

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

REENGROSSED

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

LLS NO. 09-0275.01 Brita Darling

SENATE BILL 09-068

SENATE SPONSORSHIP

Morse,

HOUSE SPONSORSHIP

McCann,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING FUNDING TO SUPPORT DOMESTIC ABUSE SERVICES, AND,**
102 **IN CONNECTION THEREWITH, ALLOCATING A PORTION OF THE**
103 **FUNDING TO ASSIST MILITARY MEMBERS AND THEIR FAMILIES,**
104 **AND MAKING AN APPROPRIATION.**

Bill Summary

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

Increases the fee for a marriage license, as well as the filing fee for a petition and response fee in a dissolution of marriage action, to fund domestic abuse services for married, separated, or divorced persons or their families.

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
3rd Reading Unamended
February 25, 2009

SENATE
Amended 2nd Reading
February 24, 2009

Specifies that a percentage of the moneys collected from the fee increases shall be used for a specified time to reimburse domestic abuse programs for services to members of the military and veterans or their families.

Removes the limit on the reimbursement rate.

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

2 **SECTION 1.** 26-7.5-101, Colorado Revised Statutes, is amended
3 to read:

4 **26-7.5-101. Legislative declaration.** The general assembly
5 hereby finds that a significant number of homicides, aggravated assaults,
6 ~~and~~ assaults and batteries, AND OTHER TYPES OF ABUSE AND COERCIVE
7 CONTROL occur within the home; ~~between adult family members~~; that the
8 reported incidence of domestic abuse represents only a portion of the total
9 number of incidents of domestic abuse; that a large percentage of police
10 officer deaths in the line of duty result from police intervention in
11 domestic abuse situations; THAT INSTABILITY IN THE ECONOMY AND JOB
12 MARKET AND THE EFFECTS EXPERIENCED BY MANY RETURNING SERVICE
13 MEMBERS AS A RESULT OF MILITARY DEPLOYMENT CREATE STRESS WITHIN
14 FAMILIES THAT CAN ESCALATE THE LEVEL OF EXISTING DOMESTIC
15 VIOLENCE AND ABUSE; and that domestic abuse is a complex problem
16 affecting families from all social and economic backgrounds. It is the
17 purpose of this article to encourage the development of domestic abuse
18 programs by units of local government and nongovernmental agencies.

19 **SECTION 2.** 26-7.5-105 (1), Colorado Revised Statutes, is
20 amended to read:

21 **26-7.5-105. Funding of domestic abuse programs - repeal.**
22 (1) (a) Any nongovernmental agency or unit of local government
23 operating a domestic abuse program pursuant to this article shall, subject

1 to available appropriations, be reimbursed by the state department at a
2 rate to be set by the general assembly in the annual appropriation bill.
3 ~~which amount shall not exceed twenty-five dollars per day for each~~
4 ~~person who is participating in a domestic abuse program, but in no event~~
5 ~~shall the state reimbursements or disbursements exceed double the cash~~
6 ~~revenue provided by local contributions or sources other than state funds.~~
7 Not less than seventy-five percent of all contract funding under this
8 article shall be allocated to nongovernmental agencies.

9 (b) MONEYS GENERATED FROM FEES COLLECTED PURSUANT TO
10 SECTIONS 13-32-101 (1) (a) AND (1) (b) AND 14-2-106 (1) (a), C.R.S.,
11 SHALL BE USED TO REIMBURSE DOMESTIC ABUSE PROGRAMS THAT PROVIDE
12 SERVICES AS PROVIDED IN SECTION 26-7.5-103 TO MARRIED, SEPARATED,
13 OR DIVORCED PERSONS OR THEIR FAMILIES.

14 (c) (I) SUBJECT TO SUFFICIENT REQUESTS FOR REIMBURSEMENTS,
15 AT LEAST FIFTY PERCENT OF THE REIMBURSEMENTS MADE PURSUANT TO
16 PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE MADE TO
17 NONGOVERNMENTAL AGENCIES OR UNITS OF LOCAL GOVERNMENT THAT
18 PROVIDE SERVICES TO CURRENT MEMBERS AND VETERANS OF THE UNITED
19 STATES ARMED FORCES AND THE UNITED STATES NATIONAL GUARD OR
20 THEIR FAMILIES. IN THE EVENT THAT THERE ARE INSUFFICIENT REQUESTS
21 FOR REIMBURSEMENTS PURSUANT TO THIS SUBPARAGRAPH (I), THE
22 EXECUTIVE DIRECTOR MAY AUTHORIZE THE EXPENDITURE OF THE
23 REMAINING MONEYS FOR REIMBURSEMENTS TO PROGRAMS DESCRIBED IN
24 PARAGRAPH (b) OF THIS SUBSECTION (1).

25 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2014.

26 **SECTION 3.** 13-32-101 (1) (a), (1) (b), (5) (a) (VII), (5) (a)
27 (VIII), and (5) (b), Colorado Revised Statutes, are amended, and the said

1 13-32-101 (5) (a) is further amended BY THE ADDITION OF THE
2 FOLLOWING NEW SUBPARAGRAPHS, to read:

3 **13-32-101. Docket fees in civil actions - judicial stabilization**
4 **cash fund - support registry fund created - repeal.** (1) At the time of
5 first appearance in all civil actions and special proceedings in all courts
6 of record, except in the supreme court and the court of appeals, and
7 except in the probate proceedings in the district court or probate court of
8 the city and county of Denver, and except as provided in subsection (3)
9 of this section and in sections 13-32-103 and 13-32-104, there shall be
10 paid in advance the total docket fees, as follows:

11 (a) On and after July 1, ~~2008~~ 2009, by the petitioner in a
12 proceeding for dissolution of marriage, legal separation, or declaration of
13 invalidity of marriage and by the petitioner in an action for a declaratory
14 judgment concerning the status of marriage, a fee of two hundred ~~twenty~~
15 THIRTY dollars;

16 (b) On and after July 1, ~~2008~~ 2009, by the respondent in a
17 proceeding for dissolution of marriage, legal separation, or declaration of
18 invalidity of marriage and by the respondent to an action for a declaratory
19 judgment concerning the status of marriage, a fee of one hundred ~~six~~
20 SIXTEEN dollars;

21 (5) (a) Each fee collected pursuant to paragraph (a) of subsection
22 (1) of this section shall be transmitted to the state treasurer and divided
23 as follows:

24 (VII) Three dollars shall be deposited in the vital statistics records
25 cash fund created in section 25-2-121, C.R.S.; ~~and~~

26 (VIII) Five dollars shall be deposited in the displaced homemaker
27 fund created in section 8-15.5-108, C.R.S.;

1 (IX) FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO
2 DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1),
3 C.R.S.; AND

4 (X) FIVE DOLLARS SHALL BE DEPOSITED IN THE FAMILY VIOLENCE
5 JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

6 (b) Each fee collected pursuant to paragraph (b) of subsection (1)
7 of this section shall be transmitted to the state treasurer and divided as
8 follows:

9 (I) (A) Prior to July 1, 2010, forty-five dollars shall be deposited
10 in the general fund, thirty dollars shall be deposited in the judicial
11 stabilization cash fund created in subsection (6) of this section, five
12 dollars shall be deposited in the court security cash fund established
13 pursuant to section 13-1-204, ~~and~~ twenty-six dollars shall be deposited in
14 the justice center cash fund created in paragraph (a) of subsection (7) of
15 this section, FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO
16 DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1),
17 C.R.S., AND FIVE DOLLARS SHALL BE DEPOSITED IN THE FAMILY VIOLENCE
18 JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

19 (B) This subparagraph (I) is repealed, effective July 1, 2011.

20 (II) On and after July 1, 2010, seventy-five dollars shall be
21 deposited in the judicial stabilization cash fund created in subsection (6)
22 of this section, five dollars shall be deposited in the court security cash
23 fund established pursuant to section 13-1-204, ~~and~~ twenty-six dollars
24 shall be deposited in the justice center cash fund created in paragraph (a)
25 of subsection (7) of this section, FIVE DOLLARS SHALL BE DEPOSITED IN
26 THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION
27 39-22-802 (1), C.R.S., AND FIVE DOLLARS SHALL BE DEPOSITED IN THE

1 FAMILY VIOLENCE JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

2 **SECTION 4.** The introductory portion to 14-2-106 (1) (a),
3 Colorado Revised Statutes, is amended to read:

4 **14-2-106. License to marry.** (1) (a) When a marriage
5 application has been completed and signed by both parties to a
6 prospective marriage and at least one party has appeared before the
7 county clerk and recorder and has paid the marriage license fee of seven
8 dollars, A FEE OF TWENTY DOLLARS TO BE TRANSMITTED BY THE COUNTY
9 CLERK AND RECORDER TO THE STATE TREASURER AND CREDITED BY THE
10 TREASURER TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND
11 CREATED IN SECTION 39-22-802 (1), C.R.S., and an additional amount
12 established pursuant to section 25-2-121, C.R.S., such amount to be
13 credited to the vital statistics records cash fund pursuant to section
14 25-2-121, C.R.S., the county clerk shall issue a license to marry and a
15 marriage certificate form upon being furnished:

16 **SECTION 5.** 14-4-107, Colorado Revised Statutes, is amended
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18 **14-4-107. Family violence justice fund - creation - grants from**
19 **fund.** (4.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
20 THE STATE COURT ADMINISTRATOR SHALL APPLY THE MONEYS GENERATED
21 FROM FEES COLLECTED PURSUANT TO SECTION 13-32-101 (1) (a) AND (1)
22 (b), C.R.S., TO GRANTS TO QUALIFYING ORGANIZATIONS THAT PROVIDE
23 SERVICES DESCRIBED IN SUBSECTION (2) OF THIS SECTION FOR OR ON
24 BEHALF OF INDIGENT PERSONS OR THEIR FAMILIES WHO ARE MARRIED,
25 SEPARATED, OR DIVORCED.

26 **SECTION 6. Appropriation.** (1) In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the

1 Colorado domestic abuse program fund created in section 39-22-802 (1),
2 Colorado Revised Statutes, not otherwise appropriated, to the department
3 of human services, for allocation to the office of self sufficiency, for the
4 fiscal year beginning July 1, 2009, the sum of eight hundred forty-three
5 thousand four hundred thirty dollars (\$843,430) cash funds and 0.7 FTE,
6 or so much thereof as may be necessary, for the implementation of this
7 act.

8 (2) In addition to any other appropriation, there is hereby
9 appropriated, out of any moneys in the family violence justice fund
10 created in section 14-4-107 (1), Colorado Revised Statutes, not otherwise
11 appropriated, to the judicial department, for allocation to courts
12 administration, administration, family violence grants, for the fiscal year
13 beginning July 1, 2009, the sum of one hundred forty-three thousand four
14 hundred thirty dollars (\$143,430) cash funds, or so much thereof as may
15 be necessary, for the implementation of this act.

16 **SECTION 7. Effective date - applicability.** This act shall take
17 effect July 1, 2009, and shall apply to petitions, responses, and
18 applications filed on or after said date.

19 **SECTION 8. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.