

HOUSE JOURNAL
SIXTY-NINTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Fifty-ninth Legislative Day

Friday, March 7, 2014

1 Prayer by the Reverend Tim Trier, Light and Life Community Church,
 2 Lakewood.

3
 4 The Speaker called the House to order at 9:00 a.m.

5
 6 Pledge of Allegiance led by Zainab Allsad, McMeen Elementary,
 7 Espy Bryan, Ellis Elementary, Alonzo Buckley, Arnez Martinez, Denver.

8
 9 The roll was called with the following result:

10

11 Present--61.

12 Excused--Representative(s) Fischer, Joshi, Swalm, Wright--4.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Rosenthal, the reading of the journal of
 18 March 6, 2014, was declared dispensed with and approved as corrected
 19 by the Chief Clerk.

20

21

22

23 **THIRD READING OF BILL(S)--FINAL PASSAGE**

24

25 The following bill(s) were considered on Third Reading. The title(s)
 26 were publicly read. Reading of the bill at length was dispensed with by
 27 unanimous consent.

28

29 **HB14-1042** by Representative(s) Saine, McCann; also Senator(s)
 30 Tochtrop--Concerning access by birth parents to records
 31 relating to the relinquishment of parental rights, and, in
 32 connection therewith, making an appropriation.

33

34 The question being "Shall the bill pass?".

35 A roll call vote was taken. As shown by the following recorded vote, a
 36 majority of those elected to the House voted in the affirmative and the bill
 37 was declared **passed**.

38

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	YES	61	NO	0	EXCUSED	4	ABSENT	0
Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y	
Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y	
Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y	
Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y	

1	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
2	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
3	DelGrosso	Y	Joshi	E	Navarro	Y	Stephens	Y
4	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	E
5	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
6	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
7	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
8	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
9	Fischer	E	Lebsock	Y	Priola	Y	Williams	Y
10	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
11	Garcia	Y	May	Y	Rosenthal	Y	Wright	E
12	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
13							Speaker	Y

14 Co-sponsor(s) added: Representative(s) Ginal, Kagan, Pabon, Rankin, Young,
15 Speaker

16
17 **HB14-1257** by Representative(s) Sonnenberg and Nordberg; also
18 Senator(s) Balmer, King--Concerning the authority of the
19 state auditor to conduct a performance audit of the
20 Colorado health benefit exchange.

21
22 The question being "Shall the bill pass?".

23 A roll call vote was taken. As shown by the following recorded vote, a
24 majority of those elected to the House voted in the affirmative and the bill
25 was declared **passed**.

26	YES	60	NO	1	EXCUSED	4	ABSENT	0
28	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
29	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
30	Buckner	Y	Hamner	Y	Melton	Y	Schafer	N
31	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
32	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
33	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
34	DelGrosso	Y	Joshi	E	Navarro	Y	Stephens	Y
35	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	E
36	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
37	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
38	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
39	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
40	Fischer	E	Lebsock	Y	Priola	Y	Williams	Y
41	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
42	Garcia	Y	May	Y	Rosenthal	Y	Wright	E
43	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Lee, Saine, Stephens

46
47 **SB14-043** by Senator(s) Grantham, Tochtrop; also Representative(s)
48 Priola--Concerning the inclusion of certain land areas used
49 to grow products that originate above the ground within
50 the classification of "all other agricultural property" for
51 property tax purposes.

52
53 The question being "Shall the bill pass?".

54 A roll call vote was taken. As shown by the following recorded vote, a
55 majority of those elected to the House voted in the affirmative and the bill
56 was declared **passed**.

	YES	61	NO	0	EXCUSED	4	ABSENT	0
1								
2	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
3	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
4	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
5	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
6	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
7	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
8	DelGrosso	Y	Joshi	E	Navarro	Y	Stephens	Y
9	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	E
10	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
11	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
12	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
13	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
14	Fischer	E	Lebsock	Y	Priola	Y	Williams	Y
15	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
16	Garcia	Y	May	Y	Rosenthal	Y	Wright	E
17	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Becker, Fields, Lebsock, Moreno,
20 Schafer, Singer

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25 On motion of Representative Hullinghorst, **HB14-1141, SB14-095,**
26 **HB14-1136, SB14-112, HB14-1105, SB14-024, 031, 097, 121, 138, 096**
27 were made Special Orders on March 7, 2014, at 10:00 a.m.

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32 The hour of 10:00 a.m., having arrived, on motion of Representative
33 Court, the House resolved itself into Committee of the Whole for
34 consideration of Special Orders and she was called to the Chair to act as
35 Chairman.

36 37 38 39 **SPECIAL ORDERS--SECOND READING OF BILLS**

40
41 The Committee of the Whole having risen, the Chairman reported the
42 titles of the following bills had been read (reading at length had been
43 dispensed with by unanimous consent), the bills considered and action
44 taken thereon as follows:

45
46 (Amendments to the committee amendment are to the printed committee
47 report which was printed and placed in the members' bill file.)

48
49 **HB14-1141** by Representative(s) Coram--Concerning the
50 confidentiality of social security numbers under the
51 "Colorado Consumer Protection Act".

52
53 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
54 February 24, 2014, and placed in member's bill file; Report also printed
55 in House Journal, February 25, 2014, page(s) 397.

56

1 Amendment No. 2, by Representative(s) Coram.

2

3 Amend the State, Veterans, and Military Affairs Committee Report, dated
4 February 24, 2014, page 1, line 8, strike "DATABASE." and substitute
5 "DATABASE OR TO REIMBURSE A MEMBER FOR EXPENSES INCURRED IN THE
6 ACTUAL PERFORMANCE OF HIS OR HER DUTIES.".

7

8 Amendment No. 3, by Representative(s) Coram.

9

10 Amend printed bill, page 2, line 14, strike "NUMBER." and substitute
11 "NUMBER UNLESS FEDERAL OR STATE LAW REQUIRES SUCH DISCLOSURE."

12

13 As amended, ordered engrossed and placed on the Calendar for Third
14 Reading and Final Passage.

15

16 **SB14-095** by Senator(s) Kefalas; also Representative(s) McCann--
17 Concerning the ability of a prescription drug outlet to
18 compound drugs for distribution to a Colorado hospital.

19

20 Ordered revised and placed on the Calendar for Third Reading and Final
21 Passage.

22

23 **HB14-1136** by Representative(s) Primavera, Holbert; also Senator(s)
24 Todd--Concerning exempting a continuing professional
25 education program that is approved by a state professional
26 licensing board from regulation by the division of private
27 occupational schools in the department of higher
28 education.

29

30 Laid over until March 10, retaining place on Calendar.

31

32 **SB14-112** by Senator(s) Steadman, Hodge, Lambert; also
33 Representative(s) Duran and Gerou, May--Concerning a
34 requirement that all financial assistance awarded from the
35 public school capital construction assistance fund under
36 the "Building Excellent Schools Today Act" be subject to
37 annual appropriation.

38

39 Ordered revised and placed on the Calendar for Third Reading and Final
40 Passage.

41

42 **HB14-1105** by Representative(s) Mitsch Bush; also Senator(s) Todd--
43 Concerning the exemption from the state gasoline and
44 special fuel tax of sales between governmental entities.

45

46 Amendment No. 1, Transportation & Energy Report, dated February 12,
47 2014, and placed in member's bill file; Report also printed in House
48 Journal, February 13, 2014, page(s) 267

49

50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.

52

53

1 **SB14-024** by Senator(s) Tochtrop; also Representative(s) Scott,
2 Court, Dore, Peniston, Rosenthal, Schafer, Wright--
3 Concerning the responsibilities of certain entities in
4 managing volunteer firefighter pension plans that are
5 affiliated with the fire and police pension association.
6

7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9

10 **SB14-031** by Senator(s) Tochtrop; also Representative(s) Rosenthal,
11 Court, Schafer--Concerning modifications to the
12 administration of old hire police officers' and firefighters'
13 pension plans.
14

15 Ordered revised and placed on the Calendar for Third Reading and Final
16 Passage.
17

18 **SB14-097** by Senator(s) Tochtrop; also Representative(s) Hamner--
19 Concerning the immunity of public agencies against
20 liability arising from the wildfire mitigation activities of
21 insurance companies.
22

23 Ordered revised and placed on the Calendar for Third Reading and Final
24 Passage.
25

26 **SB14-138** by Senator(s) Kefalas, Lundberg, Jones, Nicholson; also
27 Representative(s) Sonnenberg and Foote, Humphrey,
28 Singer, Young, Saine--Concerning civil immunity for
29 community volunteers assisting at an emergency.
30

31 Ordered revised and placed on the Calendar for Third Reading and Final
32 Passage.
33

34 **SB14-121** by Senator(s) Lambert; also Representative(s) Young--
35 Concerning financial assistance for local governments
36 after a declared disaster emergency.
37

38 Ordered revised and placed on the Calendar for Third Reading and Final
39 Passage.
40

41 **SB14-096** by Senator(s) Crowder, Todd; also Representative(s)
42 Exum and Pettersen--Concerning renaming state veterans
43 nursing homes to veterans community living centers to
44 more accurately reflect the wide array of services provided
45 to state veterans.
46

47 Ordered revised and placed on the Calendar for Third Reading and Final
48 Passage.
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1 Co-sponsor(s) added: Representative(s) Becker, Buckner, Conti, DelGrosso,
2 Dore, Duran, Exum, Fields, Garcia, Gardner, Gerou, Ginal, Holbert,
3 Hullinghorst, Humphrey, Kraft-Tharp, Labuda, Landgraf, Lawrence, Lebsock,
4 May, McCann, McLachlan, Melton, Mitsch Bush, Moreno, Murray, Navarro,
5 Nordberg, Pettersen, Primavera, Priola, Rankin, Rosenthal, Ryden, Salazar,
6 Schafer, Singer, Sonnenberg, Stephens, Tyler, Vigil, Waller, Williams, Wilson,
7 Young, Speaker

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House in recess. House reconvened.

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REPORT(S) OF COMMITTEE(S) OF REFERENCE

17

APPROPRIATIONS

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

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HB14-1046 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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Amend printed bill, page 4, after line 15 insert:

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28

"SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2014, the sum of \$4,120, or so much thereof as may be necessary, for the purchase of computer programming services related to the implementation of this act.

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(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2014, the sum of \$5,920, or so much thereof as may be necessary, for allocation to the division of motor vehicles for the purchase of special license plates related to the implementation of this act.

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(3) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$4,120, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section."

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Renumber succeeding section accordingly.

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Page 1, line 102, strike "VEHICLES." and substitute "VEHICLES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

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56

- 1 **HB14-1084** be postponed indefinitely.
2
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- 4 **HB14-1115** be postponed indefinitely.
5
6
- 7 **HB14-1131** be referred to the Committee of the Whole with favorable
8 recommendation.
9
- 10
11 **HB14-1149** be referred to the Committee of the Whole with favorable
12 recommendation.
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- 15 **HB14-1176** be referred to the Committee of the Whole with favorable
16 recommendation.
17
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- 19 **HB14-1181** be referred to the Committee of the Whole with favorable
20 recommendation.
21
22
- 23 **HB14-1185** be referred to the Committee of the Whole with favorable
24 recommendation.
25
26
- 27 **HB14-1195** be referred to the Committee of the Whole with favorable
28 recommendation.
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- 33 **BUSINESS, LABOR, ECONOMIC, & WORKFORCE DEVELOPMENT**
34 **COMMITTEE**
- 35 After consideration on the merits, the Committee recommends the
36 following:
37
- 38 **HB14-1279** be amended as follows, and as so amended, be referred to
39 the Committee on Finance with favorable
40 recommendation:
41
- 42 Amend printed bill, page 3, after line 19 insert:
43
- 44 "(c) A TAXPAYER MAY NOT CLAIM A TAX CREDIT UNDER THIS
45 SECTION FOR THE PAYMENT OF DELINQUENT PROPERTY TAXES THAT WERE
46 OWED FOR A PRIOR PROPERTY TAX YEAR."
47
- 48 Reletter succeeding paragraph accordingly.
49
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51
- 52 **HB14-1282** be referred to the Committee of the Whole with favorable
53 recommendation.
54
55
- 56 **SB14-054** be referred favorably to the Committee on Finance.

1 **SB14-080** be referred to the Committee of the Whole with favorable
 2 recommendation.
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7 **FINANCE**

8 After consideration on the merits, the Committee recommends the
 9 following:
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11 **HB14-1180** be referred favorably to the Committee on Appropriations.
 12
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14 **HB14-1221** be referred favorably to the Committee on Appropriations.
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17 **HB14-1227** be referred favorably to the Committee on Appropriations.
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22 **HEALTH, INSURANCE & ENVIRONMENT**

23 After consideration on the merits, the Committee recommends the
 24 following:
 25

26 **HB14-1283** be amended as follows, and as so amended, be referred to
 27 the Committee on Appropriations with favorable
 28 recommendation:
 29

30 Amend printed bill, page 8, line 7, after "DIRECTOR" insert "AND THE
 31 GENERAL ASSEMBLY".
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36 **JUDICIARY**

37 After consideration on the merits, the Committee recommends the
 38 following:
 39

40 **HB14-1162** be amended as follows, and as so amended, be referred to
 41 the Committee on Appropriations with favorable
 42 recommendation:
 43

44 Amend printed bill, strike everything below the enacting clause and
 45 substitute:

46 "SECTION 1. In Colorado Revised Statutes, **amend** 19-5-105.5
 47 as follows:

48 **19-5-105.5. Termination of parent-child legal relationship**
 49 **upon a finding that the child was conceived as a result of sexual**
 50 **assault - legislative declaration - definitions.** (1) The general assembly
 51 hereby declares that the purpose of this statute is to protect the victim of
 52 a sexual assault and to protect the child conceived as a result of that
 53 sexual assault by ~~terminating~~ CREATING A PROCESS TO SEEK TERMINATION
 54 OF the parental rights of the perpetrator of the sexual assault and by
 55 issuing protective orders preventing future contact between the parties.
 56 The general assembly further declares that this section creates civil

1 remedies and is not created to punish the perpetrator but rather to protect
2 the interests of the child and the victim of a sexual assault.

3 (2) As used in this section, unless the context otherwise requires:
4 (a) "Convicted" or "conviction" has the same meaning as defined
5 in section 19-1-103 (29.3).
6 (a.5) "DISABILITY" MEANS:
7 (I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY
8 LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES; OR
9 (II) A RECORD OF A PHYSICAL OR MENTAL IMPAIRMENT THAT
10 SUBSTANTIALLY LIMITED A MAJOR LIFE ACTIVITY.
11 (a.7) "PETITIONER" MEANS A VICTIM OF SEXUAL ASSAULT WHO
12 FILES A PETITION FOR TERMINATION OF THE PARENT-CHILD LEGAL
13 RELATIONSHIP OF THE OTHER PARENT AS PROVIDED IN THIS SECTION.
14 (a.8) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PETITION
15 FOR TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS FILED AS
16 PROVIDED IN THIS SECTION.
17 (b) "Sexual assault" has the same meaning as defined in section
18 19-1-103 (96.5).
19 (c) "Victim" has the same meaning as defined in section 19-1-103
20 (112) (b).
21 (3) If a child was conceived as a result of an act that led to the
22 parent's conviction for sexual assault or for a conviction in which the
23 underlying factual basis was sexual assault, the victim of the sexual
24 assault or crime may file a petition in the juvenile court to prevent future
25 contact with the parent who committed the sexual assault and to terminate
26 the parent-child legal relationship of the parent who committed the sexual
27 assault or crime.
28 (4) The verified petition filed under this section must allege that:
29 (a) The ~~other parent~~ RESPONDENT was convicted on or after July
30 1, 2013, of an act of sexual assault against the ~~victim~~ PETITIONER or
31 convicted of a crime in which the underlying factual basis was sexual
32 assault against the ~~victim~~ PETITIONER;
33 (b) A child was conceived as a result of the act of sexual assault
34 or crime described under paragraph (a) of this subsection (4); and
35 (c) Termination of the parent-child legal relationship of the ~~other~~
36 ~~parent~~ RESPONDENT with the child is in the best interests of the child.
37 (4.5) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS
38 SECTION, THE COURT SHALL ISSUE A SUMMONS THAT RECITES BRIEFLY THE
39 SUBSTANCE OF THE PETITION AND CONTAINS A STATEMENT THAT THE
40 PURPOSE OF THE PROCEEDING IS WHETHER TO TERMINATE THE
41 PARENT-CHILD LEGAL RELATIONSHIP OF THE RESPONDENT. THE
42 PETITIONER SHALL HAVE THE RESPONDENT PERSONALLY SERVED WITH A
43 COPY OF THE SUMMONS OR NOTIFIED THROUGH NOTICE BY PUBLICATION
44 CONSISTENT WITH THE STATUTORY PROVISIONS FOR NOTICE IN SECTION
45 19-3-503 AND PURSUANT TO THE COLORADO RULES OF CIVIL PROCEDURE,
46 UNLESS THE RESPONDENT APPEARS VOLUNTARILY OR WAIVES SERVICE.
47 UPON REQUEST, THE COURT SHALL PROTECT THE WHEREABOUTS OF THE
48 PETITIONER AND MUST IDENTIFY THE PETITIONER AND THE CHILD IN THE
49 SUMMONS BY INITIALS.
50 (5) After a petition has been filed pursuant to this section, the
51 court ~~may~~ SHALL appoint a guardian ad litem, who must be an attorney,
52 to represent the child's best interests in the proceeding. ~~A~~ THE petitioner
53 ~~has~~ AND THE RESPONDENT HAVE the right to be represented by legal
54 counsel in proceedings under this section. ~~and has~~ THE PETITIONER AND
55 THE RESPONDENT EACH HAVE the right to seek the appointment of legal
56 counsel if ~~the petitioner~~ HE OR SHE is unable financially to secure legal

1 counsel on his or her own. THE COURT SHALL WAIVE FILING FEES FOR AN
2 INDIGENT PETITIONER.

3 (b) THE COURT WILL WORK TO ENSURE THAT A PETITIONER OR A
4 RESPONDENT WHO HAS A DISABILITY HAS EQUAL ACCESS TO PARTICIPATE
5 IN THE PROCEEDING. IF THE PETITIONER OR RESPONDENT HAS A
6 DISABILITY, HE OR SHE HAS THE RIGHT TO REQUEST REASONABLE
7 ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THE PROCEEDING; EXCEPT
8 THAT THE DISABILITY OF THE PETITIONER, THE RESPONDENT, OR THE CHILD
9 MUST NOT BE THE CAUSE FOR THE UNNECESSARY DELAY OF THE PROCESS.
10 THE COURT SHALL PRESUME THAT A PETITIONER OR A RESPONDENT WITH
11 A DISABILITY IS LEGALLY COMPETENT AND ABLE TO UNDERSTAND AND
12 PARTICIPATE IN THE PROCEEDING UNLESS THE PETITIONER OR RESPONDENT
13 IS DETERMINED TO BE AN INCAPACITATED PERSON, AS DEFINED IN SECTION
14 15-14-102 (5), C.R.S.

15 (6) In any proceeding held under this section, THE COURT MAY
16 GRANT PROTECTIVE MEASURES IN THE COURTROOM AS REQUESTED BY THE
17 PETITIONER, INCLUDING BUT NOT LIMITED TO ALLOWING ~~the victim is not~~
18 ~~required~~ PETITIONER to NOT appear in the presence of the ~~other parent and~~
19 RESPONDENT, SO LONG AS THESE MEASURES DO NOT VIOLATE DUE
20 PROCESS. The ~~victim's~~ PETITIONER'S and the child's whereabouts must be
21 kept confidential.

22 (6.5) A RESPONDENT MAY ADMIT PARENTAGE OR MAY REQUEST
23 GENETIC TESTING OR OTHER TESTS OF INHERITED CHARACTERISTICS TO
24 CONFIRM PATERNITY. THE TEST RESULTS MUST BE ADMITTED INTO
25 EVIDENCE AS PROVIDED IN SECTION 13-25-126, C.R.S. THE FINAL COSTS
26 FOR GENETIC TESTS OR OTHER TESTS OF INHERITED CHARACTERISTICS
27 MUST BE ASSESSED AGAINST THE NONPREVAILING PARTY ON THE
28 PARENTAGE ISSUE.

29 (6.7) THE COURT SHALL HEAR A PETITION TO TERMINATE THE
30 PARENT-CHILD LEGAL RELATIONSHIP NO MORE THAN ONE HUNDRED
31 TWENTY DAYS AFTER SERVICE OF THE PETITION OR FROM THE FIRST
32 APPEARANCE DATE, WHICHEVER IS LATER, UNLESS BOTH PARTIES CONSENT
33 TO AN EXTENSION OR THE COURT FINDS GOOD CAUSE TO EXTEND THE
34 HEARING BEYOND ONE HUNDRED TWENTY DAYS.

35 (7) The court shall terminate the parent-child legal relationship of
36 ~~the person against whom the petition is filed~~ RESPONDENT if the court
37 finds by clear and convincing evidence, AND STATES THE REASONS FOR ITS
38 DECISION, that:

39 (a) The ~~parent~~ RESPONDENT was convicted on or after July 1,
40 2013, of an act of sexual assault against the ~~victim~~ PETITIONER or was
41 convicted of a crime in which the underlying factual basis was sexual
42 assault against the ~~victim~~ PETITIONER;

43 (b) A child was conceived as a result of that act of sexual assault
44 or crime AS EVIDENCED BY THE RESPONDENT ADMITTING PARENTAGE OR
45 GENETIC TESTING ESTABLISHING THE PATERNITY; and

46 (c) Termination of the parent-child legal relationship is in the best
47 interests of the child. There is a rebuttable presumption that terminating
48 the parental rights of the parent who committed the act of sexual assault
49 or crime is in the best interests of the child. THE COURT SHALL NOT
50 PRESUME THAT HAVING ONLY ONE REMAINING PARENT IS CONTRARY TO
51 THE CHILD'S BEST INTERESTS.

52 (7.3) IF THE CHILD IS AN INDIAN CHILD, THE COURT SHALL ENSURE
53 COMPLIANCE WITH THE FEDERAL "INDIAN CHILD WELFARE ACT", 25
54 U.S.C. SEC. 1901 ET SEQ., AND THE PROVISIONS OF SECTION 19-1-126.

55 (7.5) IF THE COURT DENIES THE PETITION TO TERMINATE THE
56 PARENT-CHILD LEGAL RELATIONSHIP, THEN THE COURT SHALL ARTICULATE

1 ITS REASONS FOR THE DENIAL OF THE PETITION. IF THE COURT DENIES THE
2 PETITION, THE COURT HAS CONTINUING JURISDICTION AND AUTHORITY TO
3 ENTER AN ORDER IN THE SAME PROCEEDING ALLOCATING PARENTAL
4 RESPONSIBILITIES BETWEEN THE PARTIES, INCLUDING BUT NOT LIMITED TO
5 AN ORDER TO NOT ALLOCATE PARENTAL RESPONSIBILITIES TO THE
6 RESPONDENT. IN ISSUING ANY ORDER ALLOCATING PARENTAL
7 RESPONSIBILITIES, INCLUDING THE DUTY OF SUPPORT, GUARDIANSHIP, AND
8 PARENTING TIME PRIVILEGES WITH THE CHILD OR ANY OTHER MATTER, THE
9 COURT SHALL DETERMINE WHETHER THE ORDER IS IN THE BEST INTERESTS
10 OF THE CHILD BASED ON A PREPONDERANCE OF THE EVIDENCE.

11 (8) (a) A ~~person~~ RESPONDENT whose parental rights are terminated
12 in accordance with this section has:

13 (I) No right to allocation of parental responsibilities, including
14 parenting time and decision-making responsibilities for the child;

15 (II) No right of inheritance from the child; and

16 (III) No right to notification of, or standing to object to, the
17 adoption of the child.

18 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 19-3-608,
19 termination of parental rights under subsection (7) of this section does not
20 relieve the ~~person~~ RESPONDENT of any obligation to pay child support or
21 birth-related costs unless waived by the ~~victim~~ PETITIONER. In cases in
22 which child support obligations are not waived, ~~and~~ THE COURT, AS
23 INFORMED BY THE WISHES OF THE PETITIONER, SHALL DETERMINE IF
24 ENTERING AN ORDER TO PAY CHILD SUPPORT IS IN THE BEST INTERESTS OF
25 THE CHILD. IF THE COURT ORDERS THE ~~person~~ RESPONDENT TO PAY CHILD
26 support, the court shall order the payments to be made through the child
27 support registry to avoid the need for any contact between the parties AND
28 ORDER THAT THE PAYMENTS BE TREATED AS A NONDISCLOSURE OF
29 INFORMATION CASE. IF THE ~~victim's~~ PETITIONER'S parent-child legal
30 relationship to the child is terminated after the entry of a child support
31 order against the ~~person who was convicted~~ RESPONDENT, the court shall
32 modify the child support order accordingly.

33 (9) ~~The person~~ A RESPONDENT whose parent-child legal
34 relationship has been terminated in accordance with this section has no
35 right to make medical treatment decisions or any other decisions on
36 behalf of the child.

37 (9.5) THE COURT MAY ORDER A RESPONDENT WHOSE
38 PARENT-CHILD LEGAL RELATIONSHIP HAS BEEN TERMINATED TO PROVIDE
39 MEDICAL AND FAMILY INFORMATION TO BE SHARED WITH THE CHILD, AS
40 APPROPRIATE, AND WITH THE PETITIONER. FOR TERMINATIONS ENTERED
41 UNDER THIS SECTION AND SECTION 19-5-105.7, THE STATE COURT
42 ADMINISTRATOR SHALL ESTABLISH A UNIFORM PROCESS TO DETERMINE
43 HOW THE INFORMATION IS COLLECTED, WHO CAN ACCESS IT, WHEN IT CAN
44 BE ACCESSED, AND HOW IT IS STORED. THE COURT MAY ORDER THAT A
45 RESPONDENT'S FAILURE TO COMPLY WITH THE REQUEST FOR INFORMATION
46 IN A TIMELY MANNER CONSTITUTES CONTEMPT OF COURT.

47 (10) ~~The victim is entitled, upon request, to a no-contact~~
48 ~~protection order issued against the person whose parental rights are~~
49 ~~terminated prohibiting the person from having any contact with either the~~
50 ~~victim or the child~~ THE JUVENILE COURT HAS ORIGINAL CONCURRENT
51 JURISDICTION TO ISSUE A TEMPORARY OR PERMANENT CIVIL PROTECTION
52 ORDER PURSUANT TO SECTION 13-14-104.5 OR 13-14-106, C.R.S.

53 (11) Termination of the parent-child legal relationship pursuant
54 to subsection (7) of this section is an independent basis for termination of
55 parental rights, and the court need not make any of the considerations or
56 findings described in section ~~19-5-105, 19-5-103.5, or 19-3-604~~

1 19-3-604, 19-5-103.5, OR 19-5-105.

2 (12) Nothing in this section prohibits the termination of parental
3 rights by the court using the criteria described in section ~~19-5-105,~~
4 ~~19-5-103.5, or 19-3-604~~ 19-3-604, 19-5-103.5, OR 19-5-105.

5 **SECTION 2.** In Colorado Revised Statutes, **repeal** 14-10-124.3
6 as follows:

7 **14-10-124.3. Stay of proceedings - criminal charges of**
8 **allegations of sexual assault.** ~~If criminal charges alleging an act of~~
9 ~~sexual assault, as defined in section 19-1-103 (96.5), C.R.S., are brought~~
10 ~~against the parent of a child alleging that a child was conceived as a result~~
11 ~~of the alleged sexual assault committed by that parent against the parent~~
12 ~~who is the alleged victim of the sexual assault, the court shall issue an~~
13 ~~automatic stay of any civil domestic proceedings under this article or of~~
14 ~~any paternity proceedings under the "Uniform Parentage Act", article 4~~
15 ~~of title 19, C.R.S., involving both the child and the parent who is the~~
16 ~~alleged perpetrator. The stay shall not be lifted until there is a final~~
17 ~~disposition of the criminal charges. In any future domestic proceedings~~
18 ~~under this article or any paternity proceedings under the "Uniform~~
19 ~~Parentage Act", article 4 of title 19, C.R.S., continued after the final~~
20 ~~disposition of the criminal charges, any denial of parenting time by the~~
21 ~~victim of the alleged sexual assault while the criminal charges were~~
22 ~~pending shall not be used in any way against the victim.~~

23 **SECTION 3.** In Colorado Revised Statutes, **repeal** 19-4-105.7 as
24 follows:

25 **19-4-105.7. Stay of paternity proceedings - criminal charges**
26 **of allegations of sexual assault.** ~~If criminal charges alleging an act of~~
27 ~~sexual assault, as defined in section 19-1-103 (96.5), are brought against~~
28 ~~a presumed or possible parent who is the subject of an action to determine~~
29 ~~paternity alleging that a child was conceived as a result of that sexual~~
30 ~~assault committed by that presumed or possible parent against the parent~~
31 ~~who is the alleged victim of the sexual assault, the court shall issue an~~
32 ~~automatic stay of any paternity proceedings under this article involving~~
33 ~~both the child and the presumed or possible parent who is the alleged~~
34 ~~perpetrator. The stay shall not be lifted until there is a final disposition of~~
35 ~~the criminal charges. In any future paternity proceedings under this article~~
36 ~~that are continued after the final disposition of the criminal charges, any~~
37 ~~denial of parenting time by the victim of the alleged sexual assault while~~
38 ~~the criminal charges were pending shall not be used in any way against~~
39 ~~the victim.~~

40 **SECTION 4.** In Colorado Revised Statutes, **add** 19-5-105.7 as
41 follows:

42 **19-5-105.7. Termination of parent-child legal relationship in**
43 **a case of an allegation that a child was conceived as a result of sexual**
44 **assault but in which no conviction occurred - legislative declaration**
45 **- definitions.** (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE
46 PURPOSE OF THIS STATUTE IS TO PROTECT A PERSON IN A CASE WHERE IT
47 IS DETERMINED THAT HE OR SHE IS A VICTIM OF SEXUAL ASSAULT BUT IN
48 WHICH NO CONVICTION OCCURRED AND TO PROTECT A CHILD CONCEIVED
49 AS A RESULT OF THAT SEXUAL ASSAULT BY CREATING A PROCESS TO SEEK
50 TERMINATION OF THE PARENTAL RIGHTS OF THE PERPETRATOR OF THE
51 SEXUAL ASSAULT AND BY ISSUING PROTECTIVE ORDERS PREVENTING
52 FUTURE CONTACT BETWEEN THE PARTIES. THE GENERAL ASSEMBLY
53 FURTHER DECLARES THAT THIS SECTION CREATES CIVIL REMEDIES AND IS
54 NOT CREATED TO PUNISH THE PERPETRATOR BUT RATHER TO PROTECT THE
55 INTERESTS OF THE PETITIONER AND THE CHILD. THE GENERAL ASSEMBLY
56 CREATES THIS SECTION TO ADDRESS THE PROCEDURES IN CASES WHERE

1 THERE ARE ALLEGATIONS OF SEXUAL ASSAULT BUT IN WHICH A
2 CONVICTION DID NOT OCCUR.

3 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) "CONVICTION" HAS THE SAME MEANING AS DEFINED IN SECTION
6 19-1-103 (29.3).

7 (b) "PETITIONER" MEANS A PERSON WHO ALLEGES THAT HE OR SHE
8 IS A VICTIM OF SEXUAL ASSAULT AND WHO FILES A PETITION FOR
9 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP OF THE OTHER
10 PARENT AS PROVIDED IN THIS SECTION.

11 (c) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PETITION
12 FOR TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS FILED AS
13 PROVIDED IN THIS SECTION.

14 (d) "SEXUAL ASSAULT" HAS THE SAME MEANING AS DEFINED IN
15 SECTION 19-1-103 (96.5).

16 (3) THE PERSON WHO ALLEGES THAT HE OR SHE IS A VICTIM OF
17 SEXUAL ASSAULT AND WHO ALLEGES THAT A CHILD WAS CONCEIVED AS A
18 RESULT OF A SEXUAL ASSAULT IN WHICH A CONVICTION DID NOT OCCUR
19 MAY FILE A PETITION IN THE JUVENILE COURT TO PREVENT FUTURE
20 CONTACT WITH THE PARENT WHO ALLEGEDLY COMMITTED THE SEXUAL
21 ASSAULT AND TO TERMINATE THE PARENT-CHILD LEGAL RELATIONSHIP OF
22 THE PARENT WHO ALLEGEDLY COMMITTED THE SEXUAL ASSAULT.

23 (4) THE VERIFIED PETITION FILED UNDER THIS SECTION MUST
24 ALLEGE THAT:

25 (a) THE RESPONDENT COMMITTED AN ACT OF SEXUAL ASSAULT
26 AGAINST THE PETITIONER;

27 (b) THE RESPONDENT HAS NOT BEEN CONVICTED FOR THE ACT OF
28 SEXUAL ASSAULT;

29 (c) A CHILD WAS CONCEIVED AS A RESULT OF THE ACT OF SEXUAL
30 ASSAULT AS DESCRIBED UNDER PARAGRAPH (a) OF THIS SUBSECTION (4);
31 AND

32 (d) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP OF
33 THE RESPONDENT WITH THE CHILD IS IN THE BEST INTERESTS OF THE CHILD.

34 (5) (a) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS
35 SECTION, THE COURT SHALL ISSUE A SUMMONS THAT RECITES BRIEFLY THE
36 SUBSTANCE OF THE PETITION AND CONTAINS A STATEMENT THAT THE
37 PURPOSE OF THE PROCEEDING IS TO DETERMINE WHETHER TO TERMINATE
38 THE PARENT-CHILD LEGAL RELATIONSHIP OF THE RESPONDENT. THE
39 PETITIONER SHALL HAVE THE RESPONDENT PERSONALLY SERVED WITH A
40 COPY OF THE SUMMONS OR NOTIFIED THROUGH NOTICE BY PUBLICATION
41 CONSISTENT WITH THE STATUTORY PROVISIONS FOR NOTICE IN SECTION
42 19-3-503 AND PURSUANT TO THE COLORADO RULES OF CIVIL PROCEDURE,
43 UNLESS THE RESPONDENT APPEARS VOLUNTARILY OR WAIVES SERVICE.
44 UPON REQUEST, THE COURT SHALL PROTECT THE WHEREABOUTS OF THE
45 PETITIONER AND MUST IDENTIFY THE PETITIONER AND THE CHILD IN THE
46 SUMMONS BY INITIALS.

47 (b) THE COURT WILL WORK TO ENSURE THAT A PETITIONER OR A
48 RESPONDENT WHO HAS A DISABILITY HAS EQUAL ACCESS TO PARTICIPATE
49 IN THE PROCEEDING. IF THE PETITIONER OR RESPONDENT HAS A
50 DISABILITY, HE OR SHE HAS THE RIGHT TO REQUEST REASONABLE
51 ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THE PROCEEDING; EXCEPT
52 THAT THE DISABILITY OF THE PETITIONER, THE RESPONDENT, OR THE CHILD
53 MUST NOT BE THE CAUSE FOR THE UNNECESSARY DELAY OF THE PROCESS.
54 THE COURT SHALL PRESUME THAT A PETITIONER OR A RESPONDENT WITH
55 A DISABILITY IS LEGALLY COMPETENT AND ABLE TO UNDERSTAND AND
56 PARTICIPATE IN THE PROCEEDING UNLESS THE PETITIONER OR RESPONDENT

1 IS DETERMINED TO BE AN INCAPACITATED PERSON, AS DEFINED IN SECTION
2 15-14-102 (5), C.R.S.

3 (6) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS SECTION,
4 THE COURT SHALL APPOINT A GUARDIAN AD LITEM, WHO MUST BE AN
5 ATTORNEY, TO REPRESENT THE CHILD'S BEST INTERESTS IN THE
6 PROCEEDING. THE PETITIONER AND THE RESPONDENT HAVE THE RIGHT TO
7 BE REPRESENTED BY LEGAL COUNSEL IN PROCEEDINGS UNDER THIS
8 SECTION. THE PETITIONER AND THE RESPONDENT EACH HAVE THE RIGHT
9 TO SEEK THE APPOINTMENT OF LEGAL COUNSEL IF HE OR SHE IS UNABLE
10 FINANCIALLY TO SECURE LEGAL COUNSEL ON HIS OR HER OWN. THE COURT
11 SHALL WAIVE FILING FEES FOR AN INDIGENT PETITIONER.

12 (7) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE COURT
13 MAY GRANT PROTECTIVE MEASURES IN THE COURTROOM AS REQUESTED
14 BY THE PETITIONER, INCLUDING BUT NOT LIMITED TO ALLOWING THE
15 PETITIONER TO NOT APPEAR IN THE PRESENCE OF THE RESPONDENT SO
16 LONG AS THESE MEASURES DO NOT VIOLATE DUE PROCESS. THE
17 PETITIONER'S AND THE CHILD'S WHEREABOUTS MUST BE KEPT
18 CONFIDENTIAL.

19 (8) A RESPONDENT MAY ADMIT PARENTAGE OR MAY REQUEST
20 GENETIC TESTING OR OTHER TESTS OF INHERITED CHARACTERISTICS TO
21 CONFIRM PATERNITY. THE TEST RESULTS MUST BE ADMITTED INTO
22 EVIDENCE AS PROVIDED IN SECTION 13-25-126, C.R.S. THE FINAL COSTS
23 FOR GENETIC TESTS OR OTHER TESTS OF INHERITED CHARACTERISTICS
24 MUST BE ASSESSED AGAINST THE NONPREVAILING PARTY ON THE
25 PARENTAGE ISSUE.

26 (9) THE COURT SHALL HEAR A PETITION TO TERMINATE THE
27 PARENT-CHILD LEGAL RELATIONSHIP NO MORE THAN ONE HUNDRED
28 EIGHTY DAYS AFTER SERVICE OF THE PETITION OR FROM THE FIRST
29 APPEARANCE DATE, WHICHEVER IS LATER, UNLESS BOTH PARTIES CONSENT
30 TO AN EXTENSION OR THE COURT FINDS GOOD CAUSE TO EXTEND THE
31 HEARING BEYOND ONE HUNDRED EIGHTY DAYS.

32 (10) (a) THE COURT SHALL TERMINATE THE PARENT-CHILD LEGAL
33 RELATIONSHIP OF THE RESPONDENT IF THE COURT FINDS BY CLEAR AND
34 CONVINCING EVIDENCE THAT:

35 (I) A SEXUAL ASSAULT AGAINST THE PETITIONER OCCURRED;

36 (II) THE SEXUAL ASSAULT WAS PERPETRATED BY THE
37 RESPONDENT;

38 (III) A CHILD WAS CONCEIVED AS A RESULT OF THAT ACT OF
39 SEXUAL ASSAULT AS EVIDENCED BY THE RESPONDENT ADMITTING
40 PARENTAGE OR GENETIC TESTING ESTABLISHING THE PATERNITY;

41 (IV) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS
42 IN THE BEST INTERESTS OF THE CHILD. THE COURT SHALL NOT PRESUME
43 THAT HAVING ONLY ONE REMAINING PARENT IS CONTRARY TO THE CHILD'S
44 BEST INTERESTS.

45 (b) IF THE CHILD IS AN INDIAN CHILD, THE COURT SHALL ENSURE
46 COMPLIANCE WITH THE FEDERAL "INDIAN CHILD WELFARE ACT", 25
47 U.S.C. SEC. 1901 ET SEQ., AND THE PROVISIONS OF SECTION 19-1-126.

48 (11) IF THE COURT DENIES THE PETITION TO TERMINATE THE
49 PARENT-CHILD LEGAL RELATIONSHIP, THE COURT SHALL ARTICULATE ITS
50 REASONS FOR THE DENIAL OF THE PETITION. IF THE COURT DENIES THE
51 PETITION, THE COURT HAS CONTINUING JURISDICTION AND AUTHORITY TO
52 ENTER AN ORDER IN THE SAME PROCEEDING ALLOCATING PARENTAL
53 RESPONSIBILITIES BETWEEN THE PETITIONER AND THE RESPONDENT,
54 INCLUDING BUT NOT LIMITED TO AN ORDER TO NOT ALLOCATE PARENTAL
55 RESPONSIBILITIES TO THE RESPONDENT. IN ISSUING ANY ORDER
56 ALLOCATING PARENTAL RESPONSIBILITIES, INCLUDING THE DUTY OF

1 SUPPORT, GUARDIANSHIP, AND PARENTING TIME PRIVILEGES WITH THE
2 CHILD OR ANY OTHER MATTER, THE COURT SHALL DETERMINE WHETHER
3 THE ORDER IS IN THE BEST INTERESTS OF THE CHILD BASED ON A
4 PREPONDERANCE OF THE EVIDENCE.

5 (12) (a) A RESPONDENT WHOSE PARENTAL RIGHTS ARE
6 TERMINATED IN ACCORDANCE WITH THIS SECTION HAS:

7 (I) NO RIGHT TO ALLOCATION OF PARENTAL RESPONSIBILITIES,
8 INCLUDING PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR
9 THE CHILD;

10 (II) NO RIGHT OF INHERITANCE FROM THE CHILD; AND

11 (III) NO RIGHT TO NOTIFICATION OF, OR STANDING TO OBJECT TO,
12 THE ADOPTION OF THE CHILD.

13 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 19-3-608,
14 TERMINATION OF PARENTAL RIGHTS UNDER SUBSECTION (10) OF THIS
15 SECTION DOES NOT RELIEVE THE RESPONDENT OF ANY OBLIGATION TO PAY
16 CHILD SUPPORT OR BIRTH-RELATED COSTS UNLESS WAIVED BY THE
17 PETITIONER. IN CASES IN WHICH CHILD SUPPORT OBLIGATIONS ARE NOT
18 WAIVED, THE COURT, AS INFORMED BY THE WISHES OF THE PETITIONER,
19 SHALL DETERMINE IF ENTERING AN ORDER TO PAY CHILD SUPPORT IS IN
20 THE BEST INTERESTS OF THE CHILD. IF THE COURT ORDERS THE
21 RESPONDENT TO PAY CHILD SUPPORT, THE COURT SHALL ORDER THE
22 PAYMENTS TO BE MADE THROUGH THE CHILD SUPPORT REGISTRY TO AVOID
23 THE NEED FOR ANY CONTACT BETWEEN THE PARTIES AND ORDER THAT THE
24 PAYMENTS BE TREATED AS A NONDISCLOSURE OF INFORMATION CASE. IF
25 THE PETITIONER'S PARENT-CHILD LEGAL RELATIONSHIP TO THE CHILD IS
26 TERMINATED AFTER THE ENTRY OF A CHILD SUPPORT ORDER AGAINST THE
27 RESPONDENT, THE COURT SHALL MODIFY THE CHILD SUPPORT ORDER
28 ACCORDINGLY.

29 (13) A RESPONDENT WHOSE PARENT-CHILD LEGAL RELATIONSHIP
30 HAS BEEN TERMINATED IN ACCORDANCE WITH THIS SECTION HAS NO RIGHT
31 TO MAKE MEDICAL TREATMENT DECISIONS OR ANY OTHER DECISIONS ON
32 BEHALF OF THE CHILD.

33 (14) THE COURT MAY ORDER A RESPONDENT WHOSE PARENT-CHILD
34 LEGAL RELATIONSHIP HAS BEEN TERMINATED TO PROVIDE MEDICAL AND
35 FAMILY INFORMATION TO BE SHARED WITH THE CHILD, AS APPROPRIATE,
36 AND WITH THE PETITIONER. THE SHARING OF INFORMATION MUST BE
37 CONSISTENT WITH THE UNIFORM PROCESS ESTABLISHED BY THE STATE
38 COURT ADMINISTRATOR AS PROVIDED IN SECTION 19-5-105.5 (9.5). THE
39 COURT MAY ORDER THAT A RESPONDENT'S FAILURE TO COMPLY WITH THE
40 REQUEST FOR INFORMATION IN A TIMELY MANNER CONSTITUTES
41 CONTEMPT OF COURT.

42 (15) THE JUVENILE COURT HAS ORIGINAL CONCURRENT
43 JURISDICTION TO ISSUE A TEMPORARY OR PERMANENT CIVIL PROTECTION
44 ORDER PURSUANT TO SECTION 13-14-104.5 OR 13-14-106, C.R.S.

45 (16) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP
46 PURSUANT TO SUBSECTION (10) OF THIS SECTION IS AN INDEPENDENT BASIS
47 FOR TERMINATION OF PARENTAL RIGHTS, AND THE COURT NEED NOT MAKE
48 ANY OF THE CONSIDERATIONS OR FINDINGS DESCRIBED IN SECTION
49 19-3-604, 19-5-103.5, OR 19-5-105.

50 (17) NOTHING IN THIS SECTION PROHIBITS THE TERMINATION OF
51 PARENTAL RIGHTS BY THE COURT USING THE CRITERIA DESCRIBED IN
52 SECTION 19-3-604, 19-5-103.5, OR 19-5-105.

53 **SECTION 5.** In Colorado Revised Statutes, **amend** 19-5-102 as
54 follows:

55 **19-5-102. Venue.** (1) A petition for relinquishment of the
56 parent-child relationship shall be filed in the county where the child

1 resides or in the county where the petitioner resides. If a child placement
2 agency is involved, the petition may be filed in the county where the child
3 placement agency is located.

4 (2) A PETITION FOR TERMINATION OF THE PARENT-CHILD LEGAL
5 RELATIONSHIP PURSUANT TO SECTION 19-5-105.5 OR SECTION 19-5-105.7
6 MUST BE FILED IN THE COUNTY WHERE THE CHILD RESIDES OR IN THE
7 COUNTY WHERE THE PETITIONER RESIDES.

8 **SECTION 6.** In Colorado Revised Statutes, 19-5-105, **amend**
9 (3.1) (a) (IV) as follows:

10 **19-5-105. Proceeding to terminate parent-child legal**
11 **relationship.** (3.1) The court may order the termination of the other birth
12 parent's parental rights upon a finding that termination is in the best
13 interests of the child and that there is clear and convincing evidence of
14 one or more of the following:

15 (a) That the parent is unfit. In considering the fitness of the child's
16 parent, the court shall consider, but shall not be limited to, the following:

17 (IV) A history of violent behavior that demonstrates that the
18 individual is unfit to maintain a parent-child relationship with the minor,
19 WHICH MAY INCLUDE AN INCIDENCE OF SEXUAL ASSAULT, AS DEFINED IN
20 SECTION 19-1-103 (96.5), THAT RESULTED IN THE CONCEPTION OF THE
21 CHILD;

22 **SECTION 7.** In Colorado Revised Statutes, 14-10-124, **amend**
23 (1.5) (a) introductory portion, (1.5) (b) introductory portion, (4) (a)
24 introductory portion, (4) (b), (4) (d), and (4) (e); and **add** (1.3) (c), (4) (a)
25 (III), and (4) (a) (IV) as follows:

26 **14-10-124. Best interests of child.** (1.3) **Definitions.** For
27 purposes of this section and section 14-10-129 (2) (c), unless the context
28 otherwise requires:

29 (c) "SEXUAL ASSAULT" HAS THE SAME MEANING AS SET FORTH IN
30 SECTION 19-1-103 (96.5), C.R.S.

31 (1.5) **Allocation of parental responsibilities.** The court shall
32 determine the allocation of parental responsibilities, including parenting
33 time and decision-making responsibilities, in accordance with the best
34 interests of the child giving paramount consideration to the child's safety
35 and the physical, mental, and emotional conditions and needs of the child
36 as follows:

37 (a) **Determination of parenting time.** The court, upon the motion
38 of either party or upon its own motion, may make provisions for parenting
39 time that the court finds are in the child's best interests unless the court
40 finds, after a hearing, that parenting time by the party would endanger the
41 child's physical health or significantly impair the child's emotional
42 development. In addition to a finding that parenting time would endanger
43 the child's physical health or significantly impair the child's emotional
44 development, in any order imposing or continuing a parenting time
45 restriction the court shall enumerate the specific factual findings
46 supporting the restriction AND MAY ENUMERATE THE CONDITIONS THAT
47 THE RESTRICTED PARTY COULD FULFILL IN ORDER TO SEEK MODIFICATION
48 IN THE PARENTING PLAN. When a claim of child abuse or neglect, ~~or~~
49 domestic violence, OR SEXUAL ASSAULT WHERE THERE IS ALSO A CLAIM
50 THAT THE CHILD WAS CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT
51 has been made to the court, or the court has reason to believe that a party
52 has committed child abuse or neglect, ~~or~~ domestic violence, OR SEXUAL
53 ASSAULT WHERE THERE IS ALSO A CLAIM THAT THE CHILD WAS CONCEIVED
54 AS A RESULT OF THE SEXUAL ASSAULT, prior to determining parenting
55 time, the court shall follow the provisions of subsection (4) of this
56 section. In determining the best interests of the child for purposes of

1 parenting time, the court shall consider all relevant factors, including:
2 (b) **Allocation of decision-making responsibility.** The court,
3 upon the motion of either party or its own motion, shall allocate the
4 decision-making responsibilities between the parties based upon the best
5 interests of the child. In determining decision-making responsibility, the
6 court may allocate the decision-making responsibility with respect to each
7 issue affecting the child mutually between both parties or individually to
8 one or the other party or any combination thereof. When a claim of child
9 abuse or neglect or domestic violence has been made to the court, or the
10 court has reason to believe that a party has committed child abuse or
11 neglect, ~~or~~ domestic violence, OR SEXUAL ASSAULT WHERE THERE IS ALSO
12 A CLAIM THAT THE CHILD IN QUESTION WAS CONCEIVED AS A RESULT OF
13 THE SEXUAL ASSAULT, prior to allocating decision-making responsibility,
14 the court shall follow the provisions of subsection (4) of this section. In
15 determining the best interests of the child for purposes of allocating
16 decision-making responsibilities, the court shall consider, in addition to
17 the factors set forth in paragraph (a) of this subsection (1.5), all relevant
18 factors including:

19 (4) (a) When a claim of child abuse or neglect, ~~or~~ domestic
20 violence, OR SEXUAL ASSAULT WHERE THERE IS ALSO A CLAIM THAT THE
21 CHILD WAS CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT has been
22 made to the court, or the court has reason to believe that a party has
23 committed child abuse or neglect, ~~or~~ domestic violence, OR SEXUAL
24 ASSAULT THAT RESULTED IN THE CONCEPTION OF THE CHILD, prior to
25 allocating parental responsibilities, including parenting time and
26 decision-making responsibility, and prior to considering the factors set
27 forth in paragraphs (a) and (b) of subsection (1.5) of this section, the court
28 shall consider the following factors:

29 (III) WHETHER ONE OF THE PARTIES HAS COMMITTED AN ACT OF
30 SEXUAL ASSAULT RESULTING IN THE CONCEPTION OF THE CHILD, WHICH
31 FACTOR MUST BE SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE. IF
32 THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT ONE OF
33 THE PARTIES HAS COMMITTED SEXUAL ASSAULT AND THE CHILD WAS
34 CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT, THERE IS A
35 REBUTTABLE PRESUMPTION THAT IT IS NOT IN THE BEST INTERESTS OF THE
36 CHILD TO ALLOCATE SOLE OR SPLIT DECISION-MAKING AUTHORITY TO THE
37 PARTY FOUND TO HAVE COMMITTED SEXUAL ASSAULT OR TO ALLOCATE
38 MUTUAL DECISION-MAKING BETWEEN A PARTY FOUND TO HAVE
39 COMMITTED SEXUAL ASSAULT AND THE PARTY WHO WAS SEXUALLY
40 ASSAULTED WITH RESPECT TO ANY ISSUE.

41 (IV) IF ONE OF THE PARTIES IS FOUND BY A PREPONDERANCE OF
42 THE EVIDENCE TO HAVE COMMITTED SEXUAL ASSAULT RESULTING IN THE
43 CONCEPTION OF THE CHILD, WHETHER IT IS IN THE BEST INTERESTS OF THE
44 CHILD TO PROHIBIT OR LIMIT THE PARENTING TIME OF THAT PARTY WITH
45 THE CHILD.

46 (b) The court shall consider the additional factors set forth in
47 paragraphs (a) and (b) of subsection (1.5) of this section in light of any
48 finding of child abuse or neglect, ~~or~~ domestic violence, OR SEXUAL
49 ASSAULT RESULTING IN THE CONCEPTION OF A CHILD pursuant to this
50 subsection (4).

51 (d) When the court finds by a preponderance of the evidence that
52 one of the parties has committed child abuse or neglect, ~~or~~ domestic
53 violence, OR SEXUAL ASSAULT RESULTING IN THE CONCEPTION OF THE
54 CHILD, the court shall consider, as the primary concern, the safety and
55 well-being of the child and the abused party.

56 (e) When the court finds by a preponderance of the evidence that

1 one of the parties has committed child abuse or neglect, ~~or~~ domestic
2 violence, OR SEXUAL ASSAULT RESULTING IN THE CONCEPTION OF THE
3 CHILD, in formulating or approving a parenting plan, the court shall
4 consider conditions on parenting time that ensure the safety of the child
5 and of the abused party. In addition to any provisions set forth in
6 subsection (7) of this section that are appropriate, the parenting plan in
7 these cases may include, but is not limited to, the following provisions:

8 (I) An order limiting contact between the parties to contact that
9 the court deems is safe and that minimizes unnecessary communication
10 between the parties;

11 (II) An order that requires the exchange of the child for parenting
12 time to occur in a protected setting determined by the court;

13 (III) An order for supervised parenting time;

14 (IV) An order restricting overnight parenting time;

15 (V) An order that restricts the party who has committed domestic
16 violence, SEXUAL ASSAULT, or child abuse or neglect from possessing or
17 consuming alcohol or controlled substances during parenting time or for
18 twenty-four hours prior to the commencement of parenting time;

19 (VI) An order directing that the address of the child or of any
20 party remain confidential; ~~and~~

21 (VII) An order that imposes any other condition on one or more
22 parties that the court determines is necessary to protect the child, another
23 party, or any other family or household member of a party; AND

24 (VIII) AN ORDER THAT REQUIRES CHILD SUPPORT PAYMENTS TO BE
25 MADE THROUGH THE CHILD SUPPORT REGISTRY TO AVOID THE NEED FOR
26 ANY RELATED CONTACT BETWEEN THE PARTIES AND AN ORDER THAT THE
27 PAYMENTS BE TREATED AS A NONDISCLOSURE OF INFORMATION CASE.

28 **SECTION 8.** In Colorado Revised Statutes, 14-10-129, **add** (2.5)
29 as follows:

30 **14-10-129. Modification of parenting time.** (2.5) (a) WHEN THE
31 COURT RESTRICTS A PARTY'S PARENTING TIME PURSUANT TO SECTION
32 19-5-105.5, C.R.S., OR SECTION 19-5-105.7, C.R.S., OR SECTION
33 14-10-124 (4) (a) (IV), THE COURT MAY MAKE OR MODIFY AN ORDER
34 GRANTING OR DENYING PARENTING TIME RIGHTS WHENEVER SUCH ORDER
35 OR MODIFICATION WOULD SERVE THE BEST INTERESTS OF THE CHILD.
36 WITHIN THIRTY-FIVE DAYS AFTER THE FILING OF A VERIFIED MOTION BY
37 THE RESTRICTED PARTY SEEKING A MODIFICATION OF PARENTING TIME,
38 THE COURT SHALL DETERMINE FROM THE VERIFIED MOTION, AND
39 RESPONSE TO THE MOTION, IF ANY, WHETHER THERE HAS BEEN A
40 SUBSTANTIAL AND CONTINUING CHANGE OF CIRCUMSTANCES SUCH THAT
41 THE CURRENT PARENTING TIME ORDERS ARE NO LONGER IN THE CHILD'S
42 BEST INTERESTS, INCLUDING CONSIDERATION OF WHETHER THE
43 RESTRICTED PARENT HAS SATISFACTORILY COMPLIED WITH ANY
44 CONDITIONS SET FORTH BY THE COURT WHEN THE COURT IMPOSED THE
45 RESTRICTIONS ON PARENTING TIME, AND EITHER:

46 (I) DENY THE MOTION, IF THERE IS AN INADEQUATE ALLEGATION;
47 OR

48 (II) SET THE MATTER FOR HEARING AS EXPEDITIOUSLY AS POSSIBLE
49 WITH NOTICE TO THE PARTIES OF THE TIME AND PLACE OF THE HEARING.

50 (b) IF THE COURT FINDS THAT THE FILING OF A MOTION UNDER
51 PARAGRAPH (a) OF THIS SUBSECTION (2.5) WAS SUBSTANTIALLY
52 FRIVOLOUS, SUBSTANTIALLY GROUNDLESS, SUBSTANTIALLY VEXATIOUS,
53 OR INTENDED TO HARASS OR INTIMIDATE THE OTHER PARTY, THE COURT
54 SHALL REQUIRE THE MOVING PARTY TO PAY THE REASONABLE AND
55 NECESSARY ATTORNEY FEES AND COSTS OF THE OTHER PARTY.

56 **SECTION 9.** In Colorado Revised Statutes, 19-1-103, **amend**

1 (96.5) introductory portion as follows:

2 **19-1-103. Definitions.** As used in this title or in the specified
3 portion of this title, unless the context otherwise requires:

4 (96.5) "Sexual assault", as used in ~~section 19-5-105.5~~ SECTIONS
5 19-5-105, 19-5-105.5, AND 19-5-105.7, means:

6 **SECTION 10. Effective date - applicability.** (1) This act takes
7 effect July 1, 2014.

8 (2) Sections 1 through 3 of this act apply to convictions occurring
9 on or after July 1, 2013.

10 (3) Sections 4 through 7 of this act apply to acts occurring on or
11 after July 1, 2014.

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

15

16

17

18 **HB14-1280** be amended as follows, and as so amended, be referred to
19 the Committee of the Whole with favorable
20 recommendation:

21

22 Amend printed bill, page 5, strike lines 15 through 17 and substitute:

23

24 "(I) Rented, sold, or otherwise provided equipment to a
25 participant, and knew that the equipment was faulty, and such equipment
26 was faulty to the extent that it caused the injury;"

27

28 Page 5, line 19, strike "~~willful or wanton~~ RECKLESS" and substitute
29 "willful or wanton".

30

31 Page 6, strike lines 5 through 13 and substitute:

32

33 "(5) (a) The operator of a facility shall exercise reasonable care to
34 protect against dangers of which he or she actually knew or shall give
35 warning of any dangers that are ordinarily present on the property. FOR
36 PURPOSES OF THIS SUBSECTION".

37

38

39

40 **LEGAL SERVICES**

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

43

44 **HB14-1123** be referred to the Committee of the Whole with favorable
45 recommendation.

46

47

48

49

50 **TRANSPORTATION & ENERGY**

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

53

54 **HB14-1284** be referred to the Committee of the Whole with favorable
55 recommendation.

56

1 **SB14-055** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5
6 **PRINTING REPORT**

7
8 The Chief Clerk reports the following bills have been correctly printed:
9 **HB14-1306, 1307, 1308, 1309, 1310.**

10
11
12
13 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

14
15 The Speaker has signed: **HB14-1051, 1073, 1121, 1122; SB14-039, 047,**
16 **048, 052, 076, 083.**

17
18
19 **DELIVERY OF BILLS TO GOVERNOR**

20
21 The Chief Clerk of the House of Representatives reports the following
22 bills have been delivered to the Office of the Governor: **HB14-1083,**
23 **1099, 1112, 1166, 1174, 1190** at 9:26 a.m. on March 7, 2014.

24
25
26 **MESSAGE FROM THE SENATE**

27
28 Mr. Speaker:

29
30 The Senate has passed on Third Reading and returns herewith: HB14-
31 1183, HB14-1215, and HB14-1229.

32
33
34
35
36 **INTRODUCTION OF BILL**
37 **First Reading**

38
39 The following bill was read by title and referred to the committees
40 indicated:

41
42 **HB14-1311** by Representative(s) Garcia and Dore, Becker, Coram,
43 DelGrosso, Fields, Gardner, Gerou, Hamner, Holbert,
44 Kraft-Tharp, Landgraf, Lawrence, Lee, McLachlan,
45 Mitsch Bush, Moreno, Murray, Navarro, Nordberg,
46 Rankin, Rosenthal, Salazar, Schafer, Stephens, Swalm,
47 Tyler, Vigil, Williams, Wright, Young; also Senator(s)
48 Steadman and Crowder, Grantham, Hodge, Kerr, Rivera,
49 Tochtrop--Concerning the credit against the state income
50 tax for the costs incurred in connection with the
51 preservation of historic structures.

52 Committee on Finance
53 Committee on Appropriations

54
55
56

1 On motion of Representative Hulinghorst, the bill(s) on the Special
2 Orders Calendar that was laid over until March 10, 2014 (**HB14-1136**),
3 was moved to the beginning of the General Orders Calendar for March
4 10, 2014. _____

5
6
7 On motion of Representative Hulinghorst, the following bill(s) will be
8 calendared for General Orders on March 10: **HB14-1046, 1131, 1149,**
9 **1176, 1181, 1185, 1195, 1282, SB14-080, HB14-1123, 1280, 1284,**
10 **SB14-055.** _____

11
12
13 On motion of Representative Hulinghorst, the following bill(s)
14 calendared for General Orders, March 10, will be laid over until
15 March 14: **HB14-1253.** _____

16
17
18 On motion of Representative Hulinghorst, the House adjourned until
19 10:00 a.m., March 10, 2014.

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Approved:
MARK FERRANDINO,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk