

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 21, 2011
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB11-085 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, strike lines 15 through 18 and substitute:

2 "(I) HAS NO PRIOR CONVICTIONS OR ANY CHARGES PENDING FOR
3 ANY FELONY; FOR ANY OFFENSE DESCRIBED IN SECTION 18-3-305,
4 18-3-306, OR 18-13-128, C.R.S., IN PART 4 OR 5 OF ARTICLE 3 OF TITLE 18,
5 C.R.S., IN PART 3, 4, 6, 7, OR 8 OF ARTICLE 6 OF TITLE 18, C.R.S., OR IN
6 PART 2, 3, 4, OR 5 OF ARTICLE 7 OF TITLE 18, C.R.S.; OR FOR ANY OFFENSE
7 COMMITTED IN ANOTHER STATE THAT WOULD CONSTITUTE SUCH AN
8 OFFENSE IF COMMITTED IN THIS STATE; AND".

9 Page 5, line 5, strike "FIVE".

10 Page 5, line 6, strike "HUNDRED" and substitute "NOT LESS THAN TWO
11 THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE
12 THOUSAND".

13 Page 5, after line 22 insert:

14 "SECTION 2. 18-7-202 (2), Colorado Revised Statutes, is
15 amended to read:

16 **18-7-202. Soliciting for prostitution.** (2) Soliciting for
17 prostitution is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF
18 SOLICITING FOR PROSTITUTION SHALL BE REQUIRED TO PAY A FINE OF NOT
19 LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND

1 DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT
2 PURSUANT TO SECTION 18-1.3-501, WHICH ADDITIONAL FINE SHALL BE
3 TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE
4 SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM
5 CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

6 **SECTION 3.** 18-7-203 (2), Colorado Revised Statutes, is
7 amended to read:

8 **18-7-203. Pandering.** (2) (a) Pandering under paragraph (a) of
9 subsection (1) of this section is a class 5 felony. A PERSON WHO IS
10 CONVICTED OF PANDERING UNDER PARAGRAPH (a) OF SUBSECTION (1) OF
11 THIS SECTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE
12 THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN
13 ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO
14 SECTION 18-1.3-401, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO
15 THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE
16 PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND
17 CREATED IN SECTION 24-33.5-513, C.R.S.

18 (b) Pandering under paragraph (b) of subsection (1) of this section
19 is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF PANDERING
20 UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE
21 REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND
22 NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY
23 IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH
24 ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO
25 SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT
26 RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-
27 513, C.R.S.

28 **SECTION 4.** 18-7-205 (2), Colorado Revised Statutes, is
29 amended to read:

30 **18-7-205. Patronizing a prostitute.** (2) Patronizing a prostitute
31 is a class 1 petty offense; except that patronizing a prostitute is a class 1
32 misdemeanor if the violation is committed subsequent to two prior
33 convictions of a violation of this section, of a violation of a comparable
34 offense in any other state, or of a violation of a comparable municipal
35 offense. A PERSON WHO IS CONVICTED OF PATRONIZING A PROSTITUTE
36 SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND
37 DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO
38 ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-401
39 OR 18-1.3-503, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE
40 STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE
41 PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND
42 CREATED IN SECTION 24-33.5-513, C.R.S.

1 **SECTION 5.** 18-1.3-701 (1) (a), Colorado Revised Statutes, is
2 amended to read:

3 **18-1.3-701. Judgment for costs and fines.** (1) (a) Where any
4 person, association, or corporation is convicted of an offense, or any
5 juvenile is adjudicated a juvenile delinquent for the commission of an act
6 that would have been a criminal offense if committed by an adult, the
7 court shall give judgment in favor of the state of Colorado, the
8 appropriate prosecuting attorney, or the appropriate law enforcement
9 agency and against the offender or juvenile for the amount of the costs of
10 prosecution, the amount of the cost of care, and any fine imposed. No
11 fine shall be imposed for conviction of a felony except as provided in
12 section 18-1.3-401 OR 18-7-203 (2) (a). Such judgments shall be
13 enforceable in the same manner as are civil judgments, and, in addition,
14 the provisions of section 16-11-101.6, C.R.S., and section 18-1.3-702
15 apply. A county clerk and recorder may not charge a fee for the recording
16 of a transcript or satisfaction of a judgment entered pursuant to this
17 section.

18 **SECTION 6.** Part 5 of article 33.5 of title 24, Colorado Revised
19 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
20 read:

21 **24-33.5-513. Prostitution enforcement resources grant**
22 **program - application process - cash fund - reports - rules - repeal.**

23 (1) THERE IS HEREBY CREATED IN THE DIVISION THE PROSTITUTION
24 ENFORCEMENT RESOURCES GRANT PROGRAM. UNDER THE PROGRAM, ON
25 AND AFTER JULY 1, 2013, A MUNICIPAL LAW ENFORCEMENT AGENCY MAY
26 APPLY FOR A GRANT TO FUND EFFORTS TO COMBAT
27 PROSTITUTION-RELATED OFFENSES. THE DIVISION SHALL ADMINISTER THE
28 PROGRAM PURSUANT TO THE PROVISIONS OF THIS SECTION.

29 (2) THE DIVISION SHALL SOLICIT AND REVIEW APPLICATIONS FROM
30 MUNICIPAL LAW ENFORCEMENT AGENCIES FOR GRANTS PURSUANT TO THIS
31 SECTION. THE DEPARTMENT MAY AWARD GRANTS TO MUNICIPAL LAW
32 ENFORCEMENT AGENCIES FOR PERIODS OF ONE TO THREE YEARS.

33 (3) EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE HOW THE
34 APPLICANT MUNICIPAL LAW ENFORCEMENT AGENCY WILL USE ANY
35 AWARDED GRANT MONEYS TO COMBAT PROSTITUTION-RELATED OFFENSES.
36 EACH GRANT RECIPIENT SHALL USE ITS GRANT MONEYS TO SUPPLEMENT
37 AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED BY THE GRANT
38 RECIPIENT TO COMBAT PROSTITUTION-RELATED OFFENSES.

39 (4) THE DIVISION SHALL SELECT THOSE MUNICIPAL LAW
40 ENFORCEMENT AGENCIES THAT WILL RECEIVE GRANTS PURSUANT TO THIS
41 SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING
42 THE GRANT RECIPIENTS, THE DIVISION, AT A MINIMUM, SHALL TAKE INTO

1 ACCOUNT THE CRITERIA ESTABLISHED BY RULES PROMULGATED BY THE
2 EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (7) OF THIS SECTION.

3 (5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
4 PROSTITUTION ENFORCEMENT CASH FUND, REFERRED TO IN THIS SECTION
5 AS THE "FUND", TO BE ADMINISTERED BY THE DIVISION PURSUANT TO THIS
6 SECTION. THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE
7 FUND PURSUANT TO SECTIONS 18-7-202 (2), 18-7-203 (2) (a) AND (2) (b),
8 AND 18-7-205 (2), C.R.S.

9 (b) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
10 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION FOR THE
11 DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS
12 SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF
13 THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
14 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT
15 AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
16 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND
17 AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
18 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND;
19 EXCEPT THAT, ALL UNEXPENDED AND UNENCUMBERED MONEYS
20 REMAINING IN THE FUND AS OF JULY 1, 2018, SHALL BE TRANSFERRED TO
21 THE GENERAL FUND.

22 (c) THE DIVISION MAY EXPEND UP TO THREE PERCENT OF THE
23 MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS
24 INCURRED IN IMPLEMENTING THIS SECTION.

25 (6) ON OR BEFORE A DATE SPECIFIED BY THE EXECUTIVE DIRECTOR
26 PURSUANT TO SUBSECTION (7) OF THIS SECTION, THE DIVISION SHALL
27 SUBMIT ANNUALLY TO THE JUDICIARY COMMITTEES OF THE SENATE AND
28 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE
29 FOLLOWING INFORMATION REGARDING THE ADMINISTRATION OF THE
30 PROGRAM IN THE PRECEDING YEAR:

31 (a) THE NUMBER OF GRANT RECIPIENTS THAT RECEIVED GRANTS
32 UNDER THE PROGRAM;

33 (b) THE AMOUNT OF EACH GRANT AWARDED TO EACH GRANT
34 RECIPIENT;

35 (c) THE AVERAGE AMOUNT OF EACH GRANT AWARDED UNDER THE
36 PROGRAM;

37 (d) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED
38 OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT
39 AGENCY IN THE TWELVE-MONTH PERIOD PRECEDING THE RECEIPT OF
40 GRANT MONEYS; AND

1 (e) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED
2 OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT
3 AGENCY SINCE RECEIVING GRANT MONEYS.

4 (7) ON OR BEFORE APRIL 1, 2012, THE EXECUTIVE DIRECTOR SHALL
5 PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION,
6 INCLUDING BUT NOT LIMITED TO:

7 (a) APPLICATION PROCEDURES BY WHICH A MUNICIPAL LAW
8 ENFORCEMENT AGENCY MAY APPLY FOR A GRANT PURSUANT TO THIS
9 SECTION;

10 (b) CRITERIA FOR THE DIVISION TO APPLY IN SELECTING THE
11 MUNICIPAL LAW ENFORCEMENT AGENCIES THAT SHALL RECEIVE GRANTS
12 AND DETERMINING THE AMOUNT OF GRANT MONEYS TO BE AWARDED TO
13 EACH GRANT RECIPIENT, WHICH CRITERIA, AT A MINIMUM, SHALL REQUIRE
14 EACH GRANT RECIPIENT TO USE AWARDED GRANT MONEYS FOR THE
15 PURPOSE OF COMBATING PROSTITUTION-RELATED OFFENSES; AND

16 (c) THE DESIGNATION OF A DATE BY WHICH THE DEPARTMENT
17 SHALL ANNUALLY SUBMIT TO THE JUDICIARY COMMITTEES OF THE SENATE
18 AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE
19 INFORMATION DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

20 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018."

21 Renumber succeeding section accordingly.

22 Page 1, strike lines 101 and 102 and substitute "**CONCERNING**
23 **INCREASING THE ENFORCEMENT OF PROHIBITIONS AGAINST CERTAIN**
24 **PROSTITUTION-RELATED OFFENSES, AND, IN CONNECTION THEREWITH,**
25 **AUTHORIZING THE CREATION OF A PROGRAM FOR CERTAIN FIRST-TIME**
26 **OFFENDERS OF SUCH OFFENSES.**".

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