



LEGISLATIVE WRAP-UP

Colorado Coalition Against Domestic Violence

Accomplishes 2011 Legislative Priorities

Colorado's 68th General Assembly concluded the 2011 Legislative Session on May 11th with significant achievements for domestic violence advocates and survivors. The priority pieces of legislation for the Colorado Coalition Against Domestic Violence, HB 1080 and SB 187, passed and have been signed into law by the Governor! The Coalition's proactive legislation, HB 1080, which enhances the Address Confidentiality Program (ACP), went into effect on June 2nd. HB 1080 was passed without a single vote in opposition! The statutory changes will strengthen the ACP for current and future participants, enhance the security and efficiency of the Program, and decrease the amount of funding used on administration.

SB 187, the bill to renew regulation of mental health professionals and their oversight boards, created an opening for the Coalition to close a gap in the regulation of court appointed mental health professionals. We testified before the Senate on the need for an amendment to the bill to address the existing lack of accountability for roles like Child and Family Investigators (CFI's) and were then invited to work with two of the Senators to draft it. Through collaboration with these Senators, the House sponsor, and a dedicated group of survivor/protective parents, the Coalition worked diligently to ensure the amendment remained in the bill throughout the legislative process. SB 187 will go into effect on July 1st, at which time parents whose court appointed mental health professional engages in professional misconduct will be able to have a complaint investigated and acted upon by the Department of Regulatory Agencies. Establishing regulatory oversight of CFI's and other court roles in which mental health professionals serve is a significant step towards accomplishing the Coalition's primary public policy agenda of enhancing safety and well-being for children and their parents in domestic violence-related custody cases.

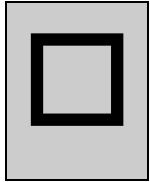
In spite of these successes, there were also letdowns this session. The amount of funding for the Family Violence Justice Fund, established in 1999 for the purpose of providing grants to non-profits who provide legal assistance to indigent victims of domestic violence, was reduced by approximately \$215,000. The Coalition, in collaboration with the Colorado Bar Association and the Colorado Access to Justice Commission, convinced enough members of the Joint Budget Committee and other state legislators of the vital need to restore \$175,000 of the funding cut from the state budget, bringing the amount available for FY 11-12 back up to \$675,000.

PASSED LEGISLATION

HB-1032

RESTORATIVE JUSTICE

Sponsor: Rep. Pete Lee and Sen. Linda Newell



**Coalition
NEUTRAL**

The intent of this bill is to provide restoration and healing to victims of crime and the community, to reduce recidivism and costs to society, and to include an additional purpose area to criminal law of establishing acceptance of responsibility and accountability by offenders through restorative justice practices in both the adult and juvenile justice systems. The Coalition was opposed to HB 1032, but successfully sought an amendment to the legislation, which created an exception in cases involving domestic violence, sexual assault, stalking, or protection order violations since research and best practice do not support the use of restorative justice with these victims and offenders due to power and control dynamics and safety concerns. In all other crimes against persons, the bill authorizes the Department of Corrections and the Department of Youth Corrections to facilitate victim-initiated victim offender conferences as pilot programs. The right to be informed about restorative justice is added to the victim rights act. Finally, schools are encouraged to use restorative justice as a first option in disciplinary matters.

Effective: August 10, 2011

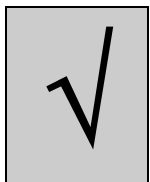
Bill Status

Signed by
Governor.

HB-1076

TIME PAYMENT FEES IN JUDICIAL MATTERS

Sponsor: Rep. Jim Reisberg and Sen. Ellen Roberts



**Coalition
SUPPORT**

Current law imposes a time payment fee in legal cases when a defendant's fees, costs, and fines are not paid in full on the date of assessment. This bill clarifies that the time payment fee and late fees apply to all criminal cases and traffic infractions, including those that support local and state Victim Assistance and Law Enforcement funding and the Address Confidentiality Program. The Coalition supported this legislation because of its potential to increase available funding for victim services.

Effective: July 1, 2011

Bill Status

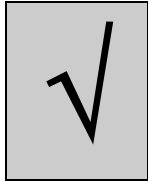
Signed by
Governor.

PASSED LEGISLATION, cont.

HB-1080

ADDRESS CONFIDENTIALITY PROGRAM

Sponsors: Rep. Nancy Todd and Sen. Steve King



**Coalition
SUPPORT**

The Coalition proactively initiated this legislation to remove the statutory requirement that Address Confidentiality Program (ACP) application assistants sign off on renewal applications for participants. This change not only removes a potential barrier to ongoing participation in the program for survivors, but also frees up the time and resources of application assistants for victims who are in crisis. At the outset, the bill also included a provision to prohibit online disclosure of the real property addresses of ACP participants who purchase homes similar to existing protections for law enforcement. Unfortunately, this section had to be removed after meetings with stakeholders revealed that similar safeguards for law enforcement are largely ineffective and technologically impractical. At the same time, the Coalition seized an opportunity to negotiate a move of the ACP from the Secretary of State's Office to the Department of Personnel and Administration (DPA). The move will save the program approximately \$10,000 in administrative costs per year and increase the security of records and staff since DPA is not open to the public. We also created a grant fund for gifts, grants, and donations made to the ACP which the Director may make use of for the administration of the program without the authorization of the legislature.

Effective: June 2, 2011

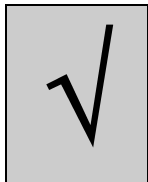
Bill Status

Signed by
Governor.

HB-1085

REFERRAL OF OFFENDERS TO COMMUNITY CORRECTIONS

Sponsors: Rep. Sue Schafer and Sen. Cheri Jahn



**Coalition
SUPPORT**

The bill clarifies the timeline for the department of corrections initial referral of an offender for placement in community corrections prior to the offender's parole eligibility date. For example, the discretion of the Executive Director of the Department of Corrections to refer an offender for placement in a community corrections program is limited to no more than six months before the offender's second or any subsequent parole hearing date for an offender who is serving a sentence for a class 1 or class 2 felony crime of violence, excluding escape, and who has been refused parole for at least 36 months. HB 1085 facilitates the participation of a victim who wants to be heard during this process, which was the Coalition's reason for passively supporting the bill.

Effective August 10, 2011

Bill Status

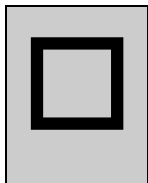
Signed by
Governor.

PASSED LEGISLATION, cont.

HB-1121

“FELON-FREE SCHOOLS ACT OF 2011”

Sponsors: Rep. Robert Ramirez and Sen. Steve King



**Coalition
NEUTRAL**

Existing law prohibits the employment of those with certain criminal convictions in school positions requiring licensure. This legislation also disqualifies people convicted of certain felony offenses from eligibility for non-licensed positions in schools. The Coalition took a neutral position on the bill, but actively monitored it throughout the process because the sponsors added felony domestic violence convictions to the list of disqualifications from these positions for at least five years post conviction, provided offenders successfully complete domestic violence treatment. A process for reconsideration of the disqualification for employment is included.

Effective: August 10, 2011

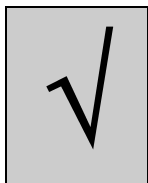
Bill Status

Signed by
Governor.

HB-1138

SEX OFFENDER MANAGEMENT BOARD REAUTHORIZATION

Sponsor: Rep. Bob Gardner and Sen. John Morse



**Coalition
SUPPORT**

The Colorado Coalition Against Sexual Assault brought forward this bill to reauthorize the Sex Offender Management Board for another 5 years. The bill also reauthorizes many of the existing provisions, amends others, and includes some new provisions relating to the Board's creation and duties, including but not limited to: Requires the board to prescribe a standardized procedure for the evaluation and identification of adult sex offenders based upon existing research demonstrating that sexually offending behavior is OFTEN repetitive (the addition of the word often was a compromise made late in the process) and that there is no way to ensure that adult sex offenders with the propensity to commit sexual offenses will not reoffend; Requires the board to develop a procedure for evaluating and identifying reliably lower-risk sex offenders; Adds family counseling and shared living arrangements to the continuum of treatment programs that may be used for adult sex offenders, which is mirrored in the juvenile provisions; And grants the board specific authority to develop an application and review process for the approval of providers to be placed on a list of persons who may provide sex offender evaluation, treatment, and polygraph services, as well as a renewal process, and establishes a formal process to review complaints and grievances against providers.

Effective: May 27, 2011

Bill Status

Signed by
Governor.

PASSED LEGISLATION, cont.

HB-1169

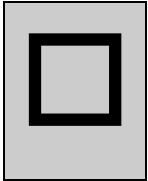
INFORMATION SHARING AT COLORADO

STATE INSTITUTIONS OF HIGHER EDUCATION

Sponsors: Rep. Claire Levy and Sen. Rollie Heath

Bill Status

Signed by
Governor.



**Coalition
NEUTRAL**

The bill authorizes a Colorado state institution of higher education police department to share information regarding incidents that may pose risks to the campus community with certain designated institution administrators or with a person who is the subject of a threat of physical violence. The Coalition was concerned about the override of the victim advocate privilege statute and disclosure of the personally identifying information of sexual assault victims currently protected under state law. We worked with the bill sponsors to add language which made it clear that the bill does not supersede the statutory duty of victim advocates to protect victim's privileged communications. We also collaborated with the Coalition Against Sexual Assault on their amendment to require that sexual assault victim's personally identifying information be redacted unless the victim agrees in writing and specifies to whom the information may be released. The Coalition's position on the bill became neutral when our concerns were addressed through amendments.

Effective: April 20, 2011

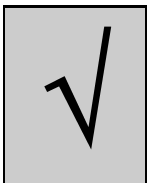
HB-1183

DEATH CERTIFICATE REQUIRED TO INDICATE IF DECEASED WAS PREGNANT

Sponsor: Rep. Laura Bradford and Sen. Nancy Spence

Bill Status

Signed by
Governor.



**Coalition
SUPPORT**

Requires that when an autopsy is performed, the medical professional issuing a medical certification after a death shall indicate whether the decedent was pregnant at the time of death. A position of support was taken on this bill because the resulting statistics could inform policy and practice since most deaths of pregnant women are due to domestic violence.

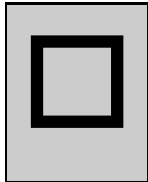
Effective: August 10, 2011

PASSED LEGISLATION, cont.

HB-1195

VOLUNTARY LICENSURE OF PRIVATE INVESTIGATORS

Sponsor: Rep. Bob Gardner and add Sen. Linda Newell



Coalition
NEUTRAL

The bill permits a private investigator in Colorado to obtain a voluntary license from the director of the division of registrations in the department of regulatory agencies if he or she meets certain professional standards. This legislation originally contained language that would have made it possible for private investigators that choose to be licensed to have access to unre-dacted records and other non-public records, including some containing vic-tim's confidential or privileged information. We worked closely with the Coalition Against Sexual Assault and the House sponsor to remove the con-cerning language, shifting us to a neutral position from an oppositional one.
Effective: August 10, 2011

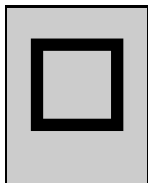
Bill Status

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Governor.

HB-1254

MEASURES TO REDUCE THE FREQUENCY OF BULLYING IN SCHOOLS

Sponsors: Rep. Kevin Priola and Sen. Pat Steadman



Coalition
NEUTRAL

As passed, the bill creates the school bullying prevention and education grant program in the Department of Education to allow schools or a collabo-rative group of schools to apply for grants to fund programs to reduce the frequency of bullying incidents. In its original form, this legislation imposed several requirements upon schools regarding school bullying programs, but was heavily revised so that it became voluntary in nature. The Coalition was opposed to this bill in its initial form because the definition of bullying was so broad that it could have easily been construed to include acts of dating violence or sexual assault, which require different policy and procedures and involve unique safety issues compared to incidents of bullying. We were working to request an amendment when the bill was so diluted that it became unnecessary to do so.
Effective: May 13, 2011

Bill Status

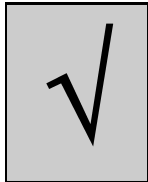
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Governor.

PASSED LEGISLATION, cont.

HB-1267

EXPANSION OF PROTECTION ORDER RESTRICTIONS

Sponsors: Rep. Elizabeth McCann and Sen. Shawn Mitchell



**Coalition
SUPPORT**

Current law allows a court to issue protection orders in domestic violence cases with additional restrictions against the defendant concerning presence at particular locations, contact with victims, possession of firearms, possession of alcohol, or any other restriction deemed appropriate to protect the safety of the victim. The bill expands the types of criminal cases for which a court can impose these added restrictions to all of the crimes that are subject to the victims' rights act and to witnesses of these crimes. The Coalition passively supported this legislation because of its protection of witnesses and potential benefits in cases related to domestic violence that are unable to be charged as such.

Effective: June 2, 2011

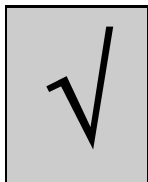
Bill Status

Signed by
Governor.

SB-187

SUNSET REVIEW OF MENTAL HEALTH PROFESSIONALS

Sponsors: Sen. Linda Newell and Rep. Rhonda Fields



**Coalition
SUPPORT**

Although this was not a bill brought forward by the Coalition, we saw an opportunity to accomplish one aspect of our policy agenda by amending it in regard to mental health professionals acting in court appointed roles, such as Child and Family Investigators. The main purpose of this bill was to continue regulation of mental health professionals and in order to do so, to continue the various mental health boards who oversee them through the Department of Regulatory Agencies (DORA). The Coalition worked closely with Senator Morgan Carroll, who offered to introduce an amendment to this legislation, which led to the successful removal of the existing DORA exemption to regulation for court appointed mental health professionals. Closing this regulatory gap means that parents involved in divorce or custody cases where a Child and Family Investigator (or other court appointed role) who is a mental health professional is appointed and engages in professional misconduct will now have their grievances handled by DORA rather than being dismissed.

Effective: July 1, 2011

Bill Status

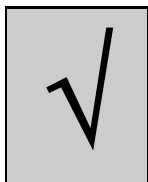
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Governor.

PASSED LEGISLATION, cont.

SB-241

PAROLE BOARD OPERATION CHANGES

Sponsors: Sens. Steve King and Morgan Carroll and
Reps. Bob Gardner and Daniel Kagan



**Coalition
SUPPORT**

Under current law, some inmates with serious and debilitating medical conditions may be classified as "special needs offenders" for the purpose of special needs parole consideration. This bill expands the definition of a special needs offender, but maintains exemptions for inmates convicted of class 1 felonies, crimes of violence, and sex offenses from classification as special needs offenders, with a couple of exceptions. The bill creates a presumption in favor of granting parole for an inmate with an immigration detainer on file from the United States Immigration and Customs Enforcement Agency (ICE), but directs the parole board to only release inmates with ICE detainers into the custody of ICE or a similar agency. The bill also adds Victim Advocates to the list of those professions eligible to be appointed to the State Board of Parole, which led the Coalition to choose to passively support the legislation.

Effective: May 23, 2011

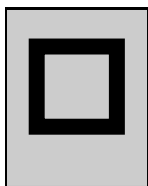
Bill Status

Signed by
Governor.

SB-254

CHANGES TO IMPROVE PRACTICES FOR PERSONS UNDER COMMUNITY SUPERVISION

Sponsors: Sen. Pat Steadman and Rep. Sal Pace



**Coalition
NEUTRAL**

Current law allows offenders who meet certain criteria to receive time credits towards an offender's sentence for residential community corrections programs. This legislation adds time credit for nonresidential community corrections programs. The bill creates criteria for when a person sentenced to a community corrections sentence may be considered for early termination of his or her sentence. When the person meets the criteria, his or her probation officer must submit a petition for early termination to the court and notify the district attorney and defendant. The probation officer must also notify the victim when required under the Victim's Rights Act. The Coalition actively monitored this bill to ensure that the time credit criteria and victim notification provisions remained intact throughout the legislative process.

Effective: June 2, 2011

Bill Status

Signed by
Governor.

FAILED LEGISLATION

HB-1003

DEFINITION OF ID FOR ELECTION-RELATED PURPOSES

Sponsors: Reps. Ken Summers and Libby Szabo and
Sens. Ted Harvey and Kevin Lundberg

Bill Status

Bill Failed.



**Coalition
OPPOSE**

The bill required the identification used for election-related purposes to be a valid, government-issued form of identification with a photograph of the eligible elector. Existing law allows registered voters to use a variety of types of identification when voting. The Coalition actively opposed this legislation through testimony due to concerns about disenfranchisement of victims of domestic violence whose identification has been destroyed or withheld by their abuser or left behind when fleeing for safety.

HB-1049

CRIMINAL USES OF PERSONALLY IDENTIFYING INFORMATION

Sponsor: Rep. Mark Barker and Sen. Ellen Roberts

Bill Status

Bill Failed.



**Coalition
NEUTRAL**

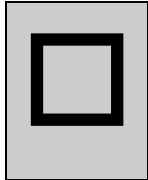
Among other things, this House bill clarified the existing law describing the offense of identity theft. This legislation also added falsely using the personal identifying information of another person with intent to obtain or maintain employment to the list of actions considered as identity theft. We actively monitored HB 1049 since victims of domestic violence are sometimes also victims of identity theft as a means of controlling them, but weren't willing to support the bill because the provision on use of other people's social security numbers and other identifying information for employment purposes had an anti-immigrant slant to it. The bill passed out of the House, but was voted down in the Senate in committee.

FAILED LEGISLATION, cont.

HB-1063

LAWS RELATED TO ANIMAL WELFARE

Sponsor: Rep. Wes McKinley



Coalition
NEUTRAL

This was an extensive bill, but essentially it would have made various changes to animal welfare law. The section of the bill that the Coalition was concerned about would have eliminated non-governmental animal control officer positions and required these positions to be limited to governmental peace officers. This section also limited the authority of animal control officers to enforcement of ordinances and resolutions related to pet animal control. Such changes could have unraveled a lot of the progress made on the “Link” between animal abuse, domestic abuse, and child abuse, including collaborations between animal shelters and domestic abuse safehouses and sharing of information across involved organizations. There were numerous other stakeholders opposed to these policy changes, causing the bill to fail before the Coalition needed to become actively involved.

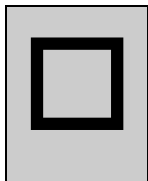
Bill Status

Bill Failed.

HB-1088

BOND FOR DEFENDANTS IN COUNTRY ILLEGALLY

Sponsors: Rep. Mark Barker and Sen. Kent Lambert



Coalition
NEUTRAL

Under current law, a bail bond agent is exempt from having his or her bond forfeited if the defendant is removed from the country and is exempt from signing a waiver of understanding. HB 1088 basically reversed the law, which would have resulted in bond being denied to defendants with questionable immigration status who may be removed from the country, forfeiting their bond. Our interest in this legislation was based upon apprehension that jail space would quickly be taken up by undocumented immigrants rather than violent offenders, and so was peripheral. We actively monitored the bill, ready to lend active opposition to allies, but fortunately it was not necessary.

Bill Status

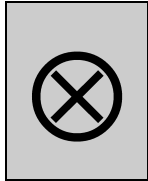
Bill Failed.

FAILED LEGISLATION, cont.

HB-1107

ENFORCEMENT OF ILLEGAL IMMIGRATION VIOLATIONS

Sponsor: Rep. Randy Baumgardner and Sen. Ted Harvey



**Coalition
OPPOSE**

There were several anti-immigrant bills in the style of the well known one that passed by the Arizona legislature last year, including this one. HB 1107 would have required local law enforcement to act as federal immigration enforcement officers, requiring them to determine the immigration status of a person they encounter during legitimate purposes if they have a reasonable suspicion that the person is in the country unlawfully. The Coalition also opposed this bill because it attempted to criminalize persons who transport, conceal, harbor, or shield a person who they know is in the country unlawfully. If passed, HB 1107 would have increased the reluctance of victims of and witnesses to domestic violence crimes to report such to law enforcement, creating a segment of society without public safety protections and allowing certain offenders to evade consequences. In addition, it would have made it illegal for domestic violence programs to provide transportation and emergency shelter services to undocumented victims.

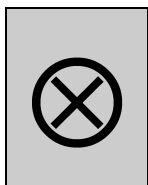
Bill Status

Bill Failed.

HB-1140

STRENGTHENING THE ENFORCEMENT OF ILLEGAL IMMIGRATION LAWS

Sponsor: Rep. David Balmer and Sen. Ted Harvey



**Coalition
OPPOSE**

This legislation would have withheld certain types of financial assistance from local governments who refused to participate in the Department of Homeland Security's Secure Communities Program, which Program the Coalition is opposed to and has been working to exempt domestic violence arrests from since 2010. Essentially, the Secure Communities Program adds another layer of immigration enforcement onto local law enforcement responsibilities, further alienating immigrant communities from trusting their protection and resulting in the deportation of and undermining of protections for domestic violence victims who are wrongfully arrested.

Bill Status

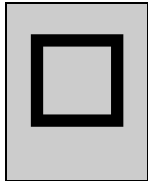
Bill Failed.

FAILED LEGISLATION, cont.

HB-1149

DOCUMENTS USED FOR VERIFICATION OF LAWFUL PRESENCE IN US

Sponsors: Rep. Cindy Acree and Sen. Ted Harvey



**Coalition
NEUTRAL**

The Coalition was in opposition to a section of HB 1149, which would have required persons applying for public benefits to show their social security card rather than signing an affidavit attesting to their lawful presence in the country. This change was unnecessary and would have created a barrier for domestic violence victims needing public benefits but unable to produce a copy of their social security card for whatever reason. However, we took an active monitor position on the bill since we had been informed that this provision would be removed from the bill, which did occur prior to the bill failing due to languishing in the House without a vote before the legislative session came to a close.

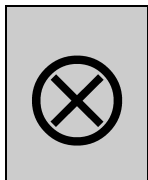
Bill Status

Bill Failed.

HB-1205

AUTHORITY TO CARRY A CONCEALED HANDGUN WITHOUT A PERMIT

Sponsors: Rep. Chris Holbert and Sen. Greg Brophy



**Coalition
OPPOSE**

The bill sought to make the permit currently required to lawfully carry a concealed handgun optional. The removal of the permit requirement would have also made the accompanying background check used to determine whether a person is prohibited from possessing firearms optional. Under a permit optional system, individuals would be determining for themselves whether they were qualified to carry a concealed weapon or whether they were prohibited from doing so under the law. The Coalition actively opposed this bill, testifying against it in the House and Senate (it failed there in committee) due to the safety risks posed by the self-policing aspect to domestic violence victims and public safety in general.

Bill Status

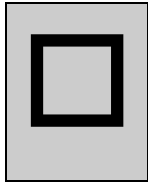
Bill Failed.

FAILED LEGISLATION, cont.

HB-1256

CRIMES AGAINST AN UNBORN CHILD

Sponsors: Rep. Mark Waller and Sen. Pat Steadman



Coalition
NEUTRAL

Basically this legislation attempted to create a new set of crimes against pregnant women and their unborn children. HB 1256 contained provisions to protect medical care consented to by the mother from prosecution and did not confer personhood status at any stage of the child's development prior to birth. Since these protections were in the bill, the Coalition chose only to actively monitor it to ensure they remained intact throughout the process. Ultimately, the bill failed to make it out of the first committee.

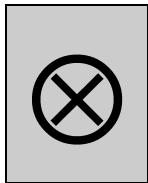
Bill Status

Bill Failed.

HB-1309

PREVENT UNLAWFUL EMPLOYMENT & HUMAN SMUGGLING

Sponsors: Rep. Randy Baumgardner and Sen. Scott Renfro



Coalition
OPPOSE

Similar to HB 1107, this legislation sought to make it a crime for persons to transport, conceal, harbor, or shield a person who they know is in the country unlawfully, which would have made it illegal for domestic violence programs to provide transportation and emergency shelter services to undocumented victims. The Coalition also actively opposed HB 1309, testifying against it in the House and the Senate where it ultimately failed to pass.

Bill Status

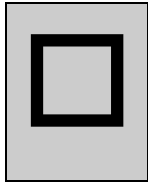
Bill Failed.

FAILED LEGISLATION, cont.

SB-004

CRIMES AGAINST HOMELESS PERSONS

Sponsors: Sen. Lucia Guzman and Rep. Dan Pabon



Coalition
NEUTRAL

This Senate bill attempted to add "homeless status" as protected in the bias-motivated or "hate crime" statute. We actively monitored this bill given the homeless status of domestic violence victims fleeing from unsafe homes. If it had been successful, it may have had implications for charging options in certain criminal domestic violence cases.

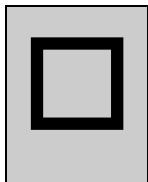
Bill Status

Bill Failed.

SB-013

USE OF ALTERNATIVE DISPUTE RESOLUTION PRACTICES

Sponsors: Sen. Linda Newell and Rep. Pete Lee



Coalition
NEUTRAL

Fundamentally, this bill endeavored to import restorative justice principles and practices into civil legal cases in the form of "restorative justice" and "restorative mediation". The Coalition was opposed to this effort since mediation, when "shuttle" techniques are not used or when mediators are not adequately trained in domestic violence dynamics, and restorative justice practices are often ineffective and dangerous for victims. However, existing law includes an opt out for victims of violence and the bill sponsor worked with us to include language making it clear that participation in either practice is voluntary and that such practices will not occur without the written, informed consent of all parties. We then shifted our position to active monitor to ensure the ongoing inclusion of this language until the bill ultimately failed.

Bill Status

Bill Failed.

FAILED LEGISLATION, cont.

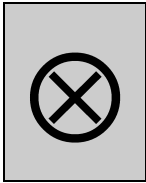
SB-018

PROOF OF CITIZENSHIP REQUIREMENT TO REGISTER TO VOTE

Sponsors: Sen. Ted Harvey and Rep. Chris Holbert

Bill Status

Bill Failed.



Coalition
OPPOSE

This Senate bill was another anti-immigrant effort modeled after legislation previously passed in Arizona. In effect, it would have required a person to show proof of citizenship when registering to vote. State law currently requires people to attest through signed affidavits that they are citizens who are eligible to vote. We actively opposed this legislation for the same reason we opposed HB 1003: the inevitable disenfranchisement of eligible voters who are victims of domestic violence and who lack the required proof of citizenship documents for whatever reason.

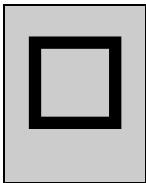
SB-044

COLLATERAL CONSEQUENCES OF CONVICTION

Sponsors: Sen. Pat Steadman and Rep. and Claire Levy

Bill Status

Bill Failed.



Coalition
NEUTRAL

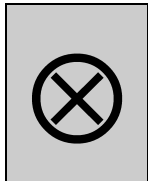
The bill would have created a process for individuals to petition the court, with notice to the district attorney, for limited relief from a collateral consequence of a conviction or for restoration of rights if doing so would have helped the individual obtain employment, housing, public benefits, or occupational licensing. At issue in relation to domestic violence defendants was the restoration of rights to purchase or possess firearms, particularly related to employment. This section of the bill would have effectively created an “official use” exemption from firearms prohibitions in domestic violence criminal cases, similar to what exists in civil protection order cases. The bill sponsor agreed to include a weapons exception to the types of rights that could be restored under the law, at which point the Coalition’s position altered from one of opposition to active monitor. Although a diluted version of the bill passed out of the Senate, it did not succeed in the House.

FAILED LEGISLATION, cont.

SB-054

AUTHORITY OF LAW ENFORCEMENT TO ARREST UNLAWFULLY PRESENT ALIENS

Sponsors: Sen. Kent Lambert and Rep. David Balmer



**Coalition
OPPOSE**

The 2011 legislative session was characterized by numerous Arizona style immigration bills, and this is yet another one of them. In the same vein as HB 1107, this legislation tried to authorize local law enforcement to arrest a person without a warrant under certain circumstances if the officer has probable cause to believe the person is an “alien”. Unlike HB 1107, it stated that “an officer may arrest” rather than requiring the officer to enforce federal immigration law. The inevitable chilling effect on reporting of domestic violence crimes due to enmeshment of local law enforcement with immigration enforcement officers formed the basis of our active opposition to SB 054. Fortunately, this bill did not even make it out of a Senate committee.

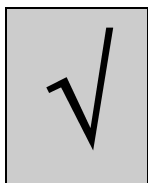
Bill Status

Bill Failed.

SB-072

CREATION OF STATE REMEDIES IN EMPLOYMENT DISCRIMINATION CASES

Sponsors: Sen. Morgan Carroll and Rep. Claire Levy



**Coalition
SUPPORT**

Currently, state law prohibits discrimination by an employer against an employee who is a victim of domestic violence for exercising her workplace leave rights under state law, as well as discrimination against an employee on the basis of sex. The anti-discrimination law is largely ineffective, however, because it does not provide employees who encounter such discrimination with adequate recourse. SB 072 attempted to remedy this by creating an award of compensatory or punitive damages or attorney fees and costs to an employee who prevails in a complaint before the Colorado civil rights commission or in a lawsuit alleging a discriminatory or unfair employment practice under state law. The Coalition actively supported this bill through testimony in the Senate and House, but regrettably it failed in a House committee.

Bill Status

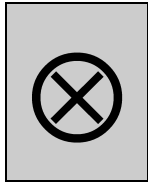
Bill Failed.

FAILED LEGISLATION, cont.

SB-077

“MAKE MY DAY—BUSINESSES”

Sponsors: Sen. Kevin Grantham and Rep. Jon Becker



**Coalition
OPPOSE**

This perennial favorite attempts to extend the right to use deadly force against an intruder under certain conditions to include owners, managers, and employees of businesses. A similar law already exists in Colorado, commonly referred to as “Make My Day”, regarding rights of homeowners to use deadly force when encountering an intruder. A major difference between current law and this proposed legislation, which is a particularly problematic aspect of the bill, is that the same reasonable right to privacy in a home does not hold up in public places such as businesses. Such a law would create a “shoot first and ask questions later” scenario for businesses that is ripe for abuse, such as by domestic violence offenders. SB 077 would also extend immunity from criminal prosecution and from civil liability for the owner, manager, or employee of the business who uses physical or deadly force against an intruder in the business. Thus a person could kill another person because he or she “reasonably believes that the intruder might use any physical force, no matter how slight”, and would never encounter any legal consequences, and perhaps not even be investigated for his or her actions. This bill is overbroad and unnecessary given adequate self-defense laws in our state. The Coalition actively opposed SB 077, as it has for the past several years.

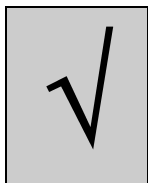
Bill Status

Bill Failed.

SB-172

AUTHORIZATION OF CIVIL UNIONS

Sponsors: Sen. Pat Steadman and Rep. Mark Ferrandino



**Coalition
SUPPORT**

In its most basic essence, this Senate bill would have created the "Colorado Civil Union Act" to authorize any 2 unmarried adults, regardless of gender, to enter into a civil union. The same legal benefits, protections, and responsibilities that are granted under the law to spouses would have applied similarly to a couple entering into a civil union. The Coalition supported this legislation as a show of support for our LGBTQ allies and as an important step towards equal rights for all people. While the Senate passed the bill, sadly it was not adequately supported in the House.

Bill Status

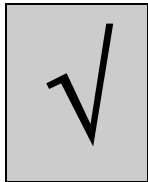
Bill Failed.

FAILED LEGISLATION, cont.

SB-244

REPEAL OF CERTAIN CRIMES THAT INCLUDE MARITAL STATUS AS AN ELEMENT OF THE CRIME

Sponsors: Sen. Pat Steadman and Rep. Daniel Kagan



**Coalition
SUPPORT**

The bill tried to repeal certain crimes that include marital status as an element of the crime, including adultery and promoting sexual immorality, which are no longer enforced and obsolete. Regrettably, that was not the perception in the House, which failed to pass the bill.

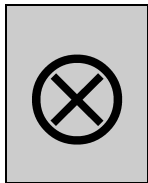
Bill Status

Bill Failed.

SB-257

IMPOSITION OF EFFECTIVE PAROLE SUPERVISION

Sponsors: Sens. Morgan Carroll and Cheri Jahn



**Coalition
OPPOSE**

Under current law, an offender who is sentenced to the department of corrections (department) is eligible for discretionary parole that would occur prior to the offender's mandatory discharge date from the department. In addition, the offender has a period of mandatory parole that is imposed by the court and is served after the completion of the sentence. The bill would eliminate the second parole period, the statutory mandatory parole sentence, for offenses committed on or after July 1, 2011, and leave the remaining discretionary parole period. As a result, the parole board (board) would impose any period of parole during the offender's sentence to the department. The offender would apply for parole, and the board would determine whether to grant parole under the existing statutory scheme; except that, if the offender's parole hearing is within 15 months of his or her mandatory release date, then a majority vote of the board would be required to deny parole. SB 257 proposed a major policy shift in the way that parole periods are determined in this state, but was introduced near the end of the legislative session with no stakeholder input and no opportunity for meaningful debate, so the Coalition decided to oppose the legislation on those grounds alone, if not in opposition to discretionary parole options. Since Coalition allies who had a larger stake in the outcome were also in opposition to the bill, we initially chose not to testify against the bill while we waited to see whether it survived its first committee hearing, which it did not. It is likely that a similar iteration of this policy proposal will be brought forth during the next legislative session.

Bill Status

Bill Failed.