

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 09-0275.01 Brita Darling

**SENATE BILL 09-068**

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**SENATE SPONSORSHIP**

**Morse,**

**HOUSE SPONSORSHIP**

**McCann,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

State, Veterans, & Military Affairs  
Finance  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING FUNDING TO SUPPORT DOMESTIC ABUSE SERVICES, AND**  
102 **MAKING AN APPROPRIATION THEREFOR.**

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**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.

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

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.*

HOUSE  
3rd Reading Unam ended  
April 24, 2009

HOUSE  
Am ended 2nd Reading  
April 23, 2009

SENATE  
3rd Reading Unam ended  
February 25, 2009

SENATE  
Am ended 2nd Reading  
February 24, 2009

families.

Removes the limit on the reimbursement rate.

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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; and that domestic abuse is a complex problem  
12 affecting families from all social and economic backgrounds. It is the  
13 purpose of this article to encourage the development of domestic abuse  
14 programs by units of local government and nongovernmental agencies.

15 **SECTION 2.** 26-7.5-104 (2), Colorado Revised Statutes, is  
16 amended to read:

17 **26-7.5-104. Community domestic abuse programs - contracts**  
18 **with state department - rules and regulations.** (2) (a) The state  
19 department shall establish, by rule, and enforce standards and regulations  
20 for all domestic abuse programs established pursuant to this article and  
21 shall require that each such domestic abuse program meets approved  
22 minimum standards as established by rule.


23 (b) THE STANDARDS AND REGULATIONS ESTABLISHED BY THE  
24 STATE DEPARTMENT SHALL REQUIRE, AT A MINIMUM, EACH DOMESTIC  
25 ABUSE PROGRAM TO REQUEST INFORMATION FROM EACH CLIENT SERVED

1 BY THE PROGRAM CONCERNING THE RELATIONSHIP OF THE CLIENT TO THE  
2 ALLEGED PERPETRATOR OF THE DOMESTIC ABUSE. THE STANDARDS AND  
3 REGULATIONS SHALL REQUIRE EACH DOMESTIC ABUSE PROGRAM TO  
4 REPORT SUCH INFORMATION TO THE STATE DEPARTMENT.

5 **SECTION 3.** 26-7.5-105 (1), Colorado Revised Statutes, is  
6 amended to read:

7 **26-7.5-105. Funding of domestic abuse programs.** (1) (a) Any  
8 nongovernmental agency or unit of local government operating a  
9 domestic abuse program pursuant to this article shall, subject to available  
10 appropriations, be reimbursed by the state department at a rate to be set  
11 by the general assembly in the annual appropriation bill. ~~which amount~~  
12 ~~shall not exceed twenty-five dollars per day for each person who is~~  
13 ~~participating in a domestic abuse program, but in no event shall the state~~  
14 ~~reimbursements or disbursements exceed double the cash revenue~~  
15 ~~provided by local contributions or sources other than state funds.~~ Not less  
16 than seventy-five percent of all contract funding under this article shall  
17 be allocated to nongovernmental agencies.

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

23   
24 **SECTION 4.** 13-32-101 (1) (a), (1) (b), (5) (a) (VII), (5) (a)  
25 (VIII), and (5) (b), Colorado Revised Statutes, are amended, and the said  
26 13-32-101 (5) (a) is further amended BY THE ADDITION OF THE  
27 FOLLOWING NEW SUBPARAGRAPHS, to read:

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

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

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

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

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

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

26           (IX) FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO  
27 DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1),

1 C.R.S.; AND

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

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

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

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

18 (II) On and after July 1, 2010, seventy-five dollars shall be  
19 deposited in the judicial stabilization cash fund created in subsection (6)  
20 of this section, five dollars shall be deposited in the court security cash  
21 fund established pursuant to section 13-1-204, ~~and~~ twenty-six dollars  
22 shall be deposited in the justice center cash fund created in paragraph (a)  
23 of subsection (7) of this section, FIVE DOLLARS SHALL BE DEPOSITED IN  
24 THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION  
25 39-22-802 (1), C.R.S., AND FIVE DOLLARS SHALL BE DEPOSITED IN THE  
26 FAMILY VIOLENCE JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

27 **SECTION 5.** The introductory portion to 14-2-106 (1) (a),

1 Colorado Revised Statutes, is amended to read:

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

14 **SECTION 6.** 14-4-107, Colorado Revised Statutes, is amended  
15 BY THE ADDITION OF A NEW SUBSECTION to read:

16 **14-4-107. Family violence justice fund - creation - grants from**  
17 **fund.** (4.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
18 THE STATE COURT ADMINISTRATOR SHALL APPLY THE MONEYS GENERATED  
19 FROM FEES COLLECTED PURSUANT TO SECTION 13-32-101 (1) (a) AND (1)  
20 (b), C.R.S., TO GRANTS TO QUALIFYING ORGANIZATIONS THAT PROVIDE  
21 SERVICES DESCRIBED IN SUBSECTION (2) OF THIS SECTION FOR OR ON  
22 BEHALF OF INDIGENT PERSONS OR THEIR FAMILIES WHO ARE MARRIED,  
23 SEPARATED, OR DIVORCED.

24 **SECTION 7. Appropriation.** (1) In addition to any other  
25 appropriation, there is hereby appropriated, out of any moneys in the  
26 Colorado domestic abuse program fund created in section 39-22-802 (1),  
27 Colorado Revised Statutes, not otherwise appropriated, to the department

1 of human services, for allocation to the office of self sufficiency, for the  
2 fiscal year beginning July 1, 2009, the sum of eight hundred forty-three  
3 thousand four hundred thirty dollars (\$843,430) cash funds and 0.7 FTE,  
4 or so much thereof as may be necessary, for the implementation of this  
5 act.

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

14 **SECTION 8. Effective date - applicability.** This act shall take  
15 effect July 1, 2009, and shall apply to petitions, responses, and  
16 applications filed on or after said date.

17 **SECTION 9. 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.