLOW CARRYING OF CONCEALED HANDGUNS ON PUBLIC ELEMENTARY AND SECONDARY SCHOOL PROPERTIES

Sponsors Rep. Humphrey & Sen. Hill

The bill authorizes a school district board of education and the governing board of a charter school to adopt a written policy to allow an employee of the school district or charter school to carry a concealed handgun on school grounds if the person holds a valid permit to carry a concealed handgun.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status House Committee on Judiciary Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

HB13-1187 CONCERNING THE INAPPLICABILITY OF CERTAIN FEDERAL FIREARMS LAWS WITHIN COLORADO

Sponsors Rep. Landgraf & Sen. Lundberg

A statute, order, rule, or regulation of the U.S. government that becomes effective on or after January 1, 2013, shall be unenforceable within Colorado if the statute, rule, or regulation purports to impose a prohibition, restriction, or limitation upon the possession of a firearm, firearm accessory, or ammunition, including but not limited to a capacity or size limitation or a registration requirement, that does not exist under the laws of this state. An employee or agent of the U.S. government who enforces or attempts to enforce a statute, rule, or regulation of the U.S. government in violation of the provisions of the bill commits a class 1 misdemeanor. The attorney general may defend a Colorado resident who is prosecuted by the U.S. government for an alleged offense in violation of the provisions of the bill.

Full Text [Full Text of Bill](#)

Position Active Oppose

Current Status House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

HB13-1200 CONCERNING THE "UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT"

Sponsors Rep. Gardner & Sen. Roberts

Colorado Commission on Uniform State Laws The bill establishes the "Uniform Deployed Parents Custody and Visitation Act" (act). Provisions of the act address:

- Custodial responsibility, caretaking, and decision-making authority during the deployment of one parent who is a service member;
- Procedures for granting custodial responsibility and caretaking or decision-making authority during deployment, temporary orders, filing orders with the court, hearings, and child support; and
- Custodial responsibility, visitation, and temporary orders after return from deployment and termination of temporary agreements and orders.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1209 CONCERNING CHANGES TO CHILD SUPPORT PROVISIONS

Sponsors Rep. May & Sen. Nicholson

The bill makes several changes to the child support sections of the Uniform Dissolution of Marriage Act, including:

- Revises the schedule of basic child support obligations, including the application of a minimum order formula for income below \$1,100 per month rather than the existing level of \$850 per month;
- Revises the minimum child support amount in circumstances in which the parents' combined monthly adjusted gross income is less than \$1,100 per month to \$50 per month for one child; \$70 per month for 2 children; \$90 per month for 3 children; \$110 per month for 4 children; \$130 per month for 5 children; and \$150 per month for 6 or more children;
- Revises the formula for calculating the low-income adjustment by removing the 40% multiplier factor;
- Makes amendments to the definition of "gross income", including clarification of when earnings or gains on retirement accounts may be included in gross income;
- Adds language concerning the handling and application of lump sum social security disability benefits or retirement benefits;
- Provides language concerning the retroactive establishment of child support in situations where there has been a post-order change of physical care agreed on by the parents; and
- Revises the duties, make-up, and terms of the child support commission.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

**HB13-1210 CONCERNING APPOINTMENT OF LEGAL COUNSEL DURING PLEA
NEGOTIATIONS FOR INDIGENT ADULT DEFENDANTS**

Sponsors Rep. Kagan & Sen. Steadman

This bill revises Colorado law in response to recent U.S. supreme court decisions regarding the right to legal counsel during critical stages, including plea negotiations. This bill repeals a statute that requires an indigent person charged with a misdemeanor, petty offense, or motor vehicle or traffic offense to meet with the prosecuting attorney before legal counsel is appointed. The bill clarifies that appointment of the state public defender to represent indigent persons charged with crimes which constitute misdemeanors applies when the charged offense includes a possible sentence of incarceration. The bill makes conforming amendments.

The bill appropriates to the judicial department \$52,228 and 0.8 FTE for trial court programs for personal services, \$2,138 for operating expenses, and \$30,125 for courthouse capital expenses. The bill appropriates \$3,710,909 and 37.1 FTE to the judicial department for allocation to the state public defender to implement the bill.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Senate Third Reading Passed

Fiscal Impact [Fiscal Note](#)

**HB13-1222 CONCERNING THE EXPANSION OF THE GROUP OF FAMILY MEMBERS FOR
WHOM COLORADO EMPLOYEES ARE ENTITLED TO TAKE LEAVE FROM WORK
UNDER THE FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993"**

Sponsors Rep. Peniston & Sen. Ulibarri

Under the federal "Family and Medical Leave Act" (FMLA), an employee is entitled to 12 workweeks of leave during a 12-month period to care for a spouse, child, or parent of the employee who has a serious health condition. In the case of a parent using FMLA leave to care for a child, the FMLA permits the leave only for the parent of a child who is under 18 years of age or is incapable of self-care because of a mental or physical disability. Current Colorado law is silent with regard to required family and medical leave, so Colorado employees are entitled to leave as specified in the FMLA.

The bill expands the group of family members for whom employees in Colorado may take FMLA leave when the family member has a serious health condition to include a person who is the employee's partner in a civil union or is the employee's domestic partner and either:

- Has registered the domestic partnership with the municipality in which the person resides or with the state, if applicable; or
- Is recognized by the employer as the employee's domestic partner.

An employer may require the employee requesting leave to provide reasonable documentation or a written statement of family relationship, in accordance with the FMLA and to submit the same certification as the employer may require under the FMLA. FMLA leave taken by an employee pursuant to this section runs concurrently with leave taken under the FMLA and does not increase the total amount of leave to which an employee is entitled during a twelve-month period under the FMLA, this bill, or both.

An employee who is denied leave to care for a person in the expanded group of family members has the right to recover damages or equitable relief, as is currently the case for persons denied leave to care for a family member for whom leave is permitted under the FMLA. In the event the FMLA is expanded to allow leave for an employee's partner in a civil union or domestic partner, the bill is repealed.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1224 CONCERNING PROHIBITING LARGE-CAPACITY AMMUNITION MAGAZINES

Sponsors Rep. Fields & Sen. Hodge

The bill prohibits the sale, transfer, or possession of an ammunition feeding device that is capable of accepting, or that can be readily converted to accept, more than 15 rounds of ammunition or more than 8 shotgun shells (large-capacity magazine). A person may possess a large-capacity magazine if he or she owns the large-capacity magazine on the effective date of the bill and maintains continuous possession of the large-capacity magazine.

The prohibition does not apply to:

- An entity, or any employee thereof engaged in his or her employment duties, that manufactures large-capacity magazines within Colorado exclusively for transfer to a branch of the armed forces of the United States; a department, agency, or political subdivision of the state of Colorado, or of any other state, or of the United States government; a firearms retailer for the purpose of firearms sales conducted outside the state; a foreign national government that has been approved for such transfers by the United States government; or an out-of-state transferee who may legally possess a large-capacity magazine;
- An employee of a branch of the armed forces of the United States, or of a department, agency, or political subdivision of the state of Colorado, or of any other state, or of the United States government, who bears a firearm in the course of his or her official duties; or
- A person who possesses the magazine for the sole purpose of transporting the magazine to an out-of-state entity.

A person who sells, transfers, or possesses a large-capacity magazine in violation of the new provision commits a class 2 misdemeanor.

A large-capacity magazine that is manufactured in Colorado on or after the effective date of the bill must include a serial number and the date upon which the large-capacity magazine was manufactured or assembled. The serial number and date must be legibly and conspicuously engraved or cast upon the outer surface of the large-capacity magazine. The Colorado bureau of investigation may promulgate rules that may require a large-capacity magazine that is manufactured on or after the effective date of the bill to bear identifying information in addition to the serial number and date of assembly.

A person who manufactures a large-capacity magazine in Colorado in violation of the new provision commits a class 2 misdemeanor.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1226 CONCERNING ELIMINATING THE AUTHORITY OF A CONCEALED HANDGUN PERMIT HOLDER TO POSSESS A CONCEALED HANDGUN ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION

Sponsors Rep. Levy & Sen. Heath

Under current law, a person who possesses a valid permit to carry a concealed handgun (permit) may do so in all areas of the state, with certain exceptions. The bill creates a new exception stating that a permit does not authorize a permit holder to possess a concealed handgun:

- In any building or structure, or any portion thereof, that is used by a public institution of higher education for any purpose;
- In any stadium or arena that is used by a public institution of higher education to host events, including but not limited to athletic and extracurricular events and graduation ceremonies; or
- At an outdoor, institution-sponsored event on the campus of the institution at which the chief administrator of the institution's campus, in consultation with the chief officer of the institution's campus safety agency, has elected to prohibit the carrying of firearms. A permit holder who is employed or retained by contract by a public institution of higher education as a security officer may carry a concealed handgun onto the real property, or into any improvement erected thereon, of the public institution of higher education while the permittee is on duty.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Senate Second Reading Laid Over to 05/10/2013 – Deemed Lost

Fiscal Impact [Fiscal Note](#)

HB13-1228 CONCERNING REQUIRING THE COLORADO BUREAU OF INVESTIGATION TO RECOUP THE COST OF PERFORMING AN INSTANT CRIMINAL BACKGROUND CHECK PRIOR TO THE TRANSFER OF A FIREARM

Sponsors Rep. Court & Sen. Heath

The Colorado bureau of investigation (CBI) shall impose a fee for performing an instant criminal background check pursuant to the transfer of a firearm. The amount of the fee shall not exceed the total amount of direct and indirect costs incurred by CBI in performing the background check.

The amount collected as fees shall be transferred to the state treasurer for credit to the instant criminal background check cash fund (fund), which fund is created in the bill.

On January 15, 2014, and on January 15 of each calendar year thereafter, the bureau shall report to the joint budget committee concerning:

- The number of full-time employees used by the bureau in the preceding year for the purpose of performing background checks pursuant to this section; and
- The calculations used by the bureau to determine the amount of the fee.

The bureau is authorized to continue using general fund moneys appropriated to the bureau for the 2013-14 fiscal year for the purpose of performing criminal background checks pursuant to this section until the sooner of:

- A date six months after the effective date of the bill; or
- A date upon which sufficient moneys exist within the fund to pay for the performing of criminal background checks.

The bill makes and reduces an appropriation.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1229 CONCERNING CRIMINAL BACKGROUND CHECKS PERFORMED PURSUANT TO THE TRANSFER OF A FIREARM

Sponsors Rep. Fields & Sen. Carroll

Unless a specified exception applies, before any person who is not a licensed gun dealer transfers or attempts to transfer possession of a firearm, he or she shall:

- Require that a background check be conducted of the prospective transferee; and
- Obtain approval of the transfer from the Colorado bureau of investigation (bureau) after a background check has been requested by a licensed gun dealer. A prospective firearm transferor shall arrange for the services of one or more licensed gun dealers to obtain a background check. A prospective firearm transferee shall not accept possession of a firearm unless the prospective firearm transferor has obtained approval of the transfer from the bureau after a background check has been requested by a licensed gun dealer.

A prospective firearm transferee shall not knowingly provide false information to a prospective firearm transferor or to a licensed gun dealer for the purpose of acquiring a firearm. A person who violates the new provisions commits a class 1 misdemeanor. Under current law, the clerk of the court of every judicial district and probate court in the state must periodically report to the national instant criminal background check system subject to specified court orders relating to mental health or substance abuse. The bill requires the clerk of the court to also report this information to the Colorado bureau of investigation. A court, upon becoming aware that the basis upon which a record of a mentally ill person reported by the clerk of the court does not apply or no longer applies, shall:

- Update, correct, modify, or remove the record from any database that the federal or state government maintains and makes available to the national instant criminal background check system, consistent with the rules pertaining to the database; and
- Notify the attorney general that such basis does not apply or no longer applies. The bill sets forth a judicial process whereby a person who has been prohibited from possessing a firearm may apply or petition for relief from federal firearms prohibitions, as permitted by federal law. In granting relief to a petitioner, the court shall issue findings that:
 - The petitioner is not likely to act in a manner that is dangerous to public safety; and
 - Granting relief to the petitioner is not contrary to the public interest. If the court denies relief to a petitioner, the petitioner may petition the court of appeals to review the denial, including the record of the denying court.

A review of a denial shall be de novo in that the court of appeals may, but is not required to, give deference to the decision of the denying court. In reviewing a denial, the court of appeals may receive additional evidence necessary to conduct an adequate review. The bill makes an appropriation.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Governor Action – Signed

Fiscal Impact [Fiscal Note](#)

HB13-1236 CONCERNING PRE-TRIAL RELEASE FROM CUSTODY

Sponsors Rep. Levy & Sen. Ulibarri

The bill repeals and reenacts the provisions of the criminal procedure code related to bail bonds. The new provision places a greater emphasis on evidence-based and individualized decision-making during the bond-setting process and discourages use of monetary conditions for bond. The bill makes conforming amendments.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1239 CONCERNING THE CREATION OF A STATEWIDE YOUTH DEVELOPMENT PLAN

Sponsors Rep. McCann & Sen. Hodge

The bill directs the state department of human services, in collaboration with the Tony Grampsas youth services board, to convene, subject to available funding, a group of interested parties to create a statewide youth development plan and a baseline measurement of youth activities, based on available data and resources.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status House Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass

Fiscal Impact [Fiscal Note](#)

HB13-1241 CONCERNING A STATEWIDE AUTOMATED VICTIM INFORMATION NOTIFICATION SYSTEM

Sponsors Rep. Fields & Sen. Guzman

The bill authorizes the general assembly to appropriate, and directs the division of criminal justice in the department of public safety to distribute, moneys for a statewide victim information and notification system.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status Sent to the Governor

Fiscal Impact [Fiscal Note](#)

HB13-1243 CONCERNING FACTUAL FINDINGS INCLUDED IN PARENTING TIME ORDERS

Sponsors Rep. Young & Sen. Ulibarri

The bill requires a court restricting parenting time based upon a finding that parenting time would endanger the child's physical health or significantly impair the child's emotional development to enumerate in its order the specific findings supporting the restriction on parenting time.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1251 CONCERNING COLLECTION OF A DNA SAMPLE FROM OFFENDERS CONVICTED OF A MISDEMEANOR

Sponsors Rep. Pabon & Sen. Morse

Under current law, only an offender convicted of a misdemeanor involving unlawful sexual conduct must provide a DNA sample for inclusion in the DNA database at the Colorado Bureau of Investigation. The bill would require collection of a DNA sample from all persons convicted of a class 1 misdemeanor. The bill establishes a process for a person whose conviction for a class 1 misdemeanor was overturned on appeal to request expungement of his or her DNA sample from the database. The bill appropriates general fund money to the judicial department and the department of public safety to implement the bill.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status Senate Committee on Finance Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

HB13-1254 CONCERNING RESTORATIVE JUSTICE

Sponsors Rep. Lee & Sen. Newell

Under current law, restorative justice victim-offender conferences must be initiated by the victim. The bill modifies the requirement of victim initiation in some instances to permit a suitable defendant to request to participate. There is a restorative justice coordinating council established in the state court administrator's office; the bill adds:

- A member of the parole board;
- A representative from the department of corrections;
- A representative from a statewide organization representing victims;
- Three restorative justice practitioners; and
- A representative of the juvenile parole board.

The restorative justice coordinating council shall develop a uniform restorative justice satisfaction evaluation. The council shall collect information regarding all existing restorative justice programs and practices and report that data to the house and senate judiciary committees by January 31, 2014.

The bill creates a pilot project for restorative justice programs in 4 judicial districts. At each site, if a juvenile who is under 18 years of age and could be charged in the petition with a misdemeanor and has not been previously charged or who has not participated in the pilot project, the district attorney shall assess the juvenile's suitability for restorative justice. The district attorney may also refer any juvenile who is charged with a class 3, 4, 5, or 6 felony and has not been previously charged or who has not participated in the pilot project. If the district attorney determines that the juvenile is a suitable candidate for the restorative justice program, the district attorney may offer the juvenile an opportunity to participate in the restorative justice program. If the juvenile agrees to participate, the district attorney shall not file charges pending completion of the program. If the juvenile fails to complete the program, the district attorney may file a petition against the juvenile. The pilot project sites must annually report to the division of criminal justice in the department of public safety certain information on the pilot projects. The division of criminal justice shall prepare an annual report based on the information received. The bill directs the judicial districts to establish guidelines prior to implementing a programs.

The bill creates a \$10 surcharge on all crimes to support a restorative justice fund. The fund will be used to defray the costs of restorative justice programs and administrative costs of the restorative justice coordinating council.

Full Text [Full Text of Bill](#)

Position Amend

Current Status Senate Third Reading Passed

Fiscal Impact [Fiscal Note](#)

HB13-1258 CONCERNING LOCAL GOVERNMENT INVOLVEMENT WITH FEDERAL IMMIGRATION ISSUES

Sponsors Rep. Salazar & Sen. Aguilar

Current law prohibits local governments from enacting any policy that limits or prohibits a local peace officer, official, or employee from communicating or cooperating with federal officials with regard to the immigration status of any person in the state. The law also requires a peace officer who has probable cause to believe an arrestee is not legally present in the United States to report that person to the United States immigration and customs enforcement office.

The governing body of each local government is currently required to provide notice to peace officers of the duty to cooperate with state and federal officials with regard to enforcement of state and federal immigration laws and to provide written confirmation that it has done so to the general assembly on an annual basis. The bill repeals these provisions.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

HB13-1259 CONCERNING CIVIL ACTIONS, AND, IN CONNECTION THEREWITH, PROCEDURES FOR ALLOCATING PARENTAL RIGHTS AND RESPONSIBILITIES IN THE BEST INTERESTS OF THE CHILD IN CASES INVOLVING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE; PROVISIONS RELATING TO PARENTING TIME ORDERS; PROVISIONS RELATING TO PARENTING TIME EVALUATIONS AND REPORTS; AND AMENDING AND RELOCATING PROVISIONS RELATING TO CIVIL PROTECTION ORDERS

Sponsors Rep. McCann & Sen. Newell

The bill makes amendments to various provisions of law relating to civil actions and orders.

Sections 1 through 4 of the bill amend provisions of article 10 of title 14, Colorado Revised Statutes (C.R.S.), as follows:

- Includes additional rights of children with respect to the determination of parenting time in section 14-10-123.4, C.R.S.;
- In the determination of the best interests of a child with respect to the allocation of parental rights and responsibilities pursuant to section 14-10-124, C.R.S.:
- Requires a court to follow certain procedures in actions where a claim of child abuse or neglect or domestic violence has been made to the court or when the court has reason to believe that a party has committed child abuse or neglect or domestic violence;
- In contested hearings on final orders, requires the court to make findings on the record concerning the factors the court considered and the reasons for the allocation of rights and responsibilities;
- Permits the court to allocate mutual decision-making for a child in a case that involves domestic violence, over objections, if the court makes certain findings;

- Requires the court to consider the current statutory factors concerning the best interests of the child in light of any finding of child abuse or neglect or domestic violence;
- Includes certain factors that the court may consider when formulating or approving a parenting plan in cases where one of the parties has committed child abuse or neglect or domestic violence;
- Permits the court to order a domestic violence evaluation and subsequent evaluations and to require a party to participate in domestic violence treatment; and
- Includes general procedures that may be included in parenting plans;
- Provides that a court is not required to order a parenting time evaluation pursuant to section 14-10-127, C.R.S., and includes a list of factors that the court shall consider in determining whether to order an evaluation; and
- In section 14-10-129, C.R.S., expands language relating to domestic violence and increases from 7 days to 14 days the time within which the court must hear and rule on an emergency motion to restrict parenting time. Sections 5 through 16 of the bill amend, repeal, and relocate the provisions of part 1 of article 14 of title 13 relating to civil protection orders, as follows:
 - Moves the legislative declaration currently contained in section 13-14-102 (1), C.R.S., to a new section and adds additional language to the legislative declaration;
 - Amends section 13-14-101, C.R.S., containing definitions for article 14 to include a new definition for "contact" and "sexual assault or abuse", and amends existing definitions for "domestic abuse", "protection order", and "stalking";
 - Repeals section 14-13-102, C.R.S., and relocates provisions of that section, with amendments, to other sections in article 14;
 - Adds additional behaviors to the list of behaviors for which a court may enter an emergency protection order;
 - Repeals section 13-14-104, C.R.S., relating to foreign protection orders and relocates those provisions, with amendments, to the new section 13-14-110, C.R.S.;
 - Creates a new section 13-14-104.5, C.R.S., that includes provisions relating to temporary civil protection orders that are relocated from 13-14-102, C.R.S., with amendments, that:
 - Adds to the list of behaviors for which a temporary civil protection order may be entered;
 - Clarifies that a petitioner is not required to show that: he or she has reported the act that is the subject of the complaint to law enforcement, that charges have been filed, or that he or she is participating in the prosecution of the criminal matter; and
 - An order awarding temporary care and control of the child may be extended for not more than one year;
 - Creates a new section 13-14-105, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, and adding additional provisions that a court may include as part of a civil protection order;

- Creates a new section 13-14-106, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, relating to procedures for permanent civil protection orders and clarifies that the court need not find that the petitioner is in imminent danger in order to grant a permanent civil protection order; and that the court may continue a temporary civil protection order and the show cause hearing for one year for good cause;
- Creates a new section 13-14-107, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, relating to enforcement of protection orders and duties of peace officers;
- Creates a new section 13-14-108, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, relating to the modification and termination of civil protection orders that:
- Allows a restrained party to file for modification or dismissal of a permanent civil protection order 2 years after the order was entered or after the disposition of a prior motion; and
- Permits the court to consider whether the protection order has been successful in preventing harm to the protected person as grounds to deny the modification or dismissal of a permanent civil protection order;
- Creates a new section 13-14-109, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, relating to civil protection orders fees and costs; and
- Creates a new section 13-14-110, C.R.S., that contains provisions that are relocated from section 13-14-104, C.R.S., with amendments, relating to foreign protection orders. Sections 17 through 21 of the bill contain conforming amendments.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Governor Action – Signed

Fiscal Impact [Fiscal Note](#)

HB13-1271 CONCERNING METHODS TO RESPOND TO INITIAL CONTACTS MADE TO A CHILD ABUSE REPORTING HOTLINE SYSTEM, AND, IN CONNECTION THEREWITH, AUTHORIZING THE STATE BOARD OF HUMAN SERVICES TO ADOPT RULES GOVERNING THE HOTLINE SYSTEM AND PROVIDING CONSISTENT PRACTICES IN RESPONSE TO CONTACTS AND TO REPORTS OF KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT

Sponsors Rep. Singer & Sen. Newell

The bill authorizes the creation of a child abuse reporting hotline system (hotline system) that provides a uniform method of contact that directly, immediately, and efficiently routes the person to the applicable entity responsible for accepting a report about possible child abuse or neglect and that is advertised to the public as a place for reporting known or suspected child abuse or neglect (report) or for making a request for information or services (an inquiry). The hotline system will be developed through a statewide child abuse hotline steering committee (steering committee) that includes state, county, and comprehensive and appropriate stakeholder representation. The state department of human services (state department) is required to appoint a person to the steering committee who is a primary provider of emergency services and is familiar with the emergency telephone system that uses the single three-digit number 9-1-1 for reporting police, fire, medical, or other emergency situations.

The bill declares that the purpose of the hotline system is to enhance the current child welfare system and to provide an additional option for the public to make an initial report or inquiry. The bill further states that a county department of social services (county department) will retain screening responsibilities, unless the board of county commissioners of that county has approved the use of the hotline system on behalf of the county and such arrangement has been approved by the state department.

The purpose of the steering committee is to develop an implementation plan for the hotline system to be advertised to the public and to make recommendations for rules relating to the hotline system and providing consistent practices in response to reports and inquiries. The steering committee shall submit a report no later than July 1, 2014, containing its recommendations to the executive director of the state department, who shall provide the report to the state board of human services (state board).

The hotline system will provide some method of contact to the public that is available 24 hours a day, 7 days a week. The hotline system shall be operational and publicized to the public statewide no later than January 1, 2015.

With the express written consent of the board of county commissioners, a county department may request that the state department assist that county department with taking reports of possible child abuse and neglect and inquiries from the public. The executive director must approve of this arrangement in writing.

The state board is given rule-making authority to adopt rules, based upon the recommendations of the steering committee, governing the following:

- The type of technology that may be used by the hotline system for directly routing initial contacts from the hotline system to the applicable entity responsible for taking a report or responding to an inquiry, including but not limited to a single statewide toll-free telephone number, and including technologies for language translation and for communicating with people who are deaf or have hearing impairments, with flexibility to adapt the methods to changing and emerging technologies as appropriate;
- The operation of the hotline system, including the central record-keeping and tracking of reports and inquiries statewide, and a requirement that record-keeping and tracking of reports and inquiries be accessible to all counties;
- Standards and steps for information and referral (instances where there is no report of abuse or neglect but the person contacting the county department or the hotline system is making an inquiry);
- How an initial contact to the hotline system is directly routed to the applicable entity responsible for taking a report or responding to an inquiry;
- A formal process for a county department to opt to have the state department receive reports or inquiries on behalf of the county department after hours subject to a requirement that the board of county commissioners must officially approve the use of the hotline system on behalf of the county and that the arrangement must be approved by the executive director;
- A process for a county department to opt to have another county department receive reports or inquiries on behalf of the county department after hours or on a short-term basis with notification of such arrangement to the executive director;
- Standardized training and certification standards for all staff prior to receiving reports and inquiries;
- A consistent screening process with criteria and steps for the county department to respond to a report or inquiry;
- A consistent decision-making process with criteria and steps for a county department to follow when deciding how to act on a report or inquiry and when to take no action on a report or inquiry.

The state department is directed to make periodic reports about the hotline system and the adoption of rules to the appropriate standing interim committee of the general assembly pursuant to the SMART act.

This bill makes conforming amendments to the statutes concerning reports made by the public or by a mandatory reporter to allow a report to be made through the hotline system when the county commissioners have given prior approval for the report to be filed through the hotline system and the executive director of the state department has approved such an arrangement.

The bill appropriates \$25,000 to the department of human services for fiscal year 2012-13 to implement the bill.

The bill appropriates \$704,800 to the department of human services for fiscal year 2013-14 to implement the act and appropriates \$529,800 of the appropriation to the department of human services as reappropriated funds to the governor, lieutenant governor, state planning and budgeting, for computer center services to implement the bill.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Governor Action – Signed

Fiscal Impact [Fiscal Note](#)

HB13-1306 CONCERNING CREATING A TASK FORCE TO CONSIDER PERSONS WHO POSE A THREAT OF HARM TO THEMSELVES OR OTHERS

Sponsors Rep. McCann & Sen. Todd

The bill creates a mental health and firearms task force (task force) to advise the general assembly regarding issues surrounding the loss, maintenance, and restoration of the right to purchase and possess firearms by persons who, as a result of mental health issues, alcohol abuse, or substance abuse, or family dynamics, are clearly dangerous to the health and safety of themselves or others.

The members of the task force shall be appointed on or before July 1, 2013. The speaker of the house of representatives shall appoint a chair and a vice chair of the task force. In making such appointments, the speaker shall appoint only persons who have been otherwise appointed to the task force.

The task force shall submit a written report of its findings and recommendations to the judiciary committees of the house of representatives and senate, or any successor committees, on or before January 15, 2015. The first meeting of the task force shall occur no later than July 18, 2013. The task force shall meet at least 5 times.

Meetings of the task force shall be public meetings. The task force may accept reports and public testimony and may request other sources to provide testimony, written comments, and other relevant data to the task force.

Members of the task force shall serve without compensation and shall not be entitled to reimbursement for expenses. The legislative council staff and the office of legislative legal services shall not provide staff support to the task force.

The task force is repealed, effective August 1, 2015. The bill makes an appropriation.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status Senate Committee on Business, Labor, & Technology Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

SB13-001 CONCERNING INCOME TAX CREDITS TO SUPPORT WORKING FAMILIES, AND, IN CONNECTION THEREWITH, ENACTING THE "COLORADO WORKING FAMILIES ECONOMIC OPPORTUNITY ACT OF 2013"

Sponsors Sen. Kefalas & Rep. Kagan

The bill creates a Colorado earned income tax credit and a child tax credit that are contingent on a trigger occurring, which is that the estimate of gross general fund revenue for the fiscal year 2013-14, or the next two fiscal years thereafter, increases by at least \$100,000,000 from the March estimate that precedes the fiscal year to any of the next four quarterly estimates after the March estimate. Both credits are refundable and will not be used to determine eligibility for state benefits.

If triggered, the Colorado earned income tax credit replaces the existing state earned income tax credit that is a refund mechanism under the taxpayer's bill of rights (TABOR), and it makes a corresponding reduction in the threshold for the succeeding refund mechanism.

The credit is equal to the following percentages of the federal earned income tax credit:

- 7% of the federal credit for the first income tax year that the credit is allowed;
- 8.5% for the second income tax year; and
- 10% for all income tax years thereafter.

The child tax credit is available for a resident individual who claims a federal child tax credit for a child who is under 6 years of age. The credit is equal to a percentage of the federal credit that is dependent on the individual's federal adjusted gross income and whether there is a single or joint return.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status House Third Reading Passed

Fiscal Impact [Fiscal Note](#)

SB13-007 **CONCERNING THE REPEAL DATE OF THE COLORADO COMMISSION ON
CRIMINAL AND JUVENILE JUSTICE**

Sponsors Sen. Morse & Rep. Waller

The bill eliminates the repeal date of the Colorado commission on criminal and juvenile justice. The bill makes an appropriation.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status Sent to the Governor

Fiscal Impact [Fiscal Note](#)

SB13-009 **CONCERNING AUTHORIZATION OF LOCAL POLICIES TO ALLOW CARRYING OF
CONCEALED HANDGUNS ON PUBLIC ELEMENTARY AND SECONDARY SCHOOL
PROPERTIES**

Sponsors Sen. Renfroe & Rep. Saine

The bill authorizes a school district board of education and the governing board of a charter school to adopt a written policy to allow an employee of the school district or charter school to carry a concealed handgun on school grounds if the person holds a valid permit to carry a concealed handgun.

Full Text [Full Text of Bill](#)

Position Passive Oppose

Current Status Senate Committee on Judiciary Postpone Indefinitely

Fiscal Impact [No fiscal impact](#)

SB13-018 CONCERNING THE USE OF CONSUMER CREDIT INFORMATION BY EMPLOYERS

Sponsors Sen. Ulibarri & Rep. Fischer

The bill creates the "Employment Opportunity Act", which specifies the purposes for which consumer credit information (i.e., consumer credit reports and credit scores) can be used by an employer or potential employer (jointly referred to as "employer"). Specifically, the bill:

- Prohibits an employer's use of consumer credit information for employment purposes unless the information is substantially related to the job;
- Requires an employer to disclose to an employee or applicant for employment (jointly referred to as "employee") when the employer uses the employee's consumer credit information to take adverse action against him or her and the particular credit information upon which the employer relied;
- Authorizes an employee aggrieved by a violation of the above provisions to file a complaint with the division of labor in the department of labor and industry, with a penalty not to exceed \$2,500; and
- Requires the department of labor and employment to enforce the laws related to employer use of consumer credit information.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Governor Action - Signed

Fiscal Impact [Fiscal Note](#)

SB13-062 CONCERNING ESTABLISHING CIVIL LIABILITY FOR CERTAIN BUSINESSES THAT PROHIBIT THE CARRYING OF FIREARMS ON THE BUSINESS PREMISES

Sponsors Sen. Lambert & Rep. Saine

A private business entity shall be liable for damages in any civil action brought by an invitee if:

- The private business entity holds itself open to the public;
- The private business entity prohibits the carrying of firearms, whether concealed or open, on the premises of the business, where such carrying would otherwise be permitted under law;
- The private business entity fails to employ on the premises of the business at least 1 on-duty security officer, who is armed with a firearm, for each 50 persons who are present on the premises of the business; and

- The invitee incurs said damages as a result of actions taken by another person, against whose actions the invitee could have defended himself or herself with a firearm in the absence of the private business entity's prohibition against the carrying of firearms.

"Private business entity" includes, but is not limited to, a tax-exempt, not-for-profit entity that conducts retail sales or provides retail services to the public.

Full Text [Full Text of Bill](#)

Position Active Oppose

Current Status Senate Committee on Judiciary Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

**SB13-066 CONCERNING COMPLIANCE WITH SECTION 50 OF ARTICLE V OF THE
COLORADO STATE CONSTITUTION BY PROHIBITING ANY ENTITY THAT IS
INVOLVED WITH ABORTION SERVICES FROM RECEIVING PUBLIC FUNDS**

Sponsors Sen. Hill

The Colorado constitution prohibits public funds from being used to pay for, or to reimburse anyone for payment of, an induced abortion.

The bill establishes that anyone who directly or indirectly performs an induced abortion, advocates for induced abortions, or provides referrals for induced abortions shall not receive any public moneys from, nor be administered by, the state of Colorado or its agencies or political subdivisions.

Full Text [Full Text of Bill](#)

Position Active Oppose

Current Status Senate Committee on Judiciary Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

SB13-111 CONCERNING ABUSE OF AT-RISK ADULTS

Sponsors Sen. Hudak & Rep. Schafer

Current law states that specified professionals who have reasonable cause to believe that a person 18 years of age or older who is susceptible to mistreatment, self-neglect, or exploitation because the individual is unable to perform or obtain services necessary for his or her health, safety, or welfare or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or affairs (at-risk adult) should report that fact to a county department of social services (county department) or a local law enforcement agency.

Under the bill, on and after July 1, 2014, certain professionals (mandatory reporters) who observe the abuse or exploitation of a person who is 70 years of age or older (at-risk elder) or who have reasonable cause to believe that an at-risk elder has been abused or has been exploited and is at imminent risk of abuse or exploitation are required to report such fact to a law enforcement agency within 24 hours after making the observation or discovery. A mandatory reporter who willfully fails to report commits a class 3 misdemeanor.

Within 24 hours after receiving a report of abuse or exploitation of an at-risk elder, a law enforcement agency shall notify the at-risk elder's county department and district attorney's office of the report. The law enforcement agency shall complete a criminal investigation when appropriate. Upon completion of an investigation, the law enforcement agency shall provide a report of the investigation to the at-risk elder's county department and a district attorney's office.

A person who reports an incident of abuse or exploitation to a law enforcement agency is immune from suit and liability for damages in any civil action or criminal prosecution if the report was made in good faith. A person who knowingly makes a false report commits a class 3 misdemeanor.

The new reporting duty does not create a civil duty of care or establish a civil standard of care that is owed to an at-risk elder by a mandatory reporter.

The bill adds physical therapists, emergency medical service providers, chiropractors, and clergy to the list of professionals who are currently urged to report the mistreatment, self-neglect, or exploitation of an at-risk adult. These professions are also included within the new list of mandatory reporters.

A person who exercises undue influence to convert or take possession of an at-risk elder's money, assets, or other property commits statutory theft.

On or before January 1, 2014, the peace officers standards and training board (P.O.S.T. board) shall create and implement a training curriculum to prepare peace officers to recognize and address incidents of abuse and exploitation of at-risk elders.

On and after January 1, 2015, each county sheriff and each municipal law enforcement agency of the state shall employ at least one peace officer who has successfully completed the training curriculum. The P.O.S.T. board may charge a fee to each peace officer who enrolls in the training curriculum. The amount of the fee shall not exceed the direct and indirect costs incurred by the P.O.S.T. board in providing the curriculum.

On and after January 1, 2014, the state department of human services (state department) shall implement a program to generate awareness among:

- The residents of the state regarding the mistreatment, self-neglect, and exploitation of at-risk adults;
- The professionals who are urged to report the mistreatment, self-neglect, or exploitation of an at-risk adult; and
- Mandatory reporters.

On or before December 31, 2016, the state department shall prepare and deliver to the joint budget committee and to the health and human services committee of the senate; the health, insurance, and environment committee of the house of representatives; and the public health care and human services committee of the house of representatives, or to any successor committee, a report concerning the implementation of mandatory reports of abuse and exploitation of at-risk elders.

Under current law, for the purposes of enhanced penalties for offenses committed against at-risk adults, an at-risk adult is defined as any person 60 years of age or older or any person 18 years of age or older who is a person with a disability. The bill changes this definition to raise the minimum age of 60 years of age to 70 years of age.

The bill repeals provisions concerning protection against financial exploitation of at-risk adults.

The bill repeals the elder abuse task force. The bill makes an appropriation.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Governor Action – Signed

Fiscal Impact [Fiscal Note](#)

SB13-117 CONCERNING INCREASING TRANSPARENCY IN CRIMINAL ACTIONS

Sponsors Sen. Balmer

The bill prohibits the court from closing any portion of a preliminary hearing to the public in a criminal action unless a party requests closure and the court finds that closure is necessary to advance a compelling governmental interest, that the order is narrowly tailored to advance that interest, that closure will be effective in protecting the interest, and that the court has considered all reasonable alternatives to exclusion of the public from any portion of the hearing and has found those alternatives inadequate. The bill removes criminal courts and judicial districts from the statutory list of "criminal justice agencies" that are subject to the provisions of state statute governing access to criminal justice records.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Senate Committee on Judiciary Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

SB13-122 CONCERNING THE RIGHTS OF PERSONS IN CRIMINAL PROCEEDINGS

Sponsors Sen. Lambert

The bill creates a new part for criminal defendant's rights that includes requiring:

- The prosecution to provide all discovery documents to the defendant at no cost to the defendant;
- The prosecution to provide all discovery in its possession within 20 days from the defendant's first appearance and any discovery it receives after that date within 72 hours of the date when the prosecution receives the discovery;
- The court to provide a written ruling on any motion if the defendant files a motion at least 10 days prior to the trial date; and
- The court to hold a hearing on a defendant's motion to dismiss. The bill states that the statute of limitations on state tax fraud cases begins to run on the date the tax return is due. For tax fraud cases, the case must be tried in the county where the return was filed or delivered and must be prosecuted by the local district attorney. Under current law certain tax fraud crimes are class 5 felonies. The bill makes those crimes a class 1 misdemeanor if the amount of tax owed is \$3,000 or less. For a first offense, the penalty is limited to a fine equal to 25% of the tax owed and up to one year of probation. The following changes apply only to tax fraud cases.

If the United States internal revenue service rules that the defendant has no untaxed federal income for the tax year related to the charges, the court shall dismiss all charges against the defendant with prejudice. If a district attorney is going to charge a person, the district attorney shall notify the person of his or her intent and request that the person surrender to local law enforcement within 24 hours. If the person does not surrender to local law enforcement, the person may be arrested. The court may not set a monetary bond in excess of the amount of tax owed as specified in the charging document excluding interest. If a defendant is acquitted of any tax fraud charge or has a tax fraud charge dismissed by the court or an appellate court, the court shall enter an order for attorney fees and costs and actual damages for the defendant. The district attorney is liable for the attorney fees and costs and actual damages. If a defendant appeals a tax fraud conviction, all requested transcripts necessary for the appeal shall be delivered to the defendant within 90 days of the defendant's written request.

In a tax fraud appeal, the court of appeals or supreme court shall issue its opinion within one year after the defendant files his or her notice of appeal. The bill creates a civil penalty of \$100 for failure to file a state tax return.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Senate Committee on Judiciary Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

SB13-138 CONCERNING SCHOOL RESOURCE OFFICER PROGRAMS

Sponsors Sen. King & Rep. Garcia

The bill defines "school resource officer" and "community partners" and expressly includes school resource officers as community partners for the purposes of school safety, readiness, and incident management. The school safety resource center is required to contract the services of a full-time grant writer and to create and provide templates and guidance to school districts and schools seeking school safety funding.

The school safety resource center is also required to provide suggestions concerning training for school resource officers. The school safety resource center advisory board is increased from 13 to 14 members to reflect the addition of a school resource officer.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Sent to the Governor

Fiscal Impact [Fiscal Note](#)

SB13-140 **CONCERNING THE INAPPLICABILITY OF CERTAIN FEDERAL FIREARMS LAWS WITHIN COLORADO**

Sponsors Sen. Marble & Rep. Saine

An employee, agent, or agency of the state, including but not limited to a peace officer, shall not enforce or attempt to enforce any statute, rule, regulation, order, action, or act of the United States government that relates to a firearm, ammunition, ammunition magazine, or firearm accessory that:

- Is manufactured commercially or privately within Colorado; and
- Remains exclusively within the borders of Colorado. A statute, rule, or regulation of the United States government that becomes effective on or after January 1, 2013, shall be unenforceable within the borders of Colorado if the statute, rule, or regulation purports to:
 - Ban or restrict ownership of a semi-automatic firearm or ammunition magazine;
 - Require any firearm, ammunition magazine, or firearm accessory to be registered in any manner;
 - Restrict a Colorado resident from purchasing any firearm from a licensed firearms dealer or a private seller in another state; or
 - Restrict a resident from another state who visits Colorado from purchasing or possessing any firearm. The attorney general may defend a resident of Colorado who is prosecuted by the United States government for a violation of federal law relating to the manufacture, transfer, or possession of a firearm, an ammunition magazine, ammunition, or a firearm accessory if the firearm, ammunition magazine, ammunition, or firearm accessory at issue:
 - Was manufactured commercially or privately within Colorado or purchased from any licensed firearms dealer or private party in Colorado or in another state; and
 - Remained exclusively within the borders of Colorado. An employee or agent of the United States government who enforces or attempts to enforce a statute, rule, regulation, order, action, or act of the United States government commits a class 1 misdemeanor if the statute, rule, or regulation relates to a firearm, ammunition, ammunition magazine, or firearm accessory that:
 - Is manufactured commercially or privately within Colorado; and
 - Remains exclusively within the borders of Colorado.

Full Text [Full Text of Bill](#)

Position Active Oppose

Current Status Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Fiscal Impact Fiscal Note

SB13-196 **CONCERNING THE "ASSAULT WEAPON RESPONSIBILITY ACT".**

Sponsors Sen. Morse & Rep. Fields

The bill concerns liability for the discharge of an assault weapon. It defines an assault weapon as any firearm except:

- Handguns;
- Shotguns; and
- Bolt-action rifles. The bill establishes strict liability against a person who discharges an assault weapon for damages caused by the discharge. It creates an exception for damages occurring within a dwelling if the assault weapon was used to defend the person or others from another person who was about to use physical force against the person or another person within the dwelling. The bill establishes certain exceptions to liability for an owner of an assault weapon. The bill establishes liability for a person who owns, obtains, or possesses an assault weapon for damages caused by the discharge of the assault weapon by a third person if the person was negligent in storing the assault weapon or allowing a third party to come into possession of the assault weapon.

The bill establishes liability for a seller and transferor of an assault weapon for damages caused by the discharge of the assault weapon by a third party if the person:

- Negligently entrusted the assault weapon to a third party whom the person knew or reasonably should have known might use the weapon to cause bodily injury to the third party or others; or
- Sold or transferred the assault weapon in violation of any state or federal law. The bill establishes liability for a seller, distributor, or manufacturer of an assault weapon for damages caused by the discharge of the assault weapon by a third party if the person sold or transferred the assault weapon in violation of any state or federal law. The bill requires sellers, distributors, and manufacturers to:
 - Use the highest degree of care in selling, transferring, distributing, and storing assault weapons; and
 - To receive information to have reasonable grounds to believe that the weapon will not be possessed by a person who may use it dangerously or unlawfully. The bill specifies that failure to do so constitutes a violation of state law. The bill repeals the statutes that prohibit certain civil actions from being brought against manufacturers of firearms and ammunition.

Full Text [Full Text of Bill](#)

Position Monitor

Current Status Senate Second Reading Laid Over to 05/10/2013 – Deemed Lost

Fiscal Impact [Fiscal Note](#)

SB13-197 CONCERNING PREVENTING PERSONS WHO HAVE COMMITTED DOMESTIC VIOLENCE FROM POSSESSING FIREARMS

Sponsors Sen. Hudak & Rep. McCann

When a court subjects a person to a protection order to prevent domestic violence or a protection order that prohibits the person from possessing or controlling firearms or other weapons, or the court convicts a person of a misdemeanor or felony domestic violence offense, the court:

- Shall require the person to relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control; and
- May require that before the person is released from custody on bond, the person shall relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control.

In the case of a person who is served in court with a protection order to prevent domestic violence, and in the case of a person who is served with a mandatory protection order prohibiting the person from possessing or controlling firearms or other weapons, the person must relinquish any firearm or ammunition within 24 hours. In the case of a person who is served outside of the court with a protection order to prevent domestic violence, the person must relinquish any firearm or ammunition within 48 hours. However, a court may allow a person up to 72 hours to comply if the person demonstrates to the satisfaction of the court that he or she is unable to comply within 24 or 48 hours, as applicable.

To satisfy the requirement, the person may:

- Sell or transfer possession of the firearm or ammunition to a federally licensed firearms dealer;
- Arrange for the storage of the firearm or ammunition by a law enforcement agency; or
- Sell or transfer the firearm or ammunition to a private party; except that the person shall not transfer a firearm or ammunition to a private party unless the private party has been approved to possess or purchase a firearm pursuant to a background check of the national instant criminal background check system.

If a person is unable to satisfy the requirement because he or she is incarcerated or otherwise held in the custody of a law enforcement agency, the court shall require the person to relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control not more than 24 hours after the person's release from such incarceration or custody or be held in contempt of court. The court, in its discretion, may require the person to relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control before the end of the person's incarceration.

If a person sells or otherwise transfers a firearm or ammunition to a private party, the person shall acquire:

- From the transferee, a written receipt acknowledging the transfer, which receipt shall be dated and signed by the person and the transferee; and
- From the licensed gun dealer who requests from the Colorado bureau of investigation a background check of the transferee, a written statement of the results of the background check.

If a local law enforcement agency elects to store firearms or ammunition for a person:

- The agency may charge a fee for such storage, the amount of which shall not exceed the direct and indirect costs incurred by the agency in providing such storage; and
- The agency may establish policies for disposal of abandoned or stolen firearms or ammunition.

A federally licensed firearms dealer who takes possession of a firearm or ammunition, and a law enforcement agency that stores a firearm or ammunition, shall issue a receipt to the person who transfers possession of the firearm or ammunition. Not more than 3 calendar days after relinquishing the firearm or ammunition, the person shall file a copy of the receipt with the court as proof of the relinquishment. A person who fails to timely file a receipt commits a class 2 misdemeanor.

A person subject to a protection order who possesses or attempts to purchase or receive a firearm or ammunition while the protection order is in effect violates the protection order.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Senate Considered House Amendments - Result was to Concur - Repass

Fiscal Impact [Fiscal Note](#)

SB13-216 CONCERNING YOUTHFUL OFFENDERS WITHIN THE STATE DEPARTMENT OF CORRECTIONS

Sponsors Sen. Giron & Rep. Rosenthal

The bill recreates and reenacts, with amendments, certain provisions relating to the sentencing of young adult offenders to the youthful offender system in the state department of corrections (department), which provisions were repealed on October 1, 2012. The provisions allow certain young adult offenders to be sentenced to the youthful offender system.

A "young adult offender" means a person who is at least 18 years of age but under 20 years of age at the time the crime is committed and under 21 years of age at the time of sentencing.

A young adult offender may be sentenced to the youthful offender system if he or she:

- Is convicted of a felony enumerated as a crime of violence;
- Is convicted of a felony involving a firearm;
- Used, or possessed and threatened the use of, a deadly weapon during the commission of a felony against a person;
- Is convicted of vehicular homicide, vehicular assault, or felonious arson;
- Is convicted of a class 3 felony other than sexual assault, and has, within the 2 previous years, been adjudicated a juvenile delinquent for a delinquent act that would constitute a felony if committed by an adult; or
- Is convicted of a felony offense and is determined to have been an habitual juvenile offender. A young adult offender shall be ineligible for sentencing to the youthful offender system if he or she is convicted of any of the following:
 - A class 1 or class 2 felony;
 - A sexual offense, including incest or aggravated incest; or
 - Any offense, if the young adult offender has received a sentence to the youthful offender system for any prior conviction. A young adult offender who is charged with first degree murder and pleads guilty to a class 2 felony as a result of a plea agreement is eligible for sentencing to the youthful offender system if the young adult offender would be eligible for sentencing to the youthful offender system for a conviction of the felony underlying the charge of first degree murder. On or before August 1, 2013, the department shall implement policies pursuant to the federal "Prison Rape Elimination Act of 2003", 42 U.S.C. 15601 et seq., to ensure compliance with certain provisions relating to youthful offenders. On or before October 1, 2013, and on or before each October 1 thereafter, the department shall report to the judiciary committees of the house of representatives and senate concerning the implementation of the new policies within the youthful offender system.

Full Text [Full Text of Bill](#)

Position Monitor

Current Status Governor Action – Signed

Fiscal Impact [Fiscal Note](#)

SB13-227 CONCERNING METHODS TO PROTECT THE VICTIM OF A SEXUAL ASSAULT IN CASES WHERE A CHILD WAS CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT

Sponsors Sen. Carroll & Rep. Landgraf

If a child was conceived as a result of an act that led to the parent's conviction for sexual assault or a conviction in which the underlying factual basis was sexual assault, the parent who is the victim of the sexual assault (victim) may file a petition in juvenile court to prevent future contact with the parent who committed the sexual assault and to terminate the parent-child legal relationship of that parent. The court shall terminate the parent-child legal relationship if the court finds by clear and convincing evidence that:

- The parent was convicted of an act of sexual assault against the victim or convicted of a crime in which the underlying factual basis was sexual assault against the victim;
- The child was conceived as a result of that sexual assault or crime; and
- Termination of the parent-child legal relationship is in the best interests of the child.

The bill creates a rebuttable presumption that terminating the parental rights of the parent who committed the act of sexual assault or crime is in the best interests of the child. After a petition has been filed, the court may appoint a guardian ad litem to represent the child's best interests in the proceeding.

The victim shall not be required to appear in the presence of the other parent, and the victim's and the child's whereabouts shall be kept confidential. A person whose parental rights are terminated under the bill has:

- No right to allocation of parental responsibilities for the child, including any right to parenting time or decision-making;
- No right to inheritance from the child; and
- No right to notice of, or standing to object to, the adoption of the child.

A person whose parental rights are terminated is not relieved of any obligation to pay child support unless waived by the victim. In such cases, the court shall order the payments to be made through the child support registry or a court escrow to avoid the need for any contact between the parties.

The victim shall be entitled, upon request, to a no-contact protection order issued against the person whose parental rights are terminated that prohibits the person from having any contact with either the victim or the child.

Termination of the parent-child legal relationship pursuant to the bill is an independent basis for termination of parental rights, and the court need not make any of the considerations or findings described in other statutes for termination of the parent-child legal relationship. The bill also states that nothing in the bill prohibits the termination of parental rights by the court using other grounds under the "Colorado Children's Code".

If criminal charges alleging an act of sexual assault are brought against a parent or presumed or possible parent alleging that a child was conceived as a result of the alleged sexual assault by that parent against the victim, the court is required to issue an automatic stay of any pending civil domestic proceedings or any pending paternity proceedings involving the child and the alleged perpetrator. The stay shall not be lifted until there is a final disposition of the criminal charges. Any denial of parenting time by the victim of the alleged sexual assault while the criminal charges were pending shall not be used in any way against the victim in future proceedings.

The bill amends the criminal statutes on sexual assault, unlawful sexual contact, sexual assault on a child by one in a position of trust, and sexual assault on a client by a psychotherapist to specify the loss of rights under the bill. A task force on children conceived by rape is created to study the new process for termination created in this bill for cases of convictions and to study and make recommendations for protecting rape victims and for addressing parental rights in cases in which there are allegations that a sexual assault has occurred, a conviction of or prosecution for sexual assault has not occurred, and a child has been conceived as a result of the alleged sexual assault. The bill was amended to add a direction that the task force study whether the process for addressing parental rights of both parties in cases involving convictions and in cases not involving convictions are more appropriately addressed by district courts as domestic relations issues or by juvenile courts under the Colorado Children's Code. The bill specifies the membership of the task force, what it should study, and the time frame for the task force to report to certain legislative committees of the general assembly. The statutory authority for the task force repeals January 1, 2014.

The bill appropriates \$9,000 to the department of human services to assist the task force.

The portions of the bill that allow the court to terminate parental rights and that make conforming amendments to the criminal law statutes on sexual assault apply to acts or offenses committed on or after July 1, 2013.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Senate Considered House Amendments - Result was to Concur - Repass

Fiscal Impact Fiscal Note

SB13-229 CONCERNING CHANGES TO STATUTORY PROVISIONS RELATED TO CRIMINAL PROCEEDINGS

Sponsors Sen. Guzman & Rep. Kagan

Section 1 Under current law, the fiscal note for a bill that creates a new crime includes an analysis of that new crime. The bill adds a description of gender and minority data related to the new crime to the analysis.

Section 2 The bill changes the definition of felony complaint to require the complaint to be signed by the prosecutor.

The change corresponds to a change in the Colorado rules of criminal procedure.

Section 3. For security fraud offenses, the bill states the statute of limitations begins to run on the discovery of the criminal act.

Section 4 The bill requires that if requested by the prosecution or defense that the probation department provide the presentence report at least 7 days prior to sentencing. If the probation department can't meet that deadline, the court shall grant the probation department an additional 7 days to provide the presentence report. Under current law, a presentence report regarding a sex offender must include a sex offender evaluation. There are some exceptions to this requirement. The bill adds an additional exception for cases in which there is a court-accepted stipulation by the sex offender and prosecutor to jail time or the sex offender is already serving a sentence in the department of corrections.

Section 5 The bill makes clarifying changes to when a person convicted of a sex offense as a juvenile can petition to discontinue sex offender registration.

Section 6 The bill corrects an incorrect internal citation.

Section 7 The bill adds to the definition of restitution to include health care costs covered by a government agency or insurer.

Section 8 Under current law, a person may commit first degree burglary if he or she possesses a deadly weapon during the burglary.

The bill amends the crime so that a person must use or threaten the use of a deadly weapon to commit first degree burglary.

Sections 9 and 10 Under current law, a juvenile committed to a staff secure placement who turns 18 in custody and who walks away can be charged with a class 3 felony. The bill creates a new offense for that situation that is a class 3 misdemeanor.

Section 11 The bill directs that a juvenile who is subject to a direct file or transfer must be held in a county jail once the juvenile turns 18.

Section 12 The bill clarifies some provisions in the aggravated juvenile offender statute.

Section 13 Under current law, the district attorney or a probation officer may apply for entry of conviction and imposition of sentence for a deferred prosecution within the term of the deferred prosecution and up to 30 days after the term. The bill clarifies that time period also applies to juvenile deferred adjudications.

Sections 14 and 15 The bill allows the district attorney to appoint part-time district attorneys who do not practice criminal defense in the jurisdiction to fulfill the duties of the district attorney without the approval of the county commissioners. The bill adds that the appointed attorneys may be attorneys employed by the Colorado district attorneys' council. The bill eliminates the requirement that part-time district attorneys be paid by the county they serve.

Section 16 The bill clarifies that in a record-sealing petition based on a dismissal that is not the result of a completion of deferred disposition or multi-case disposition, the court shall order the record sealed if the petition on its face is sufficient. The bill clarifies that in records-sealing cases, a person may petition for sealing one record every 12-month period.

Sections 17 and 18 The bill clarifies that in drug conviction records-sealing cases, a person may petition for sealing one record every 12-month period.

Full Text [Full Text of Bill](#)

Position Active Monitor

Current Status Senate Considered House Amendments - Result was to Adhere

Fiscal Impact [Fiscal Note](#)

SB13-251 CONCERNING DOCUMENTARY EVIDENCE NEEDED FOR AN INDIVIDUAL TO BE ISSUED AN IDENTITY DOCUMENT BY THE DEPARTMENT OF REVENUE

Sponsors Sen. Ulibarri & Rep. Melton

The bill creates a new class of driver's licenses and identification cards that may be issued to people who are not lawfully present in the United States. This does not apply to commercial driver's licenses. A person must have the same qualifications, but the person must show:

- Proof of filing a tax return last year issued by the department of revenue;
- An individual taxpayer identification number issued by the United States internal revenue service; and
- Either a passport, consular identification card, or a military identification document.

The document will state "Not valid for federal identification, voting, or public benefit purposes" and be distinguishable from other types of driver's licenses or identification cards. An individual whose authority to be present in the United States is temporary must be qualified and have the person's status confirmed through the SAVE or SOLVE system. The document expires after 3 years.

The department must generally keep the taxpayer identification number confidential. The department may impose an additional issuance fee. The bill clarifies that a peace officer is not authorized to arrest an individual merely for possessing an identification document issued under this bill. \$855,686 and 6.2 FTE is appropriated to the department of revenue to implement the act.

Full Text [Full Text of Bill](#)

Position Passive Support

Current Status Senate Considered House Amendments - Result was to Concur – Repass

Fiscal Impact [Fiscal Note](#)

SB13-259 CONCERNING THE REGULATION OF PRIVATE INVESTIGATORS BY THE DEPARTMENT OF REGULATORY AGENCIES

Sponsors Sen. Newell & Rep. Melton

Under the current "Private Investigators Voluntary Licensure Act" (act), a private investigator, at his or her option, may apply for a license from the division of professions and occupations (division) in the department of regulatory agencies and, upon satisfaction of the criteria for licensure, the director of the division is to issue a license to the private investigator. Only a person who obtains a license from the division may refer to himself or herself as a licensed private investigator, but no private investigator is required to be licensed by the division. As of March 1, 2014, the bill converts the voluntary licensure program to a mandatory licensure program under which all persons conducting private investigations in this state must obtain a license from the division.

Section 5 of the bill modifies the experience criteria for licensure to eliminate the requirement that the prior experience be obtained within the prior 5 years. Under **section 6**, a person who does not satisfy the experience requirements for licensure may register with the division as a private investigator apprentice and may engage in private investigation activities under the indirect supervision of a licensed private investigator.

Section 6 also requires the director to appoint an advisory committee, consisting of 3 licensed private investigators, one representative from law enforcement, and one public member, to make recommendations to the director concerning private investigators and the practice of private investigations.

In addition to the exemptions in current law, which are relocated to a new section in the act, section 6 excludes the following persons from the requirements of the act:

- A person serving process in accordance with rules of civil procedure;
- A person providing paralegal services under contract with an attorney; and
- A person recovering a fugitive. Under section 6, licensees and registered apprentices are required to post a surety bond in an amount determined by the director by rule and, under section 7, are subject to discipline for failing to maintain the surety bond. Additionally under section 7, a licensee is subject to discipline for failing to properly supervise a private investigator apprentice or, for licensees and registered apprentices, failing to meet generally accepted standards of private investigations practice. Sections 9 and 11 extend the sunset date for the "Private Investigators Licensure Act" and the functions of the director under the act from September 1, 2016, to September 1, 2021. The advisory committee is also subject to sunset review and repeal on September 1, 2021.

Full Text [Full Text of Bill](#)

Position Passive Support/Active Monitor

Current Status House Committee on Appropriations Postpone Indefinitely

Fiscal Impact [Fiscal Note](#)

SB13-271 CONCERNING FUNDING FOR THE ADDRESS CONFIDENTIALITY PROGRAM

Sponsors Sen. Nicholson

The bill repeals a provision providing that general fund moneys may not be used for the address confidentiality program in the department of personnel.

Full Text [Full Text of Bill](#)

Position Active Support

Current Status Sent to the Governor

Fiscal Impact [Fiscal Note](#)
