

American Civil Liberties Union of Colorado – Legislative Report 2007

HB1034 ALLOW LAW STUDENTS TO REPRESENT CLIENTS

Rep. Madden & Sen. Shaffer

Permits law students of any law school that maintains a legal aid dispensary to be authorized to advise clients on legal matters and appear before any arbitration panel as if they were licensed to practice law when representing the dispensary or its clients.

Position	Monitor	Desired Action	Investigate motives
Current Status	Signed by Governor 3/2		
Bill History	H.Jud; Pass H.; S.Jud; Pass S.		
Fiscal Impact	NFI	Impact Amount	
Statutory Ref.	Amends 12-5-116		

HB1040 LEGAL PROCESS FOR PERSONS NOT LEGALLY PRESENT

Rep. Stephens & Sen. Kopp

Requires that criminal charges not be dropped in cases where an individual is charged with a crime and then deported. Requires individuals convicted of a crime to "serve his or her sentence and pay all restitution" prior to deportation. Lists forms of identification that if defendant cannot produce, along with investigation, would be probable cause for being illegally present. Requires anyone charged with a felony or class 1 or 2 misdemeanor to sign a waiver prior to posting bond indicating they understand deportation will mean forfeiture of a bond. Requires bail bond fees to be forfeited if an individual has posted bond with a bail bondsperson, or the whole bond to be forfeited if a cash bond is posted. Proceeds from bond forfeiture are directed to capital construction account to pay for the fiscal note's projected costs to incarcerate such persons. Requires post-enactment review 2 years from the effective date of the bill.

Position	Active Oppose	Desired Action	
Current Status	Concurred with second house amendments		
Bill History	Amended H.St.Aff, H.App, H.Jud, & H.App; Pass H.; Amended S.Jud; S.App; Pass S.;		
Fiscal Impact	FI	Impact Amount	\$1,126,485 GF
Statutory Ref.	New Part 5 in Article 3 of Title 16		

HB1050 DISPLAY OF FLAGS

Reps. Todd and A. Kerr & Sen. Williams

Amends statute prohibiting display of foreign flags (any flag other than US or Colorado flag) on public property to limit such criminal prohibition to displays on a permanent flagstaff on public property. Permits display of POW flag or other veteran flag and foreign nation flag on permanent flagstaff on special or ceremonial occasion in accordance with the US Flag Code. Amended to permit displays of other flags with prior permission of chief administrative officer of the building or grounds.

Position	Active Support	Desired Action	
Current Status	Signed by Governor 4/9		
Bill History	H.Ed.; Pass H.; Amended S.Ed; Pass S.; Concur.		
Fiscal Impact	NFI	Impact Amount	
Statutory Ref.	Amends 18-11-205		

HB1054 INCREASE NUMBER OF JUDGES

Rep. T. Carroll & Sen. Shaffer

Increases the number of district court judges in specified judicial districts and phases-in the increases from 2007 to 2010. Increases the number of county court judges in Jefferson, El Paso, Larimer, Adams and Arapahoe counties in 2008 and 2009. Increases the number of judges on the Colorado Court of Appeals from 19 to 22 in 2008. Requires certain fees, surcharges, taxes, fines and penalties to be deposited in the judicial stabilization cash fund in 2007 through 2010. Amended to reduce total increase in number of judges to 43 and to phase-in over a longer period of time.

Position Active Support **Desired Action**
Current Status Signed by Governor 5/31
Bill History Amended in H.Jud., H.App.; Pass H.; Amended S.Jud, S.App.; Pass S.; Concur.
Fiscal Impact FI **Impact Amount** \$351,004 GF; 3,756,378 CF
Statutory Ref. Omnibus amendments to Articles 5 and 32 of Title 13

HB1073 BASIC PILOT PROGRAM WITH PUBLIC CONTRACT

Rep. Judd & Sen. Keller

Modifies the pre-contract certification for public contracts for services to specify that the federal basic pilot program will only be used to confirm the employment eligibility of all newly hired employees of the contractor and not current employees.

Position Monitor **Desired Action**
Current Status Signed by Governor 3/16
Bill History Amended in H.St.Aff; Pass H.; S.St.Aff.; Pass S.
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 8-17.5-102

HB1074 CAMPAIGN FINANCE DISCLOSURE FOR 527s

Rep. M. Carroll & Sen. Tupa

Creates a definition of "political organization" for purposes of the Fair Campaign Practices Act to mean a 527e political organization defined in the federal Internal Revenue Code that is engaged in influencing or attempting to influence the nomination, election, appointment or defeat of one or more candidates for public office in this state. Applies existing disclosure requirements to contributions to or moneys expended by a political organization. Includes gifts or loans from a political organization in the definition of "spending" that applies to all political committees and organizations.

Position Monitor **Desired Action**
Current Status Signed by Governor 5/24
Bill History Amended in H.St.Aff; Pass H.; Amended S.St.Aff.; Pass S.; Concur.
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 1-45-103 and 108.5

HB1090 ADOPTION BY PERSONS CONVICTED OF CERTAIN FELONY OFFENSES

Rep. T. Carroll & Sen. Boyd

Allows licensed child placement agencies and county child placement agencies to conduct an investigation of prospective adoptive parents whose fingerprint records have indicated a prior conviction for felony domestic violence that is more than 10 years old or a prior conviction for assault, battery or drug offenses that is more than 5 years old. Requires the court to review the information regarding the conviction and make a ruling that it is in the best interest of the child to be adopted by the prospective parents who have been ruled eligible to adopt. Preserves the prohibition that no one with convictions of crimes of violence, unlawful sexual behavior or domestic violence offenses may adopt.

Position Monitor **Desired Action**
Current Status Signed by Governor 5/3
Bill History Amended H.HHS; Pass H.; S.HHS; Amended S.Jud.; Pass S.; Concur
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 19-5-207

HB1093 SEXUAL CONDUCT IN PENAL INSTITUTIONS

Rep. T. Carroll & Sen. Bacon

Requires reporting of sexual assault in state penal institutions (DOC and DYC) and prohibits retaliation. Requires safety for victims, confidentiality, and medical treatment along with information on sexual assault prevention. Requires department staff to have training in prevention and investigation. Requires monitoring of victims for mental health issues. Requires termination of an employee who engages in sexual conduct with an inmate. Requires investigators to be trained in sex crime investigations and the keeping of data related to sexual assaults.

Position Active Support **Desired Action**
Current Status Signed by Governor 5/31
Bill History Amended in H.Jud; H.App; Pass H.; Amended S.Jud. & S.App.; Pass S.; Concur.
Fiscal Impact FI **Impact Amount** \$57,390 GF
Statutory Ref. New Section 17-1-115.5

HB1102**NURSING PEER HEALTH ASSISTANCE PROGRAM**

Rep. Gagliardi & Sen. Johnson

Repeals and reenacts the Nursing Peer Health Assistance Program with changes that open the provision of services to competitive bidding and eliminate the requirement the State Board of Nursing create the entity that provides such services; eliminates the committee that oversees the program; eliminates the standards for termination from the program; eliminates the requirement that participation records be kept confidential and not subject to subpoena; and eliminates grant of good faith immunity to the board and persons acting pursuant to the program. Transfers any remaining balance in the impaired professionals diversion fund to the entity chosen to administer the program and directs the board to select such an entity. Allows the board to suspend license of person who fails to complete the program and allows appeal of such suspension. Directs rulemaking by the board. Was amended to include a nurse alternative to discipline, and exempted the board from legal liability. Was also amended to ensure that a competitive bidding process is used when selecting providers. This bidding process shall include all deliverables, performance measures, and documentation of results.

Position	Amend - Oppose	Desired Action
Current Status	Signed by Governor 5/7	
Bill History	Amended in H.HHS; Pass H.; Amended S.HHS; Pass S.; Concur	
Fiscal Impact	NFI	Impact Amount
Statutory Ref.	Repeals and Reenacts 12-38-131	

HB1107**SEALING OF CRIMINAL JUSTICE RECORDS**

Rep. Cerbo & Sen. Bacon

Reduces the time from 15 years to 10 years that a person must wait before filing a petition to seal arrest and criminal records information pertaining to a criminal offense that was not charged or a case that was dismissed due to a plea agreement in a separate case. Requires a probation department or a parole officer under certain circumstances to advise a defendant of the right to seal criminal justice records. Extends the criminal justice record sealing procedure to convictions. Permits a defendant, after 10 years following the completion of a sentence or release from supervision, whichever is later, to petition the district court to seal criminal conviction records. Prohibits the sealing of conviction records if the defendant still owes court-ordered restitution, fines, or fees. Specifies the procedure for sealing conviction records. Requires the court, in making the decision whether to seal the conviction records, to weigh the privacy interests of the petitioner against the public interest in retaining the conviction records. Prohibits employers and certain institutions and agencies from requiring an applicant to disclose information in sealed conviction records. Permits the bar committee of the state board of law examiners to make inquiries into the fact of a conviction that comes to the attention of the bar committee through other means. Requires a defendant to be advised of the right to seal conviction records by the court, the probation department, and the defendant's parole officer under the appropriate circumstances. Prohibits the sealing of conviction records as to traffic offenses and infractions, any offense with an underlying factual basis involving unlawful sexual behavior, and crimes involving specified special circumstances for which enhanced sentencing is required. Specifies that the conviction records sealing procedure shall apply to judgments of conviction entered on and after July 1, 2007. Permits the procedure to apply to judgments of conviction entered before July 1, 2007 with the consent of the prosecuting attorney. Amended to credit increase in filing fees for petition to seal records to judicial stabilization cash fund. Amended to permit law enforcement agencies to access sealed records for criminal history checks. Amended to require the petitioner to be responsible for obtaining and paying for his or her criminal history. Amended to allow any person to petition the court to unseal a previously sealed file upon a showing of public interest that outweighs the individual's privacy interest. Requires the state court administrator to post on its website a list of all petitions to seal convictions records and sealing may not occur until at least thirty days after the posting. Amended to include child abuse in the exclusions.

Position	Active Support	Desired Action	
Current Status	Vetoed by Governor 6/1		
Bill History	Amended H.Jud.; Pass H.; Amended S.Jud, S.App.; Pass S.; Concur.		
Fiscal Impact	FI	Impact Amount	\$455,679 CF from Judicial Stabilization Fund and 6.5 FTE
Statutory Ref.	Amends 24-72-308; New Section 24-72-308.5		

HB1142**ACCESS TO OIL & GAS STATEMENTS**

Reps. Curry and White & Sen. Isgar

Makes notices of valuation issued by a county assessor related to valuation of oil and gas property subject to disclosure under the open records law. Makes notices, statements and other documents currently considered confidential available to the executive director of the Dept. of Revenue.

Position	Passive Support	Desired Action	
Current Status	Signed by Governor 4/16		
Bill History	Amended H.LG & 2nd Reading; Pass H.; S.LG; Pass S. unamended;		
Fiscal Impact	NFI	Impact Amount	
Statutory Ref.	Amends 39-7-101; New Section 39-7-102.7		

HB1174 CONTINUE STATEWIDE CONCEALED CARRY DATABASE

Rep. White & Sen. Bacon

Extends the sunset on the statewide concealed carry database to July 1, 2011. Adds probable cause language which reads as follows: "A peace officer may not use or search a database of permittees maintained by a law enforcement agency to establish, without additional information, reasonable suspicion for a traffic stop, or when contacting an individual, to justify probable cause, without additional information, for a search or seizure of a person or a person's vehicle or property." Amended on the senate floor to have a legislative audit review prior to scheduled sunset in 2011.

Position Monitor **Desired Action**
Current Status Signed by Governor 5/14
Bill History Amended in H.Jud.; Pass H.; Amended S.Jud.; Pass S.; Concur
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 18-12-206 (3)(b)

HB1184 SUDAN DIVESTMENT PUBLIC PENSION FUNDS

Rep. Romanoff & Sen. Groff

Contains an extensive legislative declaration regarding genocide in the Darfur region of Sudan. Directs the boards of public pension funds in Colorado to divest from companies on a scrutinized list of firms that have business operations in Sudan. Specifies procedures for compiling scrutinized companies list. Allows the Attorney General to enforce the act.

Position Passive support **Desired Action**
Current Status Signed by Governor 4/19
Bill History Amended H.Fin.; Pass H.; Amended S.St.Aff.; Pass S.; Concur
Fiscal Impact FI **Impact Amount**
Statutory Ref. New Article 54.8 in Title 24

HB1187 COUNTY EMPLOYEE SALARY INFORMATION

Rep. Vaad & Sen. Kester

Requires that county employees be identified by title only and not by name when the county publishes a list of employees' salaries twice a year in a legal newspaper in their county.

Position Passive support **Desired Action**
Current Status Signed by Governor 3/26
Bill History Amended H.LG; Pass H. Amended S.LG; Pass S.; Concur.
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 30-25-111

HB1209**BONDS FOR HISTORICALLY UNDERUTILIZED BUSINESSES**

Rep. Borodkin & Sen. Sandoval

Makes legislative findings and declarations about challenges faced by businesses owned by women and minorities. Requires the director of the minority business office to establish a program to offer technical assistance to historically underutilized businesses in applying and qualifying for performance bonds required for state construction contracts. Requires the director to compile and maintain a centralized directory of businesses that have obtained performance bonds. Defines "historically underutilized businesses" as a small business (as per 13 CFR 121) in which at least 50% of the stock is owned by women or members of specified minority groups.

Position Passive support **Desired Action**
Current Status Signed by Governor 5/24
Bill History H.Bus; Amended H. App.; Pass H.; S.BLT; Amended S.App.; Pass S.; Concur.
Fiscal Impact FI **Impact Amount** \$ 29,073 GF and 0.5 FTE
Statutory Ref. New Section 24-49.5-105

HB1247**RECOVER WAGES DUE ATTORNEY FEES**

Rep. Judd & Sen. Tupa

As amended: Increases penalty in wage claim cases from 50% of wages or compensation to a graduated scale with first \$7,500 of claim having penalty of 125% and balance of claim subject to 50% penalty. Enhances penalty by additional 50% if willful violation, and specifies that evidence of judgment in wage claim case in past 5 years is admissible to establish willfulness. Specifies that employer's failure to tender amount due is equal to a tender of zero for all purposes of the act. Enlarges the safe harbor for employer provision to 14 days and clarifies application to penalty and attorney fees. Changes the provisions regarding awards of attorney fees and costs to specify that employee is not liable for defendant's fees and costs in cases in which they did not prevail but were seeking to recover less than \$7,500 or jurisdictional limit of small claims court, whichever is greater.

Changes attorney fee provisions to make fee awards discretionary for both parties, but includes a non-statutory legislative declaration expressing intent that discretionary standard be interpreted in same manner as federal courts have interpreted Civil Rights Act of 1964 and FLSA. Amended to relocate all provisions regarding penalty to section 109.

Amended to clarify that attorney fee award provision does not apply to persons found to be independent contractors. Applies to claims filed on or after effective date (effective upon signature of the Governor).

Position Passive Support **Desired Action**
Current Status Signed by Governor 5/31
Bill History Amended H.Bus.; Pass H.; Amended S.BLT; Pass S.; Conf Cmte Report Adopted.
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 8-4-109 and 110

HB1275 NATIONAL GUARD RECEIVE FORFEITED PROPERTY

Rep. Rice & Sen. Penry
Makes a legislative declaration about the Colorado National Guard Joint Counter drug Task Force and its inability to participate in federal forfeiture. Designates the Colorado National Guard, when participating in the joint counter drug task force, as a law enforcement agency that is entitled to accept federally forfeited property. Specifies how forfeited moneys are to be credited to a fund for the National Guard to continue to participate in the task force.

Position Monitor **Desired Action**
Current Status Signed by Governor 4/9
Bill History H.St.Aff; Pass H.; S.St.Aff; Pass S.
Fiscal Impact FI **Impact Amount**
Statutory Ref. Amends 16-13-601 and 28-3-1303; New Section 28-3-1305

HB1292 SCIENCE-BASED STANDARDS FOR SEX EDUCATION

Rep. Todd & Sen. Windels
Requires school districts that offer instruction regarding human sexuality to adopt in their planned curriculum science-based content standards and specifies certain requirements for the standards such as; emphasizing abstinence, ensuring age-appropriateness and medical accuracy, discussions of risks and skills for healthy, responsible decision-making about human sexuality, personal power, boundary setting and how to resist peer pressure and unwanted verbal and sexual advances. Requires a school district to add the requirements of character education to any sex education class where character education is discussed. Encourages school districts to include parents, teachers, nurses and community members in the development of the standards. Amends the Comprehensive Health Education Program to cross-reference these requirements. Requires Medicaid family teen pregnancy and dropout prevention program to cross-reference requirements and make them applicable to the programs as if they were provided by a school district. Exempts school districts currently receiving federal abstinence education dollars from the provisions of this act.

Position Active Support **Desired Action**
Current Status Signed by Governor 5/14
Bill History Amended H.Ed.; Pass H.; Amended S.Ed.; Pass S.; Concur
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 22-1-110.5; 22-25-104 and 110; 25.5-5-603

HB1312 EMPLOYEE LEASING CO & WORK-SITE EMPLOYER

Rep. McGihon & Sen. Veiga
Clarifies status of employee leasing companies with respect to regulations applying to the substantive business operations of a work-site employer. Clarifies the status of the work-site employer for purposes of tax credits or disadvantaged business designation by specifying that their status is not affected by use of employee leasing company services. Clarifies taxation of work-site employer and employee leasing company.

Position Monitor **Desired Action**
Current Status Signed by Governor 4/16
Bill History Amended H.Bus; Pass H.; S.BLT; Amended 3rd Reading; Pass S.; Concur
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 8-70-114 and 39-30-105

HB1313 EVIDENCE FOR IDENTITY DOCUMENTS

Rep. Marshall & Sen. Sandoval
Establishes the documents that can be used to establish lawful residence including one of the following: a passport issued within ten years, a state issued ID from a state that requires proof of lawful presence to issue, a military ID, a foreign passport along with appropriate visa or immigration documents. Establishes that an individual must provide two valid primary documents or one valid primary and one secondary document. Defines primary and secondary. Establishes rulemaking authority and hearing procedure authority. Requires that if the applicant requests a hearing on denial, the Department of Revenue must hold one within thirty days of the request on the appropriate form. Allows for judicial review if an applicant is denied in an administrative hearing.

Position Passive Support **Desired Action**
Current Status Vetoed by Governor 6/1
Bill History Amended H.Tran; Pass H.; Amended S.St.Aff.; Pass S.; Concur
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 42-2-104; New Sections 42-2-104.3 and 104.5; Amends 42-2-302

HB1314 EXTEND RULES FOR PUBLIC BENEFITS

Rep. Cerbo & Sen. Groff
Requires the executive director of the department of revenue to issue permanent rules providing for additional forms of identification and a waiver exemption process for persons applying for federal or state or local public benefits. Specifies that emergency rules issued prior to March 1, 2007, remain in effect until new rules are promulgated.

Position Passive Support **Desired Action**
Current Status Signed by Governor 3/1
Bill History H.St.Aff; Amended 3rd Reading; Pass H.; S.St.Aff; Pass S.
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 24-76.5-103

HB1315 CRIMINAL PROCEDURAL MATTERS

Rep. T. Carroll & Sen. Shaffer
Adds a criminal defense attorney with experience in representing sex offenders to the sex offender management board and the domestic violence offender management board. Allows the court in a boot camp sentence, to retain jurisdiction for motions of reconsideration when the offender's case is on appeal. Allows a misdemeanor sentence to be served prior to the sentence in DOC. Requires the court to give credit for time served prior to sentencing, for misdemeanors.

Position Monitor **Desired Action**
Current Status Signed by Governor 4/16
Bill History Amended H.Jud.; Pass H.; Amended S.Jud.; Pass S.; Concur.
Fiscal Impact FI **Impact Amount** reduction of county jail expenses
Statutory Ref. Amends 16-11.7-103 and 16-11.8-103; Amends 18-1.3-501; New Section 18-1.3-509

**HB1326 SEX OFFENDERS PROVIDE ELECTRONIC COMMUNICATION
INFO**

Reps. A. Kerr and Swalm & Sens. Sandoval and Johnson
Requires a sex offender who committed a child sex crime (as defined in act) to provide any email address, instant-messaging identity, or chat room identity prior to using the address or identity. Requires the entity that accepts the registration to make a reasonable effort to verify accuracy of information, but specifies that requiring a signed statement from registrant is a "reasonable effort to verify" and that the signed statement may be subject to false reporting misdemeanor or felony penalty. Amended in conference committee to add language that requires the person to sign a statement that they have the authority to use any addresses provided and any false information is a criminal offense. The signed statement constitutes reasonable effort, but does not preclude other efforts by the registering law enforcement agency.

Position	Monitor	Desired Action
Current Status	Signed by Governor 5/31	
Bill History	Amended H.Jud. & H.App.; Pass H.; Amended S.Jud; S.App; Pass S.; Conf Cmte	
Fiscal Impact	FI	Impact Amount \$539,060
Statutory Ref.	Amends 16-22-108 and 109; Amends 18-3-412.5	

HB1330 SECOND PARENT ADOPTION

Rep. Madden & Sen. Veiga
Permits the sole legal parent of a child to consent to the adoption of their child by a specified second parent by providing written and verified consent. Requires a home study report for the second parent, but specifies that if the first parent became a parent through adoption and a home study was prepared that included the second parent, it shall be valid for use in both adoptions if the second parent petitions within 6 months of the first adoption. Makes conforming amendments to other adoption statutes regarding required criminal background checks, court approval of placement and employer policies for new parents.

Position	Passive Support	Desired Action
Current Status	Signed by Governor 5/4	
Bill History	Amended H.HHS; Pass H.; Amended in S.St.Aff.; Pass S. unamended	
Fiscal Impact	NFI	Impact Amount
Statutory Ref.	Amends 19-5-203; conforming amendments to Part 5	

HB1331**MICHAEL SKOLNIK MEDICAL TRANSPARENCY ACT**

Reps. M. Carroll and Stafford & Sen. Tochtrop

Creates the Michael Skolnik Medical Transparency Act. The Act requires licensed medical practitioners to submit the following information to the State Board of Medical Examiners: general applicant contact information, physician certifications and specialties, and past and present hospital affiliations, business ownership interests and information about employment contracts, any public disciplinary action, practice suspension, or practice restriction imposed by any other state or country, any involuntary restrictions on the practitioner's medical staff membership or clinical privileges; involuntary surrender of a practitioner's United States Drug Enforcement registration; any final conviction or plea agreement for a felony or criminal charge involving a crime of moral turpitude; specified information about medical malpractice claims that resulted in either a final judgment, settlement, or an arbitration award; and denial from an insurer to provide medical malpractice insurance. Requires the Board of Medical Examiners to make the aforementioned information available to the public through a searchable website to satisfy this requirement. Requires a statement to be posted on the website indicating that the disclosed information is not an indication of a medical practitioner's ability. Requires physicians to provide updated information to the board within either 30 days or a time period adopted by rule. Allows for civil monetary penalties up to \$5,000 for failure to comply with disclosure requirements.

Position Active Monitor **Desired Action**
Current Status Signed by Governor 5/24
Bill History Amended H.HHS & H.App.; Pass H.; Amended S.BLT & S.App.; Pass S.; Concur
Fiscal Impact FI **Impact Amount** \$163,118 CF and 1.0 FTE
Statutory Ref. New Section 12-36-111.5

HB1343**DNA TESTING FOR ALL FELONS**

Rep. King & Sen. S. Mitchell

As amended: beginning July 1, 2007, expands DNA testing to adults convicted of a certain crimes who are on parole or probation, and to all juveniles who are adjudicated for an offense that would have been consistent with the adult crimes in the bill and as a result are committed to the Dept. of Human Services or are on probation.

Position Active oppose **Desired Action**
Current Status Signed by Governor 5/31
Bill History Amended H.Jud. & H.App.; Pass H.; S.Jud; S.App; Amended 2nd Reading; Pass S.;
Fiscal Impact FI **Impact Amount** \$27,560
Statutory Ref. Repeals & Reenacts 16-11-102.4

HB1356 STATUTORY MODIFICATIONS REQUIRED BY ARTICLE XXIX

Rep. Cadman & Sen. Veiga
Makes conforming amendments to existing statutes to implement "Amendment 41," now codified as Article XXIX of the Colorado Constitution. Amends lobbyist disclosure statutes to delete disclosure of gifts to office holders (now prohibited), and instead require disclosure of gifts to candidates who have been elected but not yet sworn into office. Amends elected official disclosures to conform gift and honoraria disclosure and limit statutory language to gifts permissible under Article XXIX. Amended to preserve reporting of gifts of fact-finding missions or trips permitted by Article XXIX. Amended to repeal power of Secretary of State to issue advisory ethics opinions pursuant to Article 18 of Title 24.

Position Monitor **Desired Action**
Current Status Vetoed by Governor 6/1
Bill History H.St.Aff; Pass H.; Amended S.St.Aff.; Pass S.; Concur.
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 24-6-203, 301 and 302; 24-18-104; 1-45-105.5; Repeals 24-18-111 (1)(a) and

HB1358 COMMISSION ON CRIMINAL & JUVENILE JUSTICE

Rep. T. Carroll & Sen. Gordon
Creates the "Colorado Criminal and Juvenile Justice Commission" with 26 voting members comprised of the department heads for public safety, corrections, human services, as well the attorney general, the chairman of the state board of parole, members of the judicial branch, the general assembly, police departments, sheriff departments, experts in juvenile justice issues, county commissioners, defense attorneys, victim's rights organizations and members at-large. Creates a director position to be appointed by the governor. Establishes the mission of the commission is to enhance public safety, ensure protection or rights of victims, focus on evidence-based recidivism reduction initiatives and cost effective expenditures of limited criminal justice funds. Requires the commission to meet monthly, conduct studies of sentencing policies, investigate alternatives to incarceration and make annual reports of their findings and recommendations. Repeals commission July 1, 2013. Amended in the House to add a community corrections or treatment provider representative as commission member and the head of the juvenile parole board.

Position Active Support **Desired Action**
Current Status Signed by Governor 5/23
Bill History Amended H.Jud. & H.App.; Pass H.; S.Jud; Amended S.App.; Pass S.; Concur
Fiscal Impact FI **Impact Amount** \$121,217 GF
Statutory Ref. New Article 11.3 of Title 16

HJR1020 DARFUR HUMAN RIGHTS CRISIS

Rep. Marshall & Sen. Sandoval
Makes findings about the violence and genocide in the Darfur region of Sudan. Urges President Bush and the US Congress to continue to work with the international community to halt human rights abuses, impose economic sanctions and bring humanitarian assistance to the region.

Position Monitor **Desired Action**
Current Status Adopted
Bill History Adopted H & S
Fiscal Impact **Impact Amount**
Statutory Ref. non-statutory

HJR1047 OPPOSE REAL ID ACT

Rep. Pommer & Sen. Keller
Expresses Colorado General Assembly's support for both public safety and civil liberties.
Makes findings about the federal REAL ID Act. States opposition to REAL ID implementation and calls on Colorado's Congressional delegation to support the repeal of Real ID.

Position Active Support **Desired Action**
Current Status Adopted
Bill History H.St.Aff; Pass H; Pass S
Fiscal Impact **Impact Amount**
Statutory Ref. non-statutory

SB025 EXPAND EMPLOYMENT NONDISCRIMINATION PROTECTION

Sen. Veiga & Rep. Madden
Adds sexual orientation and religion to statutes prohibiting employment discrimination.
Defines "sexual orientation" to include transgender status. Clarifies that employers may require dress codes if they are consistently applied. Restates religious organization exemption from definition of "employer." Amended to clarify definition of "sexual orientation." Amended to exempt application of this statute to religious employers with respect to employment of individuals of a particular religion to perform work of the religious corporation, association, educational institution or society (tracks language of Title VII).

Position Active Support **Desired Action**
Current Status Signed by Governor 5/25
Bill History S.St.Aff.; Amended S.App.; Pass S.; Amended in H.Jud. & H. App.; Amended 3rd Reading; Pass H.; Concur
Fiscal Impact FI **Impact Amount** \$62,586 GF and 0.8 FTE
Statutory Ref. Amends 24-34-401 and 402

SB045 FEES FOR PROVIDING PUBLIC RECORDS

Sen. McElhany & Rep. McGihon
Sets a standard fee for copies of public records not to exceed \$0.25 per page for standard pages, or a fee which shall not exceed actual cost for records that are not in a standard page format. Amended to strike all provisions regarding retrieval fees.

Position Active Support **Desired Action** seek waiver of fee for indigents
Current Status Signed by Governor 4/19
Bill History Amended in S.Fin. & S.App.; Pass S.; H.St.Aff; H.Fin; Pass H.
Fiscal Impact FI **Impact Amount** GF + CF reduction \$25,802
Statutory Ref. Amends 24-72-205

SB060**EMERGENCY CONTRACEPTION FOR SURVIVORS**

Sen. Boyd & Rep. McGihon

Makes a legislative declaration. Defines "emergency contraception" and clarifies that it does not include RU-486, mifepristone or other drugs that induce medical abortion. Requires hospitals to adopt protocols for emergency rooms that provide care to survivors of sexual assault that inform survivor about EC. Encourages hospitals to provide training to ER staff. Does not require individual employees to inform survivors if they object due to religious or moral reasons. Defines survivor as "victim" of sexual assaults. States that hospitals need not inform survivor who is already pregnant or was a victim of a sexual assault that does not pose risk of pregnancy. Encourages rape crisis hotlines and pharmacies to distribute information about the availability and use of EC. Requires licensed pharmacies that do not have EC in stock to post notice in a conspicuous place stating "Plan B emergency contraception not available."

Position	Active Support	Desired Action
Current Status	Signed by Governor 3/15	
Bill History	S.HHS; Pass S; Amended H.HHS; Pass H. as amended; Concur	
Fiscal Impact	NFI	Impact Amount
Statutory Ref.	New Section 25-3-110	

CONDUCT OF ELECTIONS

Sen. Tupa & Rep. Weissmann

Adds student ID card from Colorado institution of higher education to list of acceptable forms of identification for voting. Requires persons using emergency voter registration to also answer the questions about their eligibility to vote and provide identification in the same manner as regular registration. Allows persons who attempted to register through a Voter Registration Drive ("VRD") to register by emergency registration if they are able to show a receipt from the VRD or provide the location of the VRD and the approximate date of registration. Clarifies that county clerk shall not register a first-time registrant that applies by mail unless they provide a driver's license number or the last 4 digits of their social security number. Requires VRD to collect applications they distributed that are offered by any elector and deliver it to the proper county clerk, and enlarges the timeframe for delivery to clerk from 7 to 15 business days. Changes penalties for VRD violations from criminal misdemeanor to civil fines of up to \$500 or \$1,000, depending on the violation; and makes violation of not delivering forms to clerk only punishable if willful violation, with a fine up to \$5,000 for intentional violations. Makes provisions for vacancies in party nomination that occur after the primary election but more than 18 days before the general election, including requirement for naming replacement candidate on ballot or on sample ballot, but clarifies that new ballots need not be printed if ballots with the name of the candidate that vacated the nomination have already been printed. Requires write-in candidates for governor to name a lieutenant governor running mate, and specifies that votes for such write-in candidate will not be counted if the running mate has not filed an affidavit of intent. Requires the Secretary of State to establish testing, backup and other requirements for vote center equipment with secure electronic connection to a computerized registration book, and requires a non-computerized copy of the registration book at every vote center. Increases percentage of voting devices in each county to be selected for manual random audit after an election. Conforms statutes on petition circulators to US Supreme Court ruling which declared portions unconstitutional. Eliminates requirement that petition circulators wear name badge, but preserves requirement that they wear badge indicating whether they are paid or volunteer. States that ballot preserved as an election record is not subject to disclosure under the open records act. Other miscellaneous provisions. Amended to specify that the number of student election judges at a polling location must be less than adult election judges. Amended to require names of poll watchers to be submitted to county clerk by close of business on Friday before Election Day. Amended with compromise language on ballot marking device certification to permit access to persons with disabilities consistent with HAVA. Amended to correct cross-references in school board election changes made in 2006.

Position	Amend - Support	Desired Action	
Current Status	Signed by Governor 6/1		
Bill History	Amended S.St.Aff.; Ref to S.Jud; Pass S.; Amended H.St.Aff. & H.App.; Pass H.; Conf Cmte Report Adopted.		
Fiscal Impact	FI	Impact Amount	\$82,332 CF and 1.0 FTE
Statutory Ref.	Omnibus bill for Title 1		

SB114 SUBSTANTIVE OMNIBUS CRIMINAL LAW

Sen. Shaffer & Rep. T. Carroll
Clarifies ability to prosecute alcohol distribution under contribution to the delinquency of a minor. Prohibits bail pending sentencing in cases where defendant is convicted of child abuse resulting in death. Requires persons convicted of class 5 felony offense of internet luring of a child to register as a sex offender, and add internet luring to list of crimes subject to crimes against children surcharge. Eliminates defense of purported age of child when defendant is a person in a position of trust. As introduced, adds strangling to second degree assault and makes this strangling assault a crime of violence, but this language was deleted in Appropriations Committee because of cost. Expands definition of "gravity knife." Requires persons convicted of weapon possession by a previous offender to serve sentence consecutively to any other sentence and includes this offense to Colorado Organized Crime Control Act offenses. Makes persons convicted of drug possession more than once subject to higher level of offense. Amended to add mental health records to theft of medical records statute. Amended in the final days by removing the section creating a class I misdemeanor for false reporting (currently a class III misdemeanor.)

Position Active Oppose **Desired Action** Oppose only sections 10-12
Current Status Signed by Governor 5/13
Bill History Amended S.Jud. & S.App.; Pass S.; Amended H.Jud; H.App.; Pass H.; Concur
Fiscal Impact FI **Impact Amount**
Statutory Ref. Omnibus bill - Titles 16 and 18

SB115 PROCEDURAL CRIMINAL LAW WIRETAPS

Sen. Shaffer & Rep. T. Carroll
Amended to strike everything and replace with slight expansion of power of AG or DA to approve wiretap for period not to exceed 24 hours in an emergency situation where suspected felons have barricaded themselves in a building and there is reason to believe they have weapons or explosives.

Position Monitor **Desired Action**
Current Status Signed by Governor 4/2
Bill History Amended in S.Jud.; Pass S.; Amended H.Jud; Pass H.; Concur
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 16-15-102

SB117 ATTORNEY FEES LAWFUL ACTIVITIES EMPLOYMENT CASES

Sen. Bacon & Rep. T. Carroll
Changes the attorney fee and court cost provisions in the "lawful activities" statute to specify that prevailing plaintiffs are entitled to fees and costs. Amended to exempt employers with 15 or fewer employees from the attorney fees and court costs provision. Amended to delete provision regarding attorney fee awards in frivolous lawsuits.

Position Passive Support **Desired Action**
Current Status Signed by Governor 5/14
Bill History S.Jud; Amended 2nd Reading; Pass S.; Amended H.Jud.; Pass H.; Concur.
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 24-34-402.5

SB136 PROTECTION ORDER MODIFICATIONS

Sen. Morse & Rep. Romanoff
Clarifies that in civil protection order cases the courts can order temporary conditions related to mortgage payments, telephone, utilities, child care, personal property. Specifies that orders in a temporary protection order can be superseded by district court orders in a domestic matter.

Position Monitor **Desired Action**
Current Status Signed by Governor 5/17
Bill History Amended S.Jud; Pass S.; H.Jud; Amended 2nd Reading; Pass H.; Concur
Fiscal Impact NFI **Impact Amount**
Statutory Ref. Amends 13-14-102

SB153 ENFORCE ORDERS OF LOCAL HEALTH OFFICER

Sen. Morse & Rep. Gagliardi
Authorizes enforcement by district attorneys of quarantine and isolation orders issued by a local health officer. Requires local health officer to respect the creed or tenets of religion of persons subject to health orders, provided that sanitary and quarantine laws and rules are complied with. Specifies unlawful acts, including those committed by officers or employees of local boards of health. Repeals lesser penalties for quarantine violations and physician and hospital employee violations.

Position Active Support **Desired Action**
Current Status Signed by Governor 4/20
Bill History S.HHS; Pass S.; H.LG; Pass H.
Fiscal Impact FI **Impact Amount**
Statutory Ref. New Sections 25-1-611.5 and 611.7; Amends 25-1-650; New Sections 25-1-650.5 and

SB197 SAFE-2-TELL HOTLINE FOR SCHOOLS

Sen. Morse & Rep. Frangas
Establishes the "Safe-2-Tell" telephone hotline to permit students, teachers and other school employees to anonymously report information about dangerous, violent or criminal activities at the school to appropriate law enforcement agency. Sets forth the duties of the program and requires that it function as a nonprofit entity. Requires procedures to ensure reports can be made anonymously and to only reveal records when a criminal defendant moves for such production and the records may contain impeachment or exculpatory evidence. Requires court to conduct ex parte in camera review of such records prior to ruling on defendant's motion. If court orders production of such records to defense, requires any information that identify the informant, requires redaction of such information unless disclosure is required as a matter of constitutional law. Creates a class 1 misdemeanor offense for persons that knowingly disclose confidential records or information from the Safe-2-Tell program.

Position Monitor **Desired Action**
Current Status Signed by Governor 5/3
Bill History Amended S.Ed; Amended 2nd Reading; Pass S.; H.Ed; Pass H.
Fiscal Impact FI **Impact Amount**
Statutory Ref. New Article 15.8 in Title 16; New Section 22-1-126

SB210**INDEPENDENT ETHICS COMMISSION**

Sens. McElhany and Groff & Rep. Marshall
 Implements portions of Amendment 41 by establishing the Independent Ethics Commission. Specifies process for selection and appointment of commissioners and powers and duties of the commission. Establishes procedures whereby advisory opinions and letter rulings may be requested by public officers, members of the general assembly, public employees and local government officials, and requires response to request for advisory opinion within 20 days. For requests from other persons, directs the commission to respond as soon as practicable. Requires advisory opinions and letter rulings to be posted to commission website, but directs redaction of letter rulings to keep confidential the identity of person making request. Requires commission rule-making to comply with Administrative Procedures Act. Empowers the commission to employ staff, subject to available appropriations. Establishes procedures whereby the commission may issue subpoenas upon motion of a member that is approved by at least four members. Permits judicial review of final actions of the commission. Makes a general fund appropriation.

Position	Monitor	Desired Action	
Current Status	Signed by Governor 4/26		
Bill History	S.St.Aff; Amended S.App.; Pass S.; Amended H.St.Aff., H.App.; Pass H.; Concur.		
Fiscal Impact	FI	Impact Amount	\$219,996 GF and 2.7 FTE
Statutory Ref.	New Article 18.5 in Title 24		

SB234**VOTING BY MAIL**

Sen. Gordon & Rep. Levy
 Changes the term "absentee ballot" to "mail-in ballot." Allows any eligible elector to apply for permanent mail-in voter status. If it is determined that the applicant is an eligible elector, requires the designated election official to place the elector's name upon a list to whom a mail-in ballot is mailed each election in which the elector is permitted to vote, and include an explanation of mail-in procedure in the mailing. Requires designated official to maintain a list of permanent mail-in voters and delete from the list electors who notify the official of desire to be removed, are deemed "inactive" or if their ballot is returned as undeliverable. Upon request from a mail-in elector, directs the official to notify elector that the ballot was received and shall be counted. Amended to require opportunities for mail ballots to be hand-delivered. Amended to require notice on secrecy sleeve or instruction card that all ballot are counted in the same manner.

Position	Passive support	Desired Action	
Current Status	Signed by Governor 6/1		
Bill History	Amended S.St.Aff.; Pass S.; Amended H.St.Aff.; Pass H.; Concur		
Fiscal Impact		Impact Amount	
Statutory Ref.	omnibus bill		

SB241 DRIVER'S & PLATE LICENSE FEES

Sen. Johnson & Rep. Pommer
Increases fee for issuance of various types of driver's licenses by amounts ranging from \$1.90 to \$9.40. Adds \$25 to cost of most special license plates (except those military plates exempt from fees). Allocates fees to licensing services cash fund to support personal services costs in operating driver's license offices. Also increases amount retained by local county clerk's office. Anticipated to generate \$6.5 million in addition revenue per year, although delay in implementation will reduce this amount in FY 2007-08.

Position Active Monitor **Desired Action**
Current Status Signed by Governor 5/31
Bill History (JBC bill) S.Tran; Amended S.App.; Pass S.; Amended H.Tran. & H.App.; Pass H.; Concur
Fiscal Impact FI **Impact Amount** \$5,758,929 CF to offset GF appropriation in Long Bill
Statutory Ref. New Section 42-2-114.5 and 43-3-312

SB260 REDUCING THE COSTS OF INCARCERATION

Sen. Tapia & Rep. White
Increases threshold amounts differentiating between misdemeanor and felony offenses related to: defrauding an innkeeper, theft, theft of rental property, aggravated motor vehicle theft, theft by receiving, criminal mischief, fraud by check, defrauding a secured creditor or debtor, failure to pay over assigned accounts, concealment or removal of secured property, unlawful failure to pay over proceeds, unauthorized use of a financial transaction device, computer crime, crimes against at-risk adults and juveniles, trafficking in food stamps, tampering with a motor vehicle, theft of motor vehicle parts or license plates. Requires DCJ, in consultation with the state economist, to report on January 1, 2011 and every five years thereafter to the legislature on possible inflationary changes to these crimes.

Position Monitor **Desired Action**
Current Status Signed by Governor 5/31
Bill History (JBC bill) Amended S.Jud; S.App.; Pass S.; Amended H.Jud; Pass H. unamended
Fiscal Impact FI **Impact Amount** GF savings in future budget years
Statutory Ref. Amends 12-44-102; 18-4-401, 402, 409, 410 and 501; 18-5-205, 206, 502, 504, 505, 702