

American Civil Liberties Union of Colorado

HB1020 RECOVERY OF COSTS IN CIVIL ACTIONS AFTER OFFER OF SETTLEMENT

Sponsors: Rep. Madden & Sen. Veiga

Clarifies that, if a plaintiff rejects a defendant's settlement offer and subsequently recovers a final judgment that is less than the settlement offer, the plaintiff shall recover actual costs that accrued prior to the time the defendant made the settlement offer.

Current Status: Signed by Governor

Fiscal Impact:

Position: Passive support

HB1076 FEES FOR COPIES OF CRIMINAL JUSTICE RECORDS

Sponsors: Rep. Ferrandino & Sen. Gordon

Conforms criminal justice records act to SB 07-045. Caps fee for photocopies of criminal justice records at \$0.25 per page. Amended to clarify ability to charge fees (limited to actual cost) for search, retrieval and redaction. Amended to specify that criminal discovery requests are governed by Rule 16 of the Rules of Criminal Procedure and not by the provisions of this act.

Current Status: Signed by Governor

Fiscal Impact:

Position: Active Support

HB1082 SEALING CRIMINAL JUSTICE RECORDS

Sponsors: Rep. Ferrandino & Sen. Bacon

Reduces the number of 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.

Current Status: Senate Judiciary

Fiscal Impact:

Position: Passive Support

HB1089 NONPROFIT BOARD ACTION FLEXIBILITY

Sponsors: Rep. Balmer & Sen. Veiga
Facilitates email voting by permitting the board of directors of a nonprofit corporation to take action upon written notice and the board members' written vote or failure to respond, unless otherwise provided in the bylaws.

Current Status: Signed by Governor

Fiscal Impact:

Position: Monitor

HB1119 ADDS RACIAL DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM TO THE WORK OF THE ADULT AND JUVENILE JUSTICE COMMISSION

Sponsors: Rep. Marshall & Sen. Gordon
Directs the Colorado Commission on Criminal and Juvenile Justice to study the reduction of racial and ethnic disparities in the criminal justice system.

Current Status: Signed by Governor

Fiscal Impact:

Position: Active Support

HB1128 SIGNATURE VERIFICATION IN ELECTIONS

Sponsors: Rep. Marostica & Sen. Gordon
Authorizes county clerks and recorders to access the digitized signatures in the statewide voter registration system in order to compare an elector's signature in the system with the signature on the return envelope of a mail-in ballot, including by using a signature verification device. For mail ballot elections, requires comparison of signature on envelope to signature on file in statewide system rather than a copy on file in the clerk's office. Requires an election judge to compare signatures if a signature verification device is unable to determine a match. Prohibits design of mail ballot envelopes from impeding use of signature verification devices.

Current Status: Signed by Governor

Fiscal Impact:

Position: Monitor

HB1130 INTERCEPTION OF COMMUNICATIONS EXTENSION

Sponsors: Rep. Garza-Hicks & Sen. Tapia

Permits a district attorney's or the attorney general's designee to apply for a wiretap if the district attorney or attorney general is out of the jurisdiction. Removes the restriction that allows only one extension for an order of a wiretap. Amended to authorize no more than 3 extensions of such order.

Current Status: Signed by Governor

Fiscal Impact:

Position: Monitor

HB1155 VOTING SYSTEMS CERTIFICATION FOR 2008

Sponsors: Reps. Balmer and Marshall & Sens. Gordon and Johnson

Without relaxing existing standards, authorizes the secretary of state to amend or rescind any of the orders issued by the secretary of state on December 17, 2007, regarding the certification of voting systems. Permits additional testing of machines using experienced staff of county clerks office to operate the machine during the test.

Current Status: Signed by Governor

Fiscal Impact:

Position: Active Monitor

HB1174 UNIFORM INTERSTATE DEPOSITIONS & DISCOVERY ACT

Sponsors: Rep. McGihon & Sen. Gordon

Allows a party to submit a subpoena from another state for the deposition of a witness or for the discovery or inspection of documents or other tangible things to the clerk of the court in the county in which the deposition or discovery is to occur and a new subpoena to be issued in Colorado. Provides that service of subpoenas, motions for protective orders and enforcement actions are governed by Colorado law.

Current Status: Signed by Governor

Fiscal Impact:

Position: Monitor

HB1178 SPAM REDUCTION ACT OF 2008

Sponsors: Rep. M. Carroll & Sen. Hagedorn

Replaces the existing "Colorado Junk Email Law" with provisions that are intended to be consistent with, and as stringent as may be adopted by any state under, the federal "CAN-SPAM Act of 2003." Makes violations a deceptive trade practice and enforceable by Attorney General under Consumer Protection Act. Creates a misdemeanor offense. Defines terms. Exempts email service providers.

Current Status: Signed by Governor

Fiscal Impact:

Position: Monitor

HB1189 PROHIBIT STATE EMPLOYEE STRIKES

Sponsors: Rep. Riesberg & Sen. Gibbs

Prohibits any employee in the state personnel system or any labor organization, through formal action or through its agents, from inciting, encouraging, aiding, or participating in a strike, stoppage of work, slowdown, or interruption of operations by employees in the state personnel system.

Current Status: Signed by Governor

Fiscal Impact:

Position: Monitor

HB1192 DOC INMATE COPAYMENT MEDICAL SERVICES

Sponsors: Rep. V. Mitchell & Sen. Spence

Requires the executive director of the department of corrections to establish procedures requiring inmates to pay a copayment for inmate-initiated medical, mental health, dental, and optometric visits. Allows the executive director to specify services for which no copayment will be assessed and the specific and exclusive bases upon which a copayment may be waived. Amended to cap copayment at \$5 per visit.

Current Status: Signed by Governor

Fiscal Impact:

Position: Monitor as amende

HB1193 COURT JUDGE PARTY PRESIDE PROHIBITED

Sponsors: Rep. Levy & Sen. Shaffer

Permits any party to file a motion for recusal of a judge of a district or county court when any other party in the case is a judge or former judge of the same district or county court. Specifies that upon the filing of such motion the judge shall recuse himself or herself. Requires the chief justice of the Colorado supreme court to appoint a presiding judge in such cases.

Current Status: Signed by Governor

Fiscal Impact:

Position: Passive Support

HB1203 MATERIAL CHANGE HOSPITAL TRANSACTIONS

Sponsors: Rep. M. Carroll & Sen. Boyd

Defines the term "material change" for purposes of the laws relating to transactions involving licensed hospitals to denote the likely deterioration or reduction in the accessibility or availability of health care services in the affected communities served by a hospital.

Current Status: Conference Committee

Fiscal Impact:

Position: Active Support

HB1208 LIMITATIONS ON DIRECT FILE JUVENILE CASE

Sponsors: Rep. Levy & Sen. Shaffer

Changes the minimum age for direct file in a district court against a juvenile, from 14 to 16 years. Removes vehicular homicide and vehicular assault from the crimes eligible for direct file. Removes vehicular homicide and vehicular assault from crimes eligible for direct file. Permits a sentence to YOS as a result of a plea to a class 2 felony if the juvenile was charged with a class 1 felony and the DA stipulates or the court finds that there is no reasonable likelihood of conviction on the class 1 felony. Permits the court to sentence a juvenile who is convicted as an adult to a juvenile disposition if the court finds it in the interests of the juvenile and the community. Requires a juvenile who is convicted as an adult to be sentenced to a juvenile disposition for an offense for which criminal charges could not have been originally filed by information or indictment. If a juvenile is convicted as an adult and receives a juvenile disposition, requires the conviction to be adjudicated as a juvenile delinquency. Allows a juvenile to file a reverse-transfer petition with the district court within thirty days after the juvenile is charged by direct file or by indictment, requesting that the case be remanded to the juvenile court for adjudication. Requires the district court to set a reverse-transfer hearing as soon as practicable. Establishes that the juvenile shall have the burden of showing by a preponderance of the evidence that adjudications as a juvenile rather than trial as an adult would serve the best interests of the juvenile and the community. If the burden of proof is satisfied requires the court to consider whether there is probable cause for the charged offense, whether the interests of the juvenile or the community would be better served by trying the juvenile as an adult, and the elements of 19-2-518 (4) (b). These elements are numerous and include the seriousness of the offense, aggressiveness of the offense, was the offense against persons, maturity of the juvenile, previous record of the juvenile, and more.

Current Status: 2nd reading in Senate

Fiscal Impact:

Position: Active Support

HB1233 ATTRIBUTE CONTRIBUTIONS LLCs

Sponsors: Rep. Judd & Sen. Tupa

Modifies existing provisions of the "Fair Campaign Practices Act" requiring a limited liability company to provide information to the recipient committee or political party as to how a contribution from the LLC is to be attributed among its members to specify that the attribution shall conform to the ratios on the date the contribution is made of the capital each member of the LLC has invested in the company to the total amount of capital invested in the LLC.

Current Status: Signed by Governor

Fiscal Impact:

Position: Monitor

HB1236 **AG DEPT LIVESTOCK INFO SECURITY ACT**

Sponsors: Rep. Curry & Sen. Isgar

Creates the "Livestock Information Security Act" to require that all information disclosed to the department of agriculture regarding livestock be kept confidential. Excludes certain persons and circumstances from the scope of confidentiality.

Current Status: Delivered to Governor

Fiscal Impact:

Position: Active Monitor

HB1264 **ELECTRONIC READ-ONLY ACCESS TO COURT RECORDS**

Sponsors: Rep. Roberts & Sen. Shaffer

Allows statewide electronic read-only access to the name index and register of actions of certain public case types to county departments and attorneys who represent the county departments, the office of the state public defender, guardians ad litem under contract with the office of the child's representative or authorized by the office of the child's representative to act as guardian ad litem, attorneys under contract with the office of the alternate defense counsel, respondent parent counsel, and criminal justice agencies. Authorizes the supreme court to adopt rules regarding access to the name index and register of actions. Requires agencies with access to provide staff training on appropriate usage and confidentiality requirements.

Current Status: 2nd reading in Senate

Fiscal Impact:

Position: Monitor

HB1325 **SEASONAL AGRICULTURAL WORKER PROGRAM**

Sponsors: Rep. Looper & Sen. Tapia

Requires the executive director of the dept of labor and employment, in conjunction with the commissioner of the department of agriculture, to implement the nonimmigrant agricultural seasonal worker pilot program for the purpose of expediting recruitment, application, and approval of workers through the federal H-2A certification process.

Current Status: Senate Appropriations

Fiscal Impact:

Position: Active Amend

**HB1329 UPDATING VOTER REGISTRATION LISTS INACTIVE
VOTERS**

Sponsors: Rep. Marshall & Sen. Gordon

Requires inactive voters to receive postcard notification of inactive status from county clerk and recorder not less than 90 days before a mail ballot election. Permits the inactive voter to sign and return the notice postcard to be considered an active voter. Those that do not return the postcard are deemed "conditionally active" and if they fail to return a marked ballot in the election their registration may be cancelled after the time has elapsed.

Current Status: Concurrence Pending

Fiscal Impact:

Position: Active Support

HB1364 INTERDEPARTMENTAL DATA PROTOCOLS

Sponsors: Rep. Benefield & Sen. Windels

Requires the state CIO to convene a data protocol development council to assist in designing and implementing inter-departmental data protocol. The council is no more than 2 reps from each agency who have IT and communication responsibilities, and other persons as needed. By July 1, 2009 requires an RFP to evaluate communication and IT resources to determine if such resources are sufficient for implementation of the interdepartmental data protocol. The protocol shall include policies and procedures and timelines for collecting storing, manipulating, sharing, retrieving and releasing data. Protocols shall be designed to ensure that state agency data can be matched and discrepancies identified. Protocols shall establish circumstances for sharing information and format for sharing as well as compliance with all applicable laws and prevent sharing of personal information. Amended to clarify no intent to nullify existing data sharing memoranda of understanding between state agencies. Amended to clarify no intent to prevent release of information available under Open Records Act. Amended to permit receipt of gifts, grants and donations, and to include a "no appropriation" clause. Amended to delete provisions concerning assignment of unique student identifiers to publicly funded preschool students and replace these provisions with directive to convene working group to study issues pertaining to assignment of SASID to preschool students.

Current Status: 2nd reading in Senate

Fiscal Impact: None

Position: Active Monitor

HB1377 BAIL FOR DUI & VEHICULAR ELUDING

Sponsors: Rep. King & Sen. Penry

Requires a person convicted of driving with a suspended/restricted license because of a DUI to have bail set at a minimum of \$10,000. When vehicular eluding and DUI arise out of the same incident the bail shall be at least \$50,000. However allows the bail to be set at a lesser amount if the court makes a specific written finding that the person is not a threat to the community and a lesser bail is sufficient.

Current Status: 3rd reading in Senate

Fiscal Impact:

Position: Active Oppose

Sponsors: Rep. T. Carroll & Sen. Shaffer

Allows an alternative bonding program where the bond percentage (currently no more than 15% by statute) may be used to support a program of pretrial services. The pretrial services program may use up to 50% of the moneys posted through the program for a program of treatment, costs of securing a defendant's appearance or other services. If the defendant is released with no conviction the remaining monies shall be returned. If convicted the remaining monies shall first pay any fines, fees or restitutions then returned. Allows the DOC to make a sex offender determination for the purposes of classification and treatment if there is a sex offense or an underlying factual basis or based upon criminal behavior within the department but, limits the DOC's authority for requiring sex offender treatment to those persons who are convicted of offenses for which a determination has been made by the court that there is an underlying factual basis of a sexual offense. Requires a juvenile who files a petition to be removed from the sex offender registry to do so with the court to which venue is transferred, if any. Disallows a DA from charging the DOC for staff costs of prosecuting a case. Removes existing language prohibiting felony offenders, other than non-violent felony offenders, from being eligible to receive earned time while on parole or re-incarceration after revocation. Requires the court to consider a defendant's present and future ability to pay when assessing costs.

Current Status: House Appropriations

Fiscal Impact:

Position: Active Monitor

Sponsors: Reps Jahn & King, Sens. Kopp and Gordon

Requires the preservation of all reasonable and relevant evidence for the life of the defendant for class 1 felonies or sex offenses with an indeterminate sentence. Requires the DNA profile, if processed, to be preserved by the laboratory that develops the profile, or sent to an accredited laboratory if prepared by a non-accredited laboratory. Requires all other evidence to be preserved by the law enforcement agency that collected it. Requires law enforcement agencies to preserve the evidence in an amount and manner sufficient to develop a DNA profile based on the best scientific practices, from the biological material. If the material is too bulky to retain allows a law enforcement agency to remove portions of the evidence likely to contain biological material related to the offense in a quantity sufficient, based on best scientific practices, to permit future DNA testing. Then allows return or disposal of the remainder of the evidence. Evidence that is collected for class 1 felonies and sex offenses as above for charges which are not filed, shall be preserved for the length of the statute of limitations for the crime that was investigated. If an entity is asked to produce evidence that is required to be preserved under this law and cannot produce the evidence, the chief evidence custodian shall provide an affidavit which describes the effort taken to locate the evidence, and that the evidence could not be located. If evidence that is required to be preserved is destroyed, the court shall determine whether the destruction violated the defendant's due process rights, and if so, order an appropriate remedy. Prior to disposing any evidence not of a class 1 felony or indeterminate sex offense that was collected and culminated in a conviction the custodian shall notice the DA that prosecuted the crime. DA will make a determination. If the DA determines that evidence should be destroyed the DA will give notice to the defendant or attorney of record regarding the evidence to be destroyed. The defendant or attorney of record shall have 90 days to file an objection to disposal with the court that entered the conviction. Defendant or attorney shall have a reasonable right to review the evidence in the 90 day period. The evidence custodian shall not dispose of the evidence during that 90 day period. If no objection filed within 90 days the evidence may be disposed. Objection shall specify the desire to preserve and the grounds and a copy filed with the evidence custodian. The evidence custodian shall not destroy without a court order. Court may deny the objection without a hearing and shall issue an order for destruction and provide copies to DA, defendant or attorney, and the evidence custodian. If the court finds grounds for preservation shall set a hearing unless DA and defendant agree a hearing is not necessary. Establishes factors a court shall consider when determining whether to order preservation of the evidence. Requires a court to make a finding of whether identification of the perpetrator was an issue, and whether the case includes evidence that contains known DNA, whether it is possible to perform a serology test that has not been previously performed, the charges filed and on which the defendant was convicted, whether the defendant plead guilty or was convicted, whether the case includes reasonable and relevant DNA evidence that should be preserved. Creates a continued DNA working group in the Department of Public Safety. Requires a report to the Judiciary Committees no later than October 1, 2010. Requires the working group to make recommendations to the General Assembly by the same date. Requires POST Board to certify training curriculum for DNA collection and retention techniques and allows them to develop a specialized certification program of protocols related to DNA.

Current Status: Senate Judiciary

Fiscal Impact:

Position: Active Support

HB1406 PAID PETITIONING FOR INITIATIVES AND REFERENDA

Sponsors: Rep. Madden & Sen. Gordon

Requires the Secretary of State to make filed petition forms available to the public within one business day of filing. Enlarges the time for filing a challenge to a determination of petition sufficiency from 30 to 45 days. Requires business entities ("petition entities") engaged in paid petitioning to first register with the Secretary of State and disclose and affirm certain information. Requires paid petition circulators to be US citizens, legal residents of Colorado and not convicted of felonies involving fraud or sex offenses. Requires petition entities to verify eligibility of paid petitioners. Requires petition entities to provide paid circulators with an accurate description of the proposed measure and instruct paid circulators to not make false or misleading statements about the measure. Requires petitions circulated by paid petitioners to have printed on them the name of the petition entity employing or contracting with the paid petitioner. Makes criminal offense of obtaining a signature on a written instrument by deception (section 18-5-112) applicable to petitioning. Voids petition sections not in compliance with the requirements of this act. Amended to clarify that petitions are immediately available to the public once Secretary of State completes determination of sufficiency. Amended to require strict compliance with requirements of this section. Effective date is August 6, 2008 and applies to petitions filed on or after that date.

Current Status: 3rd reading in House

Fiscal Impact:

Position: Pending review

HCR1013 NO BAIL SERIOUS CRIMES ILLEGAL ALIENS

Sponsors: Rep. B. Gardner & Sen. S. Mitchell

Denies a person the right to bail if the person has committed a serious felony offense or a serious offense involving driving under the influence of alcohol or drugs as determined by law and is the country illegally if the proof is evident or presumption is great as to the commission of the serious felony offense or serious offense involving driving under the influence.

Current Status: House State Affairs

Fiscal Impact:

Position: Active Support

HJR1030 DISABLED ACCESS TO LEGISLATIVE PROCEEDINGS

Sponsors: Rep. Romanoff & Sen. Groff

Amends joint rules of the general assembly to require reasonable accommodations to provide access to persons with disabilities. Charges executive committee of legislative council to adopt policy on reasonable accommodation.

Current Status: 3rd reading in House

Fiscal Impact:

Position: Pending review

SB040 **ONLINE VOTER REGISTRATION**

Sponsors: Sen. Gordon

Allows a person who is qualified to vote to register by completing an electronic application on the official web site of the secretary of state if the person's signature is stored in digital form in one of the databases used by the department of revenue, including: state titling and registration; driver's license; motor vehicle registration; motorist insurance database; and state income tax information. Directs the secretary of state to search those databases for the signature, and if found, add the person to the voter registration rolls.

Current Status: 3rd reading in Senate

Fiscal Impact:

Position: Monitor

SB054 **JUDICIAL PERFORMANCE EVALUATIONS**

Sponsors: Sen. Shaffer & Rep. T. Carroll

Establishes the office of judicial performance evaluation within the judicial department and specifies the duties of the office. Makes the state commission on judicial performance the appointing authority for the director of the office. Specifies terms for members serving on the state and district judicial performance commissions. Specifies criteria for evaluation of justices and judges and required components of written evaluations. Requires at least one interim evaluation for each justice or judge during a full term in office. Directs the state court administrator to provide case management data to commissions for use in evaluating judges.

Current Status: 2nd reading in House

Fiscal Impact:

Position: Monitor

SB066 **FELONY MURDER PENALTY FOR JUVENILES**

Sponsors: Sen. Williams & Rep. Marshall

Reduces first degree murder to a class 2 felony if the defendant was under 18 years of age at the time of the offense, was convicted as an adult, and did not commit or assist in committing the homicidal act. Makes a defendant convicted of class 2 felony first degree murder eligible for sentencing to the youthful offender system.

Current Status: Passed House unamended

Fiscal Impact:

Position: Active Support

SB079 **IN-STATE TUITION FOR US CITIZENS**

Sponsors: Sen. Sandoval & Rep. Massey

Specifies criteria for a student who is a United States citizen to receive in-state student classification for purposes of tuition in state-supported institutions of higher education. Requires such students to have graduated from a high school in Colorado and to have attended a high school in Colorado for at least three years prior to enrollment in the higher education institution. Specifies that information submitted to satisfy the requirements of this act shall be considered confidential unless disclosure is otherwise required by law. Amended to include students that completed GED in Colorado that have resided in the state for at least three years. Amended with clarifying language describing provision of this act as "an additional option" for establishing in-state tuition eligibility.

Current Status: Concurrence Pending

Fiscal Impact:

Position: Active Support

SB082 **SUNDAY RETAIL SALE OF ALCOHOLIC BEVERAGES**

Sponsors: Sen. Veiga & Rep. Jahn

Eliminates the prohibition against the retail sale, service, or distribution of malt, vinous, and spirituous liquors in sealed containers on Sundays.

Current Status: Signed by Governor

Fiscal Impact:

Position: Monitor

SB088 **PROHIBIT TOBACCO POSSESSION BY MINORS**

Sponsors: Sen. Tupa & Rep. Massey

Amended to strike everything and replace with increased penalties on retailers that sell to minors. Amended to prohibit sale of certain flavored tobacco products.

Current Status: Concurrence Pending

Fiscal Impact:

Position: Monitor

SB106 SEX OFFENDER CHILD CUSTODY CASES

Sponsors: Sen. Schultheis & Rep. Lundberg

Amended to strike everything and substitute: In a child custody case in which one of the parties has been convicted of a crime involving unlawful sexual behavior in another state, permits the other parent or any person granted custody to file objections to a petition for parenting time. In such cases, directs the court to order the convicted offender to submit to sex offender assessment and consider such information in determining parenting time. Requires the convicted offender to pay for the assessment.

Current Status: 3rd reading in House

Fiscal Impact:

Position: Monitor as amende

SB134 CREATES THE COUNTY JAIL ASSISTANCE FUND

Sponsors: Sen. Kopp & Rep. McNulty

Adds the existence of an immigration hold as one of the things that an officer may consider in determining probable cause that the defendant is illegally present in the US. For bonds and fees forfeited pursuant to this section of the law, requires that 50% of the amount shall be credited to the county jail assistance fund. Allows the JBC to appropriate those moneys to the DOC for allocation to counties for the maintenance and operation of county jails. Mandates that bail for distribution of a schedule I or II controlled substance shall be \$50,000 except that upon a motion of the DA and a showing of good cause may be another amount. Requires an inflationary adjustment of that amount to be accomplished by the state court administrator.

Current Status: Concurrence Pending

Fiscal Impact:

Position: Monitor

SB139 NOTIFY EMPLOYERS E-VERIFY PROGRAM

Sponsors: Sen. Schultheis & Rep. Lundberg

Requires the department of labor and employment to notify employers, quarterly for the next 2 years and twice per year thereafter, of the prohibition against hiring or continuing to employ an unauthorized alien and that availability of and participation requirements for the federal electronic verification program to verify the work eligibility status of new employees.

Current Status: Delivered to Governor

Fiscal Impact:

Position: Monitor

SB140 TOXICOLOGY TESTS FOLLOWING SERIOUS TRAFFIC ACCIDENTS

Sponsors: Sen. Shaffer & Rep. Fischer

Requires a toxicology test in any auto accident involving serious bodily injury or death. Requires that in order to be admissible in court there must be probable cause independent of the toxicology tests. Amended to increase by \$25 the penalty surcharges on DUI and DWAI offenses and use cash funds generate to pay costs associated with mandated toxicology tests.

Current Status: House Judiciary

Fiscal Impact: Yes

Position: Passive Oppose

SB145 COUNTY COMMISSIONERS ANNUAL JAIL INSPECTION

Sponsors: Sen. Kopp & Rep. J. Kerr

Amends existing requirement for county commissioners to inspect their jails once during each session of the board to require annual inspection. Amended to require inspection at least annually, and more frequently if necessary.

Current Status: Delivered to Governor

Fiscal Impact: None

Position: Active Monitor

SB150 SCHOOL DISTRICT RETIREMENT PLAN CONFIDENTIAL INFO

Sponsors: Sen. Sandoval & Rep. Frangas

Makes all information in records of school district employee retirement plans confidential. Allows trustees to use discretion to release certain investment information.

Current Status: Signed by Governor

Fiscal Impact:

Position: Passive Support

SB183 PATERNITY DNA TESTING CHILD SUPPORT

Sponsors: Sen. S. Mitchell & Rep. Todd

Allows for an order determining parentage to be modified or set aside in certain situations based on DNA test result. Requires the court to terminate child support obligations in certain situations if DNA test results establish that the obligor is not the child's biological parent. Amended to increase filing fee on motion to modify parentage pursuant to this section.

Current Status: House Judiciary

Fiscal Impact:

Position: Monitor

SB192 **PROHIBIT TARGETED RESIDENTIAL PICKETING**

Sponsors: Sen. Ward & Rep. Rice

Creates a unclassified misdemeanor offense for engaging in targeted residential picketing or for carrying more than one sign in a residential area or a sign larger than 2' by 3'. Defines "targeted picketing" to exclude marching without stopping for at least one block. Requires a warning to have been previously issued before a violation can occur. Punishes violations with a fine of up to \$5,000. Permits local jurisdictions to adopt more stringent requirements. Amended to change distance of march from one block to a distance beyond three adjacent structures to each side of the targeted residence or 300 feet, whichever is less. Amended to require law enforcement official to indicate required distances for march in warning given prior to a violation. Amended to prohibit vehicles with signs mounted on them from parking within 3 adjacent structures or 300 feet of targeted residence if such vehicle is part of targeted picket. Amended to include severability clause.

Current Status: Concurred with second house amendments

Fiscal Impact:

Position: Active Monitor

SB193 **REQUIREMENTS FOR PUBLIC CONTRACTS FOR SERVICES**

Sponsors: Sen. McElhany & Rep. Judd

Updates statutory reference to the federal electronic employment eligibility program to reflect the program's new name ("e-verify"). Excludes certain types of agreements related to securities and investment advising from current definition of public contract for services. Requires the Dept of Labor & Employment to allow a contractor to verify employment eligibility for new hires. Modifies the scope of precontract certification. Requires all public contracts for services to include a provision requiring the contractor to use the federal electronic employment eligibility verification program for new hires.

Current Status: 3rd reading in House

Fiscal Impact:

Position: Active Monitor

SB198 **CONGRESSIONAL REDISTRICTING CRITERIA & PUBLIC PROCESS**

Sponsors: Sen. Gordon & Witwer

In creating congressional districts, directs the general assembly to utilize factors already specified for judicial review of redistricting plans; not purposely favor or discriminate against any political party or group; create competitive districts to the extent practicable; conduct no fewer than 12 public hearings throughout the state on proposed redistricting plans (including at least one in each congressional district); make redistricting data and mapmaking tools available to the public in at least one location in each congressional district; and allow for the submission of redistricting maps, recommendations, and inquires from the public.

Current Status: House State Affairs

Fiscal Impact:

Position: Monitor

SB200 **EXPAND PROHIBITIONS AGAINST DISCRIMINATION**

Sponsors: Sen. Veiga & Rep. Judd

Amends prohibitions against discrimination in housing and public accommodations to include protections based on sexual orientation. Adds sexual orientation to numerous other laws prohibiting discrimination, and also adds religion, creed, disability, national origin, ancestry, sex and marital status to various anti-discrimination laws to make consistent the scope of protections. Requires counties and school districts to adopt non-discrimination policies. Amended to delete the addition of religion to public accommodation and advertising statutes. Amended to delete addition of creed to jury service statute. Amended to include new section on non-discrimination in auto insurance.

Current Status: House Judiciary

Fiscal Impact: Yes

Position: Active Support

SB205 **NEW TRIAL FOR LOST OR DESTROYED DNA EVIDENCE**

Sponsors: Sens. Gordon and S. Mitchell & Reps. King and Jahn

Amended to strike everything and replace with new section that applies only to biological evidence capable of being tested for DNA. Grants a new trial to defendant in cases in which biological evidence subject to a court order for testing or release is intentionally or negligently lost or destroyed. Includes exception for evidence lost or destroyed due to an act of God.

Current Status: Concurrence Pending

Fiscal Impact:

Position: Active Support

SB206 **LEASE-PURCHASE AGREEMENTS STATE JUSTICE CENTER**

Sponsors: Sen. Shaffer & Rep. T. Carroll

Authorizes lease-purchase agreements for the construction and acquisition of new buildings for the state justice center and the state history museum. Increases filing fees in civil cases to fund new justice center.

Current Status: 2nd reading in House

Fiscal Impact:

Position: Amend

SB235 PUBLIC INDECENCY

Sponsors: Sen. Bacon & Rep. A. Kerr

Includes an act of masturbation, whether the genitals are covered or not in the crime of public indecency. Simulated masturbation is included if it is for the purpose of sexual arousal of the person performing the act.

Current Status: 3rd reading in Senate

Fiscal Impact:

Position: Pending review

SB236 PROTECTION ORDER CRIME

Sponsors: Sen. Bacon & Rep. A. Kerr

Includes in the crime of violation of a protection order, violating a protection order after acquiring from law enforcement personnel knowledge of the contents of the protection order.

Current Status: 3rd reading in Senate

Fiscal Impact:

Position: Pending review

SB237 SEX OFFENDER REGISTRATION CONVICTIONS

Sponsors: Sen. Bacon & Rep. T. Carroll

Clarifies that a person is required to register as a sex offender in Colorado if the person commits a crime in another jurisdiction that would require registration as a sex offender in that jurisdiction.

Current Status: 3rd reading in Senate

Fiscal Impact:

Position: Pending review

SB238 COPYING SEXUAL EXPLOITATIVE MATERIAL

Sponsors: Sen. Bacon & Rep. King

Prohibits the reproduction of sexually exploitative material in the course of a criminal case.

Current Status: 3rd reading in Senate

Fiscal Impact:

Position: Pending review

SB243 **ELECTION REFORM COMMISSION**

Sponsors: Sen. Gordon

Creates the election reform commission, consisting of members appointed by the governor, the speaker of the house of representatives, the president of the senate, the minority leaders of both houses, and the secretary of state. Lists qualifications for members. Lists specific areas to examine.

Current Status: Senate State Affairs

Fiscal Impact:

Position: Pending review

SCR003 **INITIATIVE PROCESS REFORM**

Sponsors: Sen. Tapia & Rep. White

Proposes an amendment to the state constitution to reform the ballot initiative process. Changes petition signature requirements to be a certain percentage of votes cast for the office of governor at last election in which that office appeared on ballot. Requires signatures equal to 4% of votes cast for governor for statutory initiatives and 6% of votes cast for governor for constitutional amendments. For constitutional amendments, imposes a requirement for geographic distribution of signatures across all congressional districts for 70% of total signatures. Requires petitions proposing constitutional amendments to be filed at least 5 months prior to general election. Protects statutory initiatives from legislative change for first 6 years after passage by preventing general assembly from amending or repealing them without 2/3 supermajority vote. Sets ballot title and refers measure to November 2008 general election. Amended to decrease the increase in the amount of time prior to election that petitions for constitutional measures must be filed (from 7 months to 5 months).

Current Status: House State Affairs

Fiscal Impact:

Position: Active Monitor

SCR009 **"CONCERNING ILLEGAL ALIENS"**

Sponsors: Sen. Schultheis & Rep. Lundberg

Proposes an amendment to the state constitution that requires all government officials and employees to comply with and assist in the enforcement of federal immigration laws. Requires a determination of the immigration status of each person arrested. Requires certain persons to be transferred to the custody of federal immigration authorities. Prohibits restrictions on the ability of governmental entities or actors to transmit information about a person's immigration status for certain official purposes. Sets ballot title and refers measure to November 2008 general election.

Current Status: Senate State Affairs

Fiscal Impact:

Position: Active Oppose

SJR038 JUST TREATMENT OF PEOPLE OF ALL FAITHS

Sponsors: Sen. Gordon

Makes findings about the importance of religious liberty and recent acts of intolerance and prejudice against Muslims. Condemns intolerance and prejudice toward any religious group.

Current Status: 3rd reading in Senate

Fiscal Impact:

Position: Active Support