

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

**ENGROSSED**

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

LLS NO. 11-0163.01 Michael Dohr

**SENATE BILL 11-004**

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**SENATE SPONSORSHIP**

**Guzman, Steadman**

**HOUSE SPONSORSHIP**

**Pabon,**

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**Senate Committees**

Judiciary  
Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING CRIMES AGAINST HOMELESS PERSONS.**

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**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/billsummaries>.)*

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

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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.*

SENATE  
Amended 2nd Reading  
April 20, 2011

1           **SECTION 1.** 18-9-121 (1), the introductory portion to 18-9-121  
2           (2), and 18-9-121 (5), Colorado Revised Statutes, are amended to read:

3           **18-9-121. Bias-motivated crimes.** (1) The general assembly  
4           hereby finds and declares that it is the right of every person, regardless of  
5           race, color, ancestry, religion, national origin, physical or mental  
6           disability, HOMELESS STATUS, or sexual orientation to be secure and  
7           protected from fear, intimidation, harassment, and physical harm caused  
8           by the activities of individuals and groups. The general assembly further  
9           finds that the advocacy of unlawful acts against persons or groups  
10           because of a person's or group's race, color, ancestry, religion, national  
11           origin, physical or mental disability, HOMELESS STATUS, or sexual  
12           orientation for the purpose of inciting and provoking bodily injury or  
13           damage to property poses a threat to public order and safety and should  
14           be subject to criminal sanctions.

15           (2) A person commits a bias-motivated crime if, with the intent to  
16           intimidate or harass another person because of that person's actual or  
17           perceived race, color, religion, ancestry, national origin, physical or  
18           mental disability, HOMELESS STATUS, or sexual orientation, he or she:

19           (5) For purposes of this section:

20           (a) "HOMELESS STATUS" MEANS A PERSON WHO:

21           (I) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME  
22           RESIDENCE; OR

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

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

26           (B) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, OR  
27           ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR

1 HUMAN BEINGS.

2 (a) (b) "Physical or mental disability" refers to a disability as used  
3 in the definition of the term "person with a disability" in section  
4 18-6.5-102 (3).

5 (b) (c) "Sexual orientation" means a person's actual or perceived  
6 orientation toward heterosexuality, homosexuality, bisexuality, or  
7 transgender status.

8 **SECTION 2. Exception to the requirements of section 2-2-703,**  
9 **Colorado Revised Statutes.** The general assembly hereby finds that the  
10 amendments to section 18-9-121, Colorado Revised Statutes, enacted in  
11 section 1 of this act will result in the minor fiscal impact of one additional  
12 offender being convicted and sentenced to the department of corrections  
13 during the five years following passage of this act. Because of the  
14 relative insignificance of this degree of fiscal impact, these amendments  
15 are an exception to the five-year appropriation requirements specified in  
16 section 2-2-703, Colorado Revised Statutes.

17 **SECTION 3. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, and safety.