

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0296.01 Michael Dohr

HOUSE BILL 07-1094

HOUSE SPONSORSHIP

Weissmann,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CAPITAL CRIMES, AND MAKING AN APPROPRIATION IN**
102 **CONNECTION THEREWITH.**

Bill Summary

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

Repeals the death penalty in Colorado. Declares the intent of the general assembly to use the savings from the abolition of the death penalty to fund the forensic unit, chemistry lab, and cold case unit in the Colorado bureau of investigation ("CBI").

Creates the cold case unit ("unit") in the CBI. Allows law enforcement agencies to request help from the unit on homicide investigation. Permits a family member to request that the unit assist

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.*

local law enforcement officers with a homicide investigation that has been open for more than one year. Requires the local law enforcement agency to determine whether to accept the assistance of the unit and notify the family member of its decision.

Makes conforming amendments.

Makes an appropriation.

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

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3 **SECTION 1.** Part 4 of article 33.5 of title 24, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6 **24-33.5-425. Cold case homicide unit.** (1) THERE IS HEREBY
7 CREATED A COLD CASE HOMICIDE UNIT IN THE BUREAU, REFERRED IN THIS
8 SECTION AS THE "UNIT".

9 (2) (a) THE UNIT SHALL PROVIDE ASSISTANCE TO LOCAL LAW
10 ENFORCEMENT AGENCIES, UPON REQUEST, ON HOMICIDE INVESTIGATIONS.

11 (b) UPON REQUEST TO THE UNIT BY A FAMILY MEMBER OF A
12 HOMICIDE VICTIM , THE UNIT MAY PROVIDE ASSISTANCE TO A LOCAL LAW
13 ENFORCEMENT AGENCY, IF THE AGENCY ACCEPTS THE ASSISTANCE, ON A
14 HOMICIDE INVESTIGATION THAT HAS BEEN OPEN IN A COLORADO
15 JURISDICTION FOR MORE THAN ONE YEAR FROM THE DATE OF THE
16 COMMISSION OF THE CRIME. WITHIN THREE DAYS AFTER RECEIVING
17 NOTIFICATION OF THE REQUEST FROM THE UNIT, THE LOCAL LAW
18 ENFORCEMENT AGENCY SHALL NOTIFY THE FAMILY MEMBER AND THE UNIT
19 REGARDING WHETHER THE LOCAL LAW ENFORCEMENT AGENCY WILL
20 ACCEPT OR REJECT THE ASSISTANCE OF THE UNIT. IF THE LOCAL LAW
21 ENFORCEMENT AGENCY REJECTS THE ASSISTANCE, IT SHALL INFORM THE
22 FAMILY MEMBER OF THE REASONS FOR REJECTING THE ASSISTANCE.

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SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to forensic and chemical labs in the Colorado Bureau of Investigation, for the fiscal year beginning July 1, 2007, the sum of one hundred seven thousand three hundred six dollars (\$107,306) and 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, Colorado bureau of investigation, for the fiscal year beginning July 1, 2007, the sum of sixty-seven thousand eight hundred twenty-two dollars (\$67,822) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of H.B. 07-1272.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to forensic and chemical labs in the Colorado bureau of investigation, for the fiscal year beginning July 1, 2007, the sum of one hundred seventy-five thousand one hundred twenty-eight dollars and fifty cents (\$175,128) and 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Adjustment to the 2007 long bill. For the implementation of this act, the appropriation made in the annual appropriation act for the fiscal year beginning in July 1, 2007, to the

1 department of law, criminal justice and appellate section, capital crimes
2 prosecution unit, from the general fund, is decreased by one hundred
3 seventy-five thousand one hundred twenty-eight dollars (\$175,128) and
4 2.0 FTE.

5 **SECTION 4. Effective date.** (1) Except as otherwise provided
6 in subsections (2) and (3) of this section, this act shall take effect upon
7 passage.

8 (2) Subsections (1) and (2) of section 2 of this act shall only take
9 effect if HB07-1272 is enacted at the first regular session of the
10 sixty-sixth general assembly and becomes law.

11 (3) Subsection (3) of section 2 of this act shall only take effect if
12 HB07-1272 is not enacted at the first regular session of the sixty-sixth
13 general assembly.

14 **SECTION 5. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.