

# 2018 Legislative wrap-up



CCADV's 2018 Legislative Session:

## 3 Remarkable New Laws, and One BIG WIN

Once again, I am pleased to announce CCADV's notable successes this year both under the gold dome and in other policy arenas. Most of the bills we directly supported have already been signed into law, and the biggest win was a unanimous ruling from Colorado Supreme Court in *Parocha v. Parocha*. CCADV was honored to play a small part in as an [amicus on the case](#). I encourage everyone to read the opinion.

Our achievements are undoubtedly a direct reflection of the strong Coalition of voices we have developed over the years both among our membership and within our communities statewide. During the January to May session, I was once again honored to help facilitate public testimony by several Survivors who very courageously shared their personal stories with our legislators on priority bills.

The policy team experienced a significant transition with the retirement of our long-term champion and lobbyist, Annmarie Jenson. Last December we welcomed Schultz Public Affairs into the CCADV family and have successfully advocated for the passage of HB 1398, which represents the first time in the United States traumatic brain injury was linked directly to domestic violence in legislation.

This document is an introduction of the 2018 legislation CCADV worked on this session I felt are of the most interest to our membership. This document also includes additional insight for advocates to consider as these laws are enacted in the Point of Advocacy sections. Each of the bill numbers is hyperlinked to the text of the full bill, and other information regarding fiscal notes or a bill's history of amendments or timelines can be found by navigating the tabs at the top of the bill's linking page.

As always, I welcome your feedback and comments and invite you to participate in shaping our future common goals.

A handwritten signature in blue ink that reads "Lydia Waligorski".

Lydia Waligorski, Public Policy Director

# New Colorado Laws

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## [HB18-1208](#)

### Expand Child Care Expenses Income Tax Credit

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<b>Position:</b>	<b>Support</b>
<b>Short Title:</b>	Expand Child Care Expenses Income Tax Credit
<b>Sponsors:</b>	C. Duran   F. Winter / B. Martinez Humenik
<b>Summary:</b>	<p>Currently, a resident individual with a federal adjusted gross income of \$60,000 or less is allowed a state income tax credit (state credit) for child care expenses that is a percentage of a similar federal income tax credit claimed (federal credit). The amount of the state credit depends on the individual's adjusted gross income (AGI). If the individual's AGI is:</p> <ul style="list-style-type: none"><li>• \$25,000 or less, then the state credit is 50% of the federal credit;</li><li>• \$25,001 to \$35,000, then the state credit is 30% of the federal credit; and</li><li>• \$35,001 to \$60,000, then the state credit is 10% of the federal credit.</li></ul> <p>The bill expands the state credit by allowing a resident individual with an AGI that is less than or equal to \$150,000 to claim a credit that is equal to 80% of the individual's federal credit. For a taxpayer who is eligible for the credit due to the increased income threshold, the state credit is not refundable but may be carried forward up to 5 income tax years. The bill makes an appropriation.</p>
<b>Status:</b>	5/22/2018 Governor Signed

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## [HB18-1243](#)

### Civil Rape Shield Law

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<b>Position:</b>	<b>Support</b>
<b>Short Title:</b>	Civil Rape Shield Law
<b>Sponsors:</b>	M. Foote   C. Wist / D. Coram   R. Fields
<b>Summary:</b>	<p>Under Colorado criminal law there is a rape shield law that presumes that evidence of a victim's sexual conduct is irrelevant and not admissible except for:</p> <ul style="list-style-type: none"><li>• Evidence of the victim's prior or subsequent sexual conduct with the defendant; or</li><li>• Evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy, disease, or any similar evidence of sexual intercourse offered for the purpose of showing that the act or acts were or were not committed by the defendant.</li></ul> <p>The bill creates a similar presumption in a civil proceeding involving alleged sexual misconduct. If a party wants to introduce sexual conduct evidence, it must file a confidential motion with the court at least 63 days prior to trial. Prior to ruling on the motion, the court shall conduct an in camera hearing and allow the parties</p>

and alleged victim to attend and be heard. All motions and all related records are kept under seal unless the court orders that the evidence is admissible.

**Status:** 4/25/2018 Governor Signed

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## **[HB18-1256](#)**

## **Sunset Continue Civil Rights Division And Commission**

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**Position:** **Support**

**Short Title:** Sunset Continue Civil Rights Division And Commission

**Sponsors:** C. Duran | L. Herod / B. Gardner

**Summary:** **Sunset Process - House Judiciary Committee.** The bill implements the recommendation of the department of regulatory agencies in its sunset review of the Colorado civil rights division and the Colorado civil rights commission to continue the commission and the division and their respective functions for 9 years, through September 1, 2027.

The bill appropriates \$1,642,843 to the department of regulatory agencies for the 2018-19 fiscal year for use by the civil rights division for personal services, operating expenses, hearings, and commission meeting costs.

The appropriation assumes that the division will require 27.2 FTE to implement the bill. The bill also acknowledges, for informational purposes, that the civil rights division will receive \$496,489 in federal funds for the 2018-19 fiscal year.

**Status:** 5/22/2018 Governor Signed

### ***Point of Advocacy:***

[The Colorado Civil Rights Division \(CCRD\)](#) is the dispute mediation and enforcement body for Coloradoans to file discrimination claims for housing, employment, public accommodations etc. While in person options are available the CCRD is also features Case Connect that allows complaints to be filed online.

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## **[HB18-1287](#)**

## **Reauthorize Commission Criminal And Juvenile Justice**

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**Position:** **Support**

**Short Title:** Reauthorize Commission Criminal And Juvenile Justice

**Sponsors:** M. Weissman / J. Cooke | D. Kagan

**Summary:** **Sentencing in the Criminal Justice System Interim Study Committee.** Current law repeals the Colorado commission on criminal and juvenile justice, effective July 1, 2018. The bill extends the repeal date to July 1, 2023, and requires the department of regulatory agencies to perform a sunset review of the commission prior to such repeal.

**The bill adds 4 new voting members** to the commission and reduces the number of at-large members from 3 to 2, thereby increasing the number of voting members of the commission from 26 to 29.

The bill requires the commission to annually request a letter from the governor suggesting topics for the commission to study. The bill makes an appropriation.

**Status:** 5/15/2018 Sent to the Governor

### ***Point of Advocacy:***

One of the four new voting member positions is a confidential community based advocate who holds privilege under 13-90-107. **This could be you!** A longtime critique of the committee stemmed from the lack of balanced representation between the needs of victims and defendants. If you are interested in serving please visit the boards and commissions website at: <https://www.colorado.gov/governor/boards-commissions>

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## **HB18-1299**

## **Electronic Filing Title Registration Motor Vehicle**

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**Position:** **Amend**

**Short Title:** Electronic Filing Title Registration Motor Vehicle

**Sponsors:** J. Bridges | P. Neville / R. Scott | R. Zenzinger

**Summary:** The bill creates a framework for the department of revenue to establish electronic processing for issuing certificates of title, filing or releasing liens, or registering vehicles and special mobile machinery. This is subject to the department promulgating rules:

- Vendors are authorized to electronically register vehicles;
- County clerks continue to receive registration fees;
- The department may maintain titling information electronically and may produce paper titles only upon request of a party;
- The department may accept electronic signatures;
- Notarization requirements are eliminated;
- The vender may order, manage, and distribute license plate inventory to a client;
- The vendor may access, print, and distribute the registration information to a client on demand;
- The vendor is an agent of the department, so the vendor must collect and remit taxes and fees; and
- The vendor may perform these services only for business entities.

The department's approval of a third-party provider to register a vehicle, file or release liens, or issue any type of certificate of title must be evidenced by an agreement between the department and the third-party provider. The vendor may charge a fee. A vendor is authorized to give the department gifts, grants, and donations to implement electronic transactions. The department may deny a

person access to the records for misuse and shall ensure that addresses of people in the address protection program are not released.

Current law prohibits denying legal effect or enforceability of an electronic document to issue a certificate of title. The bill expands this provision to cover vehicle registration, clarifies that this includes electronic signatures, and clarifies that this applies to a court of law.

Currently, tow carriers, insurers, and salvage pools use an electronic system to access department records to ascertain the motor vehicle's owner and lienholder. The bill allows motor vehicle dealers and other businesses approved by the department to use the same system to determine a motor vehicle's owner and lienholder for purposes authorized by current law. The department shall ensure that addresses of people in the address protection program are not released.

Current law requires a manufacturer's certificate of origin to issue a certificate of title for a vehicle. The bill allows a motor vehicle rental company to obtain title without a manufacturer's certificate of origin if the business:

- Presents a manufacturer's invoice; and
- Submits a signed affidavit attesting that the motor vehicle is new and has not been issued a certificate of title and that the business is entitled to be issued a certificate of title for the motor vehicle.

\$1,187,502 is appropriated to the department of revenue from gifts, grants, and donations in the highway users tax fund to implement this act. From that appropriation, \$16,590 is appropriated to the office of the governor for use by the office of information technology.

**Status:** 5/16/2018 Sent to the Governor

### ***Point of Advocacy:***

This bill as originally introduced would have presented unintended consequences for people enrolled in the Address Confidentiality Program (ACP). The amended bill increases privacy protections. However, if your client is enrolled in the ACP and wants to purchase or title a vehicle please remind them to contact the ACP for direction. The new computer system allows MANY professions to directly access DMV records.

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## **HB18-1398**

## **Statute Of Limitations Domestic Violence Torts**

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<b>Position:</b>	<b>Actively Support</b>
<b>Short Title:</b>	Statute Of Limitations Domestic Violence Torts
<b>Sponsors:</b>	M. Gray   C. Wist / B. Gardner
<b>Summary:</b>	The bill states that any civil action to recover damages caused by an act of domestic violence must be commenced within 6 years after a disability has been

removed for a person under disability or within 6 years after a cause of action accrues, whichever occurs later.

**Status:** 5/29/2018 Signed by the Governor

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**[HB18-1409](#)**

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**Crime Survivors Grant Program And Presumptive Parole**

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**Position:** **Support**

**Short Title:** Crime Survivors Grant Program And Presumptive Parole

**Sponsors:** P. Lee | L. Herod / K. Lundberg | R. Fields

**Summary:** The bill creates the community crime victims grant program (grant program) in the department of public health and environment (department) to provide funding to eligible entities that provide support services to crime victims and other interventions that are intended to reduce repeat victimization. The department shall administer the grant program in accordance with policies developed by the executive director of the department. The grant program is repealed, effective September 1, 2023. Before such repeal, the department of regulatory agencies shall perform a sunset review of the grant program.

**Status:** 5/18/2018 Sent to the Governor

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**[HB18-1418](#)**

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**Use Of Criminal Convictions In Employment**

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**Position:** **Support**

**Short Title:** Use Of Criminal Convictions In Employment

**Sponsors:** M. Weissman / D. Coram | D. Kagan

**Summary:** Current law directs a state or local agency, when deciding whether to issue a license or permit, to consider an individual's criminal record in determining whether the individual is of good moral character. The bill changes the determination to consider whether the individual is qualified. The bill adds to the factors that an agency considers whether the applicant will be directly responsible for the care of individuals susceptible to abuse or mistreatment.

The bill also prohibits a state or local agency from taking adverse action concerning a license or permit or not extending an offer of employment if an individual has been arrested but not charged, or has been convicted but pardoned, had the conviction record sealed, or had a collateral order entered concerning the conviction.

The bill authorizes the department of regulatory agencies (department) to issue a conditional license to a person who has a criminal conviction and requires the department to delete and keep confidential the conditional designation if the person has no subsequent conviction when applying for renewal or within 2 years unless the department determines that the conditional designation remains necessary.

For sunset review hearings conducted after review by the department, the bill requires the collection of data concerning licensing and registration action taken due to specified criminal justice actions.

**Status:** 5/30/2018 Signed by the Governor

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**SB18-010**      **Residential Lease Copy And Rent Receipt**

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**Position:** **Actively Support**

**Short Title:** Residential Lease Copy And Rent Receipt

**Sponsors:** B. Martinez Humenik | A. Williams / T. Exum

**Summary:** The bill requires a residential landlord to provide each tenant with a copy of a written rental agreement signed by the parties and to give a tenant a contemporaneous receipt for any payment made in person with cash or a money order. For payments not made in person with cash or a money order, the landlord must provide a receipt if the tenant requests it.

The landlord may provide the tenant with an electronic copy of the agreement or the receipt unless the tenant requests a paper copy.

**Status:** 3/22/2018 Governor Signed

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**SB18-046**      **Special License Plate Nonprofit Donation**

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**Position:** **Passive Support**

**Short Title:** Special License Plate Nonprofit Donation

**Sponsors:** D. Moreno / D. Michaelson Jenet | F. Winter

**Summary:** Currently, several statutes require a person to donate to a nonprofit organization to qualify for a special license plate. The fee is sometimes set in statute, and sometimes the fee is limited by statute. The bill authorizes the organization to increase by \$10 the minimum donation for the issuance of the plate. Beginning July 1, 2019, this amount may be adjusted annually for inflation.

**Status:** 3/22/2018 Governor Signed

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**SB18-060**      **Protective Orders In Criminal Cases**

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**Position:** **Actively Support**

**Short Title:** Protective Orders In Criminal Cases

**Sponsors:** D. Coram / M. Hamner

**Summary:** Current law provides that in cases involving domestic violence and in cases involving certain other crimes, a court may enter any of several types of protection orders against the defendant. The bill adds 2 new potential protection orders to the list of options available to the court. They are:



- An order prohibiting the taking, transferring, concealing, harming, disposing of, or threatening to harm an animal owned, possessed, leased, kept, or held by the alleged victim or witness; and
- An order directing a wireless telephone service provider to transfer the financial responsibility for and rights to a wireless telephone number or numbers to the alleged victim or witness if the alleged victim or witness satisfies certain criteria.

The bill also clarifies that the issuance of a protection order in a case involving domestic violence or any of certain crimes does not preclude a court from issuing a protective order in a civil proceeding.

3/22/2018 Governor Signed

**Status:**

*Point of Advocacy:*

While the effective date is November 1, 2018, this was at the request of the telecommunication services. The provisions in the bill regarding the ability to place pets on criminal protection orders and to issue a civil protection order while a mandatory protection is in effect are much needed CLARIFICATIONS, but nothing prohibits the ability of someone to seek these protections under current law. There are technical mechanisms related to telecom in the bill. Please print a copy of the bill for your desk.

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**SB18-141                      Income Tax Check-off Nonprofit Donation Fund**

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**Position:** Amend

**Short Title:** Income Tax Check-off Nonprofit Donation Fund

**Sponsors:** L. Court / J. Wilson | C. Hansen

**Summary:** **Section 1** of the bill creates the donate to a Colorado nonprofit fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form in the first income tax year:

- In which the department of revenue (department) has received sufficient funding to implement the program;
- That begins on or after January 1, 2019; and
- That begins after a space becomes available and the fund is next in the queue.

If the space for the fund becomes available before all three conditions are met, the bill requires the department to hold the space for the fund until all three conditions are met, and to include the line thereafter. The line will allow a taxpayer receiving a refund to designate a contribution to an eligible charitable organization (eligible organization) of their choice.



The bill requires the secretary of state to provide a list of eligible organizations. To be eligible, an organization must be registered and in good standing with the secretary under the 'Colorado Charitable Solicitations Act' and be a nonprofit that is tax exempt under section 501 (c)(3) of the internal revenue code. A charity may request to exclude itself from the list. The department will make the list of eligible organizations available to the public and a taxpayer may choose a single charity from the list to receive the contribution through the fund.

Once the fund is placed on the form, the department is directed to determine annually the total amount designated to the fund, and the total amounts designated to each eligible organization, and to report those amounts to the state treasurer and the general assembly. The state treasurer is required to credit the total amount to the fund. The bill requires the general assembly to appropriate from the fund to the department, the secretary of state, and the state treasurer their actual, reasonable costs for implementing the fund.

After the appropriations for the administration of the fund are deducted, the state treasurer is required to distribute the contributions to the charities as designated by taxpayers after a reduction proportionate to the amount deducted from the fund for administration. The department is not liable to a taxpayer or charity for an error in distributing a contribution.

The fund is repealed if the department does not raise sufficient funding to implement the program through gifts, grants, and donations by September 30, 2020.

**Section 2** excludes the fund from the time limitations and minimum contribution requirements imposed on voluntary contribution funds. It also adds a limitation that a taxpayer cannot contribute to any voluntary contribution fund or combination of voluntary contribution funds in an amount that exceeds the amount of the taxpayer's refund.

### ***Point of Advocacy:***

CCADV was successful in seeking amendments to strike the provision of the introduced bill that would have limited program participation to those only receiving a refund. However, we do expect the Department of Revenue to engage in a rule making process this summer which would decrease the amount of money available through the Domestic Abuse Tax Check Off Program each year by limiting who can participate in the program. Please keep an eye out for an action alert from CCADV over the 2018 summer and possible legislation next year.

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## **[SB18-169](#)**

## **Offenses Against Civil And Administrative Witnesses**

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**Position:**

**Support**

**Short Title:**

Offenses Against Civil And Administrative Witnesses

**Sponsors:**

B. Gardner / T. Carver

**Summary:** The bill clarifies that the offenses of intimidating a witness or victim and retaliation against a witness or victim apply to witnesses in criminal, civil, and administrative proceedings.

**Status:** 4/25/2018 Governor Signed



***Point of Advocacy:***

The protections under this bill will absolutely apply to ALL civil court cases including domestic relations. Please read this bill thoroughly and talk to clients about the new ability for harassment and retaliation to be charged as criminal offenses if they occur in civil matters. It may be helpful for clients to keep a journal of contacts similar to a stalking journal to document the elements of this new crime.

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**[SB18-223](#)**

**Autopsy Reports Death Of A Minor**

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**Position:** **Amend**

**Short Title:** Autopsy Reports Death Of A Minor

**Sponsors:** B. Gardner / M. Gray | T. Carver

**Summary:** The bill specifies that an autopsy report prepared in connection with the death of a minor is confidential and may be disclosed by the county coroner to any other person or entity only in accordance with certain exceptions.

Under the bill, the coroner or his or her designee may only provide a copy of the autopsy report prepared in connection with the death of a minor to:

- A parent or legal guardian of the deceased if the parent or legal guardian submits a copy of a written request to the coroner for a copy of the report in addition to an affidavit, signed by the parent or legal guardian under the penalty of perjury, verifying his or her relationship to the decedent;
- A law enforcement or criminal justice agency, including a district attorney, that is either investigating the death or prosecuting a criminal violation arising out of the death upon the request of the law enforcement or criminal justice agency, including a district attorney;
- A requesting party in a civil case where the moving party demonstrates to the court that the autopsy report is discoverable in accordance with the Colorado rules of civil procedure, upon the entry of a specific order of the court authorizing disclosure of the autopsy report, and in accordance with any protective order necessary to limit disclosure of the identity of the deceased and other identifying personal information;
- Counsel for the defendant, or the defendant if he or she is not represented by counsel, for discovery purposes in a criminal case upon the entry of a specific order of the court authorizing disclosure of the autopsy report in accordance with the relevant rules of criminal procedure only if discovery has not otherwise been provided to counsel or the defendant;
- A law enforcement agency that is investigating the death upon the request of the law enforcement agency;

- A local or regional child fatality prevention review team upon the request of the review team;
- The Colorado department of public health and environment as necessary for the collection of data in accordance with the Colorado violent death reporting system.
- The Colorado child fatality review team upon the request of the review team;
- A county department of human or social services in connection with the investigation of an incidence of alleged abuse or neglect of a minor;
- The division of youth services in the department of human services in connection with the investigation of a fatality that has occurred within a state owned or operated residential facility;
- A community clinic or a treating hospital for inclusion within the medical records of the deceased;
- An eye bank, an organ procurement organization, or a tissue bank; or
- A local or regional domestic violence fatality review team or the Colorado domestic violence fatality review board upon the request of a team or the board, as applicable.

**Status:** 5/17/2018 Sent to the Governor

**[SB18-272](#)**

**Crisis And Suicide Prevention Training Grant Program**

**Position:** **Support**

**Short Title:** Crisis And Suicide Prevention Training Grant Program

**Sponsors:** B. Martinez Humenik | N. Todd / T. Carver | B. McLachlan

**Summary:** The bill creates the crisis and suicide prevention training grant program (grant program) in the department of public health and environment (department). The purpose of the grant program is to provide financial assistance to schools in providing crisis and suicide prevention training to schools, with priority given to those schools that have previously not received such training. The grant program may authorize up to \$400,000 in grants per year in varying amounts. The office of suicide prevention and the school safety resource center shall work collaboratively with the department to develop guidelines and criteria for the grant program. Grant recipients are required to report on their activities using grant money.

The crisis and suicide prevention training grant program fund is created and authorized to accept appropriations from the general assembly, as well as gifts, grants, and donations.

The bill makes conforming amendments that authorize the existing office of suicide prevention in statute.

**Status:** 5/21/2018 Sent to the Governor

***Point of Advocacy:***

This was a brief list of the bills of interest to your work reviewed by the CCADV policy team. For the complete list of all bills reviewed and or monitored during the 2018 session, you may view this link:

<http://statebillinfo.com/SBI/index.cfm?fuseaction=Public.Dossier&id=24738&pk=348>

For a great read that is truly relevant to your work as an advocate you can find the link to the Colorado Supreme Court case here:

[https://www.courts.state.co.us/userfiles/file/Court\\_Probation/Supreme\\_Court/Opinions/2017/17SC406.pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Opinions/2017/17SC406.pdf)

Thank you for the work you do each day.

# Failed Legislation of Interest

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## [HB18-1001](#)

## FAMLI Family Medical Leave Insurance Program

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**Position:** **Actively Support**

**Short Title:** FAMLI Family Medical Leave Insurance Program

**Sponsors:** F. Winter | M. Gray / K. Donovan | R. Fields

**Summary:** The bill creates the family and medical leave insurance (FAMLI) program in the division of family and medical leave insurance (division) in the department of labor and employment to provide partial wage-replacement benefits to an eligible individual who takes leave from work to care for a new child or a family member with a serious health condition or who is unable to work due to the individual's own serious health condition.

Each employee in the state will pay a premium determined by the director of the division by rule, which premium is based on a percentage of the employee's yearly wages and must not initially exceed .99%. The premiums are deposited into the family and medical leave insurance fund from which family and medical leave benefits are paid to eligible individuals. The director may also impose a solvency surcharge by rule if determined necessary to ensure the soundness of the fund. The division is established as an enterprise, and premiums paid into the fund are not considered state revenues for purposes of the taxpayer's bill of rights (TABOR).

**Status:** 4/30/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

### ***Point of Advocacy:***

CCADV recognizes the extensive research supporting the nexus between paid leave time and a decrease in domestic violence. We were proud to work as part of a large coalition of stakeholders strongly lead by [9 to 5 Colorado](#), and to support this bill in both the House and Senate where we testified in support.

We believe this bill will be reintroduced next year, and will look forward to continuing to work for its successful passage. You can find more information about the nexus between paid leave and reduction of family violence here: <https://www.cdc.gov/violenceprevention/pdf/ipv-technicalpackages.pdf>

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## [HB18-1059](#)

## Require 911 Call

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**Position:** **Oppose**

**Short Title:** Require 911 Call  
**Sponsors:** J. Wilson  
**Summary:** The bill establishes a crime if a person knows or should know that another person is in need of emergency assistance and fails to call 911 or use another means to summon assistance.  
**Status:** 2/6/2018 House Committee on Judiciary Postpone Indefinitely

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**[HB18-1131](#)**      **Court System For Remote Participation In Hearings**

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**Position:** **Support**  
**Short Title:** Court System For Remote Participation In Hearings  
**Sponsors:** D. Michaelson Jenet / L. Crowder | R. Fields  
**Summary:** **County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee.** The bill directs the office of the state court administrator to operate a program that implements telephonic or internet-based networking software to let municipal courts, county courts, and district courts conduct judicial procedures with remote participants. The bill creates the telejustice program cash fund and authorizes the state court administrator to expend money from the fund for the program.  
**Status:** 4/16/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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**[HB18-1273](#)**      **Protect Colorado Residents From Federal Government Overreach**

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**Position:** **Support**  
**Short Title:** Protect Colorado Residents From Federal Government Overreach  
**Sponsors:** J. Salazar | D. Esgar / M. Merrifield  
**Summary:** The bill prohibits a state or political subdivision from:

- Providing the race, ethnicity, national origin, immigration status, sexual orientation, gender identity, physical disability, intellectual and developmental disability, or religious affiliation of a Colorado resident to the federal government without determining that it is for a legal and constitutional purpose;
- Aiding or assisting the federal government in creating, maintaining, or updating a registry for the purpose of identifying Colorado residents based on race, ethnicity, national origin, immigration status, sexual orientation, gender identity, physical disability, intellectual and developmental disability, or religious affiliation;
- Aiding or assisting the federal government or a federal agency in marking or otherwise placing a physical or electronic identifier on a person based on his or her race, ethnicity, national origin, immigration status, sexual orientation, gender identity, physical disability, intellectual and developmental disability, or religious affiliation; and

- Aiding or assisting, including using state or local lands or resources, the federal government in internment, arresting, or detaining a person based on his or her race, ethnicity, national origin, immigration status, sexual orientation, gender identity, physical disability, intellectual and developmental disability, or religious affiliation.

**Status:** 4/30/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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**[HB18-1292](#)**

**Pilot Program Assistance Person Experiencing Homelessness**

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**Position:** **Support**

**Short Title:** Pilot Program Assistance Person Experiencing Homelessness

**Sponsors:** H. McKean | P. Rosenthal / L. Court | K. Priola

**Summary:** The bill establishes the state access to resources and training grant program for persons experiencing homelessness (START grant program) in the department of local affairs (department). The purpose of the START grant program is to make grant money available to public safety, social services, or nonprofit agencies that have contact with persons experiencing homelessness. A grant recipient shall use grant money only to provide personnel and resources to persons experiencing homelessness. The START grant program is also designed to develop and institute community-centered programs with proactive solutions to provide assistance to persons experiencing homelessness and may include, but need not be limited to, training, work programs, housing vouchers, transportation, counseling or therapy, and food assistance.

The department is responsible for establishing procedures, timelines, and criteria for the START grant program. A public safety, social services, or nonprofit agency may apply for a grant, provided it clearly demonstrates a plan for collaboration with municipal or county courts, local law enforcement, local human or social services agencies, and nonprofit agencies that have contact with persons experiencing homelessness.

The general assembly is authorized to make an appropriation from the marijuana tax cash fund to fund the START grant program.

Each START grant recipient is required to provide a report to the department on activities and outcomes related to the START grant, and the department is required to provide a summary of the outcomes of the START grant program in its annual report to the general assembly. The bill establishes the state access to resources and training grant program for persons experiencing homelessness (START grant program) in the department of local affairs (department). The purpose of the START grant program is to make grant money available to public safety, social services, or nonprofit agencies that have contact

with persons experiencing homelessness. A grant recipient shall use grant money only to provide personnel and resources to persons experiencing homelessness. The START grant program is also designed to develop and institute community-centered programs with proactive solutions to provide assistance to persons experiencing homelessness and may include, but need not be limited to, training, work programs, housing vouchers, transportation, counseling or therapy, and food assistance.

The department is responsible for establishing procedures, timelines, and criteria for the START grant program. A public safety, social services, or nonprofit agency may apply for a grant, provided it clearly demonstrates a plan for collaboration with municipal or county courts, local law enforcement, local human or social services agencies, and nonprofit agencies that have contact with persons experiencing homelessness.

The general assembly is authorized to make an appropriation from the marijuana tax cash fund to fund the START grant program.

Each START grant recipient is required to provide a report to the department on activities and outcomes related to the START grant, and the department is required to provide a summary of the outcomes of the START grant program in its annual report to the general assembly.

**Status:** 5/2/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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### [HB18-1377](#)

### **Prohibit Seeking Salary Information Job Applicant**

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**Position:** **Support**

**Short Title:** Prohibit Seeking Salary Information Job Applicant

**Sponsors:** J. Coleman | B. Pettersen / K. Donovan | D. Moreno

**Summary:** The bill makes it an unfair employment practice for an employer to seek wage or salary history information, including compensation and benefits, about an applicant for employment, unless the employer notifies the applicant of the wage or salary range for the current employment opening or the applicant agrees to discuss his or her wage or salary history.

**Status:** 5/2/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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### [HB18-1378](#)

### **Equal Pay For Equal Work Act**

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**Position:** **Active Support**

**Short Title:** Equal Pay For Equal Work Act

**Sponsors:** J. Danielson | J. Buckner / K. Donovan | R. Fields

**Summary:** The bill authorizes the director of the division of labor standards and statistics in the department of labor and employment (director) to administer and enforce



the law that prohibits an employer from discriminating against an employee on the basis of sex and to issue awards to employees and impose penalties on employers for violations. The bill removes the director's enforcement authority and instead permits an aggrieved person to bring a civil action in district court to pursue remedies specified in the bill. The bill allows exceptions to the prohibition if the employer demonstrates that a wage differential is based upon one or more factors including a seniority system, a merit system, or a system that measures earnings by quantity or quality of production or a bona fide factor other than sex.

The bill prohibits an employer from discharging or retaliating against an employee for actions by an employee asserting the rights established by the bill against an employer.

An employer is required to announce to all employees' employment advancement opportunities and the pay range for the opportunities. The director is authorized to enforce actions against an employer concerning transparency in pay and employment opportunities, including fines of between \$500 and \$10,000 per violation.

\$85,034 is appropriated from the employment support fund to the department of labor and employment for use by the division of labor standards and statistics.

**Status:** 5/4/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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## **[HB18-1391](#)**

## **Sexual Misconduct In Higher Education**

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**Position:** **Support**

**Short Title:** Sexual Misconduct In Higher Education

**Sponsors:** C. Duran | F. Winter / B. Martinez Humenik | A. Kerr

**Summary:** The bill requires each institution of higher education (institution) to adopt, periodically review, and update a policy on sexual misconduct (policy). The bill establishes minimum requirements for the policies, including reporting options, procedures for investigations and adjudications, and protections for involved persons. Institutions are to promote the policy by posting information on their websites and annually distributing the policy and information.

Institutions are required to provide training on awareness and prevention of sexual misconduct, the policy, and resources available to discuss such misconduct.

The bill requires institutions to report to the department of higher education (department) on their policies and training, and the department posts information on the reports on its website.

The department is to host biennial summits on sexual misconduct on institution campuses to facilitate communication, share information, and hear from experts. The bill identifies the membership of the planning committee for

the summits. The planning committees are to report to specified committees of the general assembly on the summits.

**Status:** 5/1/2018 Senate Committee on Appropriations Postpone Indefinitely

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**[HB18-1404](#)**

**Peace Officer Internal Investigation Open Records**

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**Position:** **Amend**

**Short Title:** Peace Officer Internal Investigation Open Records

**Sponsors:** J. Coleman | D. Williams / V. Marble | K. Lundberg

**Summary:** Under current law a records custodian may deny access to records of investigations conducted by or of intelligence information or security procedures of any sheriff, district attorney, or police department or any criminal justice investigatory files compiled for any other law enforcement purpose on the ground that disclosure would be contrary to the public interest. The bill states that prior to determining whether disclosure would be contrary to the public interest, the custodian shall perform an individualized analysis of each of the specific records requested by balancing:

- The privacy interests of the individual who may be impacted by a decision to allow inspection;
- The agency's interest in keeping confidential information confidential;
- The agency's interest in pursuing ongoing investigations without compromising them;
- The public purpose to be served in allowing inspection; and
- Other pertinent considerations relevant to the particular request.

The bill further applies the following provisions to records regarding an internal investigation related to the on-duty or in-uniform conduct of a peace officer involving a member of the public:

- When the custodian is performing the balancing test described above, the custodian shall adhere to the following principles: There is a compelling public interest in public inspection of completed internal investigation files related to a peace officer's on-duty or in-uniform conduct involving a member of the public; public access to internal investigation files enhances the effectiveness of internal investigations, rather than impairing them; and transparency enhances public confidence in the agency. Peace officers do not have a reasonable expectation of privacy in on-duty or in-uniform conduct involving a member of the public.
- If, after performing the balancing test described above, the custodian makes a preliminary determination that the factors weigh against release, the custodian shall consider whether redaction of the records would satisfy the objective of disclosure while also addressing privacy concerns. The custodian shall redact sparingly in order to maximize the amount of information available to the public.
- If, after performing the required balancing test and considering redaction, the custodian determines that the factors weigh against

release, the custodian may deny disclosure of the records or any portion thereof.

- If the custodian denies disclosure of the records, the custodian shall upon request provide a written explanation of the basis for the denial, including articulation of the custodian's balancing of the public and private interests.
- Any local policy, local rule, or ordinance that prohibits custodians from disclosing records of closed internal investigations related to on-duty or in-uniform conduct of a peace officer involving a member of the public is unenforceable; except that the custodian of an internal investigation may deny inspection if the inspection is prohibited by rules promulgated by the supreme court or by a court order and the custodian may deny inspection pursuant to application of the bill.

**Status:** 5/7/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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### [HB18-1417](#)

### **Protect Constitutional Rights Colorado Residents**

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**Position:** **Support**

**Short Title:** Protect Constitutional Rights Colorado Residents

**Sponsors:** D. Pabon | S. Lontine

**Summary:** The bill prohibits county law enforcement agencies from detaining individuals for the federal immigration and customs enforcement agency (ICE) or providing notifications of an individual's release date and time to ICE unless ICE has a judicial warrant. The bill prohibits renewal of current intergovernmental service agreements with ICE and prohibits new agreements. The bill requires local law enforcement officers to administer an advisement of rights to an individual prior to an ICE interview, informing the individual that he or she has the right to deny an ICE interview request and that he or she can exercise his or her constitutional rights.

The bill requires the department of human services to develop and publish model policies to ensure that public schools, state-funded colleges and universities, public libraries, public health facilities, shelters, courthouses, probation offices, and entities providing criminal court-ordered classes, treatment, and appointments are places that are accessible to all residents regardless of immigration status. All public schools, state-funded colleges and universities, public libraries, public health facilities, shelters, and courthouses shall adopt the policies or equivalent policies. Probation offices and entities providing criminal court-ordered classes, treatment, and appointments may adopt the policies or equivalent policies.

**Status:** 5/10/2018 House Committee on Appropriations Postpone Indefinitely

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### [HB18-1436](#)

### **Extreme Risk Protection Orders**

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**Position:** **Support**

**Short Title:** Extreme Risk Protection Orders

**Sponsors:** A. Garnett | C. Wist / L. Court

**Summary:** The bill creates the ability for a family or household member or a law enforcement officer to petition the court for a temporary extreme risk protection order (ERPO). The petitioner must establish by a preponderance of the evidence that a person poses a significant risk to self or others by having a firearm in her or her custody or control or by possessing, purchasing, or receiving a firearm. The petitioner must submit an affidavit signed under oath and penalty of perjury that sets forth facts to support the issuance of a temporary ERPO and a reasonable basis for believing they exist. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed.

After issuance of a temporary ERPO, the court must schedule a second hearing no later than 7 days following the issuance to determine whether the issuance of a continuing ERPO is warranted. If a family or household member or a law enforcement officer establishes by clear and convincing evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm, the court may issue a continuing ERPO. The ERPO would prohibit the respondent from possessing, controlling, purchasing, or receiving a firearm for 182 days.

Upon issuance of the ERPO, the respondent shall surrender all of his or her firearms and his or her concealed carry permit if the respondent has one. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer. If a person other than the respondent claims title to any firearms surrendered to law enforcement, the firearm shall be returned to him or her.

The respondent can motion the court once during the 182-day ERPO for a hearing to terminate the ERPO. The petitioner has the burden of proof at a termination hearing. The court shall terminate the ERPO if the petitioner does not establish by clear and convincing evidence that the respondent continues to pose a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm. The party requesting the original ERPO may request an extension of the ERPO before it expires. The requesting party must show by clear and convincing evidence that the respondent continues to pose a significant risk of causing personal injury to self or others by having a firearm in his or her custody or control or by purchasing, possessing, or receiving a firearm. If the ERPO expires or is terminated, all of the respondent's firearms must be returned.

The bill requires the state court administrator to develop and prepare standard petitions and ERPO forms. Additionally, the state court administrator at the judicial department's 'State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act' hearing shall provide statistics related to petitions for ERPOs.

**Status:** 5/7/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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**SB18-006**

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**Recording Fee To Fund Attainable Housing**

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**Position:** **Passive Support**

**Short Title:** Recording Fee To Fund Attainable Housing

**Sponsors:** R. Zenzinger / F. Winter

**Summary:** Currently, each county clerk and recorder collects a surcharge of one dollar for each document received for recording or filing in his or her office. The surcharge is in addition to any other fees permitted by statute. **Section 2** of the bill allows counties to impose an increased surcharge in the amount of \$5 for documents received for recording or filing on or after January 1, 2019.

In a county that has elected to collect the increased surcharge of \$5, out of each \$5 collected, the bill requires the clerk to retain one dollar to be used to defray the costs of an electronic or core filing system in accordance with existing law. The bill requires the clerk to transmit the other \$4 collected to the state treasurer, who is to credit the same to the statewide attainable housing investment fund (fund).

**Section 3** creates the fund in the Colorado housing and finance authority (authority). The bill specifies the source of money to be deposited into the fund and that the authority is to administer the fund. The bill directs that, of the money transmitted to the fund by the state treasurer, on an annual basis, not less than 25% of such amount must be expended for the purpose of supporting new or existing programs that provide financial assistance to persons in households with an income of up to 80% of the area median income for the purpose of allowing such persons to finance, purchase, or rehabilitate single family residential homes as well as to provide financial assistance to any nonprofit entity and political subdivision that makes loans to persons in such households to enable such persons to finance, purchase, or rehabilitate single family residential homes.

Section 3 also requires the authority to submit a report, no later than June 1 of each year, specifying the use of the fund during the prior calendar year to the governor and to the senate and house finance committees.

**Status:** 2/5/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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**SB18-097**

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**Concealed Handgun Carry With No Permit**

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**Position:** **Oppose**

**Short Title:** Concealed Handgun Carry With No Permit

**Sponsors:** T. Neville / K. Van Winkle

**Status:** 3/21/2018 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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**[SB18-120](#)**

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**Time Period For Tenant To Cure Unpaid Rent**

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**Position:** **Actively Support**

**Short Title:** Time Period For Tenant To Cure Unpaid Rent

**Sponsors:** A. Williams | K. Priola / D. Jackson | J. Wilson

**Summary:** Current law requires a landlord to provide a tenant 3 days to cure a violation for unpaid rent before the landlord can initiate eviction proceedings based on that unpaid rent.

The bill allows landlords to initiate an eviction proceeding after providing 3 days' notice but requires landlords to accept payment of all outstanding amounts due before the date by which a tenant is required to appear in court in an eviction proceeding. For a second or subsequent violation of the same agreement within 6 months of a violation, a landlord may require payment within 3 days.

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

**Status:** 2/14/2018 Senate Committee on Business, Labor, & Technology Postpone Indefinitely

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**[SB18-214](#)**

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**Request Self-sufficiency Waiver Medicaid Program**

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**Position:** **Oppose**

**Short Title:** Request Self-sufficiency Waiver Medicaid Program

**Sponsors:** L. Crowder / S. Beckman

**Summary:** The bill directs the department of health care policy and financing (department) to prepare and submit a waiver to the federal government requesting authority to implement certain self-sufficiency provisions as part of the Colorado medical assistance program (Medicaid). The bill:

- Requires able-bodied adults as a condition of eligibility for Medicaid to become employed, actively seek employment, attend job or vocational training, or volunteer at a nonprofit organization; except that this requirement does not apply to certain persons specified in the bill;
- Requires able-bodied adults to verify income monthly for determination of eligibility;
- Authorizes the department to prohibit enrollment in Medicaid if a person fails to report a change in family income or makes a false statement regarding compliance with the work requirement;
- Establishes a lifetime limit on Medicaid benefits of 5 years, and includes persons excepted from the limit; and
- Authorizes the department to impose copayments to deter the use of emergency departments and ambulance services for nonemergency services and nonemergency transportation.

The bill requires the department to report to the general assembly regarding the preparation, submission, approval, implementation, and outcome of the self-sufficiency waiver provisions.

**Status:** 3/29/2018 Senate Committee on Health & Human Services Postpone Indefinitely

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**[SB18-241](#)**

**Colorado Children First Act**

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**Position:** **Oppose**

**Short Title:** Colorado Children First Act

**Sponsors:** K. Lundberg / S. Humphrey

**Summary:** The bill establishes the 'Colorado Children First Act' in the state.

**Status:** 5/1/2018 Senate Second Reading Lost - No Amendments



***Point of Advocacy:***

The CCADV policy team meets the second Wednesday of the month at 12 noon. If you are interested in elevated advocacy please consider joining us.