

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 07-0760.01 Michael Dohr

HOUSE BILL 07-1358

HOUSE SPONSORSHIP

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Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE STUDY OF THE CRIMINAL JUSTICE SYSTEM, AND, IN**
102 **CONNECTION THEREWITH, CREATING THE COLORADO CRIMINAL**
103 **AND JUVENILE JUSTICE COMMISSION AND MAKING AN**
104 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the Colorado criminal and juvenile justice commission ("commission"). States that the commission shall consist of 24 voting members, including 7 ex officio members, 4 legislative members, 3 members appointed by the chief justice, and 10 members appointed by the

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.*

HOUSE
Amended 2nd Reading
April 26, 2007

governor. Creates a director position for the commission, to be appointed by the governor.

States that the mission of the commission is to enhance public safety, ensure justice, and protect the rights of victims through the cost-effective use of public resources. Requires the commission to:

Conduct an empirical analysis of and collect evidence-based data on sentencing policies and practices; Investigate effective alternatives to incarceration, the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs;

Make an annual report of findings and recommendations, including evidence-based analysis and data;

Study and evaluate the outcomes of commission recommendations as implemented;

Conduct studies and make recommendations concerning policies and practices in the criminal justice system.

Prioritize areas of study based on the potential impact on crime and corrections and the resources available for conducting the work; and

Work with other state-established boards, task forces, or commissions that study or address criminal justice issues.

Directs the commission to create advisory committees that will study and report findings on issues the commission is considering. Requires the division of criminal justice in the department of public safety to provide staff assistance to the commission. Permits the acceptance of gifts, grants, and donations for the operation of the commission, and creates a cash fund for the receipt of those moneys.

Repeals the act on July 1, 2013.

Makes an appropriation.

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

2 **SECTION 1.** Title 16, Colorado Revised Statutes, is amended BY

3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 11.3**

5 **Colorado Commission on Criminal and Juvenile Justice**

6 **16-11.3-101. Legislative declaration.** (1) THE GENERAL

7 ASSEMBLY FINDS AND DECLARES THAT:

8 (a) ENSURING PUBLIC SAFETY AND RESPECTING THE RIGHTS OF

1 VICTIMS ARE PARAMOUNT CONCERNS OF THE CITIZENS OF COLORADO;

2 (b) IMPROVING THE EFFECTIVE ADMINISTRATION OF JUSTICE
3 INVOLVES A COMPREHENSIVE EXAMINATION OF, AND RECOMMENDATIONS
4 REGARDING, THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS;

5 (c) CURRENT COMMITMENTS TO THE DEPARTMENT OF
6 CORRECTIONS REQUIRE EXPENDING A SIGNIFICANT PERCENTAGE OF THE
7 STATE BUDGET FOR INCARCERATION OF OFFENDERS;

8 (d) THE NUMBER OF OFFENDERS PROJECTED TO BE SENTENCED IN
9 THE FUTURE WILL REQUIRE THAT AN EVEN GREATER PERCENTAGE OF THE
10 STATE BUDGET BE DEDICATED TO INCARCERATION;

11 (e) THE RATE OF RECIDIVISM IS HIGH, RESULTING IN THE RETURN
12 OF MANY OFFENDERS TO THE JUSTICE SYSTEM WITH ADDITIONAL
13 SIGNIFICANT EXPENSE;

14 (f) IT IS IN THE INTEREST OF THE PEOPLE OF THE STATE OF
15 COLORADO TO MAINTAIN PUBLIC SAFETY THROUGH THE MOST
16 COST-EFFECTIVE USE OF LIMITED CRIMINAL JUSTICE RESOURCES;

17 (g) MANY FACTORS MAY CONTRIBUTE TO AN OFFENDER'S
18 CRIMINAL BEHAVIOR, INCLUDING BUT NOT LIMITED TO SUBSTANCE ABUSE,
19 MENTAL ILLNESS, POVERTY, CHILD ABUSE, DOMESTIC VIOLENCE, AND
20 EDUCATIONAL DEFICIENCIES. OFTEN TIMES, FACTORS CONTRIBUTING TO
21 CRIMINAL CONDUCT AND RE-VICTIMIZATION ARE NOT ADDRESSED
22 ADEQUATELY WITHIN THE JUSTICE SYSTEM.

23 (h) APPROPRIATE INTERVENTION IN A CHILD'S LIFE THROUGH THE
24 JUVENILE JUSTICE SYSTEM OR PREVENTION PROGRAMS MAY LIMIT OR
25 PREVENT FUTURE CRIMINAL CONDUCT;

26 (i) IT IS IN THE BEST INTEREST OF THE PUBLIC TO ENGAGE IN A
27 COMPREHENSIVE EVIDENCE-BASED ANALYSIS OF THE CIRCUMSTANCES AND

1 CHARACTERISTICS OF THE OFFENDERS BEING SENTENCED TO THE
2 DEPARTMENT OF CORRECTIONS, THE ALTERNATIVES TO INCARCERATION,
3 THE EFFECTIVENESS OF PREVENTION PROGRAMS, AND THE EFFECTIVENESS
4 OF THE CRIMINAL CODE AND SENTENCING LAWS IN SECURING PUBLIC
5 SAFETY.

6 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT A
7 COMMISSION COMPRISED OF EXPERTS IN CRIMINAL JUSTICE, CORRECTIONS,
8 MENTAL HEALTH, DRUG ABUSE, VICTIMS' RIGHTS, HIGHER EDUCATION,
9 JUVENILE JUSTICE, LOCAL GOVERNMENT, AND OTHER PERTINENT
10 DISCIPLINES SHALL BE FORMED TO ENGAGE IN AN EVIDENCE-BASED
11 ANALYSIS OF THE CRIMINAL JUSTICE SYSTEM IN COLORADO AND
12 ANNUALLY REPORT TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF
13 REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE CHIEF
14 JUSTICE OF THE COLORADO SUPREME COURT.

15 **16-11.3-102. Colorado commission on criminal and juvenile**
16 **justice - creation - membership - operation.** (1) (a) THERE IS HEREBY
17 CREATED IN THE DEPARTMENT OF PUBLIC SAFETY THE COLORADO
18 COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, REFERRED TO IN THIS
19 ARTICLE AS THE "COMMISSION". THE COMMISSION SHALL HAVE THE
20 POWERS AND DUTIES SPECIFIED IN THIS ARTICLE.

21 (b) THE COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM
22 ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED TO THE
23 DEPARTMENT OF PUBLIC SAFETY BY A **TYPE 2** TRANSFER, AS SUCH
24 TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF
25 1968", ARTICLE 1 OF TITLE 24, C.R.S.

26 (2) (a) THE COMMISSION SHALL CONSIST OF TWENTY-SIX VOTING
27 MEMBERS, AS FOLLOWS:

1 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
2 SAFETY, OR HIS OR HER DESIGNEE;

3 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
4 CORRECTIONS, OR HIS OR HER DESIGNEE;

5 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
6 SERVICES, OR HIS OR HER DESIGNEE;

7 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER
8 EDUCATION, OR HIS OR HER DESIGNEE;

9 (V) THE ATTORNEY GENERAL, OR HIS OR HER DESIGNEE;

10 (VI) THE STATE PUBLIC DEFENDER, OR HIS OR HER DESIGNEE;

11 (VII) THE CHAIRPERSON OF THE STATE BOARD OF PAROLE, OR HIS
12 OR HER DESIGNEE;

13 (VIII) THE CHAIRPERSON OF THE JUVENILE PAROLE BOARD, OR HIS
14 OR HER DESIGNEE;

15 (IX) TWO MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE
16 COLORADO SUPREME COURT FROM THE JUDICIAL BRANCH, AT LEAST ONE
17 OF WHOM SHALL BE A CURRENT OR RETIRED JUDGE;

18 (X) FOUR MEMBERS OF THE GENERAL ASSEMBLY APPOINTED AS
19 FOLLOWS:

20 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
21 REPRESENTATIVES;

22 (B) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
23 HOUSE OF REPRESENTATIVES;

24 (C) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;

25 AND

26 (D) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
27 SENATE; AND

1 (XI) TWELVE MEMBERS APPOINTED BY THE GOVERNOR AS
2 FOLLOWS:

- 3 (A) A REPRESENTATIVE OF A POLICE DEPARTMENT;
- 4 (B) A REPRESENTATIVE OF A SHERIFF'S DEPARTMENT;
- 5 (C) AN EXPERT IN JUVENILE JUSTICE ISSUES;
- 6 (D) TWO ELECTED DISTRICT ATTORNEYS;
- 7 (E) A COUNTY COMMISSIONER;
- 8 (F) A CRIMINAL DEFENSE ATTORNEY;
- 9 (G) A REPRESENTATIVE OF A VICTIMS' RIGHTS ORGANIZATION;
- 10 (H) ONE MEMBER WHO SHALL BE A REPRESENTATIVE OF A
11 COMMUNITY CORRECTIONS PROVIDER, A COMMUNITY CORRECTIONS
12 BOARD MEMBER, OR A MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT
13 PROVIDER; AND

14 (I) THREE MEMBERS WHO SHALL BE APPOINTED AT-LARGE.

15 (b) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE
16 DEPARTMENT OF PUBLIC SAFETY SHALL SERVE AS A NON-VOTING MEMBER
17 OF THE COMMISSION.

18 (3) (a) THE APPOINTED MEMBERS OF THE COMMISSION SHALL
19 SERVE TERMS OF THREE YEARS; EXCEPT THAT THE MEMBERS FIRST
20 APPOINTED PURSUANT TO SUB-SUBPARAGRAPHS (D) TO (I) OF
21 SUBPARAGRAPH (X) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS
22 SECTION SHALL EACH SERVE A TWO-YEAR TERM. THE MEMBERS
23 APPOINTED AFTER THE INITIAL TWO-YEAR TERMS SHALL SERVE
24 THREE-YEAR TERMS.

25 (b) EACH APPOINTING AUTHORITY SHALL APPOINT THE INITIAL
26 APPOINTED MEMBERS OF THE COMMISSION WITHIN SIXTY DAYS AFTER THE
27 EFFECTIVE DATE OF THIS ARTICLE. AN APPOINTED MEMBER SHALL NOT

1 SERVE MORE THAN TWO CONSECUTIVE FULL TERMS, IN ADDITION TO ANY
2 PARTIAL TERM. IN THE EVENT OF A VACANCY IN AN APPOINTED POSITION
3 BY DEATH, RESIGNATION, REMOVAL FOR MISCONDUCT, INCOMPETENCE,
4 NEGLECT OF DUTY, OR OTHERWISE, THE APPOINTING AUTHORITY SHALL
5 APPOINT A MEMBER TO FILL THE POSITION FOR THE REMAINDER OF THE
6 UNEXPIRED TERM.

7 (4) (a) THE GOVERNOR SHALL SELECT THE CHAIRPERSON AND
8 VICE-CHAIRPERSON OF THE COMMISSION FROM AMONG ITS MEMBERS.

9 (b) THE [REDACTED] MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
10 COMPENSATION; EXCEPT THAT THE MEMBERS OF THE COMMISSION MAY BE
11 REIMBURSED FOR ANY ACTUAL AND NECESSARY TRAVEL EXPENSES
12 INCURRED IN THE PERFORMANCE OF THEIR DUTIES UNDER THIS ARTICLE.

13 [REDACTED]
14 (5) THE COMMISSION MAY ESTABLISH BY-LAWS AS APPROPRIATE
15 FOR ITS EFFECTIVE OPERATION.

16 (6) THE COMMISSION SHALL MEET AT LEAST ONCE PER MONTH OR
17 ON A SCHEDULE DETERMINED BY THE CHAIRPERSON TO REVIEW
18 INFORMATION NECESSARY FOR MAKING RECOMMENDATIONS.

19 (7) MEMBERS OF THE COMMISSION, EMPLOYEES, AND
20 CONSULTANTS SHALL BE IMMUNE FROM SUIT IN ANY CIVIL ACTION BASED
21 UPON ANY OFFICIAL ACT PERFORMED IN GOOD FAITH PURSUANT TO THIS
22 ARTICLE.

23 **16-11.3-103. Duties of the commission - mission - staffing.**

24 (1) THE MISSION OF THE COMMISSION IS TO ENHANCE PUBLIC SAFETY, TO
25 ENSURE JUSTICE, AND TO ENSURE PROTECTION OF THE RIGHTS OF VICTIMS
26 THROUGH THE COST-EFFECTIVE USE OF PUBLIC RESOURCES. THE WORK OF
27 THE COMMISSION WILL FOCUS ON EVIDENCE-BASED RECIDIVISM

1 REDUCTION INITIATIVES AND THE COST-EFFECTIVE EXPENDITURE OF
2 LIMITED CRIMINAL JUSTICE FUNDS.

3 (2) THE COMMISSION SHALL HAVE THE FOLLOWING DUTIES:

4 (a) TO CONDUCT AN EMPIRICAL ANALYSIS OF AND COLLECT
5 EVIDENCE-BASED DATA ON SENTENCING POLICIES AND PRACTICES,
6 INCLUDING BUT NOT LIMITED TO THE EFFECTIVENESS OF THE SENTENCES
7 IMPOSED IN MEETING THE PURPOSES OF SENTENCING AND THE NEED TO
8 PREVENT RECIDIVISM AND RE-VICTIMIZATION;

9 (b) TO INVESTIGATE EFFECTIVE ALTERNATIVES TO
10 INCARCERATION, THE FACTORS CONTRIBUTING TO RECIDIVISM,
11 EVIDENCE-BASED RECIDIVISM REDUCTION INITIATIVES, AND
12 COST-EFFECTIVE CRIME PREVENTION PROGRAMS;

13 (c) TO MAKE AN ANNUAL REPORT OF FINDINGS AND
14 RECOMMENDATIONS, INCLUDING EVIDENCE-BASED ANALYSIS AND DATA;

15 (d) TO STUDY AND EVALUATE THE OUTCOMES OF COMMISSION
16 RECOMMENDATIONS AS IMPLEMENTED;

17 (e) TO CONDUCT AND REVIEW STUDIES, INCLUDING BUT NOT
18 LIMITED TO WORK AND RESOURCES COMPILED BY OTHER STATES, AND
19 MAKE RECOMMENDATIONS CONCERNING POLICIES AND PRACTICES IN THE
20 CRIMINAL AND JUVENILE JUSTICE SYSTEMS. THE COMMISSION SHALL
21 PRIORITIZE AREAS OF STUDY BASED ON THE POTENTIAL IMPACT ON CRIME
22 AND CORRECTIONS AND THE RESOURCES AVAILABLE FOR CONDUCTING THE
23 WORK; AND

24 (f) TO WORK WITH OTHER STATE-ESTABLISHED BOARDS, TASK
25 FORCES, OR COMMISSIONS THAT STUDY OR ADDRESS CRIMINAL JUSTICE
26 ISSUES.

27 (3) THE COMMISSION SHALL ESTABLISH ADVISORY COMMITTEES

1 THAT FOCUS ON SPECIFIC SUBJECT MATTERS AND MAKE
2 RECOMMENDATIONS TO THE FULL COMMISSION. THE CHAIRPERSON OF THE
3 COMMISSION SHALL SELECT THE CHAIRPERSONS FOR THE ADVISORY
4 COMMITTEES AS WELL AS THE COMMISSION MEMBERS TO SERVE ON THE
5 ADVISORY COMMITTEES. THE CHAIRPERSON OF AN ADVISORY COMMITTEE
6 MAY SELECT NON-COMMISSION MEMBERS FROM INTERESTED MEMBERS OF
7 THE COMMUNITY TO SERVE ON THE ADVISORY COMMITTEE. EACH
8 ADVISORY COMMITTEE SHALL MAKE FINDINGS AND RECOMMENDATIONS
9 FOR CONSIDERATION BY THE COMMISSION. NON-COMMISSION MEMBERS
10 OF AN ADVISORY COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND
11 WITHOUT REIMBURSEMENT FOR EXPENSES.

12 (4) THE COMMISSION, AT ITS DISCRETION, MAY RESPOND TO
13 INQUIRIES REFERRED BY MEMBERS OF THE GENERAL ASSEMBLY, THE
14 GOVERNOR, AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT,
15 AS RESOURCES ALLOW.

16 (5) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
17 PUBLIC SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF
18 CORRECTIONS, SHALL PROVIDE RESOURCES FOR DATA COLLECTION,
19 RESEARCH, ANALYSIS, AND PUBLICATION OF THE COMMISSION'S FINDINGS
20 AND REPORTS.

21 **16-11.3-104. Colorado commission on criminal and juvenile**
22 **justice cash fund - created - donations.** (1) THE DEPARTMENT OF
23 PUBLIC SAFETY AND THE COMMISSION ARE AUTHORIZED TO ACCEPT GIFTS,
24 GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS FROM PRIVATE
25 OR PUBLIC SOURCES, FOR THE PURPOSES OF THIS ARTICLE. ALL PRIVATE
26 AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS BY
27 THE DEPARTMENT OF PUBLIC SAFETY OR BY THE COMMISSION SHALL BE

1 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
2 TO THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
3 CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS
4 ARTICLE AS THE "CASH FUND". ANY MONEYS IN THE CASH FUND NOT
5 EXPENDED FOR THE PURPOSES OF THIS ARTICLE SHALL BE INVESTED BY THE
6 STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL
7 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF
8 MONEYS IN THE CASH FUND SHALL BE CREDITED TO THE CASH FUND. ANY
9 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE CASH
10 FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE CASH FUND
11 AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
12 ANY OTHER FUND.

13 (2) THE DEPARTMENT OF PUBLIC SAFETY SHALL NOT BE REQUIRED
14 TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE FOR THE
15 PURPOSES OF THIS ARTICLE.

16 **16-11.3-105. Repeal of article.** (1) THIS ARTICLE IS REPEALED,
17 EFFECTIVE JULY 1, 2013.

18 **SECTION 2.** 24-1-128.6, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20 **24-1-128.6. Department of public safety - creation - repeal.**

21 (7) (a) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE,
22 CREATED PURSUANT TO SECTION 16-11.3-102, C.R.S., SHALL EXERCISE ITS
23 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE
24 TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC
25 SAFETY.

26 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2013.

27 **SECTION 3. Appropriation - adjustments to the 2007 long**

1 **bill.** (1) In addition to any other appropriation, there is hereby
2 appropriated, out of any moneys in the general fund not otherwise
3 appropriated, to the department of public safety, for the fiscal year
4 beginning July 1, 2007, the sum of ninety-one thousand two hundred
5 seventeen dollars (\$91,217) and 1.0 FTE, or so much thereof as may be
6 necessary, for the implementation of this act.

7 (2) In addition to any other appropriation, there is hereby
8 appropriated, out of any moneys in the general fund not otherwise
9 appropriated, to the department of corrections, for the fiscal year
10 beginning July 1, 2007, the sum of twenty-eight thousand eighty dollars
11 (\$28,080), or so much thereof as may be necessary, for the
12 implementation of this act.

13 (3) In addition to any other appropriation, there is hereby
14 appropriated, out of any moneys in the general fund not otherwise
15 appropriated, to the legislative department, for the fiscal year beginning
16 July 1, 2007, the sum of one thousand nine hundred twenty dollars
17 (\$1,920), or so much thereof as may be necessary, for the implementation
18 of this act.

19 (4) For the implementation of this act, the appropriation made in
20 section 21 of the annual general appropriation act for the fiscal year
21 beginning July 1, 2007, shall be adjusted as follows: The general fund
22 appropriation to the controlled maintenance trust fund is decreased by one
23 hundred twenty-one thousand two hundred seventeen dollars (\$121,217).

24

25 **SECTION 4. Effective date.** (1) This act shall take effect upon
26 passage.

27 (2) If Senate Bill 07-109 is enacted at the First Regular Session of

1 the Sixty-sixth General Assembly and becomes law, then, upon the
2 following provisions being met, the net general fund savings shall be
3 directed to fulfilling the mission of this act:

4 (a) The final fiscal estimate for Senate Bill 07-109, as reflected in
5 the appropriations clause for said act, shows a net general fund savings
6 that is equal to or greater than the final general fund fiscal estimate for
7 this act, as reflected in section 3 of this act;

8 (b) The staff director of the joint budget committee files written
9 notice with the revisor of statutes no later than July 15, 2007, that the
10 requirement set forth in paragraph (a) of this subsection (1) has been met.

11 **SECTION 5. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.