
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.

Position Passive support

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 13-17-202

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.

Position Active Support

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 24-72-306

HB1082 SEALING CRIMINAL JUSTICE RECORDS

Sponsors Rep. Ferrandino & Sen. Bacon

Changes from 15 to 10 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. Allows law enforcement access to the records, even when sealed. Requires that if the defendant is subsequently convicted of a new offense, the records will be unsealed. Amended to limit application to drug possession offenses, but not drug offenses involving manufacture or distribution. Allows the sealed information to be accessed by a party or agency required by law to do a criminal history background check. Requires the offender to pay for the costs of sealing the records. In a single case in which the defendant is convicted of more than one offense, allows the records to be sealed only if all offenses qualify for sealing. Sealing of records may not interfere with the rules of discovery or rules of evidence promulgated by the Colorado Supreme Court.

Position Passive Support

Current Status Concurred with second house amendments

Fiscal Impact

Impact Amount

Statutory Ref. Amends 24-72-308 & 308.5

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.

Position Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 7-128-202

HB1119 ADD RACIAL DISPARITIES IN CRIMINAL JUSTICE SYSTEM TO WORK OF ADULT & 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.

Position Active Support

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 16-11.3-103

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.

Position Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 1-2-301 and 1-7.5-107 and 107.3

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.

Position Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 16-15-102

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. Repeals this new section on July 1, 2009.

Position Active Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. New section 1-5-622

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.
Position	Monitor
Current Status	Signed by Governor
Fiscal Impact	
Impact Amount	
Statutory Ref.	New Article 90.5 in Title 13
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. Amended to require knowing violation for use of a third party e mail address or to sending an e mail to someone who has requested not to receive e mail.
Position	Monitor
Current Status	Signed by Governor
Fiscal Impact	
Impact Amount	
Statutory Ref.	New section 6-1-702.5
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.
Position	Monitor
Current Status	Signed by Governor
Fiscal Impact	
Impact Amount	
Statutory Ref.	Amends 8-1-101 and 126

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.

Position Monitor as amended

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 17-1-113

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. Amended to exclude water court judges or referees.

Position Passive Support

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. New sections 13-5-143 & 13-6-219

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. Adds factors for the Attorney General to consider in determining whether an asset exchange transaction which results in a "material change". These factors include reductions in the availability and accessibility of health care services in the communities served by the hospital.

Position Active Support

Current Status Delivered to Governor

Fiscal Impact Yes

Impact Amount

Statutory Ref. Amends 6-19-101 and 203

HB1208 **LIMITATIONS ON DIRECT FILE JUVENILE CASE**

Sponsors Rep. Levy & Sen. Shaffer

As amended requires a district court judge, if a juvenile is convicted of an offense for which they could not be tried as an adult, to sentence a juvenile as a juvenile. Allows a juvenile to file a reverse-transfer petition with the district court within 30 days of being charged as an adult. Requires the district court to set up a hearing as soon as practicable after determination of probable cause. Gives the juvenile the burden of proof by a preponderance of the evidence that adjudicating the case as a juvenile serves the interests of the community and the juvenile. Outlines factors for the court to consider. Establishes that a record of two or more previously sustained petitions for delinquent acts that constitute felonies or a record of two or more juvenile probation revocations based on acts that constitute felonies shall establish prima facie evidence that to transfer jurisdiction to juvenile court would be contrary to the best interest of juvenile or the community. A juvenile who is tried as an adult shall be held at a juvenile facility unless the court finds that: the juvenile is a danger to himself or the community, is likely to fail to appear, and if held in a juvenile facility the juvenile will be a danger to himself/herself or others. If the juvenile must then be held in an adult jail requires sight and sound separation.

Position Active Support

Current Status Concurred with second house amendments

Fiscal Impact

Impact Amount

Statutory Ref. Amends 19-2-517 and 19-2-508

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.

Position Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 1-45-103.7 and 108

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.

Position Active Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. New Article 57.9 in Title 35

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.

Position Monitor

Current Status Delivered to Governor

Fiscal Impact

Impact Amount

Statutory Ref. New section 13-1-119.5; Amends 19-1-103, 301-304 and 307

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. As amended limits the program to 1000 employees the first year, and adds 1000 employees per year for the next 4 years. Allows labor director and ag commissioner, in conjunction with the Governor's office of International Trade to seek agreements with foreign countries to fill the workers in the program. Creates an advisory council for the program. Requires them to make recommendations regarding health insurance for participants in the program. Requires DOL to use the pilot to work with farmers to ensure labor sufficient to meet season ag worker needs. Allows DOL to charge a fee to employers. Allows labor to retain staff to assist workers in obtaining Visas, assist in health checks of workers and ensure workers return home. Requires the employer to reimburse employee for the cost of travel upon serving half of their allotted time to work, pay transportation and housing costs while working, provide the same benefits and pay to US workers. Establishes requirements for employer treatment of workers including pay and benefits and working conditions. Requires notification to DOL if an employee absconds from the program. Creates penalty for reckless failure to notify DOL. Employees who successfully participate are given priority for the program in future years. Prohibits employer retaliation. Requires an employee ID card and requires employer to provide transportation to employees for getting this card. Allows for administrative fines of up to \$5000 for reckless disregard for the provisions of the article. Creates an administrative process and due process regarding fines. Requires reporting to the General Assembly, rulemaking and establishes severability.

Position Active Amend

Current Status Concurred with second house amendments

Fiscal Impact

Impact Amount

Statutory Ref. New article 8-3.5-101

HB1329 UPDATING VOTER REGISTRATION LISTS INACTIVE VOTERS

Sponsors Rep. Marshall & Sen. Gordon

Requires certain inactive voters to receive postcard voter information card 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. Amended to distinguish inactive voters who failed to vote in general election from inactive voters to whom mail is returned undeliverable, and only require mailing to voters marked inactive for failure to vote. For any mail election conducted in November 2009, requires mail ballots be sent to all active and "inactive-failure to vote" voters. Technical amendment in conference committee to statute on change in precinct boundaries in year of census.

Position Active Support

Current Status Conference Committee Report Adopted

Fiscal Impact

Impact Amount

Statutory Ref. Amends 1-2-605, New Section 1-7.5-108.5; Amends 1-5-101

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.

Position Active Monitor

Current Status Signed by Governor

Fiscal Impact None

Impact Amount "No Appropriation" clause

Statutory Ref. New Part 7 in Article 37.5 of Title 24

HB1377 BAIL FOR DUI & VEHICULAR ELUDING

Sponsors Rep. King & Sen. Penry
As amended, establishes that when vehicular eluding and DUI arise out of the same incident the bail shall be \$50,000. Allows the court to set bail at a lower amount upon consideration of all relevant factors.

Position Active Oppose

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 16-4-103

HB1382 DEFENSE OMNIBUS PROCEDURAL BILL

Sponsors Rep. T. Carroll & Sen. Shaffer
As amended 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. If the DOC receives a mittimus without sufficient documentation to determine underlying factual basis or not, the offender shall be returned to the court for a finding. Creates procedures and due process for the DOC to classify a person as a sex offender. 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. An offender who is sentenced for a felony committed on or after July 1, 1993 and paroled on or after January 1, 2009 shall be eligible to receive any earned time while on parole or after reparole following revocation but shall not be eligible for earned time while the offender is reincarcerated. Disallows the time between the offender's release on parole and return to custody as part of the sentence unless the offender committed a non-violent felony offense.

Position Active Monitor

Current Status Conference Committee Report Adopted

Fiscal Impact

Impact Amount

Statutory Ref. Omnibus bill Amends 16-22-103 and various

Sponsors

Reps. Jahn and 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. Amended to clarify that the bill addresses DNA evidence, not all evidence, and to create a process for the evidence custodian to petition the court directly if the DA does not respond or responds in the negative to a request to dispose of evidence.

Position

Active Support

Current Status

Signed by Governor

Fiscal Impact**Impact Amount****Statutory Ref.**

New Part 11 in Article 1 of Title 18

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.

Position Monitor

Current Status Concurred with second house amendments

Fiscal Impact

Impact Amount

Statutory Ref. Amends 1-40-118 and 121, New Section 1-40-135

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.

Position Passive Support

Current Status Adopted

Fiscal Impact

Impact Amount

Statutory Ref. non-statutory; amends Joint Rules

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. Clarifies that the bill does not apply to magistrates. Makes the state commission on judicial performance the appointing authority for the director of the office. Establishes the office and salary for the executive director. 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. Allows for surveys for persons affected by judges including employees of the court and probation officers. Directs the state court administrator to provide case management data to commissions for use in evaluating judges. Allows the commission to develop rules, standards and guidelines for itself and local commissions, and to gather statistical data. Establishes procedures for district commissions. Establishes process and requirements for public hearings of the state and district commissions.

Position Monitor

Current Status Concurred with second house amendments

Fiscal Impact

Impact Amount

Statutory Ref. New section 13-5.5-101.5

SB066 FELONY MURDER PENALTY FOR JUVENILES

Sponsors Sen. Williams & Rep. Marshall

Allows a juvenile charged with felony murder who is direct filed as an adult or as a juvenile and pleads guilty to class 2 felony to be eligible for the youthful offender system, if the juvenile would be eligible for YOS for the original offense.

Position Active Support

Current Status Delivered to Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 19-2-517

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.

Position Active Support

Current Status Concurred with second house amendments

Fiscal Impact Yes

Impact Amount \$71,760 GF

Statutory Ref. New section 23-7-110

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.

Position Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 12-47-901

SB088 PROHIBIT TOBACCO POSSESSION BY MINORS

Sponsors Sen. Tupa & Rep. Massey
Prohibits the gift, sale or distribution or offer for sale any tobacco products to minors. Requires a government issued photo ID that establishes age at 18 or older or, if the person appears more than thirty the requirement may be waived. Violation is a class 2 petty offense with a fine of \$200. Makes possession of tobacco by a minor illegal, but it is a non-criminal offense. Allows for stricter penalties in home rule jurisdictions.

Position Monitor

Current Status Delivered to Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 18-13-121; New Part 3 in Article 14 of Title 25

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.

Position Monitor as amended

Current Status Concurred with second house amendments

Fiscal Impact

Impact Amount

Statutory Ref. Amends 14-10-129

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 or, as amended, the defendant 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.

Position Monitor

Current Status Passed Senate unamended

Fiscal Impact

Impact Amount

Statutory Ref. Amends 16-4-103

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. Clarifies the language of the notice to state that employers may not engage in discriminatory practices. Requires a link to the e-verify program.

Position Monitor

Current Status Delivered to Governor

Fiscal Impact

Impact Amount

Statutory Ref. New sections 8-2-124 & 24-21-112

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.

Position Active Monitor

Current Status Delivered to Governor

Fiscal Impact None

Impact Amount

Statutory Ref. Amends 17-26-126

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.
Position	Passive Support
Current Status	Signed by Governor
Fiscal Impact	
Impact Amount	
Statutory Ref.	Amends 22-64-216
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 and a determination that it is in the best interests of the child. 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. Requires motion to set aside to be filed within two years of entry of order, but creates a 2-year window for setting aside orders entered prior to the effective date of the act. Specifies circumstances in which orders may not be set aside, such as adoption, acknowledgement of non-paternity at time of entry of order, and cases of assisted reproduction. Amended to increase filing fee on motion to modify parentage pursuant to this section to \$70.
Position	Monitor
Current Status	House Adhere, Senate Recede: Enacted
Fiscal Impact	
Impact Amount	
Statutory Ref.	New Section 19-4-107.3
SB192	PROHIBIT TARGETED RESIDENTIAL PICKETING
Sponsors	Sen. Ward & Rep. Rice Creates offense of targeted residential picketing as a an unclassified misdemeanor punishable by a fine of up to \$5,000. Defines "targeted picketing" and prohibits such actions unless the protestors march in front of the targeted residence a distance 300 feet to each side or three adjacent structures, whichever is shorter. Prohibits protestors from carrying more than one sign each or signs larger than 6 square feet. Requires law enforcement officer to give a warning to protestors and explain required distances for marching before a violation can occur. Prohibits vehicles with signs mounted on them that are part of the targeted picket from parking within three adjacent structures or 300 feet from targeted residence. Permits local government ordinances that are more stringent. Amended to include non-statutory severability clause.
Position	Active Monitor
Current Status	Delivered to Governor
Fiscal Impact	
Impact Amount	
Statutory Ref.	New section 18-9-108.5

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. Exempts a variety of Creates an optional departmental program.

Position Active Monitor

Current Status Signed by Governor

Fiscal Impact

Impact Amount

Statutory Ref. Amends 8-17.5-101& 8-17.5-102

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. Amended to include non-statutory severability clause and legislative declaration of no intent to infringe religious liberty. Amended to include headnotes from Long Bill. Amended to exempt churches, mosques, synagogues and places principally used for religious purposes from definition of "public accommodations."

Position Active Support

Current Status Concurred with second house amendments

Fiscal Impact Yes

Impact Amount \$81,805 GF

Statutory Ref. Omnibus bill; amends Part 5, 6 and 7 of Article 34 in Title 24

SB205 NEW TRIAL FOR LOST OR DESTROYED DNA EVIDENCE

Sponsors Sens. Gordon and S. Mitchell & Reps. King and Jahn
Applies only to biological evidence capable of being tested for DNA. In cases in which biological evidence subject to a court order for testing is negligently lost or destroyed, a court shall set a hearing to determine whether remedies are warranted and grant such remedies as it deems appropriate. Negligence means a departure from the ordinary standard of care. No liability accrues to law enforcement for failing to preserve biological evidence unless ordered to do so by the court. Clarifies that hearing that is granted under this law is a critical stage for the purposes of victim notification. Conference committee amendments change language regarding sanctions to remedies, and establishes in legislative declaration that a defendant may be provided an equitable remedy to ensure that justice is served.

Position Active Support

Current Status Conference Committee Report Adopted

Fiscal Impact

Impact Amount

Statutory Ref. Amends 18-1-414 and 24-4.1-302

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 (\$275 million) and the state history museum (\$5 million). Increases filing fees in civil cases to fund new justice center. Names new judicial building the "Ralph Carr Judicial Complex." Amended to make adjustments to county court fees, with offsetting adjustments to district court fees.

Position Amend

Current Status Concurred with second house amendments

Fiscal Impact Yes

Impact Amount

Statutory Ref. Omnibus bill amends various sections of fines and fees

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.

Position Monitor

Current Status Passed House unamended

Fiscal Impact

Impact Amount

Statutory Ref. Amends 18-7-301

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, in addition to existing law which includes the courts, knowledge of the contents of the protection order.
Position	Monitor
Current Status	Passed House unamended
Fiscal Impact	
Impact Amount	
Statutory Ref.	Amends 18-6-803.5

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.
Position	Monitor
Current Status	Signed by Governor
Fiscal Impact	
Impact Amount	
Statutory Ref.	Amends 16-22-103

SB238	COPYING SEXUAL EXPLOITATIVE MATERIAL
Sponsors	Sen. Bacon & Rep. King Prohibits the reproduction of sexually exploitative material in the course of a criminal case. Amended in the house to allow the defendant to prove through a hearing that access provided by the DA does not provide ample opportunity for inspection. The court may then order reproduction with an appropriate protective order.
Position	Monitor
Current Status	Concurred with second house amendments
Fiscal Impact	
Impact Amount	
Statutory Ref.	New Part 6 in Article 9 of Title 16

SB243	ELECTION REFORM COMMISSION
Sponsors	Sen. Gordon & Rep. M. Carroll 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. Repeals commission July 1, 2009.
Position	Monitor
Current Status	Conference Committee Report Adopted
Fiscal Impact	
Impact Amount	
Statutory Ref.	New Part 4 in Article 1 of Title 1

SCR003 INITIATIVE PROCESS REFORM

Sponsors Sen. Tapia & Rep. White

Proposes an amendment to Article V, section 1 of 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 so that at least 8% of total signatures required is collected in each congressional district. Protects statutory initiatives from legislative change for first 5 years after passage by preventing general assembly from amending or repealing them without 2/3 supermajority vote. Enlarges maximum time for circulating a petition for statutory initiative to 9 months. Amended to require proposed constitutional initiatives to be filed on or before 60th day of legislative session. Amended to expand review & comment process for proposed constitutional initiatives by extending time frames, permitting public testimony at hearing and allowing General Assembly to hold hearings and take testimony on measure as well. Sets ballot title and refers measure to November 2008 general election.

Position Active Monitor

Current Status Referred to the 2008 general election ballot

Fiscal Impact

Impact Amount

Statutory Ref. Amends Article V, Section 1, Colorado Constitution

SJR038 JUST TREATMENT OF PEOPLE OF ALL FAITHS

Sponsors Sen. Gordon & Rep. Levy

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.

Position Active Support

Current Status Adopted

Fiscal Impact

Impact Amount

Statutory Ref. non-statutory