

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0279.01 Kristen Forrestal x4217

HOUSE BILL 17-1059

HOUSE SPONSORSHIP

Thurlow, Arndt

SENATE SPONSORSHIP

Tate, Kerr, Moreno

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE
102 DEPARTMENT OF PUBLIC SAFETY TO THE GENERAL ASSEMBLY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly, acting by bill, continues the requirement.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Sections 1, 3, and 4 continue indefinitely the reporting requirements contained in those statutory sections.

Sections 2, 5, 6, and 7 repeal reporting requirements by the department of public safety that were scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there is no repeal date listed in the organic statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 16-11.7-109, **amend**
3 (2) as follows:

4 **16-11.7-109. Reporting requirements - legislative declaration.**

5 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before
6 January 31, 2012, and on or before January 31 each year thereafter, the
7 board shall prepare and present to the judiciary committees of the senate
8 and the house of representatives, or any successor committees, a written
9 report concerning best practices for the treatment and management of
10 adult sex offenders and juveniles who have committed sexual offenses,
11 including any evidence-based analysis of treatment standards and
12 programs as well as information concerning any new federal legislation
13 relating to the treatment and management of adult sex offenders and
14 juveniles who have committed sexual offenses. The report may include
15 the board's recommendations for legislation to carry out the purpose and
16 duties of the board to protect the community.

17 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-407, **repeal**
18 (10)(b) as follows:

19 **18-1.3-407. Sentences - youthful offenders - legislative**
20 **declaration - powers and duties of district court - authorization for**
21 **youthful offender system - powers and duties of department of**
22 **corrections - definitions.** (10) (b) ~~The division of criminal justice shall~~

1 ~~independently monitor and evaluate, or contract with a public or private~~
2 ~~entity to independently monitor and evaluate, the youthful offender~~
3 ~~system. On or before November 1, 2002, and on or before November 1~~
4 ~~every two years thereafter, the division of criminal justice shall report its~~
5 ~~findings, or the findings of the contract entity, to the judiciary committees~~
6 ~~of the senate and the house of representatives. The department of~~
7 ~~corrections shall cooperate in providing the necessary data to the division~~
8 ~~of criminal justice or an entity designated by the division of criminal~~
9 ~~justice to complete the evaluation required in this section.~~

10 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-1.3-1011
11 (1) introductory portion as follows:

12 **18-1.3-1011. Annual report.** (1) NOTWITHSTANDING SECTION
13 24-1-136 (11)(a)(I), on or before November 1, 2000, and on or before
14 each November 1 thereafter, the department of corrections, the
15 department of public safety, and the judicial department shall submit a
16 report to the judiciary committees of the house of representatives and the
17 senate, or any successor committees, and to the joint budget committee
18 of the general assembly specifying, at a minimum:

19 **SECTION 4.** In Colorado Revised Statutes, **amend** 18-6-803.9
20 as follows:

21 **18-6-803.9. Assaults and deaths related to domestic violence**
22 **- report.** NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the Colorado
23 bureau of investigation shall prepare a report by November 1, 1995, and
24 by November 1 of each year thereafter, ~~to~~ FOR the governor ~~the president~~
25 ~~of the senate, and the speaker of the house of representatives~~ AND THE
26 MEMBERS OF THE GENERAL ASSEMBLY on the number of assaults related
27 to and the number of deaths caused directly by domestic violence,

1 including, but not limited to, homicides of victims, self-defense killings
2 of alleged perpetrators, and incidental killings of children, peace officers,
3 persons at work, neighbors, and bystanders in the course of episodes of
4 domestic violence.

5 **SECTION 5.** In Colorado Revised Statutes, **amend**
6 24-33.5-415.2 as follows:

7 **24-33.5-415.2. Receipt of proceeds from forfeited property.**

8 The division of the Colorado bureau of investigation is authorized to
9 accept, receive, and expend proceeds allocated to the division after sale
10 of forfeited property pursuant to part 3 or 5 of article 13 of title 16 ~~C.R.S.~~,
11 or article 17 of title 18, ~~C.R.S.~~, and such funds shall be in addition to the
12 ~~moneys~~ MONEY appropriated to the division by the general assembly. ~~The~~
13 ~~executive director shall submit an annual report to the joint budget~~
14 ~~committee at the time the annual budget request is submitted providing~~
15 ~~information on the amounts received under this section, if any, and the~~
16 ~~uses made thereof.~~

17 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-424, **repeal**
18 (3.5)(f) as follows:

19 **24-33.5-424. National instant criminal background check**
20 **system - state point of contact - fee - grounds for denial of firearm**
21 **transfer - appeal - rule-making - unlawful acts - instant criminal**
22 **background check cash fund - creation.** (3.5) (f) ~~On January 15, 2014,~~
23 ~~and on January 15 of each calendar year thereafter, the bureau shall report~~
24 ~~to the joint budget committee concerning:~~

25 ~~(f) The number of full-time employees used by the bureau in the~~
26 ~~preceding year for the purpose of performing background checks pursuant~~
27 ~~to this section; and~~

1 ~~(H) The calculations used by the bureau to determine the amount~~
2 ~~of the fee imposed pursuant to this subsection (3.5).~~

3 **SECTION 7.** In Colorado Revised Statutes, 24-33.5-503, **amend**
4 ~~(2)(a)(II); and repeal (1)(s) and (1)(v) as follows:~~

5 **24-33.5-503. Duties of division.** (1) The division has the
6 following duties:

7 ~~(s) To report, on or before January 15, 2011, and every five years~~
8 ~~thereafter, in consultation with the state economist, to the judiciary~~
9 ~~committees of the senate and the house of representatives, or any~~
10 ~~successor committees, recommendations for changes to value-based~~
11 ~~crimes based upon inflationary changes during the previous five years;~~

12 ~~(v) To provide to the judiciary committees of the senate and the~~
13 ~~house of representatives, or any successor committees, a status report on~~
14 ~~the effect on parole outcomes and use of any moneys allocated pursuant~~
15 ~~to House Bill 10-1360, enacted in 2010;~~

16 (2) (a) (II) ~~The division shall submit the report to the education~~
17 ~~and judiciary committees of the house of representatives and the senate,~~
18 ~~or any successor committees. The division shall provide the report to any~~
19 ~~member of the public upon request, in a manner that does not include any~~
20 ~~identifying information regarding any student. If the division provides the~~
21 ~~information to a member of the public upon request pursuant to this~~
22 ~~paragraph (a) SUBSECTION (2)(a), the division may charge a fee to the~~
23 ~~person, which fee shall not exceed the direct and indirect costs incurred~~
24 ~~by the division in providing the information. ~~Provided that~~ IF the division~~
25 ~~adheres to all state and federal privacy and confidentiality laws~~
26 ~~concerning student information, the division may provide the aggregate~~
27 ~~data gathered by a law enforcement agency to any independent research~~

1 or community-based organization working to analyze school-based
2 criminal behavior and the response to that behavior by the juvenile and
3 criminal justice systems. The data provided must not include any
4 information that would identify any individual student.

5 **SECTION 8. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2018 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.