

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0163.01 Michael Dohr

SENATE BILL 11-004

SENATE SPONSORSHIP

Guzman, Steadman

HOUSE SPONSORSHIP

Pabon,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING CRIMES AGAINST HOMELESS PERSONS, AND MAKING AN
102 APPROPRIATION THEREFOR.

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://www.leg.state.co.us/billssummaries>.)

The bill adds homeless adults and juveniles to the at-risk crime provisions. The bill makes the required 5-year statutory appropriation.

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

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.

1 **SECTION 1.** 18-6.5-102 (1) and (1.5), Colorado Revised
2 Statutes, are amended, and the said 18-6.5-102 is further amended BY
3 THE ADDITION OF A NEW SUBSECTION, to read:

4 **18-6.5-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (1) "At-risk adult" means any person who is sixty years of age or
7 older, A PERSON WHO IS HOMELESS, or any person who is eighteen years
8 of age or older and is a person with a disability as said term is defined in
9 subsection (3) of this section.

10 (1.5) "At-risk juvenile" means any person who is under ~~the age of~~
11 eighteen years OF AGE and is a person with a disability as said term is
12 defined in subsection (3) of this section OR A PERSON WHO IS UNDER
13 EIGHTEEN YEARS OF AGE AND IS HOMELESS.

14 (1.7) "HOMELESS" MEANS A PERSON WHO:

15 (I) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME
16 RESIDENCE; OR

17 (II) HAS A PRIMARY NIGHTTIME RESIDENCE THAT IS:

18 (A) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER
19 DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

20 (B) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, OR
21 ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR
22 HUMAN BEINGS.

23 **SECTION 2.** Article 18 of title 17, Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW SECTION to read:

25 **17-18-108. Appropriation to comply with section 2-2-703 - SB**
26 **11-##### - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
27 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY

1 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 11-____,
2 ENACTED IN 2011:

3 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
4 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
5 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
6 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
7 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

8 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN
9 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
10 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
11 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
12 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

13 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
14 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
15 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
16 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

17 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
18 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
19 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
20 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
21 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

22 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
23 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
24 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
25 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

26 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN
27 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY

1 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
2 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
3 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

4 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN ADDITION
5 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
6 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
7 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

8 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION
9 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
10 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
11 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
12 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

13 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION
14 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
15 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
16 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

17 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

18 **SECTION 3.** The introductory portion to 24-75-302 (2) and
19 24-75-302 (2) (x) and (2) (y), Colorado Revised Statutes, are amended,
20 and the said 24-75-302 (2) is further amended BY THE ADDITION OF
21 THE FOLLOWING NEW PARAGRAPHS, to read:

22 **24-75-302. Capital construction fund - capital assessment fees**
23 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
24 through July 1, ~~2012~~ 2015, a sum as specified in this subsection (2) shall
25 accrue to the capital construction fund. The state treasurer and the
26 controller shall transfer such sum out of the general fund and into the
27 capital construction fund as moneys become available in the general fund

1 during the fiscal year beginning on said July 1. Transfers between funds
2 pursuant to this subsection (2) shall not be deemed to be appropriations
3 subject to the limitations of section 24-75-201.1. The amount that shall
4 accrue pursuant to this subsection (2) shall be as follows:

5 (x) On July 1, 2011, seven hundred fifty thousand nine hundred
6 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session
7 of the sixty-sixth general assembly; plus three hundred seventy-five
8 thousand four hundred ninety-five dollars pursuant to S.B. 08-239,
9 enacted at the second regular session of the sixty-sixth general assembly;
10 PLUS _____ DOLLARS PURSUANT TO S.B. 11-_____, ENACTED IN 2011;

11 (y) On July 1, 2012, one hundred twelve thousand six hundred
12 forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular
13 session of the sixty-sixth general assembly; plus three hundred
14 seventy-five thousand four hundred ninety-five dollars pursuant to S.B.
15 08-239, enacted at the second regular session of the sixty-sixth general
16 assembly; plus eighty-three thousand eight hundred sixty-one dollars
17 pursuant to S.B. 10-128, enacted at the second regular session of the
18 sixty-seventh general assembly; PLUS _____ DOLLARS PURSUANT TO S.B.
19 11-_____, ENACTED IN 2011;

20 (z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO S.B. 11-_____,
21 ENACTED IN 2011;

22 (aa) ON JULY 1, 2014, _____ DOLLARS PURSUANT TO S.B.
23 11-_____, ENACTED IN 2011;

24 (bb) ON JULY 1, 2015, _____ DOLLARS PURSUANT TO S.B.
25 11-_____, ENACTED IN 2011;

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.